

March 20, 1969

SENATE FILE 533

Passed on File

Law Enforcement 3-25

Passed as amended 4-

Rescinded " " 1-13, " " " 1-13

Now " " 1-20

Judging 3-11

By KEITH, LUCKEN, GILLEY, PARKER,
THORDBSEN, NICHOLSON, FREY,
POTTER, O'MALLEY, SHIRLEY,
SCHABEN, DeHART, KYHL,
OLLENBURG, WALSH, STEPHENS,
KLINK and POTGETER

Passed Senate, Date 1-15-70 Passed House, Date

Vote: Ayes 54 Nays 2 Vote: Ayes Nays

Approved

A BILL FOR

1 An Act relating to the licensing and regulation of private
2 detectives.

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

4 Section 1. Chapter eighty A (80A), Code 1966, is hereby
5 repealed and the following enacted in lieu thereof:

6 "As used in this Act, unless the context otherwise in-
7 dicates:

8 1. 'Private detective business or profession' means the
9 business of conducting investigations, obtaining evidence, and
10 furnishing personnel for hire, reward, other remuneration, or
11 gratis with reference to, but not limited to, any of the fol-
12 lowing matters:

13 a. Crimes or wrongful acts committed or threatened
14 against the public.

15 b. The habits, conduct, movements, whereabouts, associa-
16 tions, transactions, reputation, or character of any person,
17 firm, or corporation.

18 c. The credibility of witnesses or other persons.

19 d. The location or recovery of lost or stolen property.

20 e. The cause, origin of, or responsibility for fires,

1 accidents, injuries, or damages to persons or to real or
2 personal property.

3 f. The truth or falsity of any statement or representa-
4 tion.

5 g. Obtaining evidence to be used before investigation
6 committees, boards of award or arbitration, or in the trial
7 of civil or criminal cases.

8 h. Furnishing guards or other persons to protect persons
9 or property, or to prevent the theft or the unlawful taking
10 or use of real or personal property.

11 2. 'Detective agency' means any person, firm, or corpora-
12 tion engaged in the private detective business who advertises
13 as such or employs one or more detective agents in conduct-
14 ing such business.

15 3. 'Private detective' means any person who advertises
16 himself as such or who conducts a detective agency without
17 the assistance of other detective agents, except those em-
18 ployed on a part-time basis who do not make such occupation
19 their principal means of livelihood.

20 4. 'Detective agent' means any person employed by a detec-
21 tive agency and engaging in any of the activities of the private
22 detective business or profession as defined in subsection one
23 (1) of this section.

24 5. 'Commissioner' means the commissioner of public
25 safety.

26 6. 'Department' means the department of public safety."

27 Sec. 2. The provisions of this Act shall not apply to:

28 1. Any detective, officer, or other person employed by
29 any police force of the United States, or of any state,
30 county, city, or town, whether appointed or elected.

31 2. Any county attorney.

32 3. Any attorney-at-law engaged in the regular practice
33 of his profession.

34 4. Any person, firm, or corporation whose business
35 primarily concerns making investigations and adjustments

1 for insurance companies or furnishing information with
2 respect to the financial standing and credit of persons,
3 firms, or corporations.

4 5. Any person conducting an investigation of matters
5 which concern only himself or the person, firm, or corpora-
6 tion by whom he is solely employed.

7 6. Any person conducting investigations for a person,
8 firm, or corporation engaged in transporting persons or
9 property in interstate commerce.

10 7. Any person, firm, or corporation engaged in the col-
11 lection, editing, or dissemination of news for or on behalf
12 of any news media.

13 Sec. 3. It shall be unlawful for any person to engage in
14 or attempt to engage in business as a private detective with-
15 out first obtaining a license therefor issued by the commis-
16 sioner.

17 Sec. 4. It shall be unlawful for any person, firm, or
18 corporation to establish a detective agency, or to employ
19 persons to act as detective agents in the conduct of such
20 business, without first obtaining a license therefor issued
21 by the commissioner, which license shall authorize the detec-
22 tive agency to employ detective agents.

23 Sec. 5. Every application for a private detective or
24 detective agency license shall be made to the commissioner,
25 shall be in such form as the commissioner may prescribe, and
26 shall contain a showing that the applicant is:

27 1. At least twenty-one years of age.

28 2. A citizen of the United States.

29 3. A person of honesty, truthfulness, integrity, and
30 competency.

31 4. Has not been convicted of a felony or been dishonor-
32 ably discharged from any of the armed services of the United
33 States.

34 Each applicant shall submit to the commissioner with his
35 application such pictures, fingerprints, description of

1 physical characteristics, and appearance, and other informa-
2 tion as may be required by the commissioner. In the event
3 that the applicant is a partnership, all of its members
4 actively engaged in the private detective business in this
5 state shall submit the application and other information as
6 required by this section. In the event that the applicant
7 is a corporation, the articles of incorporation shall autho-
8 rize the corporation to engage in the business of conducting
9 a detective agency. At least one officer or executive officer
10 and every corporate officer actively participating in the
11 private detective business in this state shall submit the
12 application and other information as required by this section.
13 Upon approval of the application and completion by the ap-
14 plicant of an examination prescribed and conducted by the
15 commissioner to ascertain the qualifications, fitness, and
16 competence of the applicant to engage in the private detec-
17 tive business, the commissioner shall issue a license to
18 such applicant as a private detective or as a detective
19 agency, as the case may be, upon the filing with said
20 commissioner of a surety bond which in the case of a
21 detective agency, shall be in an amount of not less than
22 five thousand dollars and which in the case of a private
23 detective shall be in an amount of not less than twenty-
24 five hundred dollars. Such bond shall be issued by a cor-
25 porate surety company authorized to do business in this
26 state and shall be conditioned upon the faithful, lawful,
27 and honest conduct of such applicant and those employed by
28 him in conducting the private detective business. The bond
29 shall be in such form as the commissioner may prescribe,
30 shall be taken in the name of the people of this state,
31 and shall provide that any person, firm, or corporation
32 injured by a breach of the conditions of such bond may
33 bring an action thereon. The aggregate liability of the
34 surety for all such damages shall in no event exceed the
35 amount of said bond. Every detective agent shall have the

1 same qualifications as his employer.

2 Sec. 6. Licenses issued under the provisions of this Act
3 shall expire on the last day of December each year. Appli-
4 cants for licenses and renewal licenses shall deposit with
5 each application a nonrefundable fee of one hundred dollars
6 for the agency licenses and fifty dollars for private detective
7 licenses. When an original license is issued in the month
8 of February or in succeeding months, the fee shall be com-
9 puted on the basis of one-twelfth of the annual license fee,
10 as provided herein, multiplied by the number of unexpired
11 months of the year, including the month in which said license
12 is issued. Whenever any such fee so computed contains a
13 fractional part of a dollar, it shall be computed as of the
14 nearest fractional quarter-dollar thereto.

15 Sec. 7. Licenses or photographic copies thereof shall be
16 conspicuously displayed in the place or places of business
17 of every private detective or detective agency. Notice in
18 writing of any change of principal business location shall
19 be given to the commissioner by such license holder, and
20 the commissioner shall issue a new license reflecting such
21 change for the unexpired period without charge. Failure to
22 notify the commissioner of a change of business location
23 shall result in the suspension of the current license for
24 a period not to exceed thirty days.

25 Sec. 8. The department shall prepare and deliver an
26 identification card to each private detective licensee, the
27 dimensions of which shall be prescribed by the commissioner.
28 Such card shall contain the name and address of the licensee,
29 shall certify that the person named therein is a private de-
30 tective, and shall contain such additional matter as may be
31 prescribed by the commissioner. The holder of a license
32 shall require all detective agents regularly employed by him
33 in this state to submit two sets of fingerprints to the
34 commissioner within forty-eight hours after obtaining such
35 employment. For the purpose of identifying employees of a

1 private detective agency, the commissioner shall furnish an
2 employee's identification card to each such employee. The
3 commissioner shall keep a current and accurate record of all
4 employees so registered under this Act. The annual registra-
5 tion fee for employees shall be three dollars. Employees'
6 identification cards shall be returned to the department on
7 termination of employment and a new card may be issued upon
8 reemployment for the balance of the year for a fee of one
9 dollar. Violations of any provision of this section shall
10 be punishable as provided in section twelve (12) of this
11 Act.

12 Sec. 9. Duplicate licenses shall be issued by the commis-
13 sioner upon the payment of a fee of one dollar and the filing
14 of a statement, under oath, that the original license has
15 been lost or destroyed. If the original license is recovered,
16 such original, or the duplicate issued pursuant to this sec-
17 tion, shall be returned immediately to the commissioner.

18 Sec. 10. The commissioner may refuse to issue, suspend,
19 or revoke a license or employee registration for any one or
20 a combination of the following causes:

21 1. Fraud or willful misrepresentation in obtaining a li-
22 cense or registration.

23 2. Violation of any provision of this Act.

24 3. If the licensee or registrant has been convicted of
25 a felony or any crime involving moral turpitude.

26 4. If the licensee or registrant is found guilty of will-
27 ful betrayal of professional secrets.

28 5. If the licensee or registrant makes any willful mis-
29 representations or false promises or causes to be printed
30 any false or misleading advertisements for the purpose of
31 directly or indirectly inducing patronage.

32 6. If the licensee or registrant demonstrates unworthi-
33 ness or incompetence to act as a private detective in such
34 manner as to endanger the interests of the public.

35 7. If the licensee or registrant has impersonated, or

1 permitted or aided another employee to impersonate, a law
2 enforcement officer or employee of the United States, or
3 of any state or political subdivision thereof.

4 8. Failure or refusal of the licensee or registrant to
5 fulfill an obligation to a client for which compensation has
6 been paid or tendered.

7 9. If the licensee or registrant has knowingly violated,
8 or advised, encouraged, or assisted the violation of any
9 court order or injunction in the course of his business.

10 10. If the licensee or registrant is guilty of manufac-
11 turing evidence.

12 11. If the licensee or registrant is guilty of unethical
13 practice.

14 12. If such licensee or registrant has knowingly made a
15 false statement concerning evidence or information obtained
16 in the course of business.

17 13. Failure of the licensee or applicant for a license
18 to fulfill or maintain any of the qualifications provided
19 in section five (5) of this Act.

20 The commissioner may, and shall upon the verified written
21 complaint of any person setting forth allegations which
22 constitute grounds for refusal, suspension or revocation of
23 a license, investigate the actions of any person holding or
24 claiming to hold a license. The commissioner shall, at
25 least ten days prior to the date set for hearing on the
26 matter, notify the licensee or applicant, in writing, of
27 any charges made, and shall afford the accused an opportunity
28 to be heard on the matter and to be represented by counsel.
29 Such notice may be served by personal delivery or by re-
30 stricted certified mail sent to the accused's last known
31 place of business as shown by the records of the department.
32 At the time and place fixed in the notice the commissioner
33 shall conduct a hearing on the charges, and both the accused
34 and the complainant shall be afforded ample opportunity to
35 present statements, testimony, evidence, and arguments

1 pertinent to the charges or to any defense thereto.

2 The commissioner is empowered to subpoena witnesses and
3 to hear testimony either orally or by deposition. Witness
4 fees and mileage shall be paid in the manner prescribed for
5 civil proceedings. The district court, upon the application
6 of the accused complainant, or commissioner, may order the
7 attendance of witnesses and the production of relevant books
8 and documents in any such hearing. The court may compel
9 obedience to such orders by contempt proceedings.

10 An order of revocation or suspension, or a certified copy
11 thereof, over the seal of the department and purporting to
12 be signed by the commissioner shall be prima facie evidence
13 that such signature is genuine and that such commissioner is
14 duly appointed and qualified.

15 Sec. 11. No person licensed under the provisions of this
16 Act, or the officers, directors, employees, operatives, or
17 agents thereof, shall wear, carry, or accept any badge or
18 shield. However, any such person, officer, director, em-
19 ployee, or agent who is acting as a guard or performs any
20 patrol service shall, while in uniform, and while he is so
21 acting, wear a badge or shield inscribed with the license
22 holder's name and the word "guard" or "special guard". In
23 the event that a private detective or any officer or employee
24 of a private detective agency wears a uniform while engaged
25 in any activity of the private detective business, there
26 shall be conspicuously displayed thereon such distinctive
27 identifying badges or insignia as the commissioner may pre-
28 scribe or approve. The manner of displaying such badges
29 or insignia shall be subject to the approval of the commis-
30 sioner. "Uniform" as used in this section means any manner
31 of dress of a particular style which is distinctive in ap-
32 pearance and distinguishable from ordinary clothing custom-
33 arily used and worn by the general public.

34 No licensee, officer, director, partner, manager, or em-
35 ployee of a licensee shall use a title, wear a uniform, use

1 an insignia or identification card, or make any statement
2 with the intent to give an impression that he is connected
3 in any way with the federal government, state government, or
4 any political subdivision of state government. The words
5 police, sheriff, deputy sheriff, and use of the Iowa seal
6 are specifically prohibited on badges, cap shields, shoulder
7 patches, automobile signs, decals, or advertisements.
8 Sec. 12. Any person, firm, or corporation who violates
9 any provision of this Act, or makes any false statement or
10 representation in application or statement filed with
11 the commissioner, or falsely states or represents that he
12 has been or is a private detective, or advertises himself
13 as such, or engages in the private detective business
14 without a valid license therefor shall be guilty of a mis-
15 demeanor and upon conviction therefor shall be punished by
16 a fine of not less than one hundred dollars, nor more than
17 five hundred dollars, or by imprisonment in the county jail
18 not to exceed six months, or by both such fine and imprison-
19 ment.

EXPLANATION OF SENATE FILE 533

This private detective licensing bill establishes a more demanding set of regulations and qualifications for private detectives, thereby restricting private detective practice to those competent to engage in the profession.

The bill will provide the Commissioner of Public Safety with the needed authority to issue, refuse to issue, 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 has been given authority to maintain a current roster of employed agents and license holders.

It is felt that this bill is necessary to protect the general public against unauthorized, incompetent, and unethical operations by private detectives. The department has been plagued by persons selling agency cards, meddling in police matters, the employment of agents of questionable character, and numerous other undesirable practices.

- 1 Amend Senate File 533 as follows:
- 2 1. By striking in section 5, page 4, line 22, the words,
- 3 "five thousand" and by inserting in lieu thereof the words
- 4 "twenty thousand".
- 5 2. By striking in section 5, page 4, lines 23 and 24, the
- 6 words, "twenty five hundred" and by inserting in lieu thereof the
- 7 words "ten thousand".

Filed - *Adopted 1-14*
January 13, 1970

By LAW ENFORCEMENT COMMITTEE

- 1 Amend Senate File 533, page 1, as follows:
- 2 1. By striking the "," after the word "reward" in line
- 3 10 and inserting in lieu thereof the word "or".
- 4 2. Further amend lines 10 and 11 by striking the following:
- 5 " , or gratis".

Filed - *Adopted 1-15*
January 14, 1970

By DeKOSTER

- 1 Amend Senate File 533 as follows:
- 2 1. By inserting in page 3, line 9, after the word } *Adopted 1-14*
- 3 "interstate" the words "or intrastate".
- 4 2. By adding after page 3, line 12, a new subsection: }
- 5 "Any priest, minister or rabbi who is ordained by his } *Lost 1-14*
- 6 denomination to administer the sacraments of his church
- 7 and who is authorized by the statutes of Iowa to marry
- 8 and bury people".

Filed
January 14, 1970

By MOWRY, DENMAN, and SULLIVAN

- Adopted 1-15*
- 1 Amend Senate File 533 as follows:
 - 2 1. By inserting in page 2, line 33, after the word "profession"
 - 3 the following "and his employees while acting in his behalf".
 - 4 2. By adding in page 3, following line 12, the following new
 - 5 subsections:
 - 6 a. Any individual practicing accounting and his employees while
 - 7 acting within the scope of his employment."
 - 8 b. "Any public official and public employee while acting within the
 - 9 scope of his public employment."

Filed - *Adopted 1-15*
January 14, 1970

By GAUDINEER and MOWRY

1 Amend Senate File 533, section 4, page 3,
2 line 22, by inserting after the word "agents."
3 the following:

4 "In order for an individual to be in violation
5 of this section, it must be shown that he had
6 knowledge that the detective agency or private
7 detective he employed or retained was not
8 licensed pursuant to this Act."

Filed and Adopted
January 14, 1970

By HILL

1 Amend Senate File 533 as follows:

- 2 1. By inserting in page 3, line 16, after the period the
3 following new sentence: "The initial issuance, maintenance, or
4 renewal of any such license shall be a privilege granted by the state
5 and shall not create a property right in the licensee."
- 6 2. By inserting in page 3, line 22, after the period the
7 following new sentence: "The initial issuance, maintenance,
8 or renewal of any license shall be a privilege granted by
9 the state and shall not create a property right in the licensee."

Filed - *Adopted 1-14-70*
April 1, 1969

By COMMITTEE ON LAW ENFORCEMENT
