

HOUSE BILL 1402
EMERGENCY BILL -- SECOND PRINTING

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2000 Regular Session
0lr3027

By: **Delegates McClenahan, Donoghue, Love, and W. Baker**

Introduced and read first time: March 1, 2000
Assigned to: Rules and Executive Nominations
Re-referred to: Economic Matters, March 6, 2000

Committee Report: Favorable
House action: Adopted
Read second time: March 21, 2000
Returned to second reading: March 24, 2000
House action: Adopted with floor amendments
Read second time: March 24, 2000

CHAPTER _____

1 AN ACT concerning

2 **Private Detective Agencies - Hiring Individuals Not Certified as Private**
3 **Detectives**

4 FOR the purpose of providing that an individual who is not certified as a private
5 detective may provide private detective services in the State if the individual is
6 employed by or has applied for employment with a licensed private detective
7 agency, the licensed private detective agency has taken certain steps to have the
8 individual certified as a private detective, the individual passes a preliminary
9 investigation, and the Secretary of the State Police has not denied the
10 application; making this Act an emergency measure; and generally relating to
11 the hiring of certain uncertified individuals as private detectives by licensed
12 private detective agencies.

13 BY repealing and reenacting, with amendments,
14 Article - Business Occupations and Professions
15 Section 13-401
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1999 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article - Business Occupations and Professions
20 Section 13-403
21 Annotated Code of Maryland

1 (1995 Replacement Volume and 1999 Supplement)

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

4 **Article - Business Occupations and Professions**

5 13-401.

6 (A) [An] EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, AN
7 individual shall be certified by the Secretary as a private detective before the
8 individual personally may provide any private detective service in the State.

9 (B) AN INDIVIDUAL WHO IS NOT CERTIFIED AS A PRIVATE DETECTIVE MAY
10 PROVIDE PRIVATE DETECTIVE SERVICES IN THE STATE IF:

11 (1) THE INDIVIDUAL IS EMPLOYED BY OR HAS APPLIED FOR
12 EMPLOYMENT WITH A LICENSED PRIVATE DETECTIVE AGENCY;

13 (2) THE LICENSED PRIVATE DETECTIVE AGENCY HAS SUBMITTED TO
14 THE SECRETARY THE APPLICATION OF THE INDIVIDUAL FOR CERTIFICATION AS A
15 PRIVATE DETECTIVE, FINGERPRINT CARDS, AND FEES REQUIRED UNDER § 13-403 OF
16 THIS SUBTITLE;

17 (3) AFTER A PRELIMINARY BACKGROUND INVESTIGATION, THE
18 SECRETARY DETERMINES THAT THE PROVISION OF PRIVATE DETECTIVE SERVICES
19 BY THE INDIVIDUAL WOULD NOT RESULT IN A POTENTIAL THREAT TO PUBLIC
20 SAFETY; AND

21 ~~(3)~~ (4) THE SECRETARY HAS NOT DENIED THE APPLICATION.

22 13-403.

23 To qualify for certification as a private detective, an employee of or applicant for
24 employment with a licensed private detective agency shall:

25 (1) meet the standards set by the Secretary;

26 (2) submit to the Secretary:

27 (i) a sworn application on the form the Secretary provides; and

28 (ii) 2 sets of fingerprint cards marked with the applicant's
29 fingerprints; and

30 (3) pay to the Secretary:

31 (i) an application fee of \$50; and

32 (ii) payment for the cost of the fingerprint card record checks.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health and safety,
3 has been passed by a yea and nay vote supported by three-fifths of all the members
4 elected to each of the two Houses of the General Assembly, and shall take effect from
5 the date it is enacted.