

PRIVATE INVESTIGATOR LICENSE REVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Brian M. Greene

LONG TITLE

General Description:

This bill modifies provisions regarding the licensing requirements of private investigators.

Highlighted Provisions:

This bill:

► modifies the number of hours of investigative experience and other requirements that are required to apply for a private investigator agency license.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-9-108, as last amended by Laws of Utah 2014, Chapter 378

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

Section 1. Section **53-9-108** is amended to read:

53-9-108. Qualifications for licensure.

(1) (a) An applicant under this chapter shall be ~~[at least 21 years of age and a legal resident of this state.]~~ a legal resident of the state and at least:



- 28 (i) 21 years of age to apply for an agency license or a registrant license; or
- 29 (ii) 18 years of age to apply for an apprentice license.
- 30 (b) An applicant may not have been:
- 31 (i) convicted of a felony;
- 32 (ii) convicted of an act involving illegally using, carrying, or possessing a dangerous
- 33 weapon;
- 34 (iii) convicted of an act of personal violence or force on any person or convicted of
- 35 threatening to commit an act of personal violence or force against another person;
- 36 (iv) convicted of an act constituting dishonesty or fraud;
- 37 (v) convicted of an act involving moral turpitude within the past 10 years unless the
- 38 conviction has been expunged under the provisions of Title 77, Chapter 40, Utah Expungement
- 39 Act;
- 40 (vi) placed on probation or parole;
- 41 (vii) named in an outstanding arrest warrant; or
- 42 (viii) convicted of illegally obtaining or disclosing private, controlled, or protected
- 43 records as provided in Section [63G-2-801](#).
- 44 (c) If previously or currently licensed in another state or jurisdiction, the applicant shall
- 45 be in good standing within that state or jurisdiction.
- 46 (2) In assessing if an applicant meets the requirements under Subsection (1)(b), the
- 47 board shall consider mitigating circumstances presented by an applicant.
- 48 (3) (a) An applicant for an agency license shall have:
- 49 (i) a minimum of [~~10,000~~] 5,000 hours of investigative experience that consists of
- 50 actual work performed as a licensed private investigator, an investigator in the private sector,
- 51 an investigator for the federal government, or an investigator for a state, county, or municipal
- 52 government; or
- 53 (ii) if the applicant held a registrant license or an apprentice license under this chapter
- 54 on or before May 1, 2010, a minimum of 2,000 hours of investigative experience that consists
- 55 of actual work performed as a licensed private investigator, an investigator in the private
- 56 sector, an investigator for the federal government, or an investigator for a state, county, or
- 57 municipal government.
- 58 (b) An applicant for a registrant license shall have a minimum of 2,000 hours of

59 investigative experience that consists of actual investigative work performed as a licensed
60 private investigator, an investigator in the private sector, an investigator for the federal
61 government, an investigator for a state, county, or municipal government, or a process server.

62 (c) At least [~~2,000~~] 1,000 hours of the investigative experience required under this
63 Subsection (3) shall have been performed within 10 years immediately prior to the application.

64 (d) An applicant shall substantiate investigative work experience required under this
65 Subsection (3) by providing:

66 (i) the exact details as to the character and nature of the investigative work on a form
67 prescribed by the bureau and certified by the applicant's employers; or

68 (ii) if the applicant is applying for the reinstatement of an agency license, internal
69 records of the applicant that demonstrate the investigative work experience requirement has
70 previously been met.

71 (e) (i) The applicant shall prove completion of the investigative experience required
72 under this Subsection (3) to the satisfaction of the board and the board may independently
73 verify the certification offered on behalf of the applicant.

74 (ii) The board may independently confirm the claimed investigative experience and the
75 verification of the applicant's employers.

76 (4) An applicant for an apprentice license, lacking the investigative experience required
77 for a registrant license, shall meet all of the qualification standards in Subsection (1), and shall
78 complete an apprentice application.

79 (5) An applicant for an agency or registrant license may receive credit toward the hours
80 of investigative experience required under Subsection (3) as follows:

81 (a) an applicant may receive credit for 2,000 hours of investigative experience if the
82 applicant:

83 (i) has an associate's degree in criminal justice or police science from an accredited
84 college or university; or

85 (ii) is certified as a peace officer; and

86 (b) an applicant may receive credit for 4,000 hours of investigative experience if the
87 applicant has a bachelor's degree in criminal justice or police science from an accredited
88 college or university.

89 (6) The board shall determine if the applicant may receive credit under Subsection (5)

90 toward the investigative and educational experience requirements under Subsection (3).
91 (7) An applicant for the renewal of a license under this chapter shall be a legal resident
92 of this state.

Legislative Review Note
Office of Legislative Research and General Counsel