

CHAPTER 56
PRIVATE INVESTIGATIVE AND SECURITY AGENCIES
S.F. 456

AN ACT relating to the licensure of private investigative and security agencies and providing an effective date.

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

Section 1. Section 80A.4, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. If the applicant is a corporation, the requirements of subsection 1 apply to the president and to each officer, director or employee who is actively involved in the licensed business in Iowa. If the applicant is a partnership or association, the requirements of subsection 1 apply to each partner or association member.

Sec. 2. Section 80A.7, unnumbered paragraph 3, Code 1985, is amended to read as follows:

A county sheriff may issue temporary identification cards valid for fourteen days to a person employing individuals employed by an agency licensed as a private security business or private investigation business on a temporary basis ~~for private security business~~ in the county. The fee for each card is three dollars. The form of the temporary identification cards shall be approved by the commissioner.

Sec. 3. Section 80A.10, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

80A.10 LICENSEE'S BOND.

A license shall not be issued unless the applicant files with the department a surety bond in an amount of five thousand dollars in the case of an agency licensed to conduct only a private security business or a private investigation business, or in the amount of ten thousand dollars in the case of an agency licensed to conduct both. The bond shall be issued by a surety company authorized to do business in this state and shall be conditioned on the faithful, lawful, and honest conduct of the applicant and those employed by the applicant in carrying on the business licensed. The bond shall provide that a person injured by a breach of the conditions of the bond may bring an action on the bond to recover legal damages suffered by reason of the breach. However, the aggregate liability of the surety for all damages shall not exceed the amount of the bond. Bonds issued and filed with the department shall remain in force and effect until the surety has terminated future liability by a written thirty days' notice to the department.

Sec. 4. Section 80A.12, subsection 7, Code 1985, is amended by striking the subsection.

Sec. 5. NEW SECTION. **80A.10A LICENSEE'S PROOF OF FINANCIAL RESPONSIBILITY.**

A license shall not be issued unless the applicant furnishes proof acceptable to the commissioner of the applicant's ability to respond in damages for liability on account of accidents or wrongdoings occurring subsequent to the effective date of the proof, arising out of the ownership and operation of a private security business or a private investigation business.

Sec. 6. NEW SECTION. 80A.17 CONFIDENTIAL RECORDS.

1. All complaint files, investigation files, other investigation reports, and other investigative information in the possession of the department or its employees or agents which relate to licensee discipline are privileged and confidential except that they are subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the licensee, and are admissible in evidence in a judicial or administrative proceeding other than a proceeding involving licensee discipline. In addition, investigative information in the possession of the department's employees or agents which relates to licensee discipline may be disclosed to the appropriate licensing authority in another state, the District of Columbia, or a territory or country in which the licensee is licensed or has applied for a license. If the investigative information in the possession of the department indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. A final written decision and finding of fact of the department in a disciplinary proceeding is a public record.

Pursuant to section 17A.19, subsection 6, the department, upon an appeal by the licensee of the decision by the department shall transmit the entire record of the contested case to the reviewing court.

Notwithstanding section 17A.19, subsection 6, if a waiver of privilege has been involuntary and evidence has been received at a disciplinary hearing, the court shall order withheld the identity of the individual whose privilege was waived.

2. Lists of employees of a licensed agency and their personal histories shall be held as confidential. However, the lists of the names of the licensed agencies, their owners, corporate officers and directors shall be held as public records. The commissioner may confirm that a specific individual is an employee of a licensed agency upon request and may make lists of licensed agencies' employees available to law enforcement agencies.

Sec. 7. Section 80A.13, subsections 1 and 2, Code 1985, are amended to read as follows:

1. File with the sheriff of the county in which the campus is located evidence that the individual has successfully completed an approved firearms training program under section 724.9. This requirement does not apply to armored car personnel.

2. Possess a permit to carry weapons issued by the sheriff of the county in which the campus is located under sections 724.6 through 724.11. This requirement does not apply to armored car personnel.

Sec. 8. Notwithstanding sections 3 and 4 of this Act, the bonding, insurance and proof of financial responsibility requirements of this Act shall not be in effect for those agencies holding licenses on the effective date of this Act for sixty days following enactment in order to allow licensees an adequate grace period to obtain proper coverage and furnish proof acceptable to the commissioner.

Sec. 9. This Act, being deemed of immediate importance, takes effect from and after its publication in The Holstein Advance, a newspaper published in Holstein, Iowa, and in the Estherville Daily News, a newspaper published in Estherville, Iowa.

Approved April 29, 1985

I hereby certify that the foregoing Act was published in The Holstein Advance, Holstein, Iowa on May 2, 1985 and in the Estherville Daily News, Estherville, Iowa on May 8, 1985.

MARY JANE ODELL, *Secretary of State*