

April 20, 1965.
Place on Calendar.

House File 648
By TRANSPORTATION COMMITTEE.

Passed House, Date..... Passed Senate, Date.....
Vote: Ayes..... Nays..... Vote: Ayes..... Nays.....
Approved.....

A BILL FOR

An Act to revise the licensing and regulation of private detectives, to provide penalties for violation and to protect the general public against unauthorized, unlicensed or unethical operations by private detectives.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. "The following words and phrases when used in this
2 chapter shall for the purpose of this chapter have the meanings
3 respectively ascribed to them, the singular to include the plural
4 and the masculine gender to include the feminine gender.

5 "1. 'Private detective business or profession' shall mean and
6 include the business of making for hire, reward, or gratis an
7 investigation or investigations for the purpose of obtaining
8 information with reference to any of the following matters:

9 "Crimes against a commonwealth or wrongs done or threatened;
10 the habits, conduct, movement, whereabouts, association, trans-
11 actions, reputation or character of any person, firm or corpora-
12 tion; the credibility of witnesses or other persons; the location
13 or recovery of lost or stolen property; the causes, origin of
14 or responsibility for fires or accidents or injuries or damages
15 to persons or to real or personal property; or concerning the
16 truth or falsity of any statement or representation; or the
17 business of securing for hire, reward, or gratis evidence to be
18 used before investigation committees, boards of award or arbi-
19 tration, or in the trial of civil or criminal cases, or the

20 business of furnishing for hire, reward or gratis guards or
21 other persons to protect persons or property ; or to prevent the
22 theft or the unlawful taking or use of real or personal property,
23 or the business of performing the services of such guard or other
24 person for any of said purposes.

25 "2. 'Detective agency' shall mean and include any person,
26 firm or corporation engaged in the private detective business
27 who advertises as such or employs one or more detective agents
28 in conducting such business.

29 "3. 'Private detective' shall mean and include any person
30 who advertises himself as such or who singly conducts a private
31 detective business without the assistance of any other detective
32 agents.

33 "4. 'Detective agent' shall mean any person or operative
34 employed by a detective agency and engaging in any of the activities
35 of the private detective business or profession as defined in
36 this section.

37 "5. 'Commissioner' or 'commissioner of public safety' shall
38 mean the commissioner of public safety of the state of Iowa."

1 Sec. 2. "The provisions of this chapter shall not apply to
2 any detective or officer belonging to and on the payroll of the
3 police force of the United States, or of any state, or of any
4 county, city, town or village thereof, appointed or elected by
5 due authority of law ; nor to any person in the employ of the
6 police force or police department or law enforcement agency of
7 any state, or of any county, city, town or village thereof in
8 the performance of his official assignments ; nor to any county
9 attorney ; nor to any attorneys-at-law in the regular practice of

10 their profession; nor to any person, firm or corporation whose
11 business is solely the making of investigations and adjustments
12 for insurance companies or the furnishing of information with
13 respect to the business and financial standing and credit of
14 persons, firms or corporations; nor to any person making any in-
15 vestigation of any matter in which such person or the person,
16 firm or corporation by whom such person is solely employed is
17 interested or involved, nor to any person making any investigation
18 for any person, firm or corporation engaged in the business of
19 transporting persons or property in interstate commerce, nor to
20 any person or persons, firm or corporation while engaged in the
21 collection, editing or dissemination of news for or on behalf
22 of any newspaper, magazine, radio broadcasting station or press
23 or wire news services.”

1 Sec. 3. “It shall be unlawful for any person to engage in
2 or attempt to engage in business as a private detective with-
3 out first obtaining a license therefor issued by the commis-
4 sioner of public safety.”

1 Sec. 4. “It shall be unlawful for any person, firm, or cor-
2 poration to conduct or engage in business as a detective agency
3 or to employ persons to act as detective agents in the conduct
4 of such business without first obtaining a license therefor issued
5 by the commissioner of public safety, which license shall include
6 authority for the detective agency to employ detective agents.”

1 Sec. 5. “Every application for a private detective or detec-
2 tive agency license, as required by this chapter, shall be made
3 to the commissioner of public safety and shall be in such form
4 as the commissioner may prescribe and shall contain a showing

5 that the applicant has qualified under the following conditions:

6 "1. That the applicant is at least twenty-one (21) years of
7 age.

8 "2. That the applicant is a citizen of the United States.

9 "3. That the applicant is a person of honesty, truthfulness,
10 integrity and competency.

11 "4. That the applicant has not been convicted of a felony or
12 has not been dishonorably discharged from any of the armed serv-
13 ices of the United States or of any branch of the state or city
14 government.

15 "5. That the applicant for a period of not less than three
16 (3) years, (a) has been lawfully engaged in the private detec-
17 tive business on his own account as now defined in this Act
18 or (b) has been lawfully engaged in the private detective
19 business as an employee of the holder of a license of author-
20 ity to conduct a private detective agency, or (c) has been a
21 detective or investigator employed by the United States or
22 state government, or (d) has been a sheriff, deputy sheriff or
23 a member of a city or town police department.

24 "Each applicant shall submit to the commissioner of public
25 safety with his application such pictures and fingerprints of
26 himself and such description of his physical characteristics
27 and appearance as and in the manner and upon such forms as the
28 commission of public safety may prescribe. In the event that
29 the applicant is a partnership, all of the members thereof
30 actively engaged in the detective business in this state shall
31 have such qualifications as are prescribed in subsections one
32 (1), two (2), three (3), four (4), and five (5) of this section

33 and shall submit such pictures, fingerprints and descriptions
34 of his physical characteristics and appearance as are hereby
35 required to be submitted by individual applicants, and in the
36 event that the applicant is a corporation, the articles of
37 incorporation shall authorize the corporation to engage in the
38 business of conducting a detective agency and at least one
39 (1) officer or executive officer and every corporate officer
40 actively participating in the detective business in this state
41 shall have such qualifications as are required by subsections
42 one (1), two (2), three (3), four (4), and five (5) of this
43 section; and shall submit such pictures, fingerprints and de-
44 scriptions of his physical characteristics and appearance as
45 are required by this section to be submitted by individual appli-
46 cants. Upon approval of the applications and the passing by the
47 applicant of an examination prescribed and conducted by the com-
48 missioner of public safety to ascertain the qualification, fit-
49 ness and competence of the applicant to engage in the private
50 detective business or profession, the commissioner of public
51 safety shall issue a license to such applicant as a private
52 detective or as a detective agency, as the case may be, upon
53 the filing with said commissioner of public safety by such appli-
54 cant of a surety bond which in the case of a detective agency,
55 shall be in an amount of not less than five thousand (5,000)
56 dollars and which, in the case of a private detective, shall be
57 in an amount of not less than twenty-five hundred (2,500) dollars,
58 issued by a corporate surety company authorized to do business
59 in the state and approved by the commissioner of public safety,
60 conditioned for the faithful, lawful and honest conduct of such

61 applicant and those employed by such applicant in carrying on
62 the private detective business, which bond shall be in such
63 form as the commissioner of public safety may prescribe and
64 shall be taken in the name of the people of the state and
65 shall provide that any person, firm or corporation injured by
66 a breach of the conditions of such bond may bring an action
67 of the said bond in the name of the people of the state of Iowa
68 for the use of such person, firm or corporation so injured to
69 recover legal damages suffered by reason of such breach; pro-
70 vided, however, that the aggregate liability of the surety for
71 all such damages shall in no event exceed the amount of said bond."

1 Sec. 6. "Licenses issued under the provisions of this chapter
2 shall expire on the last day of December each year. Applicants
3 for licenses shall deposit with each application a fee equal to
4 the fee herein prescribed for such license and if the applica-
5 tion be approved, said amount shall be applied on the license
6 fee, but if such application is disapproved, the same shall not
7 be returnable or refunded. The annual license fee for a private
8 detective shall be ten (10) dollars. The annual license fee for
9 a private detective agency shall be twenty-five (25) dollars.
10 When a license is issued in the month of February or in succeeding
11 months, the fee therefor shall be computed on the basis of one-
12 twelfth ($\frac{1}{12}$) of the annual license fee, as provided herein,
13 multiplied by the number of unexpired months of the year, in-
14 cluding the month in which said license is issued. Whenever any
15 such fee so computed contains a fractional part of a dollar,
16 it shall be computed as of the nearest fractional quarter-
17 dollar thereto."

1 Sec. 7. "There shall be conspicuously displayed in the
2 place or places of business or office or offices of every pri-
3 vate detective or detective agency, the license issued to said
4 private detective or detective agency, pursuant to this chapter,
5 or a full size facsimile reproduction of said license. Notice
6 in writing shall be given to the department of public safety by
7 such license holder of any change of principal business location
8 whereupon the department shall issue a new license for the un-
9 expired period without charge. A change of business location
10 without notification to the department and without the issuance
11 by it of a new license shall cause such license, which has been
12 theretofor issued, to be suspended for a period not to exceed
13 thirty (30) days."

1 Sec. 8. "The department of public safety shall prepare and
2 deliver to each licensee an identification card, the dimensions
3 of which shall be prescribed by the commissioner. Such card
4 shall contain the name and address of the license holder, the
5 imprint of the seal of the department, and shall certify that
6 the person whose name appears thereon is a private detective
7 and shall contain such additional matter as shall be prescribed
8 by the commissioner. The holder of a license shall require all
9 detective agents to submit to the commissioner two sets of finger-
10 prints within forty-eight (48) hours of such employment. For
11 the purpose of employees of a private detective agency, upon
12 examination of employees' fingerprint cards, the commissioner
13 shall furnish an employee's identification card. The commis-
14 sioner shall keep a current and accurate record of all employees
15 registered under this Act. The registration fee, by this chapter

16 for employees shall be three (3) dollars. The re-registration
17 fee required by this chapter shall be one (1) dollar. Check
18 or money order to be made payable to the Iowa department of public
19 safety.”

1 Sec. 9. “A duplicate license shall be issued by the commissioner
2 of public safety upon the payment of a fee therefor in the amount
3 of one (1) dollar and the filing with him in such form as he
4 shall prescribe, a statement under oath that the original license
5 has been lost or destroyed and that, if the original license is
6 recovered, such original or the duplicate issued will be re-
7 turned immediately to the commissioner of public safety for can-
8 cellation.”

1 Sec. 10. “The commissioner of public safety may either refuse
2 to issue or may suspend or may revoke a license or employee
3 registration for any one or any combination of the following
4 causes:

5 “1. Fraud or willful misrepresentation in obtaining a
6 license or registration certificate.

7 “2. Violation of any of the terms and provisions of this
8 Act.

9 “3. If the holder of any license or a member of any co-
10 partnership or any officer of any corporation licensed under
11 this chapter has been convicted of a felony or any crime involv-
12 ing moral turpitude.

13 “4. If the license holder is found guilty of willful betrayal
14 of a professional secret or secrets.

15 “5. Making any willful misrepresentations or false promises
16 or causing to be printed any false or misleading advertisements

17 for the purpose of directly or indirectly inducing patronage.

18 "6. Having demonstrated unworthiness or incompetency to act
19 as a private detective as defined under this Act in such manner
20 as to safeguard the interests of the public.

21 "7. Impersonated or permitted or aided and abetted an employee
22 to impersonate a law enforcement officer or employee of the
23 United States of America or of any state or political sub-divi-
24 sion thereof.

25 "8. Willfully failed or refused to render to a client,
26 services or a report as agreed between the parties and for
27 which compensation has been paid or tendered in accordance
28 with the agreement of the parties.

29 "9. Knowingly violated or advised, encouraged or assisted
30 the violation of any court order or injunction in the course of
31 business as a licensee.

32 "10. The manufacture of evidence.

33 "11. Whoever displays unethical practice.

34 "12. Knowingly makes a false statement relating to evidence
35 or information obtained in the course of business.

36 "13. If the licensee or applicant for a license shall fail
37 to have any of the qualifications provided in section five (5)
38 of this Act.

39 "The commissioner may, upon his own motion, and shall upon the
40 verified complaint in writing of any person setting forth facts
41 which, if proven, will constitute grounds for refusal, suspen-
42 sion or revocation, as herein set forth, investigate the actions
43 of any person holding or claiming to hold a license. The com-
44 missioner of public safety shall, before suspending or revoking
45 any license, at least ten (10) days prior to the date set for

46 the hearing, notify in writing the applicant or holder of such
47 license, of any charges made and shall afford such accused
48 person an opportunity to be heard in person or by counsel in
49 reference thereto. Such written notice may be served by
50 delivery of the same personally to the accused person or
51 by mailing the same by restricted certified mail to the place
52 of business as last thereto specified by accused person in his
53 last application for renewal of license. At the time and place
54 fixed in the notice, the commissioner as prescribed in this
55 Act shall proceed to hearing of the charges and both the accused
56 person and the complainant shall be accorded ample opportunity
57 to present in person or by counsel, such statements, testimony,
58 evidence and arguments as may be pertinent to the charges or
59 to any defense thereto.

60 "The commissioner shall have power to subpoena and bring
61 before him any person in the state and to take testimony either
62 orally or by deposition or both, with the same fees and mileage
63 and in the same manner as prescribed by law and judicial pro-
64 cedure in civil cases in courts of this state. Any district
65 court or any judge thereof, either in term time or vacation,
66 upon the application of the accused person or complainant or
67 of the commissioner may by order duly entered, require the
68 attendance of witnesses and the production of relevant books
69 and papers before the commissioner in any hearing relative to
70 the application for refusal, suspension or revocation of license
71 and the court or judge may compel obedience to its or his order
72 by proceedings for contempt.

73 "An order of revocation or suspension or a certified copy
74 thereof, over the seal of the department and purporting to

75 be signed by the commissioner shall be prime facie proof:
76 that (1) such signature is a genuine signature of the commis-
77 sioner, and (2) that such commissioner is duly appointed and
78 qualified.

79 "For purpose of identification of persons engaged in the
80 conduct of a private detective business as a private detective
81 or private detective agency, each person shall carry and show
82 when requested an identification card which shall be issued by
83 the commissioner at the time of issuance of license."

1 Sec. 11. "No person licensed under the provisions of this
2 chapter or the officers, directors, employees, operators or
3 agents thereof, shall wear, carry or accept any badge or shield
4 purporting to indicate that such person is a private detective or
5 agent, connected with a private detective business. Any such
6 person, officer, director, employee or agent who is acting as a
7 guard or performs any patrol service may, while in uniform, and
8 while he is so acting, wear a badge or shield inscribed with the
9 license holder's name and the word 'guard' or 'special guard'.

10 In the event that a private detective or any officer or employee
11 of a private detective agency, shall wear a uniform while engaged
12 in any activity of the private detective business or profession
13 as defined in this chapter, there shall be conspicuously dis-
14 played thereupon such distinctive identifying badges or insig-
15 nia as the commissioner may prescribe or approve and the manner
16 of displaying such badges or insignia shall be subject to the
17 approval of the commissioner. The 'uniform' as used in this
18 section shall mean any manner of dress of a particular style and
19 distinctive in appearance as distinguished from ordinary cloth-
20 ing customarily used and worn by the general public.

21 "No licensee, or officer, director, partner, manager, or
22 employee of a licensee, shall use a title, or wear a uniform,
23 or use an insignia, or use an identification card, or make any
24 statement, with the intent to give an impression that he is con-
25 nected in any way with the federal government, a state government,
26 or any political sub-division of state government."

1 Sec. 12. "Any person, firm or corporation who violates any of
2 the provisions of this chapter or who makes any false statement
3 or representation in any application or statement filed with the
4 commissioner of public safety, as required by this chapter, or
5 any person who falsely states or represents that he has been or
6 is a private detective or advertises himself as such, or any
7 person, firm or corporation who engages in the private detective
8 business or profession as defined in this chapter, without being
9 possessed of a current, valid license therefor, as provided by
10 this chapter, shall be guilty of a misdemeanor and upon con-
11 viction thereof shall be punished by a fine of not less than
12 one hundred (100) dollars, nor more than five hundred (500)
13 dollars, or by imprisonment in the county jail not to exceed
14 six (6) months, or by both such fine and imprisonment."

1 Sec. 13. "Chapter eighty A (80A), Code 1962, is hereby re-
2 pealed in its entirety."

EXPLANATION OF HOUSE FILE 648

In recent years, several unpleasant occurrences have pointed up the inadequacy of the private detective law as currently set forth in chapter 80A, Code 1962.

The new proposed private detective licensing law will set up a more demanding set of qualifications, thereby restricting the private detective practice to only those competent to engage in this work.

The proposed law will provide the commissioner of public safety with the needed authority to issue, or refuse to issue, or to revoke or suspend a private detective license or employee registration. It will provide the commissioner with adequate statutory authority and direction for administrative hearings. The commissioner by virtue of the new proposed law has authority to maintain a current roster of employed agents and license holders.

It is felt that this new law is necessary to protect the general public against unauthorized, incompetent and unethical operations by private detectives.