
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 whose license issued under those laws was revoked or is under suspension.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)