

No. 1988-68

## AN ACT

HB 1254

Amending the act of August 21, 1953 (P.L.1273, No.361), entitled "An act to regulate the business of private detectives, investigators and watch, guard, or patrol agencies, and the licensing thereof in each county; providing penalties," defining the term "patrol agency"; further providing for licensing, employees and penalties; and regulating the carrying of deadly weapons.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2 of the act of August 21, 1953 (P.L.1273, No.361), known as The Private Detective Act of 1953, is amended by adding a subsection to read:

Section 2. Definitions.—\*\*\*

*(e) The term "patrol agency" shall mean and include any agency and/or individuals (including therein security guards, uniformed or nonuniformed) employed full time or part time, on a temporary or permanent basis, who, for any consideration whatsoever, patrols, guards, protects, monitors, regulates, secures or watches over persons and/or property, either real or personal. This term specifically includes any person employed in any capacity, for any length of time, to protect property, either real or personal, against labor strikes or against any person or persons who have become a party to any labor strike.*

Section 2. Sections 6(b), 13(a), (b), (c) and (e) and 16 of the act are amended to read:

Section 6. Issuance of Licenses; Fees; Bonds.—\*\*\*

(b) Except as hereinafter provided in this subsection, no such license shall be issued to any person who has been convicted in this State or any other state or territory of a felony, or any of the following offenses: (1) illegally using, carrying or possessing a pistol or other dangerous weapon; (2) making or possessing burglar's instruments; (3) buying or receiving stolen property; (4) unlawful entry of a building; (5) aiding escape from prison; (6) unlawfully possessing or distributing habit forming narcotic drugs; (7) picking pockets or attempting to do so; [or] (8) soliciting any person to commit sodomy or other lewdness; (9) *recklessly endangering another person; (10) making terroristic threats; or (11) committing simple assault.*

Except as hereinafter in this subsection provided, no license shall be issued to any person whose license has been previously revoked by the court of [quarter sessions] *common pleas* or the authorities of any other state or territory because of conviction of any of the crimes or offenses specified in this section. The provisions of this subsection shall not prevent the issuance of a license to any person who, subsequent to his conviction, shall have received executive pardon therefor removing this disability.

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Section 13. Employees.—(a) The holder of any license certificate issued pursuant to this act may employ to assist him in his work of private detective or investigator as described in section 2 and in the conduct of such business as many persons as he may deem necessary, and shall at all times during such employment be legally responsible for the good conduct in the business of each and every person so employed *and shall be responsible for the reasonable supervision of said employes' conduct.*

No holder of any unexpired license certificate issued pursuant to this act shall knowingly employ in connection with his or its business, in any capacity whatsoever, any person who has been convicted of a felony, or any of the following offenses, and who has not, subsequent to such conviction, received executive pardon therefor removing this disability: (1) illegally using, carrying or possessing a pistol or other dangerous weapon; (2) making or possessing burglar's instruments; (3) buying or receiving stolen property; (4) unlawful entry of a building; (5) aiding escape from prison; (6) unlawfully possessing or distributing habit forming narcotic drugs; (7) picking pockets or attempting to do so; (8) soliciting any person to commit sodomy or other lewdness; [or] (9) any person whose private detective or investigator's license was revoked or application for such license was denied by the court of [quarter sessions] *common pleas* or by the authorities of any other state or territory because of conviction of any of the crimes or offenses specified in this section[.]; (10) *recklessly endangering another person*; (11) *terroristic threats*; or (12) *committing simple assault.*

*A holder of an unexpired license certificate issued pursuant to this act who knowingly employs a person who has been convicted of a felony or any of the offenses specified in this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than five thousand dollars (\$5000) or to undergo imprisonment for not more than one (1) year, or both.*

*A first conviction for violation of this section may subject the license holder to revocation of his license by the issuing authority.*

*Upon the second conviction of a license holder for knowingly hiring a person convicted of a felony or other specified offenses in this section, the license of said holder shall be revoked.*

Should the holder of an unexpired license certificate falsely state or represent that a person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license. Any person falsely stating or representing that he is or has been a detective or employed by a detective agency shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500) or to undergo imprisonment for not more than one (1) year, or both.

(b) No person shall hereafter be employed by any holder of a license certificate until he shall have executed and furnished to such license certificate holder a verified statement to be known as "employee's statement," setting forth:

- (1) His full name, age and residence address;
- (2) The country of which he is a citizen;
- (3) The business or occupation engaged in for the three years immediately preceding the date of the filing of the statement, setting forth the place or places where such business or occupation was engaged in, and the name or names of employers, if any;
- (4) That he has not been convicted of a felony, or of any offense involving moral turpitude, or of any of the misdemeanors or offenses described in subsection (a) of this section;

(5) *That he holds current and valid certification under the act of October 10, 1974 (P.L. 705, No. 235), known as the "Lethal Weapons Training Act," if, as an incidence to employment, he will carry a lethal weapon.*

[5] (6) Such further information as the court of [quarter sessions] *common pleas* may by rule require to show the good character, competency and integrity of the person executing the statement.

(c) [Immediately] *The license holder shall act with due diligence in taking the necessary steps to ensure the veracity of the employe's statement, and immediately* upon the verification of an employe's statement, the holder of a license certificate by whom such person has been or is to be employed shall cause two sets of fingerprints of the two hands of such person to be recorded in such manner as the court of [quarter sessions] *common pleas* may by rule prescribe. The holder of a license certificate shall immediately stamp, in indelible ink, the employe's statement and each set of fingerprints with the name, year and license certificate number of such holder, and a number, which number shall be determined by the number of such statements furnished to such holder and shall be in numerical sequence.

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(e) The holder of a license certificate shall file the other set of fingerprints with the court of [quarter sessions.] *common pleas. Proof of the employe's current and valid certification under the "Lethal Weapons Training Act," must also be submitted to the court if the employe will carry a lethal weapon as an incidence to employment.*

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Section 16. Unlawful Acts.—It is unlawful for the holder of a license issued under this act, or for any employe of such licensee, knowingly to commit any of the following acts, within or without the Commonwealth of Pennsylvania: to incite, encourage, or aid in the incitement or encouragement of, any person or persons who have become a party to any strike to do unlawful acts against the person or property of any one, or to incite, stir up, create, or aid in the inciting of discontent or dissatisfaction among the employes of any person, partnership, association, or corporation with the intention of having them strike, to interfere or prevent lawful and peaceful picketing during strikes, to interfere with, restrain, or coerce employes in the exercise of their right to form, join, or assist any labor organization of their own choosing, to interfere or hinder the lawful or peaceful collective bargaining between employes and employers, to pay, offer, or give any money, gratuity, favor, consideration, or other thing of value, directly or indirectly,

to any person, for any verbal or written report of the lawful activities of employes in the exercise of their right of self-organization, to form, join, or assist labor organizations, and to bargain collectively through representatives of their own choosing, to advertise for, recruit, furnish or replace, or offer to furnish or replace, for hire or reward, within or without the Commonwealth of Pennsylvania, any help or labor, skilled or unskilled, or to furnish or offer to furnish armed guards, other than armed guards theretofore regularly employed, for the protection of payrolls, property or premises, for service upon property which is being operated in anticipation of or during the course or existence of a strike, or furnish armed guards upon the highways for persons involved in labor disputes, or to furnish or offer to furnish to employers or their agents, any arms, munitions, tear gas, implements, or any other weapons, or to send letters or literature to employers offering to eliminate labor unions, or distribute or circulate any list of members of a labor organization, or to advise any person of the membership of an individual in a labor organization for the express purpose of preventing those so listed or named from obtaining or retaining employment. The violation of any of the provisions of this section shall constitute a misdemeanor, and, upon conviction thereof, shall be punishable by a fine of not less than five hundred dollars (\$500) nor more than **[one thousand dollars (\$1000)] five thousand dollars (\$5000)**, or to imprisonment for not less than six (6) months nor more than one (1) year or both. ***If the holder of a license shall violate any of the provisions in this section, the license holder may be subject to the revocation of his license by the issuing authority. Upon the second conviction of a license holder for violation of any of the provisions in this section, the license of said holder shall be revoked.*** [It is unlawful for the holders of a license to furnish or perform any services described in subsections (a) and (b) of section 2 of this act on a contingent or percentage basis, or to make or enter into any agreement for furnishing services of any kind or character, by the terms or conditions of which agreement the compensation to be paid for such services to the holder of a license is partially or wholly contingent or based upon a percentage of the amount of money or property recovered or dependent in any way upon the result achieved.]

Section 3. This act shall take effect in 60 days.

APPROVED—The 26th day of May, A. D. 1988.

ROBERT P. CASEY