

1 HB420
2 206007-1
3 By Representatives Mooney and Treadaway
4 RFD: Boards, Agencies and Commissions
5 First Read: 10-MAR-20

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8 SYNOPSIS: Under existing law, the Alabama Private
9 Investigation Board licenses private investigators.

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

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

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

20 This bill would provide for administrative
21 penalties against any person practicing without a
22 license.

23 This bill would clarify that the number of
24 hours of continuing education required to maintain
25 licensure is 16 hours during the two-year license
26 period.

1 This bill would create a private
2 investigator apprentice license that would allow
3 apprentices to gain work experience through an
4 internship.

5 This bill would authorize the board to issue
6 a private investigator license to a licensed
7 private investigator apprentice who successfully
8 completes an internship in a specified time and
9 passes an examination.

10 This bill would require private
11 investigation agencies that do business within the
12 state to be licensed by the board and meet certain
13 requirements.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to private investigation licensure; to
14 designate as Article 1, Sections 34-25B-1 to 34-25B-29,
15 inclusive, Code of Alabama 1975; to amend Sections 34-25B-2,
16 34-25B-3, 34-25B-4, 34-25B-7, 34-25B-8, 34-25B-10, 34-25B-11,
17 34-25B-12, 34-25B-13, 34-25B-14, 34-25B-17, 34-25B-18,
18 34-25B-21, 34-25B-22, and 34-25B-26, Code of Alabama 1975; to
19 add Section 34-25B-12.1 and add a new Article 2, commencing
20 with Section 34-25B-40 to Title 34, Chapter 25B of the Code of
21 Alabama 1975; to clarify those fees collected by the board
22 that must be deposited into the Board of Private Investigation
23 Fund; to provide further for the qualifications for licensure
24 as a private investigator; to provide further for criminal
25 history background checks for applicants for licensure; to
26 authorize the board to grant inactive status to licensees and
27 to provide, by rule, for a procedure and fee to reinstate an

1 inactive license; to provide for administrative penalties
2 against any person practicing without a license; to require
3 licensees to report arrests to the board within 72 hours; to
4 clarify that the number of hours of continuing education
5 required to maintain licensure is 16 hours during the two-year
6 license period; to license private investigator apprentices
7 and allow apprentices to gain work experience through an
8 internship; to provide for licensure of apprentices as private
9 investigators after completing certain requirements; to
10 provide for licensure of private investigation agencies that
11 do business in the state; and in connection therewith would
12 have as its purpose or effect the requirement of a new or
13 increased expenditure of local funds within the meaning of
14 Amendment 621 of the Constitution of Alabama of 1901, now
15 appearing as Section 111.05 of the Official Recompilation of
16 the Constitution of Alabama of 1901, as amended.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 ARTICLE 1. Private Investigator Licenses and Private
22 Investigation Board.

23 Section 2. Sections 34-25B-2, 34-25B-3, 34-25B-4,
24 34-25B-7, 34-25B-8, 34-25B-10, 34-25B-11, and 34-25B-12 of the
25 Code of Alabama 1975, are amended to read as follows:

26 "§34-25B-2.

1 "As used in this chapter, the following terms shall
2 have the following meanings:

3 "(1) BOARD. The Alabama Private Investigation Board.

4 "~~(1)~~(2) FELONY. A criminal offense that is defined
5 and punishable under the laws of this state, or an offense
6 committed outside the State of Alabama, which if committed in
7 this state, would constitute a felony under Alabama law; a
8 crime in any other state or a crime against the United States
9 which is designated as a felony; or an offense in any other
10 state, territory, or country punishable by imprisonment for a
11 term exceeding one year.

12 "~~(2)~~(3) PRIVATE INVESTIGATION. The compensated act
13 of any individual or company engaging in the business of
14 obtaining or furnishing information with reference to any of
15 the following:

16 "a. A crime committed or threatened against the
17 United States or any state or territory of the United States.

18 "b. The identity, habits, conduct, business,
19 occupation, honesty, integrity, credibility, including, but
20 not limited to, the credibility of ~~a person~~ an individual
21 giving testimony in a criminal or civil proceeding, knowledge,
22 trustworthiness, efficiency, loyalty, activity, movement,
23 whereabouts, affiliations, associations, transactions, acts,
24 reputations, or character of any person.

25 "c. The location, disposition, or recovery of lost
26 or stolen property.

1 "d. The cause or responsibility for fires, losses,
2 accidents, damages, or injuries to persons or to property.

3 "(4) PRIVATE INVESTIGATION AGENCY. A corporation,
4 firm, partnership, or other business entity that, for
5 compensation, practices private investigation in this state
6 and that employs licensed private investigators.

7 "~~(3)~~ (5) PRIVATE INVESTIGATOR. a. A person An
8 individual who, for compensation, performs one or more of the
9 private investigation services defined and regulated by this
10 chapter.

11 "b. ~~A person~~ An individual who, for consideration,
12 advertises as providing or performing private investigation.
13 The term does not include an informant who, on a one time or
14 limited basis, as a result of a unique expertise, ability, or
15 vocation, and who provides information or services while under
16 the direction and control of a licensee of the board, that
17 would otherwise be included in the definition of private
18 investigation.

19 "c. ~~A person~~ An individual who is engaged in private
20 investigation ~~as defined herein~~ and who is licensed in
21 accordance with this ~~chapter~~ article.

22 "(6) PRIVATE INVESTIGATOR APPRENTICE. An individual
23 who is engaged in private investigation under the supervision
24 of a licensed private investigator and who is licensed in
25 accordance with this article.

26 "§34-25B-3.

1 "An individual may not ~~No person shall~~ practice
2 private investigation or hold himself or herself out to the
3 public as a private investigator or private investigator
4 apprentice or use any term, title, or abbreviation that
5 expresses, infers, or implies that the ~~person~~ individual is
6 licensed as a private investigator or private investigator
7 apprentice unless the ~~person~~ individual at the time holds a
8 valid license to practice private investigation as provided in
9 this ~~chapter~~ article. ~~All applicants shall pass a criminal~~
10 ~~background check based on criteria established pursuant to~~
11 ~~Section 34-25B-4.~~

12 "§34-25B-4.

13 "(a) There is created the Alabama Private
14 Investigation Board. The appointing authorities shall
15 coordinate their appointments to assure the membership of the
16 board ~~shall reflect~~ is inclusive and reflects the racial,
17 gender, geographic, urban and rural, and economic diversity of
18 the state.

19 "(b) Private investigator members provided for
20 herein shall have had five years of experience as an
21 investigator prior to his or her appointment. Beginning on
22 August 1, 2018, private investigator members who are appointed
23 to the board shall have been licensed pursuant to this chapter
24 as a private investigator for a period of at least five years
25 prior to his or her appointment.

26 "(c) The following members shall be appointed to the
27 board:

1 "(1) Three ~~persons~~ individuals appointed by the
2 Governor, two of whom shall be private investigators in this
3 state and one of whom shall be a consumer who will represent
4 the public at large. The Governor shall appoint the three
5 members to initial terms of three years. Thereafter, successor
6 members shall be appointed for terms of four years each.

7 "(2) One ~~person~~ individual appointed by the
8 Lieutenant Governor, who must be a private investigator. The
9 Lieutenant Governor shall appoint the member for an initial
10 term of two years. Thereafter, successor members shall be
11 appointed for terms of four years.

12 "(3) One ~~person~~ individual appointed by the Speaker
13 of the House of Representatives who must be a private
14 investigator. The Speaker of the House of Representatives
15 shall appoint the member for an initial term of two years.
16 Thereafter, successor members shall be appointed for terms of
17 four years.

18 "(4) One ~~person~~ individual appointed by the Attorney
19 General who must be a private investigator. The Attorney
20 General shall appoint the member for an initial term of two
21 years. Thereafter, successor members shall be appointed for
22 terms of four years.

23 "(5) One ~~person~~ individual appointed by the Alabama
24 State Bar Association who must be a member in good standing
25 for an initial term of four years. Thereafter, successor
26 members shall be appointed for terms of four years.

1 "(6) One ~~person~~ individual appointed by the Alabama
2 Private Investigators Association who must be a private
3 investigator. The association shall appoint the member for an
4 initial term of four years. Thereafter, successor members
5 shall be appointed for terms of four years.

6 "(d) Following the initial appointments, all
7 successor members of the board shall be appointed for a term
8 of four years and shall serve until their successors are
9 appointed and qualified by subscribing to the constitutional
10 oath of office, ~~which shall be filed with the Secretary of~~
11 ~~State.~~

12 "(e) Any vacancy occurring on the board shall be
13 filled by the appointing authority of the vacating member for
14 the unexpired term.

15 "(f) No member may be appointed to ~~succeed himself~~
16 ~~or herself for more than one full term~~ two consecutive full
17 terms.

18 "(g) The appointing authority may remove a member of
19 the board for misconduct, incompetency, or willful neglect of
20 duty. The board may recommend to the appointing authority
21 suggested administrative actions that may be taken against a
22 board member for missing an excessive amount of meetings.

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

26 "§34-25B-7.

1 "a) There is hereby created in the State Treasury
2 for the use of the Alabama Private Investigation Board a fund
3 to be known as the Alabama Private Investigation Board Fund.
4 All application and license fees, penalties, fines, and any
5 other funds collected by the board under ~~the provisions of~~
6 this chapter are to be deposited in this fund and used only to
7 carry out the operations of the board. Fees that the board may
8 charge, collect, and deposit into the fund shall include, but
9 not be limited to, all of the following:

10 "(1) An application fee for an original license and
11 an inactive status certificate.

12 "(2) A renewal fee for a license and an inactive
13 status certificate.

14 "(3) A reinstatement application fee.

15 "(4) A late renewal fee.

16 "(5) A change of information fee.

17 "(6) A replacement license fee.

18 "(7) An inactive license fee.

19 "(8) Reasonable and necessary administrative fees
20 that reflect the actual costs of services provided.

21 "b) No monies shall be withdrawn or expended from
22 the fund for any purpose unless the monies have been
23 appropriated by the Legislature and allocated pursuant to this
24 chapter. Any monies appropriated shall be budgeted and
25 allotted pursuant to the Budget Management Act in accordance
26 with Article 4 (commencing with Section 41-4-80) of Chapter 4
27 of Title 41, and only in the amounts provided by the

1 Legislature in the general appropriations act or other
2 appropriations act. There is hereby appropriated to the
3 Alabama Private Investigation Board the sum of all monies
4 collected and deposited into the Alabama Private Investigation
5 Board Fund for each of the fiscal years ending September 30,
6 2013, and September 30, 2014, to be used for the operations of
7 the board. All expenses incurred by the board in implementing
8 and administering this chapter shall be paid out of the fund,
9 provided that the expenses of the board shall not exceed the
10 amount of monies in the fund.

11 "§34-25B-8.

12 "(a) The board may ~~promulgate~~ adopt rules necessary
13 to implement this chapter and accomplish its objectives
14 subject to the Alabama Administrative Procedure Act.

15 "(b) The board may ~~promulgate~~ adopt and establish
16 canons of ethics and minimum acceptable professional standards
17 of practice for licensees within any rules that it adopts.

18 "(c) The board may hire personnel necessary or as
19 advisable to carry out the purposes and provisions of this
20 chapter. With the exception of the Executive Director, all
21 personnel shall be subject to the provisions of the state
22 Merit System Act.

23 "(d) The Attorney General shall provide legal
24 services to the board and board employees in connection with
25 official duties and actions of the board or the board may
26 employ outside legal counsel when deemed necessary by the

1 board, whose compensation shall be at the same rate as the
2 rate charged by the Office of the Attorney General.

3 "§34-25B-10.

4 "~~Except as otherwise provided in this chapter,~~
5 ~~it~~ It shall be unlawful for any ~~person~~ individual to act as a
6 private investigator or private investigator apprentice
7 without first obtaining a license from the board. For
8 prosecution purposes, a violation of this ~~chapter is~~
9 ~~classified as~~ section is a Class A misdemeanor, punishable by
10 fines of up to six thousand dollars (\$6,000) and a jail
11 sentence of up to one year.

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

15 "§34-25B-11.

16 "An application and all information on an
17 application for licensure as a private investigator shall be
18 treated as confidential and shall be filed with the board on
19 forms prescribed by the board. The application shall include
20 all of the following information of the applicant:

21 "(1) His or her full name.

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

23 "(3) All residences during the immediate past five
24 years.

25 "(4) All employment or occupations engaged in during
26 the immediate past five years.

1 "(5) Three sets of classifiable fingerprints or
2 criminal history background information, or both, as approved
3 by the board for initial licensure.

4 "(6) A list of convictions and pending charges
5 involving a felony or misdemeanor in any jurisdiction.

6 "§34-25B-12.

7 "~~(a)~~ Each individual applicant for a private
8 investigator license shall meet all of the following criteria
9 that he or she in order to obtain a license:

10 "(1) Is at least 21 years of age.

11 "(2) Has passed a criminal background check based on
12 criteria established by the board.

13 "~~(2)~~ (3) Has not been declared by any court of
14 competent jurisdiction incompetent by reason of mental defect
15 or disease unless a court of competent jurisdiction has
16 subsequently declared the applicant competent.

17 "~~(3)~~ (4) Has not been convicted of a crime of moral
18 turpitude, with the board having the final determination on
19 the interpretation of moral turpitude.

20 "~~(4)~~ (5) Has not been convicted of a felony crime.

21 "~~(5)~~ (6) Has passed an examination ~~to be~~ administered
22 ~~twice annually~~ by the board designed to measure knowledge and
23 competence in the investigation field and in state civil and
24 criminal privacy laws.

25 "(7) Has a minimum of two years' experience,
26 education, or training, or a combination thereof, directly

1 related to the field of private investigation in any of the
2 following areas, calculated in one-year increments:

3 "a. Special Investigations. Investigative experience
4 at the special investigation unit (SIU) level in insurance,
5 fire investigation, banking, a law firm, or a similar setting,
6 or other experience determined by the board as suitable
7 experience relating to private investigation.

8 "b. Law Enforcement. Experience as a sworn law
9 enforcement officer, or investigative experience as a
10 detective or investigator at the federal, state, or local
11 level.

12 "c. Education. A minimum of a two-year degree in a
13 field of study directly related to private investigation,
14 including, but not limited to, criminal justice, political
15 science, criminology, or law enforcement; provided, however,
16 the education component may only count for a maximum of one
17 year of credit toward the two-year requirement of this
18 subdivision.

19 "d. Internship. Successfully completed an internship
20 as a private investigator apprentice as provided in Section
21 34-25B-12.1.

22 ~~"(b) A study guide shall be provided to any~~
23 ~~applicant seeking to obtain an initial or renewal license~~
24 ~~under this chapter.~~

25 ~~"(c) Any investigator currently holding a business~~
26 ~~license in the State of Alabama shall not have to meet the~~

1 ~~initial application requirements of this chapter, but shall be~~
2 ~~issued a license pursuant to this chapter upon application."~~

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

5 §34-25B-12.1.

6 (a) An individual may obtain a license as a private
7 investigator apprentice and work under the supervision of a
8 licensed private investigator as provided in this section.

9 (b) An applicant for a private investigator
10 apprentice license shall meet all of the following criteria in
11 order to obtain a license:

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

13 (2) Graduated from high school or earned a GED
14 certification or suitable equivalent as determined by the
15 board.

16 (3) Meet the requirements of subdivisions (2)
17 through (5) of Section 34-25B-12.

18 (c) An individual issued a private investigator
19 apprentice license shall successfully pass the examination
20 required by the board, which must be taken within one year of
21 license issuance. Before taking the exam, an apprentice
22 licensee may begin working as an intern. If a licensee does
23 not successfully pass the examination by the one-year
24 deadline, the board shall suspend the license until a passing
25 grade has been achieved.

26 (d) An apprentice licensee shall be trained under
27 the supervision of a sponsor private investigator who has at

1 least two years' experience as a licensed private investigator
2 in this state. Supervision may be in person or by telephone or
3 by other form of electronic communication and oversight. The
4 sponsoring private investigator trainer or private
5 investigation agency shall maintain records of training
6 activities as required by the board, by rule, and shall make
7 these records available to the board upon request. Failure by
8 a sponsoring private investigator to maintain records may
9 result in disqualification as a sponsor.

10 (e) An apprentice licensee shall do all of the
11 following within a three-year period to successfully complete
12 an internship:

13 (1) Complete a minimum of 1,500 hours of training
14 which shall include training in the field and in the
15 classroom, and shall cover administrative functions including
16 report writing and research.

17 (2) Complete a minimum of 24 hours of continuing
18 education credit administered by the Alabama Private
19 Investigators Association or other certified provider of
20 continuing education approved by the board. The coursework
21 must cover investigations, three hours of business operations,
22 and a minimum of three hours of ethics training.

23 (f) An apprentice licensee shall submit proof of
24 successfully completing an internship under this section to
25 qualify for licensure as a private investigator. An apprentice
26 licensee who successfully completes an internship, upon
27 payment of the license fee and satisfactory proof, as required

1 by the board, by rule, of successful completion of an
2 internship pursuant to this section, shall be granted a
3 license as a private investigator without having to fulfill
4 the examination requirements.

5 (g) An apprentice licensee who fails to successfully
6 complete an internship within three years of being issued an
7 apprentice license shall be required to reapply for a new
8 apprentice license. Any education and training experience
9 completed during the previous internship shall be credited
10 toward completing a new internship. The board, by rule, shall
11 establish documentation requirements of the previous
12 internship training records. The sponsoring private
13 investigator trainer or private investigation agency shall
14 maintain training records and make the records available for
15 inspection by the board upon request. An apprentice licensee
16 shall be permitted to obtain a copy of his or her training
17 records from the sponsoring private investigator trainer or
18 private investigation agency.

19 Section 4. Sections 34-25B-13, 34-25B-14, 34-25B-17,
20 34-25B-18, 34-25B-21, 34-25B-22, and 34-25B-26 of the Code of
21 Alabama 1975, are amended to read as follows:

22 "§34-25B-13.

23 "(a) Upon receipt of an application for a license
24 pursuant to this ~~chapter~~ article, nonrefundable,
25 nonprorateable application fees shall be submitted to the
26 board by the applicant for the following services:

1 "(1) A request that ~~the Alabama Bureau of~~
2 ~~Investigation compare the fingerprints submitted with the~~
3 ~~application to fingerprints filed with the Alabama Bureau of~~
4 ~~Investigation~~ a criminal background check be obtained as
5 approved by the board. On subsequent applications, the Alabama
6 ~~Bureau of Investigation~~ State Law Enforcement Agency,
7 successor organization, or other criminal history background
8 provider approved by the board, at the request of the board,
9 shall review its criminal history files based upon the name,
10 date of birth, sex, race, and Social Security number of an
11 applicant whose ~~fingerprints have~~ criminal history information
12 has previously been submitted ~~to the bureau~~ for any new
13 information since the date of the original fingerprint or
14 criminal history background check comparison, and shall
15 furnish any information thereby derived to the board.

16 "(2) A request to submit the fingerprints to the
17 ~~Federal Bureau of Investigation~~ Alabama State Law Enforcement
18 Agency, successor organization, or other approved provider of
19 criminal history background information for a search of its
20 files to determine whether an individual ~~fingerprinted~~ has any
21 recorded convictions.

22 "(b) After the approval of the application by the
23 board, the board shall issue a license in a form prescribed by
24 the board to each qualified applicant upon its receipt of a
25 nonrefundable, nonprorateable private investigator license fee
26 as set by the board.

1 "(c) (1) If an application for a license is denied,
2 the board shall notify the applicant in writing and specify
3 the grounds for denial. If the grounds are subject to
4 correction by the applicant, the notice shall so state and
5 specify a reasonable period of time within which the applicant
6 shall make the required correction.

7 "(2) The applicant may submit an application for
8 reconsideration to the board within 30 days from the date of
9 receipt of denial.

10 "(d) The board shall issue a license to all private
11 investigator licensees and private investigator apprentice
12 licensees that shall be at least 8" x 10" in size and shall be
13 displayed on a wall of the workplace of the licensee. ~~This~~
14 ~~license~~ All licenses and identification cards issued by the
15 board shall be deemed property of the State of Alabama and
16 subject to forfeiture to the state upon revocation.

17 "§34-25B-14.

18 "(a) The board shall issue to every private
19 investigator licensee and private investigator apprentice
20 licensee an identification card, which shall be issued in
21 credit card size, be permanently laminated, and contain the
22 following information of the licensee:

23 "(1) Name.

24 "(2) Photograph.

25 "(3) Physical characteristics.

26 "(4) Private investigator's license number.

27 "(5) Expiration date of license.

1 "(b) The identification card shall be carried on the
2 person of the licensee when engaged in the activities of the
3 licensee.

4 "§34-25B-17.

5 "(a) All private investigator licenses and private
6 investigation agency licenses issued or renewed under this
7 chapter shall be valid for a period of two years from the ~~date~~
8 month of issuance. The board shall ~~provide each licensee with~~
9 mail to each licensee, at his or her address of record, a
10 renewal application notification at least 60 days prior to the
11 expiration of the license. The renewal application shall be
12 available for download on the board website. A licensee shall
13 report any changes of address to the board.

14 "(b) Each application for renewal shall be reviewed
15 for criminal convictions and civil fraud findings.

16 "(c) An administrative late fee not exceeding two
17 hundred dollars (\$200) as prescribed by the board shall be
18 assessed on any renewal application postmarked after the
19 expiration date of the license.

20 "(d) No renewal application may be accepted more
21 than 30 days after the expiration date of the license. Any
22 waiver or exception to this 30-day deadline is at the
23 discretion of, and will be determined by, the board.

24 "(e) Any individual or entity licensed by the board
25 may elect inactive status by notifying the board in writing.
26 The fee for the issuance and renewal of an inactive status
27 certificate shall be established by rule of the board. The

1 board shall provide by rule for those activities which an
2 inactive status certificate holder may engage in, and for a
3 procedure and fee for the reinstatement to an active license.

4 "§34-25B-18.

5 "(a) The board may suspend, revoke, or refuse to
6 issue or renew any license issued pursuant to this chapter by
7 it upon finding that the holder or applicant has committed any
8 of the following acts:

9 "(1) A violation of this chapter or any rule
10 promulgated pursuant to this chapter.

11 "(2) Fraud, deceit, or misrepresentation regarding
12 an application or license.

13 "(3) Knowingly and willfully making a material
14 misstatement in connection with an application for a license
15 or renewal.

16 "(4) A conviction by a court of competent
17 jurisdiction of a felony.

18 "(5) A conviction by a court of competent
19 jurisdiction of a Class A misdemeanor, if the board finds that
20 the conviction reflects unfavorably on the fitness of the
21 person for the license.

22 "(6) The commission of any act which would have been
23 cause for refusal to issue the license or identification card
24 had it existed and been known to the board at the time of
25 issuance.

26 "(b) In addition to, or in lieu of, any other lawful
27 disciplinary action under this section, the board may assess a

1 civil penalty not exceeding two thousand dollars (\$2,000) for
2 each violation.

3 "(c) A license may be suspended for the remaining
4 license period and renewed during any period in which the
5 license was suspended.

6 "(d) Any individual or entity found to be providing
7 private investigator services without a license as required by
8 this chapter shall be subject to an administrative fine of up
9 to one thousand dollars (\$1,000) per day that services are
10 provided without a license, and may be administratively
11 enjoined by the board from providing services until such time
12 as the individual or entity complies with this chapter.

13 "§34-25B-21.

14 "The board shall provide a copy of this chapter and
15 any rules ~~promulgated~~ adopted under this chapter ~~to the~~
16 ~~following:~~ on the website of the board.

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

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

21 "§34-25B-22.

22 "(a) The following acts when committed by ~~an~~
23 ~~individual licensed as a private investigator in Alabama a~~
24 licensed private investigator or by an individual employed by
25 or contracting with a licensed private investigation agency
26 shall constitute a violation punishable as a Class A
27 misdemeanor:

1 "(1) To knowingly make a material misrepresentation
2 as to the ability of the individual to perform the
3 investigation required by a potential client in order to
4 obtain employment.

5 "(2) To make unsubstantiated monetary charges to a
6 client for services not rendered or transportation not
7 utilized.

8 "(3) To knowingly make a false report to a client in
9 relation to the investigation performed for a client.

10 "(4) To continue an investigation for a client when
11 it becomes obvious to the investigator that a successful
12 completion of an investigation is unlikely without first
13 advising the client and obtaining the approval of the client
14 for continuation of the investigation.

15 "(5) To reveal information obtained for a client
16 during an investigation to another individual except as
17 required by law.

18 "(b) Persons licensed pursuant to this chapter shall
19 report any suspected instances of child abuse or neglect to a
20 local law enforcement agency or the Department of Human
21 Resources, or both.

22 "§34-25B-26.

23 "(a) Each private investigator licensee shall
24 complete 16 hours of continuing professional education
25 acceptable to the board in each ~~calendar year~~ two-year renewal
26 period. Two of the 16 hours shall be on ethics.

1 ~~"(b) The board shall make every effort to ensue at~~
2 ~~least one seminar per year will be held in each congressional~~
3 ~~district of the state providing an opportunity to fulfill the~~
4 ~~continuing professional education requirements of this~~
5 ~~section, which shall include at least one hour per year on~~
6 ~~ethics.~~

7 ~~"(c)~~ (b) The board shall ~~promulgate~~ adopt rules
8 necessary to carry out this section."

9 Section 5. Article 2, commencing with Section
10 34-25B-40, is added to Chapter 25B of Title 34 of the Code of
11 Alabama 1975, to read as follows:

12 ARTICLE 2. Private Investigation Agencies.

13 §34-25B-40.

14 (a) A business entity, regardless of whether the
15 business entity is domiciled within or outside the state, that
16 employs licensed private investigators may not practice
17 private investigation or advertise or hold itself out to the
18 public in this state as a private investigation agency,
19 company, or other business entity without first being licensed
20 by the board pursuant to this article. A violation of this
21 section is a Class A misdemeanor.

22 (b) A business entity that employs licensed private
23 investigators and practices private investigation in the state
24 on July 1, 2020, may continue to practice private
25 investigation until the board establishes a licensure process,
26 but in no event may the business entity practice private

1 investigation in the state without a license pursuant to this
2 article after January 1, 2021.

3 §34-25B-41.

4 (a) Application for licensure under this article
5 shall be made in writing to the board on forms prescribed by
6 the board and shall include all of the following:

7 (1) The name of the applicant.

8 (2) The business, physical, and email addresses of
9 the applicant.

10 (3) A telephone number and other contact information
11 for the applicant.

12 (4) If the applicant is not an Alabama domestic
13 business entity, the name and contact information for the
14 registered agent of the applicant for service of process in
15 this state.

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

18 (6) Certification that the applicant verifies that a
19 corporate officer or principal of the applicant holds a
20 private investigator license in good standing in this state
21 pursuant to Article 1.

22 (7) An irrevocable uniform consent to service of
23 process.

24 (8) Any other information required by the board and
25 reasonably necessary to grant licensure.

26 (b) Upon receipt of a properly completed application
27 and payment of a license fee, as determined by rule by the

1 board, the board shall issue a license authorizing the
2 licensee to do business as a private investigation agency in
3 this state.

4 (c) A private investigation agency license shall be
5 valid for two years and may be renewed upon payment of the
6 license fee described in subsection (b) and meeting any other
7 reasonable requirements established by rule by the board.

8 (d) Each business entity licensed in accordance with
9 this article shall designate to the board a physical address
10 where the entity's records are to be kept.

11 §34-25B-42.

12 (a) The board shall issue to every private
13 investigation agency licensee a certification which shall be
14 at least 8" x 10" in size and contain the following
15 information of the licensee:

16 (1) Name of the business.

17 (2) Address of the business.

18 (3) The license number.

19 (4) Expiration date of the license.

20 (b) The certification card shall be posted in a
21 conspicuous area of the licensee's business.

22 (c) A licensee shall display the agency's license
23 number on all advertisements, brochures, stationery,
24 letterhead, case reports, and business cards distributed or
25 used by the licensee.

26 §34-25B-43.

1 (a) All private investigation agency licenses issued
2 or renewed under this article shall be valid for a period of
3 two years from the date of issuance. The board shall provide
4 each licensee with a renewal notification 60 days prior to the
5 expiration of the license. The renewal application shall be
6 available for download on the board website. A licensee shall
7 report any changes of address to the board.

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

10 (c) An administrative late fee not exceeding two
11 hundred dollars (\$200) as prescribed by the board shall be
12 assessed on any renewal application postmarked after the
13 expiration date of the license.

14 (d) No renewal application may be accepted more than
15 30 days after the expiration date of the license. Any waiver
16 or exception to this 30-day deadline is at the discretion of,
17 and will be determined by, the board.

18 §34-25B-44.

19 (a) A licensed private investigation agency shall
20 ensure that at least one officer or principal of the company
21 holds a private investigator license in good standing in this
22 state pursuant to Article 1 and that at least one officer or
23 principal of the company is domiciled in the state.

24 (b) A licensed private investigation agency shall be
25 responsible for the actions of its employees and contractors
26 while acting in the scope of employment of the company.

1 (c) All owners, shareholders, principals, and
2 officers of a licensed private investigation agency shall meet
3 the requirements of subdivisions (2) through (5) of Section
4 34-25B-12.

5 §34-25B-45.

6 The board may adopt rules to implement this article.

7 Section 6. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended, because the
13 bill defines a new crime or amends the definition of an
14 existing crime.

15 Section 7. This act shall become effective July 1,
16 2020, following its passage and approval by the Governor, or
17 its otherwise becoming law.