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Bill Analysis
Legislative Service Commission

H.B. 663
123rd General Assembly
(As Introduced)

Rep. Schuring

BILL SUMMARY

- Exempts commissioned police officers from the requirement of registering as employees of licensed private investigators.
- Establishes a staggered license renewal system for private investigators, security guards, and auctioneers.
- Allows the Director of Commerce to enter into an agreement with testing service vendors to hold examinations for the purposes of testing the qualifications of an applicant for a private investigator license.

CONTENT AND OPERATION

Auctioneers

License renewal

Under current law, all auctioneers' licenses expire annually on the last day of June of each year. A licensee is allowed to renew an expired license, and avoid the process of obtaining a new license, if on or before the first day of September of the year of expiration, the former licensee pays a late renewal fee of \$100 to the Department of Commerce in addition to the regular renewal fee.

The bill allows the Department of Commerce to establish a staggered license renewal system in rule. The bill allows the same 60-day grace period for a licensee, whose license has expired within 60 days, to renew the license for an additional fee of \$100. (Sec. 4707.10.)

Private investigators and security guards

Testing vendors

Under current law, an applicant for either a private investigator or a security guard license must demonstrate competency as a private investigator or security guard by passing an examination devised for this purpose by the Director of Commerce (hereafter "Director").

The bill clarifies that the Director has the authority to hold or to enter into a contract with a testing service vendor to hold examinations for the purposes of testing the qualifications of applicants. If the testing service vendor is under contract to hold the examination, then it must notify the applicant of the time and place for the examination. The bill also requires the applicant to pay an examination fee established in rule directly to the testing service vendor if the Director enters into a contract with a vendor, otherwise the examination fee is \$25 payable to the Director. (Sec. 4749.03.)

Application for a private investigator or security guard license

Under current law, an application for a license as a private investigator or security guard must be accompanied by one recent full face photograph of the applicant, or in the case of a corporation, of each officer or qualifying agent specified in the application. The bill eliminates this requirement. (Sec. 4749.03(B)(1).)

Under current law, the Director is required to forward to the Bureau of Criminal Identification and Investigation a request that it make an investigation of the applicant. Under the bill, this action is discretionary. (Sec. 4749.03(C).)

Currently, applications must be in writing and under oath. The bill eliminates the oath requirement. (Sec. 4749.03(B).)

License renewal

Under current law, licenses for private investigators and security guards expire on the first day of March following the date of initial issue, and on the first day of March every year thereafter. The bill maintains this current system, but allows the Director to establish a staggered license renewal system under rule. (Sec. 4749.03(D).)

Registration of employees

Current law requires each licensee to register the licensee's investigator or security guard employees with the Department of Commerce. Each employee

registration application must be accompanied by one complete set of the employee's fingerprints, one recent photograph of the employee, the employee's physical description, and a fee. The bill eliminates the requirement to submit a recent photograph.

The bill also exempts a peace officer¹ from the registration requirement when the peace officer works as an employee or independent contractor for a person licensed to engage in the business of private investigation, security services, or both. The bill classifies a peace officer working in this capacity as a "registration exempt employee of a licensee." (Sec. 4749.06.) (See **COMMENT 1.**)

COMMENT

1. The changes to section 4749.06 of the Revised Code that appear in H.B. 663 exempt peace officers from registration as employees of licensed private investigators or security guard providers. The effect of this change is to create a new class of employees, the "exempt employee of a licensee." This new class of employee is not addressed in any other section of the bill. As a result, the exempt employee of a licensee is neither prohibited from engaging in certain behavior that existing law prohibits to other registered employees, nor is the exempt employee subject to investigation or discipline under the laws that govern the actions of private investigator or security guard employees working as employees for licensed private investigator or security guard service providers. Those prohibited actions include the following:

(1) Knowingly violating or helping another to violate the provisions of the chapter on private investigators and security guards;

¹ "Peace officer" includes a sheriff; deputy sheriff; marshal; deputy marshal; member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio under a contract; member of a police force employed by a metropolitan housing authority; member of a police force employed by a regional transit authority; state university law enforcement officer; enforcement agent of the department of public safety; employee of the department of natural resources who is a natural resources law enforcement staff officer, a forest officer, a preserve officer, a wildlife officer, a park officer, or a state watercraft officer; individual designated to perform law enforcement duties under authorizing sections of the Revised Code; Ohio veterans' home police officer; police constable of any township; and police officer of a township or joint township police district. (See R.C. 2935.01(B).)

(2) Knowingly making false reports with respect to any matter of employment;

(3) Divulging information acquired from or for a client to persons not authorized to receive that information;

(4) Knowingly accepting employment that includes obtaining information intended for illegal purposes;

(5) Conviction of a felony or a crime involving moral turpitude;

(6) Violation of any rule of the Director governing private investigators, security guards, of the business of either;

(7) Testifying falsely under oath. (*See* R.C. §§ 4749.04, 4749.11, and 4749.13.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-12-00	p. 1825

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