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26 committed, or threatened to be committed;

2002 Regular Session 2lr1757

By: Delegates Montague and Hutchins Introduced and read first time: February 1, 2002 Assigned to: Judiciary A BILL ENTITLED 1 AN ACT concerning 2 **Private Detectives - Bounty Hunters** 3 FOR the purpose of altering the scope of providing private detective services to include conducting an investigation to locate a fugitive from justice unless the 4 5 person conducting the investigation is licensed by the Insurance Commissioner 6 as a bail bondsman or is an employee of a licensed bail bondsman; and generally relating to private detectives and bounty hunters. 7 8 BY repealing and reenacting, with amendments, Article - Business Occupations and Professions 9 10 Section 13-101(i) Annotated Code of Maryland 11 12 (2000 Replacement Volume and 2001 Supplement) 13 BY repealing and reenacting, without amendments, Article - Business Occupations and Professions 14 Section 13-201, 13-301, and 13-401 15 16 Annotated Code of Maryland 17 (2000 Replacement Volume and 2001 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 18 19 MARYLAND, That the Laws of Maryland read as follows: **Article - Business Occupations and Professions** 20 21 13-101. "Provide private detective services" means to provide, for 22 (1) 23 compensation, the service of: 24 (i) conducting an investigation that concerns: 25 a crime or wrong committed, assumed to have been 1.

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| 2 | the identity, habits, conduct, movement, location, affiliations, associations, transactions, reputation, or character of any person; | | | |
|----------|--|--------------|---|--|
| 3 | | 3. | the credibility of a witness or of any other individual; | |
| 4 | | 4. | the location of a missing individual; | |
| 5 | | 5. | the location or recovery of lost or stolen property; | |
| 6 | | 6. | the origin or cause of or responsibility for: | |
| 7 | | A. | a fire; | |
| 8 | | B. | an accident; | |
| 9 | | C. | any damage to or loss of property; or | |
| 10 | | D. | an injury to an individual; | |
| 11 12 | an organization or other perso | 7. on; or | the affiliation, connection, or relation of any person with | |
| 13 14 | 8. the activities, conduct, efficiency, loyalty, or honesty of any employee, agent, contractor, or subcontractor; | | | |
| | (ii) securing evidence for use before any investigating committee, board of award, or board of arbitration or for use in the trial of any civil or criminal cause; [or] | | | |
| 18 | (iii) | nonunif | ormed personal protection; OR | |
| 21 | 19 (IV) CONDUCTING AN INVESTIGATION TO LOCATE A FUGITIVE 20 FROM JUSTICE, UNLESS THE PERSON CONDUCTING THE INVESTIGATION IS 21 LICENSED BY THE INSURANCE COMMISSIONER AS A BAIL BONDSMAN OR IS AN 22 EMPLOYEE OF A LICENSED BAIL BONDSMAN. | | | |
| 23 | (2) "Provide private detective services" does not include: | | | |
| | (i) performing any activity of a person who is engaged exclusively in the business of making investigations and reports that relate to the financial standing, creditworthiness, or financial responsibility of any person; | | | |
| 29 | 7 (ii) performing any activity of a person who is engaged exclusively 8 in the business of making a report for an insurance or credit purpose, except if the 9 making of the report involves an investigation or surveillance of a sort normally 0 performed by a person who otherwise is subject to this title; | | | |
| 31 32 | (iii) monitoring an electronically controlled burglar or fire alarm system with a central unit; or | | | |
| 33 | (iv) | making | a marketing survey. | |

- 1 13-201.
- 2 Subject to the provisions of this title, the Secretary is responsible for the
- 3 licensing of private detective agencies and the regulation of those persons who
- 4 provide private detective services in the State.
- 5 13-301.
- 6 (a) Except as otherwise provided in this title, a person shall be licensed by the 7 Secretary as a private detective agency before the person may:
- 8 (1) conduct a business that provides private detective services in the
- 9 State; and
- 10 (2) solicit to engage in a business that provides private detective services 11 in the State.
- 12 (b) An individual or a firm may qualify for a license as a private detective
- 13 agency.
- 14 13-401.
- 15 (a) Except as provided under subsection (b) of this section, an individual shall
- 16 be certified by the Secretary as a private detective before the individual personally
- 17 may provide any private detective service in the State.
- 18 (b) An individual who is not certified as a private detective may provide
- 19 private detective services in the State if:
- 20 (1) the individual is employed by or has applied for employment with a
- 21 licensed private detective agency;
- 22 (2) the licensed private detective agency has submitted to the Secretary
- 23 the application of the individual for certification as a private detective, fingerprint
- 24 cards, and fees required under § 13-403 of this subtitle;
- 25 (3) after a preliminary background investigation, the Secretary
- 26 determines that the provision of private detective services by the individual would not
- 27 result in a potential threat to public safety; and
- 28 (4) the Secretary has not denied the application.
- 29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 30 October 1, 2002.