

HB75 INTRODUCED



1 7B4LEV-1

2 By Representatives Mooney, Treadaway, Bedsole, Pettus, Rogers

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4 RFD: Boards, Agencies and Commissions

5 First Read: 07-Mar-23

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SYNOPSIS:

Under existing law, the Alabama Private Investigation Board is responsible for the licensing and regulation of private investigators in the state.

This bill would further establish education and work experience requirements for applicants in order to qualify for a private investigator license.

This bill would clarify those fees collected by the board that must be deposited into the Alabama Private Investigation Board Fund.

This bill would provide further for the qualifications for licensure as a private investigator.

This bill would provide further for criminal history background checks for applicants for licensure.

This bill would authorize the board to grant inactive status to licensees and to provide, by rule, for a procedure and fee to reinstate an inactive license.

This bill would provide for administrative penalties against any individual practicing without a license.

This bill would require licensees to report arrests to the board within 72 hours.

This bill would clarify that the number of hours of continuing education required to maintain licensure



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29 is 16 hours during the two-year license period.

30 This bill would create a private investigator
31 apprentice license that would allow apprentices to gain
32 work experience through an internship.

33 This bill would authorize the board to issue a
34 private investigator license to a licensed private
35 investigator apprentice who successfully completes an
36 internship in a specified time and passes an
37 examination.

38 This bill would also require private
39 investigation agencies that do business within the
40 state to be licensed by the board and meet certain
41 requirements.

42 Section 111.05 of the Constitution of Alabama of
43 2022, prohibits a general law whose purpose or effect
44 would be to require a new or increased expenditure of
45 local funds from becoming effective with regard to a
46 local governmental entity without enactment by a 2/3
47 vote unless: it comes within one of a number of
48 specified exceptions; it is approved by the affected
49 entity; or the Legislature appropriates funds, or
50 provides a local source of revenue, to the entity for
51 the purpose.

52 The purpose or effect of this bill would be to
53 require a new or increased expenditure of local funds
54 within the meaning of the amendment. However, the bill
55 does not require approval of a local governmental
56 entity or enactment by a 2/3 vote to become effective



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57 because it comes within one of the specified exceptions
58 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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66 Relating to the Alabama Private Investigation
67 Regulatory Act; to designate as Article 1, Sections 34-25B-1
68 to 34-25B-29, inclusive, Code of Alabama 1975; to amend
69 Sections 34-25B-2, 34-25B-3, 34-25B-4, 34-25B-7, 34-25B-10,
70 34-25B-11, 34-25B-12, 34-25B-13, 34-25B-14, 34-25B-17,
71 34-25B-18, 34-25B-21, 34-25B-22, and 34-25B-26 of the Code of
72 Alabama 1975, relating to the Alabama Private Investigation
73 Board; to add Section 34-25B-12.1 and add a new Article 2,
74 commencing with Section 34-25B-50 to Chapter 25B, Title 34 of
75 the Code of Alabama 1975; to require applicants for private
76 investigator licenses to complete education and work
77 experience; to clarify those fees collected by the board that
78 must be deposited into the Alabama Private Investigation Board
79 Fund; to provide further for the qualifications for licensure
80 as a private investigator; to provide further for criminal
81 history background checks for applicants for licensure; to
82 authorize the board to grant inactive status to licensees and
83 to provide, by rule, for a procedure and fee to reinstate an
84 inactive license; to provide for administrative penalties
85 against any person practicing without a license; to require
86 licensees to report arrests to the board within 72 hours; and
87 to clarify that the number of hours of continuing education



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88 required to maintain licensure is 16 hours during the two-year
89 license period; to license private investigator apprentices
90 and allow apprentices to gain work experience through an
91 internship; to provide for licensure of apprentices as private
92 investigators after completing certain requirements; and to
93 provide for licensure of private investigation agencies that
94 do business in the state; and in connection therewith would
95 have as its purpose or effect the requirement of a new or
96 increased expenditure of local funds within the meaning of
97 Section 111.05 of the Constitution of Alabama of 2022.

98 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

99 Section 1. An article heading is added before Section
100 34-25B-1 of the Code of Alabama 1975, to read as follows:

101 ARTICLE 1. Private Investigator Licenses, Private
102 Investigator Apprentice Licenses, and Private Investigation
103 Board.

104 Section 2. Sections 34-25B-2, 34-25B-3, 34-25B-4,
105 34-25B-7, 34-25B-10, 34-25B-11, 34-25B-12, 34-25B-13,
106 34-25B-14, 34-25B-17, 34-25B-18, 34-25B-21, 34-25B-22, and
107 34-25B-26 of the Code of Alabama 1975, are amended to read as
108 follows:

109 "§34-25B-2

110 As used in this chapter, the following terms shall have
111 the following meanings:

112 (1) BOARD. The Alabama Private Investigation Board.

113 ~~(1)~~ (2) FELONY. A criminal offense that is defined and
114 punishable under the laws of this state, or an offense
115 committed outside the State of Alabama, which if committed in
116 this state, would constitute a felony under Alabama law; a



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117 crime in any other state or a crime against the United States
118 which is designated as a felony; or an offense in any other
119 state, territory, or country punishable by imprisonment for a
120 term exceeding one year.

121 ~~(2)~~ (3) PRIVATE INVESTIGATION. The compensated act of
122 any individual or company engaging in the business of
123 obtaining or furnishing information with reference to any of
124 the following:

125 a. A crime committed or threatened against the United
126 States or any state or territory of the United States.

127 b. The identity, habits, conduct, business, occupation,
128 honesty, integrity, credibility, including, but not limited
129 to, the credibility of ~~a person~~ an individual giving testimony
130 in a criminal or civil proceeding, knowledge, trustworthiness,
131 efficiency, loyalty, activity, movement, whereabouts,
132 affiliations, associations, transactions, acts, reputations,
133 or character of any ~~person~~ individual.

134 c. The location, disposition, or recovery of lost or
135 stolen property.

136 d. The cause or responsibility for fires, losses,
137 accidents, damages, or injuries to ~~persons~~ individuals or to
138 property.

139 (4) PRIVATE INVESTIGATION AGENCY. A corporation, firm,
140 partnership, or other business entity that, for compensation,
141 practices private investigation in this state and employs
142 licensed private investigators. The term includes a business
143 entity that practices private investigation through licensed
144 private investigators who are solely independent contractors



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145 rather than employees.

146 ~~(3)~~ (5) PRIVATE INVESTIGATOR. a. ~~A person~~ An individual
147 who, for compensation, performs one or more of the private
148 investigation services defined and regulated by this chapter.

149 b. ~~A person~~ An individual who, for consideration,
150 advertises as providing or performing private investigation.
151 The term does not include an informant who, on a one time or
152 limited basis, as a result of a unique expertise, ability, or
153 vocation, and who provides information or services while under
154 the direction and control of a licensee of the board, that
155 would otherwise be included in the definition of private
156 investigation.

157 c. ~~A person~~ An individual who is engaged in private
158 investigation ~~as defined herein~~ and who is licensed in
159 accordance with this ~~chapter~~ article.

160 (6) PRIVATE INVESTIGATOR APPRENTICE. An individual who
161 is engaged in private investigation under the supervision of a
162 licensed private investigator and who is licensed in
163 accordance with this article."

164 "§34-25B-3

165 An individual may not ~~No person shall~~ practice private
166 investigation or hold himself or herself out to the public as
167 a private investigator or private investigator apprentice or
168 use any term, title, or abbreviation that expresses, infers,
169 or implies that the ~~person~~ individual is licensed as a private
170 investigator or private investigator apprentice unless the
171 ~~person~~ individual at the time holds a valid license to
172 practice private investigation as provided in this ~~chapter~~



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173 article. ~~All applicants shall pass a criminal background check~~
174 ~~based on criteria established pursuant to Section 34-25B-4."~~

175 "§34-25B-4

176 (a) There is created the Alabama Private Investigation
177 Board. The appointing authorities shall coordinate their
178 appointments to assure the membership of the board ~~shall~~
179 ~~reflect~~ is inclusive and reflects the racial, gender,
180 geographic, urban ~~and~~, rural, and economic diversity of the
181 state.

182 (b) Private investigator members ~~provided for herein~~
183 shall have had five years of experience as an investigator
184 prior to his or her appointment. Beginning on August 1, 2018,
185 each private investigator ~~members who are~~ member appointed to
186 the board shall have been licensed pursuant to this chapter as
187 a private investigator for a period of at least five years
188 prior to his or her appointment.

189 (c) The following members shall be appointed to the
190 board:

191 (1) Three ~~persons~~ individuals appointed by the
192 Governor, two of whom shall be private investigators ~~in this~~
193 ~~state~~ and one of whom shall be a consumer who will represent
194 the public at large. ~~The Governor shall appoint the three~~
195 ~~members to initial terms of three years. Thereafter, successor~~
196 ~~members shall be appointed for terms of four years each.~~

197 (2) One ~~person~~ individual appointed by the Lieutenant
198 Governor, who ~~must~~ shall be a private investigator. ~~The~~
199 ~~Lieutenant Governor shall appoint the member for an initial~~
200 ~~term of two years. Thereafter, successor members shall be~~



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201 ~~appointed for terms of four years.~~

202 (3) One ~~person~~ individual appointed by the Speaker of
203 the House of Representatives who ~~must~~ shall be a private
204 investigator. ~~The Speaker of the House of Representatives~~
205 ~~shall appoint the member for an initial term of two years.~~
206 ~~Thereafter, successor members shall be appointed for terms of~~
207 ~~four years.~~

208 (4) One ~~person~~ individual appointed by the Attorney
209 General who ~~must~~ shall be a private investigator. ~~The Attorney~~
210 ~~General shall appoint the member for an initial term of two~~
211 ~~years. Thereafter, successor members shall be appointed for~~
212 ~~terms of four years.~~

213 (5) One ~~person~~ individual appointed by the Alabama
214 State Bar Association who ~~must~~ shall be a member in good
215 standing ~~for an initial term of four years. Thereafter,~~
216 ~~successor members shall be appointed for terms of four years~~
217 ~~of the bar.~~

218 (6) One ~~person~~ individual appointed by the Alabama
219 Private Investigators Association who ~~must~~ shall be a private
220 investigator. ~~The association shall appoint the member for an~~
221 ~~initial term of four years. Thereafter, successor members~~
222 ~~shall be appointed for terms of four years.~~

223 (d) ~~Following the initial appointments, all successor~~
224 All members of the board shall be appointed for a term of four
225 years and shall serve until their successors are appointed and
226 qualified by subscribing to the constitutional oath of office,
227 ~~which shall be filed with the Secretary of State.~~

228 (e) Any vacancy occurring on the board shall be filled



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229 by the appointing authority of the vacating member for the
230 unexpired term.

231 (f) No member may be appointed to succeed himself or
232 herself for more than ~~one full term~~ three consecutive full
233 terms.

234 (g) The appointing authority may remove a member of the
235 board for misconduct, incompetency, or willful neglect of
236 duty. The board may recommend to the appointing authority
237 suggested administrative actions that may be taken against a
238 board member for missing an excessive ~~amount~~ number of
239 meetings.

240 ~~(h) Each member of the board shall receive a~~
241 ~~certificate of appointment from the Governor before entering~~
242 ~~upon the discharge of the duties of office."~~

243 "§34-25B-7

244 (a) There is ~~hereby~~ created in the State Treasury for
245 the use of the ~~Alabama Private Investigation Board~~ board a
246 fund to be known as the Alabama Private Investigation Board
247 Fund. All application and license fees, penalties, fines, and
248 any other funds collected by the board ~~under the provisions of~~
249 ~~this chapter are to~~ related to private investigators, private
250 investigator apprentices, private investigation agencies, and
251 the implementation of this chapter, shall be deposited in this
252 fund and used only to carry out the operations of the board.
253 The fees that the board may charge, collect, and deposit into
254 the fund shall include, but not be limited to, all of the
255 following:

256 (1) An application fee for an original license and for



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257 an inactive status certificate.

258 (2) A renewal fee for a license and for an inactive
259 status certificate.

260 (3) A reinstatement application fee.

261 (4) A late renewal fee.

262 (5) A change of information fee.

263 (6) A replacement license fee.

264 (7) An inactive license fee.

265 (8) An issuance fee for a private investigator license,
266 a private investigator apprentice license, or a private
267 investigation agency license.

268 (9) Reasonable and necessary administrative fees that
269 reflect the actual cost of services provided.

270 (b) No monies shall be withdrawn or expended from the
271 fund for any purpose unless the monies have been appropriated
272 by the Legislature and allocated pursuant to this chapter. Any
273 monies appropriated shall be budgeted and allotted pursuant to
274 the Budget Management Act in accordance with Article 4,
275 +commencing with Section 41-4-80+, of Chapter 4 of Title 41,
276 and only in the amounts provided by the Legislature in the
277 general appropriations act or other appropriations act. ~~There~~
278 ~~is hereby appropriated to the Alabama Private Investigation~~
279 ~~Board the sum of all monies collected and deposited into the~~
280 ~~Alabama Private Investigation Board Fund for each of the~~
281 ~~fiscal years ending September 30, 2013, and September 30,~~
282 ~~2014, to be used for the operations of the board.~~

283 (c) All expenses incurred by the board in implementing
284 and administering this chapter shall be paid out of the fund,



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285 provided that the expenses of the board shall not exceed the
286 amount of monies in the fund."

287 "§34-25B-10

288 (a) Except as otherwise provided in this chapter, it
289 shall be unlawful for any ~~person~~ individual to act as a
290 private investigator or private investigator apprentice
291 without first obtaining a license from the board. For
292 prosecution purposes, a violation of this chapter is
293 classified as a Class A misdemeanor, punishable by a fine of
294 not more than six thousand dollars (\$6,000) and imprisonment
295 for up to one year.

296 (b) Each ~~person~~ individual licensed in accordance with
297 this ~~chapter~~ article shall designate to the board a physical
298 address where his or her records are to be kept."

299 "§34-25B-11

300 (a) Except as provided in subsection (b), an An
301 application and all information on an application for
302 licensure as a private investigator, private investigator
303 apprentice, or private investigation agency shall be treated
304 as confidential and shall be filed with the board on forms
305 prescribed by the board. The application shall include all of
306 the following information of the applicant:

307 (1) His or her full name.

308 (2) His or her date and place of birth.

309 (3) All residences during the immediate past five
310 years.

311 (4) All employment or occupations engaged in during the
312 immediate past five years.



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313 (5) Three sets of classifiable fingerprints or
314 electronic fingerprints or criminal history background
315 information, or both, as approved by the board for initial
316 licensure.

317 (6) A list of convictions and pending charges involving
318 a felony or misdemeanor in any jurisdiction.

319 (b) The board may publish the name of a licensee and
320 his or her license number, date of licensure, and license
321 status on the website of the board and in any licensee
322 directory printed or distributed by the board. Additionally,
323 with written permission of the licensee, the board may release
324 or publish contact information for a licensee, including his
325 or her email address, website, telephone number, and address."

326 "§34-25B-12

327 ~~(a)~~ Each individual applicant for a license as a
328 private investigator shall meet all of the following criteria
329 ~~that he or she:~~

330 (1) Is at least 21 years of age.

331 (2) Has successfully completed a criminal history
332 background check based on criteria established by the board.

333 ~~(2)~~ (3) Has not been declared by any court of competent
334 jurisdiction incompetent by reason of mental defect or disease
335 unless a court of competent jurisdiction has subsequently
336 declared the applicant competent.

337 ~~(3)~~ (4) Has not been convicted of a crime of moral
338 turpitude, with the board having the final determination on
339 the interpretation of moral turpitude.

340 ~~(4)~~ (5) Has not been convicted of a felony crime.



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341 ~~(5)~~ (6) Has passed an examination ~~to be~~ administered
342 ~~twice annually~~ by the board designed to measure knowledge and
343 competence in the investigation field and in state civil and
344 criminal privacy laws.

345 ~~(b) A study guide shall be provided to any applicant~~
346 ~~seeking to obtain an initial or renewal license under this~~
347 ~~chapter.~~

348 ~~(c) Any investigator currently holding a business~~
349 ~~license in the State of Alabama shall not have to meet the~~
350 ~~initial application requirements of this chapter, but shall be~~
351 ~~issued a license pursuant to this chapter upon application.~~

352 (7) Has a minimum of two years' experience, education,
353 or training, or a combination thereof, including 120 hours of
354 practical field experience directly related to private
355 investigation, in any of the following areas:

356 a. Special investigations, consisting of special
357 investigative experience in insurance, fire or arson, banking,
358 legal, or similar setting, or other special investigatory
359 experience as determined suitable by the board.

360 b. Law enforcement, consisting of experience as a sworn
361 law enforcement officer, investigative experience as a
362 detective or investigator at the federal, state, or local
363 level, or other investigative experience as determined
364 suitable by the board.

365 c. Education, consisting of a minimum of a two-year
366 degree in a field of study directly related to private
367 investigation including, but not limited to, criminal justice,
368 political science, criminology, or law enforcement.



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369 d. Internship, consisting of successful completion of a
370 private investigator apprenticeship pursuant to Section
371 34-25B-12.1."

372 "§34-25B-13

373 (a) Upon receipt of an application for a license as a
374 private investigator pursuant to this chapter, nonrefundable,
375 nonprorateable application fees shall be submitted to the
376 board by the applicant for all of the following services:

377 (1) A request that the Alabama ~~Bureau of Investigation~~
378 ~~compare~~ State Law Enforcement Agency perform a state criminal
379 history background check on the fingerprints submitted with
380 the application ~~to fingerprints filed with the Alabama Bureau~~
381 ~~of Investigation~~. On subsequent applications, the Alabama
382 ~~Bureau of Investigation~~ State Law Enforcement Agency, at the
383 request of the board, shall review its criminal history files
384 based upon the name, date of birth, sex, race, and Social
385 Security number of an applicant whose fingerprints have
386 previously been submitted to the bureau for any new
387 information since the date of the initial fingerprint
388 ~~comparison~~ submission, and shall furnish any information
389 thereby derived to the board.

390 (2) A request to submit the fingerprints to the Federal
391 Bureau of Investigation for ~~a search of its files to determine~~
392 ~~whether an individual fingerprinted has any recorded~~
393 ~~convictions~~ completion of a national criminal history
394 background check.

395 (b) After the approval of the application by the board,
396 the board shall issue a license in a form prescribed by the



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397 board to each qualified applicant upon its receipt of a
398 nonrefundable, nonprorateable private investigator license fee
399 as set by the board.

400 (c) (1) If an application for a license is denied, the
401 board shall notify the applicant in writing and specify the
402 grounds for denial. If the grounds are subject to correction
403 by the applicant, the notice shall so state and specify a
404 reasonable period of time within which the applicant shall
405 make the required correction.

406 (2) The applicant may submit an application for
407 reconsideration to the board within 30 days from the date of
408 receipt of the denial.

409 (d) The board shall issue a license to all licensees
410 that shall be at least 8" x 10" in size and shall be displayed
411 on a wall of the workplace of the licensee. ~~This license~~ All
412 licenses and identification cards issued by the board shall be
413 deemed property of the State of Alabama and subject to
414 forfeiture to the state upon revocation."

415 "§34-25B-14

416 (a) The board shall issue to every private investigator
417 licensee and private investigator apprentice licensee an
418 identification card, which shall be issued in credit card
419 size, be permanently laminated, and contain all of the
420 following information of the licensee:

421 (1) Name.

422 (2) Photograph.

423 (3) Physical characteristics.

424 (4) Private investigator's license number.



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425 (5) Expiration date of license.

426 (b) The identification card shall be carried on the
427 person of the licensee when engaged in the activities of the
428 licensee.

429 (c) A private investigator licensee shall include his
430 or her license number on all advertisements, brochures,
431 stationary, letterhead, case reports, and business cards
432 distributed or used by the private investigator."

433 "§34-25B-17

434 (a) All licenses issued or renewed under this ~~chapter~~
435 article shall be valid for a period of two years from the ~~date~~
436 month of issuance. The board shall ~~provide mail to~~ each
437 licensee ~~with a renewal application,~~ at his or her address of
438 record, a notice of renewal at least 60 days prior to the
439 expiration of ~~the~~ his or her license. An application for
440 renewal shall be available for download by the licensee on the
441 website of the board. A licensee shall report any change of
442 address to the board.

443 (b) Each application for renewal shall be reviewed for
444 criminal convictions and civil fraud findings.

445 (c) An administrative late fee not exceeding two
446 hundred dollars (\$200), as prescribed by the board, shall be
447 assessed on any renewal application postmarked after the
448 expiration date of the license.

449 (d) ~~No~~ A renewal application may not be accepted by the
450 board more than 30 days after the expiration date of the
451 license. This subsection may be waived by the board for good
452 cause.



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453 (e) A licensee may request, in writing, for the board
454 to place his or her license on inactive status. The fees for
455 issuing and renewing an inactive status certificate shall be
456 established by rule of the board. The board shall also
457 provide, by rule, for the activities an inactive status
458 certificate holder may engage in, and for the procedure and
459 fees required to reinstate an inactive status license. Any
460 holder of an inactive status certificate who violates the
461 limitations of the certificate shall be subject to fines and
462 disciplinary action established by rule of the board."

463 "§34-25B-18

464 (a) The board may suspend, revoke, or refuse to issue
465 or renew any private investigator license issued by ~~it~~ the
466 board upon finding that the holder or applicant has committed
467 any of the following acts:

468 (1) A violation of this chapter or any rule ~~promulgated~~
469 adopted pursuant to this chapter.

470 (2) Fraud, deceit, or misrepresentation regarding an
471 application or license.

472 (3) Knowingly and willfully making a material
473 misstatement in connection with an application for a license
474 or renewal.

475 (4) A conviction by a court of competent jurisdiction
476 of a felony.

477 (5) A conviction by a court of competent jurisdiction
478 of a Class A misdemeanor, if the board finds that the
479 conviction reflects unfavorably on the fitness of the ~~person~~
480 individual for the license.



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481 (6) The commission of any act which would have been
482 cause for refusal to issue the license or identification card
483 had it existed and been known to the board at the time of
484 issuance.

485 (b) In addition to, or in lieu of, any other lawful
486 disciplinary action under this section, the board may assess a
487 civil penalty not exceeding two thousand dollars (\$2,000) for
488 each violation.

489 (c) A license may be suspended for the remaining
490 license period and renewed during any period in which the
491 license was suspended.

492 (d) Any entity or individual who operates, provides
493 services, or advertises the provision of private investigator
494 services without a license as required by this chapter shall
495 be subject to an administrative fine of up to one thousand
496 dollars (\$1,000) per day that those services are provided or
497 advertised and may be administratively enjoined by the board
498 from providing services or advertising until in compliance
499 with this chapter."

500 "§34-25B-21

501 The board shall ~~provide~~ routinely publish and update a
502 copy of this chapter and any rules ~~promulgated~~ adopted under
503 this chapter ~~to the following:~~ on the website of the board.

504 ~~(1) Each licensee, upon issuance of an original~~
505 ~~license, and every two years thereafter upon license renewal.~~

506 ~~(2) Any other person, upon request, for a reasonable~~
507 ~~fee established by the board."~~

508 "§34-25B-22



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509 (a) The following acts when committed by an individual
510 licensed as a private investigator ~~in Alabama~~ or a private
511 investigator apprentice, or employed by or contracting with a
512 private investigation agency, shall constitute a violation
513 punishable as a Class A misdemeanor:

514 (1) To knowingly make a material misrepresentation as
515 to the ability of the individual to perform the investigation
516 required by a potential client in order to obtain employment.

517 (2) To make unsubstantiated monetary charges to a
518 client for services not rendered or transportation not
519 utilized.

520 (3) To knowingly make a false report to a client in
521 relation to the investigation performed for a client.

522 (4) To continue an investigation for a client when it
523 becomes obvious to the investigator that a successful
524 completion of an investigation is unlikely without first
525 advising the client and obtaining the approval of the client
526 for continuation of the investigation.

527 (5) To reveal information obtained for a client during
528 an investigation to another individual except as required by
529 law.

530 (b) ~~Persons~~ Individuals licensed pursuant to this
531 chapter shall report any suspected instances of child abuse or
532 neglect to a local law enforcement agency or the Department of
533 Human Resources, or both."

534 "§34-25B-26

535 (a) Each private investigator licensee shall complete
536 ~~eight~~ 16 hours of continuing professional education, including



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537 two hours of ethics instruction, acceptable to the board in
538 each ~~calendar year~~ two-year renewable licensing period.

539 ~~(b) The board shall make every effort to ensue at least~~
540 ~~one seminar per year will be held in each congressional~~
541 ~~district of the state providing an opportunity to fulfill the~~
542 ~~continuing professional education requirements of this~~
543 ~~section, which shall include at least one hour per year on~~
544 ~~ethics.~~

545 ~~(c)~~ (b) The board shall ~~promulgate~~ adopt rules as
546 necessary to ~~carry out~~ implement this section."

547 Section 3. Section 34-25B-12.1 is added to the Code of
548 Alabama 1975, to read as follows:

549 §34-25B-12.1

550 (a) An individual may obtain a license as a private
551 investigator apprentice and work under the supervision of a
552 private investigator.

553 (b) An applicant for a private investigator apprentice
554 license shall meet all of the following criteria to obtain a
555 license:

556 (1) Be at least 18 years of age.

557 (2) Be a high school graduate, have earned a GED
558 certification, or have completed other equivalent education as
559 determined suitable by the board.

560 (3) Meet the requirements of subdivisions (2) to (5),
561 inclusive, of Section 34-25B-12.

562 (c) An individual issued a private investigator
563 apprentice license shall successfully pass an examination
564 required by the board, which shall be taken during a time



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565 period designated by rule of the board, not sooner than 45
566 days after initial licensure. Before taking the examination, a
567 private investigator apprentice licensee may begin working as
568 an intern. If the examination is not successfully passed by
569 the deadline set by rule of the board, the private
570 investigator apprentice license may be suspended until such
571 time that a passing grade has been achieved.

572 (d) (1) A private investigator apprentice shall be
573 trained under the supervision of a sponsor private
574 investigator who has at least two years' experience as a
575 licensed private investigator in this state and who is
576 certified by the board as a sponsor. The board may charge a
577 one-time certification fee per sponsor, not exceeding fifty
578 dollars (\$50), and may, by rule, establish standards for
579 certification, refusing certification, reporting of
580 apprentices sponsored, and documentation required for
581 sponsorships.

582 (2) Supervision of a private investigator apprentice
583 may be in person, by telephone, or by other form of electronic
584 communication and oversight. A sponsor may not act as a
585 sponsor for more than five private investigator apprentices at
586 one time. A sponsor shall maintain records of training
587 activities as required by the board, by rule, and shall make
588 those records available to the board upon request. Failure of
589 a sponsor to maintain adequate records may result in the
590 revocation of his or her sponsor certification.

591 (e) A private investigator apprentice shall have three
592 years to complete his or her internship. An internship shall



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593 consist of both of the following:

594 (1) The successful completion of a minimum number of
595 hours of experience in the field and classroom training, not
596 exceeding 300 hours, as established by board rule. Classroom
597 instruction shall be provided by a certified trainer and shall
598 include instruction in administrative functions, including
599 report writing and research.

600 (2) The successful completion of a minimum of eight
601 hours per year of continuing education credit, as administered
602 by the Alabama Private Investigators Association, or other
603 certified provider of continuing education approved by the
604 board. The coursework shall include instruction in
605 investigations and a minimum of two hours of ethics training
606 annually, and may include business operations training.

607 (f) To qualify for a license as a private investigator,
608 a private investigator apprentice licensee shall submit proof
609 of successful completion of an internship pursuant to this
610 section and shall pay the applicable license fee to the board.

611 (g) A private investigator apprentice licensee who does
612 not complete an internship within three years after being
613 issued a private investigator apprentice license shall be
614 required to reapply for a new private investigator apprentice
615 license. A private investigator apprentice license shall be
616 renewed annually during an internship. Any education and
617 training experience completed during a previous internship
618 shall be credited toward completing a new internship. A
619 private investigator apprentice licensee may obtain a copy of
620 his or her training records from the sponsoring private



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621 investigator. A sponsor who fails to provide training records,
622 as requested, may have his or her sponsor certification
623 revoked or be fined by the board, or both.

624 (h) A private investigator apprentice licensee may only
625 perform work under the supervision of a certified sponsor and
626 may not advertise or perform any private investigation
627 services for the general public outside of that supervision.

628 (i) If a private investigator apprentice is instructed
629 by a sponsor to perform any action that violates this chapter,
630 both the private investigator apprentice and the sponsor may
631 be held responsible by the board. The private investigator
632 apprentice licensee shall be responsible for identifying any
633 conflicts of interest on assigned case work and notifying the
634 sponsor of any conflict.

635 Section 4. Article 2, commencing with Section
636 34-25B-50, is added to Chapter 25B of Title 34 of the Code of
637 Alabama 1975, to read as follows:

638 ARTICLE 2. Private Investigation Agencies.

639 §34-25B-50

640 (a) (1) A business entity and its agents, officers, and
641 employees, whether domiciled within or outside of this state,
642 which employ or subcontract with private investigators, may
643 not practice, advertise, or hold themselves out to the public
644 as a private investigation agency without first being licensed
645 by the board. A violation of this subsection by an applicant
646 or a licensee shall be punishable as a Class A misdemeanor.

647 (2) This subsection does not prevent a business entity
648 domiciled outside of this state from contracting with a



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649 private investigation agency domiciled within this state, but
650 requires any private investigator doing contract work for a
651 business entity domiciled outside of this state, that is not
652 licensed in this state, to register as a private investigation
653 agency.

654 (b) Commencing on January 1, 2023, no business entity
655 that conducts private investigations for compensation in this
656 state, and employs private investigators in this state, may
657 operate without a license.

658 (c) A private investigation agency may not employ more
659 than four private investigators at one time.

660 §34-25B-51

661 (a) Application for a license as a private
662 investigation agency shall be made in writing to the board, on
663 forms prescribed by the board, and shall include all of the
664 following information:

665 (1) The name of the applicant.

666 (2) The business name and physical and email address of
667 the applicant.

668 (3) A telephone number and other contact information
669 for the applicant.

670 (4) If the applicant is not a domestic business entity
671 in the state, the name and contact information for the
672 registered agent of the applicant for service of process.

673 (5) The name, address, and contact information of a
674 principal contact for the applicant.

675 (6) The name, address, and contact information for at
676 least one officer or principal of the company who holds a



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677 valid private investigator license in this state.

678 (7) An irrevocable uniform consent to service of
679 process.

680 (8) A designated physical address where the records of
681 the applicant shall be kept.

682 (9) Any other information required by the board and
683 reasonably necessary to grant licensure, as established by
684 rule of the board.

685 (b) Upon receipt of a properly completed application
686 and payment of a license fee as provided in this subsection,
687 the board shall issue the applicant a private investigation
688 agency license.

689 (1) For a private investigation agency domiciled within
690 this state, the license fee and renewal fee shall be in an
691 amount determined by the board, not exceeding fifty dollars
692 (\$50) for a private investigation agency that employs or
693 contracts with not more than two licensed private
694 investigators, and not exceeding two hundred dollars (\$200)
695 for a private investigation agency that employs or contracts
696 with three or four licensed private investigators.

697 (2) For a private investigation agency domiciled
698 outside of this state, the license fee shall be in an amount
699 determined by the board, not exceeding five hundred dollars
700 (\$500).

701 (c) A private investigation agency license shall be
702 valid for two years from the month of issuance and may be
703 renewed upon payment of the license fee provided in subsection
704 (b) and the satisfaction of any other reasonable requirement



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705 established by rule by the board.

706 §34-25B-52

707 (a) The board shall issue to each private investigation
708 agency licensee a certification, which shall be at least 8" x
709 10" in size and shall contain the following information:

710 (1) The name of the private investigation agency.

711 (2) The physical address of the private investigation
712 agency.

713 (3) The license number.

714 (4) The expiration date of the license.

715 (b) The certification card shall be posted in a
716 conspicuous area at the physical address of the private
717 investigation agency.

718 (c) The private investigation agency shall display the
719 agency license number on all advertisements, brochures,
720 stationary, letterhead, case reports, and business cards,
721 distributed or used by the private investigation agency. Any
722 invoice generated for professional services performed by the
723 private investigation agency or a private investigator
724 licensee, contractor, or employee of the private investigation
725 agency shall include the license number for each licensee
726 whose services are being compensated for by a consumer and the
727 time being charged by the private investigator licensee,
728 contractor, or employee of the private investigation agency.
729 Nonlicensee and noninvestigative services provided by
730 secretarial or office administrative staff, and charges for
731 rental equipment and other nonprofessional services and items,
732 shall not be included on the professional invoice. Case



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733 reports shall include the license number of each licensee
734 involved in performing work on the case.

735 §34-25B-53

736 (a) The board shall mail to each private investigation
737 agency licensee a notice of renewal at least 60 days prior to
738 the expiration of the license. An application for renewal
739 shall be available for download by the licensee on the website
740 of the board. A licensee shall report any change of address to
741 the board.

742 (b) An administrative late fee, not exceeding two
743 hundred dollars (\$200) as prescribed by rule of the board,
744 shall be assessed on any renewal application postmarked after
745 the expiration date of the license.

746 (c) A renewal application may not be accepted by the
747 board more than 30 days after the expiration date of the
748 license. This subsection may be waived by the board for good
749 cause.

750 §34-25B-54

751 The board shall adopt rules as necessary to implement
752 this article.

753 Section 5. Although this bill would have as its purpose
754 or effect the requirement of a new or increased expenditure of
755 local funds, the bill is excluded from further requirements
756 and application under Section 111.05 of the Constitution of
757 Alabama of 2022, because the bill defines a new crime or
758 amends the definition of an existing crime.

759 Section 6. This act shall become effective on the first
760 day of the third month following its passage and approval by



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761 the Governor, or its otherwise becoming law.