
By: **Delegate Zirkin**

Introduced and read first time: February 14, 2005

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Private Detectives - Bail Bondsmen - Fugitive Recovery Investigations**

3 FOR the purpose of altering the scope of providing private detective services to
4 include the service of conducting a certain fugitive recovery investigation unless
5 the person conducting the investigation is a certain bail bondsman; defining a
6 certain term; and generally relating to fugitive recovery investigations by
7 private detectives and bail bondsmen.

8 BY repealing and reenacting, with amendments,
9 Article - Business Occupations and Professions
10 Section 13-101
11 Annotated Code of Maryland
12 (2004 Replacement Volume and 2004 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Business Occupations and Professions**

16 13-101.

17 (a) In this title the following words have the meanings indicated.

18 (b) "Central Repository" means the Criminal Justice Information System
19 Central Repository of the Department of Public Safety and Correctional Services.

20 (c) "Certification card" means a card issued by the Secretary under § 13-406
21 of this title to an individual certified as a private detective.

22 (d) "Firm" means a partnership or corporation.

23 (e) "Firm member" means a partner of a partnership or an officer or director of
24 a corporation.

25 (f) "FUGITIVE RECOVERY INVESTIGATION" MEANS:

- 1 (1) CONDUCTING ANY SURVEILLANCE OF A FUGITIVE;
- 2 (2) CONTACTING ANYONE ABOUT THE LOCATION OF A FUGITIVE; OR
- 3 (3) CAPTURING OR ASSISTING IN THE CAPTURE OF A FUGITIVE.

4 (G) "License" means, unless the context requires otherwise, a license issued by
5 the Secretary to conduct a business to provide private detective services.

6 [(g)] (H) "Licensed private detective agency" means, unless the context
7 requires otherwise, a person who is licensed by the Secretary to conduct a business
8 that provides private detective services.

9 [(h)] (I) "Private detective" means an individual who personally provides
10 private detective services.

11 [(i)] (J) "Private detective agency" means a person who conducts a business
12 that provides private detective services.

13 [(j)] (K) (1) "Provide private detective services" means to provide, for
14 compensation, the service of:

- 15 (i) conducting an investigation that concerns:
 - 16 1. a crime or wrong committed, assumed to have been
17 committed, or threatened to be committed;
 - 18 2. the identity, habits, conduct, movement, location,
19 affiliations, associations, transactions, reputation, or character of any person;
 - 20 3. the credibility of a witness or of any other individual;
 - 21 4. the location of a missing individual;
 - 22 5. the location or recovery of lost or stolen property;
 - 23 6. the origin or cause of or responsibility for:
 - 24 A. a fire;
 - 25 B. an accident;
 - 26 C. any damage to or loss of property; or
 - 27 D. an injury to an individual;
 - 28 7. the affiliation, connection, or relation of any person with
29 an organization or other person; or
 - 30 8. the activities, conduct, efficiency, loyalty, or honesty of any
31 employee, agent, contractor, or subcontractor;

1 (ii) securing evidence for use before any investigating committee,
2 board of award, or board of arbitration or for use in the trial of any civil or criminal
3 cause;

4 (iii) nonuniformed personal protection; or

5 (iv) conducting [an investigation to locate or apprehend a fugitive
6 from justice] A FUGITIVE RECOVERY INVESTIGATION, unless the person[:

7 1.] conducting the FUGITIVE RECOVERY investigation is a
8 property bail bondsman or licensed by the Insurance Commissioner of the State or a
9 similar licensing body of another state as a bail bondsman[;

10 2. is an employee of a property bail bondsman or a licensed
11 bail bondsman for the purpose of locating or apprehending fugitives from justice; or

12 3. is authorized as an agent by a property bail bondsman or
13 licensed bail bondsman in advance of the apprehension of a fugitive from justice].

14 (2) "Provide private detective services" does not include:

15 (i) performing any activity of a person who is engaged exclusively
16 in the business of making investigations and reports that relate to the financial
17 standing, creditworthiness, or financial responsibility of any person;

18 (ii) performing any activity of a person who is engaged exclusively
19 in the business of making a report for an insurance or credit purpose, except if the
20 making of the report involves an investigation or surveillance of a sort normally
21 performed by a person who otherwise is subject to this title;

22 (iii) monitoring an electronically controlled burglar or fire alarm
23 system with a central unit; or

24 (iv) making a marketing survey.

25 [(k)] (L) "Representative member" means a firm member who is appointed
26 under § 13-302(b) of this title to act on behalf of the firm.

27 [(l)] (M) "Secretary" means the Secretary of State Police.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2005.