



Senate

General Assembly

File No. 317

February Session, 2022

Substitute Senate Bill No. 370

Senate, April 5, 2022

The Committee on Public Safety and Security reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE PERFORMANCE OF DUTIES BY PRIVATE INVESTIGATORS PRIOR TO REGISTRATION AND SECURITY GUARDS PRIOR TO LICENSURE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-156a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Any licensee may employ as many private investigators as such
4 licensee deems necessary for the conduct of such licensee's business,
5 provided such employees shall be of good moral character and at least
6 eighteen years of age.

7 (b) Immediately upon hiring a private investigator, the licensee shall
8 apply to register such employee with the Commissioner of Emergency
9 Services and Public Protection. Such application shall be made on forms
10 furnished by the commissioner, and, under oath of the employee, shall
11 give the employee's name, address, date and place of birth, employment
12 for the past five years, experience in the position applied for, any
13 convictions for violations of the law and such other information as the
14 commissioner may require, by regulation, to properly investigate the
15 character, competency and integrity of the employee.

16 (c) The Commissioner of Emergency Services and Public Protection
17 shall require any applicant for registration under this section to submit
18 to state and national criminal history records checks conducted in
19 accordance with section 29-17a. The application for registration shall be
20 accompanied by two sets of fingerprints of the employee and two full-
21 face photographs of the employee, two inches wide by two inches high,
22 taken no earlier than six months prior to the date of application for
23 registration, and a forty-dollar registration fee payable to the state.
24 Subject to the provisions of section 46a-80, no person shall be registered
25 who has been convicted of a felony, any sexual offense or any crime
26 involving moral turpitude, or who has been refused a license under the
27 provisions of this chapter for any reason except lack of minimum
28 experience, or whose license, having been granted, has been revoked or
29 is under suspension. The commissioner shall register all qualified
30 employees and so notify the licensee and place the registration form and
31 all related material on file with the Division of State Police within the
32 Department of Emergency Services and Public Protection.

33 (d) A licensee may employ an individual to perform the duties of a
34 private investigator while such individual's application for registration
35 pursuant to subsections (b) and (c) of this section is pending, provided
36 the licensee conducts, or has a consumer reporting agency regulated
37 under the federal Fair Credit Reporting Act conduct, a state and national
38 criminal history records check and determines the applicant meets the
39 requirements of subsection (c) of this section for registration as a private
40 investigator. Such individual shall cease to perform such duties
41 pursuant to this subsection when the commissioner grants or denies the
42 pending application for registration.

43 ~~[(d)]~~ (e) The licensee shall notify the commissioner not later than five
44 days after the termination of employment of any registered employees.

45 ~~[(e)]~~ (f) Any person, firm or corporation that violates any provision of
46 this section shall be fined seventy-five dollars for each offense. Each
47 distinct violation of this section shall be a separate offense and, in the
48 case of a continuing violation, each day thereof shall be deemed a

49 separate offense.

50 Sec. 2. Subsection (h) of section 29-161q of the 2022 supplement to the
51 general statutes is repealed and the following is substituted in lieu
52 thereof (*Effective from passage*):

53 (h) During the time that an application for a license as a security
54 officer is pending with the commissioner, the applicant may perform the
55 duties of security officer, provided (1) the security service employing
56 the applicant conducts, or has a consumer reporting agency regulated
57 under the federal Fair Credit Reporting Act conduct, a state and national
58 criminal history records check and determines the applicant meets the
59 requirements of subsection (c) of this section to be a security officer, (2)
60 the applicant [(A)] successfully completed the training required
61 pursuant to subsection (b) of this section, or obtained a waiver of such
62 training, [and (B) performs the duties of a security officer under the
63 direct on-site supervision of a licensed security officer with at least one
64 year of experience as a licensed security officer,] and (3) the applicant
65 has not been decertified as a police officer or otherwise had his or her
66 certification canceled, revoked or refused renewal pursuant to
67 subsection (c) of section 7-294d or under the laws of any other
68 jurisdiction. The applicant shall not perform such duties at a public or
69 private preschool, elementary or secondary school or at a facility
70 licensed and used exclusively as a child care center, as described in
71 subdivision (1) of subsection (a) of section 19a-77. The applicant shall
72 cease to perform such duties pursuant to this subsection when the
73 commissioner grants or denies the pending application for a security
74 license under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	29-156a
Sec. 2	<i>from passage</i>	29-161q(h)

PS Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill clarifies certain duties of private investigators and security guards prior to registration and licensure resulting in no fiscal impact to the state or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sSB 370*****AN ACT CONCERNING THE PERFORMANCE OF DUTIES BY PRIVATE INVESTIGATORS PRIOR TO REGISTRATION AND SECURITY GUARDS PRIOR TO LICENSURE.*****SUMMARY**

This bill sets conditions under which private detectives and private detective agencies may employ private investigator registration applicants to perform private investigator duties while their registrations are pending with the Department of Emergency Services and Public Protection (DESPP) commissioner (§ 1). Currently, state regulations require private detectives and private detective agencies to use DESPP-registered employees in fulfilling contracts with clients (Conn. Agencies Regs. § 29-161-3(a)).

Violators of the bill's conditions for employing pending registrants are subject to the same \$75 fine that applies to other violations of the private investigator registration law. By law, each distinct violation, and each day's continuance of a violation, are separate offenses (§ 1).

The bill also eliminates a condition under which security services may employ security officer license applicants to perform security officer duties while their applications are pending with the DESPP commissioner. Specifically, the bill eliminates the requirement that the applicant work under the direct on-site supervision of a security officer with at least one year of experience in that role (§ 2).

The bill also makes conforming changes.

EFFECTIVE DATE: Upon passage

CONDITIONS UNDER WHICH PENDING REGISTRANTS MAY PERFORM THE DUTIES OF PRIVATE INVESTIGATORS

The bill allows private investigator registration applicants to do private investigator work if the employing private detective or private

detective agency conducts, or has a consumer reporting agency regulated under the federal Fair Credit Reporting Act conduct, a state and national criminal history records check and determines that he or she meets the existing statutory requirements to be registered as a private investigator. These requirements generally prohibit DESPP from registering anyone:

1. convicted of a felony, any sexual offense, or any crime involving moral turpitude (i.e., one that raises questions about his or her integrity and honesty);
2. denied a license issued under the investigative and security services laws for any reason except lack of minimum experience; or
3. whose license issued under those laws was revoked or is under suspension.

Under the bill, the pending registrant's authority to work under these conditions ends when the DESPP commissioner grants or denies his or her pending registration application.

BACKGROUND

Investigative Services

Any person who engages in the business of, or solicits business as, a private detective, or makes representations to be, or advertises as, a private detective or as furnishing detective or investigating services must be licensed by the DESPP commissioner (CGS § 29-153).

A "private detective" is any person engaged in, or advertising as engaged in, the business of (1) investigating crimes; civil wrongs; the location, disposition, or recovery of property; or the cause of accidents, fire damage, or injuries to people or property; (2) providing personal protection to individuals; (3) conducting surveillance activity or background investigations; or (4) securing evidence for use before a court, board, officer, or investigation committee. It excludes people performing bona fide engineering services (CGS § 29-152u(4)).

A “private detective agency” is any person or business that charges to provide, or advertises as providing, or is engaged in the business of providing, private detectives and private investigators (CGS § 29-152u(5)).

A “private investigator” is an employee of a licensed private detective or private detective agency who performs services necessary to their business (CGS § 29-152u(6)).

Security Services

Any person who engages in the business of, or solicits business as, a security service must be licensed by the DESPP commissioner (CGS § 29-161g).

A “security service” is any person or business that charges to provide various crime prevention or protection services, including the (1) prevention or detection of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on the property the security service was hired to protect; (2) provision of patrol and armored car services; or (3) provision of guard dogs (CGS § 29-152u(8)).

A “security officer” is a licensed and registered person hired to safeguard and protect people and property by (1) detecting or preventing unlawful intrusion, entry, larceny, vandalism, abuse, arson, or trespass or (2) preventing, observing, or detecting unauthorized activity. A security officer may be employed by a (1) security service, or (2) non-security business as a uniformed employee who performs security work in an area of the business’ premises to which the public has unrestricted access or access only by paid admission (CGS § 29-152u(7)).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/22/2022)