

House Bill 1259 (AS PASSED HOUSE AND SENATE)

By: Representatives Hill of the 21<sup>st</sup>, Burmeister of the 119<sup>th</sup>, Day of the 163<sup>rd</sup>, and Ralston of the 7<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 private detectives and security agencies, so as to revise a definition; to revise the licensing  
3 process for private detectives and private security officers; to permit one or more individuals  
4 to qualify to hold the license for an individual, firm, association, company, partnership,  
5 limited liability company, or corporation; to provide the board with authority to promulgate  
6 rules to ensure that individuals are capable of assuming full responsibility for operations of  
7 the particular individual, firm, association, company, partnership, limited liability company,  
8 or corporation; to revise the provisions for issuing permits for carrying firearms for certain  
9 private detectives and private security officers; to revise the provisions for granting of  
10 training instructor licenses to certain individuals; to remove the provisions making the  
11 chapter inapplicable to persons engaged in the business of furnishing information in  
12 connection with credit or marketing or engaged as a consumer reporting agency; to provide  
13 that engaging in private detective business or private security business without a license is  
14 a felony; to provide for related matters; to provide for an effective date and applicability; to  
15 repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to private  
19 detectives and security agencies, is amended by striking paragraph (3) of Code Section  
20 43-38-3, relating to definitions, and inserting in its place a new paragraph (3) to read as  
21 follows:

22 "(3) 'Private detective business' means the business of obtaining or furnishing, or  
23 accepting employment to obtain or to furnish, information with reference to:

24 (A) Crimes or wrongs done or threatened against the United States of America or any  
25 state or territory thereof;

26 (B) The background, identity, habits, conduct, business, employment, occupation,  
27 assets, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty,

1 activity, movement, whereabouts, affiliations, associations, transactions, acts,  
2 reputation, or character of any person;

3 (C) The location, disposition, or recovery of lost or stolen property;

4 (D) The cause or responsibility for fires, libels, losses, accidents, damage, or injury to  
5 persons or property;

6 (E) The securing of evidence in the course of the private detective business to be used  
7 before any court, board, officer, or investigating committee; or

8 (F) The protection of individuals from serious bodily harm or death.

9 In addition to the aforementioned services, 'private detective business' shall also mean  
10 providing, or accepting employment to provide, protection of persons from death or  
11 serious bodily harm."

## 12 SECTION 2.

13 Said chapter is further amended by striking subsection (a) of Code Section 43-38-6, relating  
14 to licenses and qualifications, and inserting in its place a new subsection (a) to read as  
15 follows:

16 "(a) Any individual, firm, association, company, partnership, limited liability company,  
17 or corporation desiring to engage in the private detective or private security business in this  
18 state shall make a verified application in writing to the division director for a license  
19 therefor. If the applicant is a firm, association, company, partnership, limited liability  
20 company, or corporation, the person filing the application on behalf of such firm,  
21 association, company, partnership, limited liability company, or corporation shall be a  
22 corporate officer of such corporation or an officer of such firm, association, partnership,  
23 or limited liability company; and such individual shall meet the qualifications set out in this  
24 Code section. In lieu of the foregoing requirement, the applicant of a firm, association,  
25 company, partnership, limited liability company, or corporation desiring to engage in the  
26 private security business may be the chief security officer, or equivalent position, of such  
27 entity, and such individual shall meet the qualifications set out in this Code section."

## 28 SECTION 3.

29 Said chapter is further amended by striking paragraph (7) of subsection (b) of Code Section  
30 43-38-6, relating to licenses and qualifications, and inserting in its place a new paragraph (7)  
31 to read as follows:

32 "(7) The applicant for a private detective company license has had at least two years'  
33 experience as an agent registered with a licensed detective agency or has had at least two  
34 years' experience as a supervisor or administrator in in-house investigations, or has had  
35 at least two years' experience in law enforcement as a peace officer as defined by

1 subparagraph (A) of paragraph (8) of Code Section 35-8-2, or has a four-year degree in  
 2 criminal justice or a related field from an accredited university or college; and the  
 3 applicant for a security company license has had at least two years' experience as a  
 4 supervisor or administrator in in-house security operations or with a licensed security  
 5 agency, or has had at least two years' experience in law enforcement, or has a four-year  
 6 degree in criminal justice or a related field from an accredited university or college;"

#### 7 **SECTION 4.**

8 Said chapter is further amended by adding a new subsection (j) to Code Section 43-38-6,  
 9 relating to licenses and qualifications, to read as follows:

10 "(j) In addition to the initial applicant, any individual, firm, association, company,  
 11 partnership, limited liability company, or corporation desiring to engage in the private  
 12 detective or private security business may choose to designate one or more individuals to  
 13 qualify to hold the license for the individual, firm, association, company, partnership,  
 14 limited liability company, or corporation. Such individual or individuals shall meet the  
 15 same qualifications set out in this Code section as relate to the initial applicant, and the  
 16 board shall have the authority to promulgate rules and regulations necessary to ensure that  
 17 such additional individual or individuals are capable of assuming full responsibility for the  
 18 operations of the particular individual, firm, association, company, partnership, limited  
 19 liability company, or corporation in compliance with this Code section and with all rules  
 20 and regulations promulgated pursuant to this Code section."

#### 21 **SECTION 5.**

22 Said chapter is further amended by striking subsection (a) of Code Section 43-38-10, relating  
 23 to permits to carry firearms, proficiency requirement, exemption from specified laws, denial,  
 24 refusal to renew, and suspension of permits, and effect of license suspension and restoration,  
 25 and inserting in its place a new subsection (a) to read as follows:

26 "(a) The board may grant a permit to carry a ~~pistol, revolver, or other~~ firearm to any person  
 27 who is at least 21 years of age and who is licensed or registered in accordance with this  
 28 chapter and who meets the qualifications and training requirements set forth in this Code  
 29 section and such other qualifications and training requirements as the board by rule may  
 30 establish and who is not prohibited by federal or state law from possession of a firearm.

31 The board shall have the authority to establish limits on type and caliber of such weapons  
 32 by rule. Application for such permit and for renewal thereof shall be made on forms  
 33 provided by the division director. No weapons permit issued under this Code section shall  
 34 be transferable to another individual."



- 1 contractor basis with another employer other than a peace officer engaged in the private  
 2 detective or private security business or a private detective or private security agency,  
 3 subject to Code Section 16-10-3, relating to the receipt of funds by state officers or  
 4 employees for the enforcement of penal laws;
- 5 (6) A firm engaged in the business of independent insurance claims adjusting whose  
 6 employees hold a valid Georgia adjuster's license; or
- 7 (7) The employees of a firm mentioned in paragraph (6) of this subsection."

8 **SECTION 9.**

9 Said chapter is further amended by striking Code Section 43-38-16, relating to penalties, in  
 10 its entirety and inserting in its place a new Code Section 43-38-16 to read as follows:

11 "43-38-16.

12 Any person who engages in the private detective business or private security business or  
 13 offers, pretends, or holds himself or herself out as eligible to engage in the private detective  
 14 business or private security business and who is not legally licensed or registered under this  
 15 chapter shall be guilty of a ~~misdemeanor~~ felony and, upon conviction thereof, shall be  
 16 punished by a fine of not less than \$500.00 nor more than \$1,000.00 or by imprisonment  
 17 for not less than two nor more than five years, or both. Each day or fraction of a day that  
 18 he or she practices in violation of this chapter shall constitute a separate offense."

19 **SECTION 10.**

20 This Act shall become effective July 1, 2006, and shall not apply to any offense committed  
 21 before that date. Any such offense committed before that date shall be governed by the  
 22 statute in effect at the time the offense was committed.

23 **SECTION 11.**

24 All laws and parts of laws in conflict with this Act are repealed.