

HSB 29

STATE GOVERNMENT

Metzger, chair

Davis

Hansen

Taylor

Conner

SENATE/HOUSE FILE IF/HF

BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for the adoption of administrative rules related
2 to the issuance of a license for bail enforcement agents,
3 private investigators, and security agents who may not
4 otherwise qualify for a license.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 80A.4, Code 1999, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. Notwithstanding subsection 1, the
4 department may adopt rules in accordance with this subsection
5 that authorize the issuance of a license to an individual who
6 is otherwise disqualified pursuant to the criteria enumerated
7 in subsection 1. An applicant issued a license pursuant to
8 such rules shall also comply with such other qualifications
9 and requirements as are adopted by rule.

10 a. When an individual who is otherwise disqualified
11 pursuant to the criteria enumerated in subsection 1 applies
12 for a license, the department shall perform an evaluation to
13 determine whether the disqualification warrants prohibition of
14 licensure.

15 b. In an evaluation, the department shall consider factors
16 related to the disqualification, including the nature,
17 seriousness, and circumstances of the disqualification in
18 relation to licensure, the time elapsed since the act or acts
19 forming the basis for such disqualification, the degree of
20 rehabilitation, and any other factors relevant to the
21 disqualification, such as the likelihood that the person will
22 commit the act or acts again and the total number of
23 disqualifying acts committed by the individual involved.

24 c. The department may establish conditional requirements
25 related to the granting of a license under this subsection.

26 d. The department has final authority in determining
27 whether prohibition of the license is warranted and in
28 developing any conditional requirements under this subsection.

29 EXPLANATION

30 This bill authorizes the department of public safety to
31 adopt rules consistent with this subsection that would
32 authorize the issuance of a license for a bail enforcement
33 agent, private investigator, or security agent to an
34 individual who did not otherwise meet the criteria set forth
35 for such a license.

1 The department could grant a license to an individual
 2 otherwise disqualified after conducting an evaluation of the
 3 individual and the disqualification, including but not limited
 4 to the nature, seriousness, and circumstances of the
 5 disqualification in relation to licensure, the time elapsed
 6 since the act or acts forming the basis for such
 7 disqualification, the degree of rehabilitation, and any other
 8 factors relevant to the disqualification, such as the
 9 likelihood that the person will commit the act or acts again
 10 and the total number of disqualifying acts committed by the
 11 individual involved. The department could also conditionally
 12 grant a license, based on the performance of certain
 13 requirements by the licensee. The department would be the
 14 final authority on decisions to grant a license and the
 15 establishment of conditions for the granting of such a
 16 license.

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TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY
PAUL H. WIECK II, COMMISSIONER

TO: Members of the General Assembly
FROM: Paul Wieck II, Commissioner *P.H.W.*
DATE: September 17, 1998
RE: Private Investigator and Security Applicant Licenses

Section 80A.4, setting forth the criteria for the issuance of an applicant license to work as a private investigator or security agent, is very restrictive in authorizing an applicant a license when his prior history does not meet the criteria set forth in section 80A.4. There have been many instances when a conviction or an action occurred earlier in an individual's life that has little relevancy to his current conduct or to his ability to perform satisfactorily in such a job.

Rules to be adopted by the Commissioner, setting forth specific other guidelines, would authorize the hiring of such an individual. This proposal is supported by the American Society of Industrial Security Agencies and the Iowa Association of Private Investigators.

FEB 24 1999

Place On Calendar

HOUSE FILE 378
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 29)

Passed House, Date ^(P.613) 3/10/99 Passed Senate, Date _____
Vote: Ayes 54 Nays 44 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the adoption of administrative rules related
2 to the issuance of a license for bail enforcement agents,
3 private investigators, and security agents who may not
4 otherwise qualify for a license.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 378

1 Section 1. Section 80A.4, Code 1999, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. Notwithstanding subsection 1, the
4 department may adopt rules in accordance with this subsection
5 that authorize the issuance of a license to an individual who
6 is otherwise disqualified pursuant to the criteria enumerated
7 in subsection 1. An applicant issued a license pursuant to
8 such rules shall also comply with such other qualifications
9 and requirements as are adopted by rule.

10 a. When an applicant's disqualification results from a
11 felony conviction, the department shall not issue a license
12 unless all of the following apply:

13 (1) The conviction is for a class "D" felony or its
14 equivalent.

15 (2) At least fifteen years have lapsed from the latest
16 applicable date of the applicant's discharge from custody or
17 discharge from probation or parole resulting from such
18 conviction.

19 (3) All other requirements of this section and applicable
20 rules are satisfied.

21 b. When an individual who is otherwise disqualified
22 pursuant to the criteria enumerated in subsection 1 applies
23 for a license, the department shall perform an evaluation to
24 determine whether the disqualification warrants prohibition of
25 licensure.

26 c. In an evaluation, the department shall consider factors
27 related to the disqualification, including the nature,
28 seriousness, and circumstances of the disqualification in
29 relation to licensure, the time elapsed since the act or acts
30 forming the basis for such disqualification, the degree of
31 rehabilitation, and any other factors relevant to the
32 disqualification, such as the likelihood that the person will
33 commit the act or acts again and the total number of
34 disqualifying acts committed by the individual involved.

35 d. The department may establish conditional requirements

1 related to the granting of a license under this subsection.
2 e. The department has final authority in determining
3 whether prohibition of the license is warranted and in
4 developing any conditional requirements under this subsection.

5 EXPLANATION

6 This bill authorizes the department of public safety to
7 adopt rules consistent with this subsection that would
8 authorize the issuance of a license for a bail enforcement
9 agent, private investigator, or security agent to an
10 individual who did not otherwise meet the criteria set forth
11 for such a license.

12 If the disqualification results from a felony, the
13 department could grant a license only if the felony was a
14 class "D" felony, and more than 15 years have lapsed since the
15 applicant's discharge from custody, probation, or parole. The
16 applicant must also meet the requirements of this section
17 applicable to other applicants and the related rules.

18 The department could grant a license to all other
19 individuals otherwise disqualified after conducting an
20 evaluation of the individual and the disqualification,
21 including but not limited to the nature, seriousness, and
22 circumstances of the disqualification in relation to
23 licensure, the time elapsed since the act or acts forming the
24 basis for such disqualification, the degree of rehabilitation,
25 and any other factors relevant to the disqualification, such
26 as the likelihood that the person will commit the act or acts
27 again and the total number of disqualifying acts committed by
28 the individual involved. The department could also
29 conditionally grant a license, based on the performance of
30 certain requirements by the licensee. The department would be
31 the final authority on decisions to grant a license and the
32 establishment of conditions for the granting of such a
33 license.

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