

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 112 Session of 2021

INTRODUCED BY BARTOLOTTA, MENSCH AND STEFANO, JANUARY 25, 2021

REFERRED TO JUDICIARY, JANUARY 25, 2021

AN ACT

1 Amending the act of August 21, 1953 (P.L.1273, No.361), entitled
 2 "An act to regulate the business of private detectives,
 3 investigators and watch, guard, or patrol agencies, and the
 4 licensing thereof in each county; providing penalties,"
 5 further providing for issuance of licenses, fees and bonds
 6 and for employees.

7 The General Assembly of the Commonwealth of Pennsylvania
 8 hereby enacts as follows:

9 Section 1. Sections 6(b) and 13(a), (b), (c), (d) and (f) of
 10 the act of August 21, 1953 (P.L.1273, No.361), known as The
 11 Private Detective Act of 1953, are amended to read:

12 Section 6. Issuance of Licenses; Fees; Bonds.--* * *

13 (b) [Except as hereinafter provided in this subsection, no
 14 such license shall be issued to any person who has been
 15 convicted in this State or any other state or territory of a
 16 felony, or any of the following offenses: (1) illegally using,
 17 carrying or possessing a pistol or other dangerous weapon; (2)
 18 making or possessing burglar's instruments; (3) buying or
 19 receiving stolen property; (4) unlawful entry of a building; (5)
 20 aiding escape from prison; (6) unlawfully possessing or

1 distributing habit forming narcotic drugs; (7) picking pockets
2 or attempting to do so; (8) soliciting any person to commit
3 sodomy or other lewdness; (9) recklessly endangering another
4 person; (10) making terroristic threats; or (11) committing
5 simple assault.

6 Except as hereinafter in this subsection provided, no license
7 shall be issued to any person whose license has been previously
8 revoked by the court of common pleas or the authorities of any
9 other state or territory because of conviction of any of the
10 crimes or offenses specified in this section. The provisions of
11 this subsection shall not prevent the issuance of a license to
12 any person who, subsequent to his conviction, shall have
13 received executive pardon therefor removing this disability.]

14 (1) Except as provided in paragraphs (2) and (3), a license may
15 not be issued to a person who has been convicted in the previous
16 five years of an offense:

17 (i) Under:

18 (A) 18 Pa.C.S. § 2702 (relating to aggravated assault).

19 (B) 18 Pa.C.S. § 2702.1 (relating to assault of law
20 enforcement officer).

21 (C) 18 Pa.C.S. § 2705 (relating to recklessly endangering
22 another person).

23 (D) 18 Pa.C.S. § 2706 (relating to terroristic threats).

24 (E) 18 Pa.C.S. § 3502 (relating to burglary).

25 (F) 18 Pa.C.S. § 3925 (relating to receiving stolen
26 property).

27 (G) 18 Pa.C.S. Ch. 61 (relating to firearms and other
28 dangerous articles).

29 (ii) Requiring registration under 42 Pa.C.S. Ch. 97 Subch. H
30 (relating to registration of sexual offenders).

1 (2) Convictions for summary offenses may not be considered
2 in issuing a license under this act.

3 (3) The provisions of paragraph (1) shall not prevent the
4 issuance of a license to a person who, subsequent to a
5 conviction under paragraph (1)(i), receives an executive pardon
6 for the conviction.

7 * * *

8 Section 13. Employees.--(a) (1) The holder of any license
9 certificate issued pursuant to this act may employ to assist him
10 in his work of private detective or investigator as described in
11 section 2 and in the conduct of such business as many persons as
12 he may deem necessary, and shall at all times during such
13 employment be legally responsible for the good conduct in the
14 business of each and every person so employed and shall be
15 responsible for the reasonable supervision of said employes'
16 conduct.

17 [No] (2) Except as provided under paragraphs (3) and (4), no
18 holder of any unexpired license certificate issued pursuant to
19 this act shall knowingly employ in connection with his or its
20 business, in any capacity whatsoever, any person who has been
21 convicted [of a felony, or any of the following offenses, and
22 who has not, subsequent to such conviction, received executive
23 pardon therefor removing this disability: (1) illegally using,
24 carrying or possessing a pistol or other dangerous weapon; (2)
25 making or possessing burglar's instruments; (3) buying or
26 receiving stolen property; (4) unlawful entry of a building; (5)
27 aiding escape from prison; (6) unlawfully possessing or
28 distributing habit forming narcotic drugs; (7) picking pockets
29 or attempting to do so; (8) soliciting any person to commit
30 sodomy or other lewdness; (9) any person whose private detective

1 or investigator's license was revoked or application for such
2 license was denied by the court of common pleas or by the
3 authorities of any other state or territory because of
4 conviction of any of the crimes or offenses specified in this
5 section; (10) recklessly endangering another person; (11)
6 terroristic threats; or (12) committing simple assault.] in the
7 previous five years of an offense:

8 (i) Under:

9 (A) 18 Pa.C.S. § 2702 (relating to aggravated assault).

10 (B) 18 Pa.C.S. § 2702.1 (relating to assault of law
11 enforcement officer).

12 (C) 18 Pa.C.S. § 2705 (relating to recklessly endangering
13 another person).

14 (D) 18 Pa.C.S. § 2706 (relating to terroristic threats).

15 (E) 18 Pa.C.S. § 3502 (relating to burglary).

16 (F) 18 Pa.C.S. § 3925 (relating to receiving stolen
17 property).

18 (G) 18 Pa.C.S. Ch. 61 (relating to firearms and other
19 dangerous articles).

20 (ii) Requiring registration under 42 Pa.C.S. Ch. 97 Subch. H
21 (relating to registration of sexual offenders).

22 (3) Convictions for summary offenses may not be considered
23 in issuing a license under this act.

24 (4) The provisions of paragraph (1) shall not prevent the
25 employment of a person who, subsequent to a conviction under
26 paragraph (1)(i), receives an executive pardon for the
27 conviction.

28 (5) A holder of an unexpired license certificate issued
29 pursuant to this act who knowingly employs a person who has been
30 convicted of a felony or any of the offenses specified in this

1 section shall be guilty of a misdemeanor and, upon conviction
2 thereof, shall be sentenced to pay a fine of not more than five
3 thousand dollars (\$5000) or to undergo imprisonment for not more
4 than one (1) year, or both.

5 (6) A first conviction for violation of this section may
6 subject the license holder to revocation of his license by the
7 issuing authority.

8 (7) Upon the second conviction of a license holder for
9 knowingly hiring a person convicted of a felony or other
10 specified offenses in this section, the license of said holder
11 shall be revoked.

12 (8) Should the holder of an unexpired license certificate
13 falsely state or represent that a person is or has been in his
14 employ, such false statement or misrepresentation shall be
15 sufficient cause for the revocation of such license. Any person
16 falsely stating or representing that he is or has been a
17 detective or employed by a detective agency shall be guilty of a
18 misdemeanor, and, upon conviction thereof, shall be sentenced to
19 pay a fine of not more than five hundred dollars (\$500) or to
20 undergo imprisonment for not more than one (1) year, or both.

21 [(b) No person shall hereafter be employed by any holder of
22 a license certificate until he shall have executed and furnished
23 to such license certificate holder a verified statement to be
24 known as "employee's statement," setting forth:

25 (1) His full name, age and residence address;

26 (2) The country of which he is a citizen;

27 (3) The business or occupation engaged in for the three
28 years immediately preceding the date of the filing of the
29 statement, setting forth the place or places where such business
30 or occupation was engaged in, and the name or names of

1 employers, if any;

2 (4) That he has not been convicted of a felony, or of any
3 offense involving moral turpitude, or of any of the misdemeanors
4 or offenses described in subsection (a) of this section;

5 (5) That he holds current and valid certification under the
6 act of October 10, 1974 (P.L.705, No.235), known as the "Lethal
7 Weapons Training Act," if, as an incidence to employment, he
8 will carry a lethal weapon.

9 (6) Such further information as the court of common pleas
10 may by rule require to show the good character, competency and
11 integrity of the person executing the statement.]

12 (c) The license holder shall [act with due diligence in
13 taking the necessary steps to ensure the veracity of the
14 employe's statement, and immediately upon the verification of an
15 employe's statement, the holder of a license certificate by whom
16 such person has been or is to be employed shall] cause two sets
17 of fingerprints of the two hands of such person to be recorded
18 in such manner as the court of common pleas may by rule
19 prescribe. The holder of a license certificate shall immediately
20 stamp, in indelible ink, [the employe's statement and] each set
21 of fingerprints with the name, year and license certificate
22 number of such holder, and a number, which [number shall be
23 determined by the number of such statements furnished to such
24 holder and] shall be in numerical sequence.

25 (d) The holder of a license certificate shall affix one set
26 of such fingerprints [to the employe's statement, in such manner
27 that the prints can be examined without disclosing the contents
28 of the employe's statement,] and shall retain [such statement
29 and] the prints so long as he shall be licensed under this act.

30 * * *

1 (f) Within five days after the filing of such fingerprints,
2 the court of quarter sessions shall cause such fingerprints to
3 be compared with fingerprints of criminals now or hereafter
4 filed in the records of the Pennsylvania State Police, and if
5 the court finds any record affecting such prints, it shall
6 immediately notify the holder of such license certificate and
7 shall also refer the matter to the district attorney of the
8 county. The quarter sessions court may also, from time to time,
9 cause such fingerprints to be checked against the fingerprints
10 of criminals now or hereafter filed in the records of the
11 Pennsylvania State Police or of other official fingerprint files
12 within or without this Commonwealth, and if the court finds that
13 such person has been convicted of [a felony or any other] an
14 offense specified in subsection (a) of this section, he shall
15 immediately notify the holder of such license certificate and
16 shall also refer the matter to the district attorney. The
17 quarter sessions court shall at all times be given access to and
18 may from time to time examine the fingerprints retained by the
19 holder of a license certificate as provided in subsection (d) of
20 this section.

21 * * *

22 Section 2. This act shall take effect in 60 days.