

1 **PRIVATE INVESTIGATOR REGULATION ACT**

2 **AMENDMENTS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Parley G. Hellewell**

6 House Sponsor: Margaret Dayton

7

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Private Investigator Regulation Act to allow for private
11 investigators and private detectives licensed in another state to work within Utah to
12 continue an investigation without being licensed in Utah.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ provides that a private investigator or private detective licensed and in good
16 standing in the state of licensure may conduct business in this state for not more
17 than 60 days without being licensed in Utah if:
- 18 • the private investigator or private detective notifies the bureau chief of the
19 Bureau of Criminal Investigations; and
 - 20 • is licensed in a state that provides reciprocity for private investigators or private
21 detectives licensed in this state; and
- 22 ▶ provides that these provisions of reciprocity do not authorize the private investigator
23 or private detective working in Utah to carry a firearm while in Utah.

24 **Monies Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None



28 **Utah Code Sections Affected:**

29 ENACTS:

30 **53-9-110.5**, Utah Code Annotated 1953



32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **53-9-110.5** is enacted to read:

34 **53-9-110.5. Temporary practice in Utah without a license - Terms and limitations.**

35 (1) The bureau chief of the Bureau of Criminal Identification may authorize a private
36 investigator or private detective licensed in another state to work in Utah for not more than 60
37 days to conduct investigative activities that are part of an agreement to conduct an investigation
38 that originated in the state where the investigator or detective is licensed if:

39 (a) (i) the state where the private investigator or private detective is licensed has a
40 reciprocal licensing agreement with Utah for private investigators and private detectives; or

41 (ii) that state requires a written exam or not less than 2,000 hours of investigative time
42 to qualify for state licensure as a private investigator or private detective; and

43 (b) the private investigator or private detective is not at the time he is to be conducting
44 investigative activities in this state under Subsection (1) subject to any licensure restriction or
45 probation in the licensing state.

46 (2) The authorization under Subsection (1) does not authorize the private investigator
47 or private detective to carry a firearm while in Utah.

48 (3) The private investigator or private detective shall provide written notification to the
49 bureau chief prior to entering the state for the purposes under Subsection (1). The written
50 notification shall:

51 (a) confirm any verbal authorization received from the bureau chief to enter the state
52 for the purposes under Subsection (1);

53 (b) state that the private investigator or private detective is not subject to any licensure
54 restrictions or probation in the licensing state;

55 (c) acknowledge that the private investigator or private detective is subject to the
56 provisions of this part while conducting investigative activities within Utah; and

57 (d) acknowledge that functioning in this state under Subsection (1) does not authorize
58 the private investigator or private detective to carry a firearm in Utah.

Legislative Review Note

as of 1-26-06 9:19 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0188

Private Investigator Regulation Act Amendments

02-Feb-06

11:06 AM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst