

Senate File 2307 - Introduced

SENATE FILE 2307

BY BOUSSELOT

A BILL FOR

1 An Act relating to private investigative agencies and security
2 agents, and providing penalties.

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

1 Section 1. Section 80A.16, subsection 2, unnumbered
2 paragraph 1, Code 2024, is amended to read as follows:

3 A person who does any of the following is guilty of a
4 fraudulent practice under section 714.8, subsection 22:

5 Sec. 2. Section 80A.16, subsection 3, Code 2024, is amended
6 to read as follows:

7 3. A person who is subject to the licensing requirements
8 of **this chapter** and who engages in a private investigation or
9 private security business as defined in **this chapter**, without
10 possessing a current valid license as provided by **this chapter**,
11 is guilty of a ~~serious misdemeanor~~ class "D" felony.

12 Sec. 3. Section 80A.17, Code 2024, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 3. The commissioner shall make available
15 on the department's internet site a list of the names of all
16 licensees, including the names of owners, corporate officers,
17 and directors.

18 Sec. 4. Section 714.8, Code 2024, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 22. Makes a false statement or
21 representation in an application or statement filed with the
22 commissioner of public safety pursuant to chapter 80A, falsely
23 states, represents, or fails to disclose that the person has
24 been or is a private investigator, private security agent,
25 or bail enforcement agent, or falsely advertises that the
26 person is a licensed private investigator, private security
27 agent, or bail enforcement agent as provided in section 80A.16,
28 subsection 2.

29 Sec. 5. Section 714.11, subsection 1, paragraph b, Code
30 2024, is amended to read as follows:

31 *b.* A fraudulent practice as set forth in section 714.8,
32 subsections 2, 8, 9, and 21, and 22.

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill relates to private investigative agencies and
2 security agents.

3 Current law provides that a person who makes a false
4 statement in an application for a license as a private
5 investigative agency or security agent filed with the
6 commissioner of public safety, who falsely states, represents,
7 or fails to disclose that the person has been or is a private
8 investigator, private security agent, or bail enforcement
9 agent, or who falsely advertises that the person is a licensed
10 private investigator, private security agent, or bail
11 enforcement agent, is guilty of a fraudulent practice.

12 The bill provides that a person who does any of the above is
13 guilty of a fraudulent practice under Code section 714.8(22).
14 The bill adds the commission of a fraudulent practice under
15 Code section 714.8(22) to Code section 714.11(1)(b) (fraudulent
16 practice in the third degree), which is an aggravated
17 misdemeanor. An aggravated misdemeanor is punishable by
18 confinement for no more than two years and a fine of at least
19 \$855 but not more than \$8,540.

20 The bill provides that a person who is subject to the
21 licensing requirements of Code chapter 80A and who engages in
22 a private investigation or private security business without
23 possessing a current valid license is guilty of a class "D"
24 felony. A class "D" felony is punishable by confinement for no
25 more than five years and a fine of at least \$1,025 but not more
26 than \$10,245.

27 The bill provides that the commissioner of the department of
28 public safety shall make available on the department's internet
29 site a list of the names of all licensees, including the names
30 of owners, corporate officers, and directors.