Reprinted
February 16, 1999

HOUSE BILL No. 2028

DIGEST OF HB2028 (Updated February 15, 1999 9:13 pm - DI 101)

Citations Affected: IC 10-1; IC 25-1; IC 25-30; noncode.

Synopsis: Private investigators and security guards. Changes the name of the private detectives licensing board to the "private investigator and security guard licensing board". Makes conforming amendments and other changes, including the following: (1) Revising private investigator and security guard qualifications for licensure. (2) Specifying types of licenses. (3) Allowing reciprocity with other states. (4) Setting forth qualifications for licensing of security guards. Moves provisions allowing for certification of polygraph examiners by the state police department.

Effective: July 1, 1999.

Mellinger, Sturtz

January 27, 1999, read first time and referred to Committee on Commerce and Economic Development.
February 10, 1999, reported — Do Pass.
February 15, 1999, read second time, amended, ordered engrossed.

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Reprinted
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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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HOUSE BILL No. 2028

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 10-1-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 11. Regulation of Polygraph Examiners by State Police

Sec. 1. As used in this chapter, "polygraph examiner" means a person who is solely or partly engaged in the business of establishing the truth or falsity of any statement or representation, by means of a polygraph instrument.

Sec. 2. As used in this chapter, "polygraph instrument" means a device that permanently and simultaneously records, at a minimum, an individual's cardiovascular and respiratory patterns and galvanic skin responses in order to determine truthfulness.

Sec. 3. (a) The department shall issue a certificate of competence to operate a polygraph instrument to each individual who complies with the standards and procedures established by the department under subsection (b).

(b) The department shall, by rule adopted under IC 4-22-2,

establish standards and procedures for granting certificates of competence to operate polygraph instruments. These standards and procedures may include one (1) or more of the following requirements:

(1) Evidence which demonstrates that the applicant has successfully completed a course of formal training in the use of polygraph instruments.

(2) Evidence which demonstrates the applicant's experience and competence in the operation of polygraph instruments.

(3) A written examination.

Sec. 4. The department may revoke a certificate issued under section 3 of this chapter if it determines that information given by an applicant was false.

Sec. 5. The department:

(1) shall adopt rules under IC 25-1-8 to establish fees for the administration of this chapter; and

(2) may adopt rules under IC 4-22-2 to provide any additional procedures necessary to implement this chapter.

Sec. 6. (a) An individual who has not received a certificate of competence to operate a polygraph instrument may not assume or use the title "certified polygraph examiner", "polygraph examiner", or "polygraph operator".

(b) A person who violates this section commits a Class C infraction.

SECTION 2. IC 25-1-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

(1) Indiana board of accountancy.

(2) Indiana grain buyers and warehouse licensing agency.

(3) Indiana auctioneer commission.

(4) Board of registration for architects.

(5) State board of barber examiners.

(6) State board of cosmetology examiners.

(7) Medical licensing board of Indiana.

(8) Secretary of state.

(9) State board of dental examiners.

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(10) State board of funeral and cemetery service.
(11) Worker's compensation board of Indiana.
(12) Indiana state board of health facility administrators.
(13) Committee of hearing aid dealer examiners.
(14) Indiana state board of nursing.
(15) Indiana optometry board.
(16) Indiana board of pharmacy.
(17) Indiana plumbing commission.
(18) Board of podiatric medicine.
(19) Private ~~detectives~~ **investigator and security guard** licensing board.
(20) State board of registration for professional engineers.
(21) Board of environmental health specialists.
(22) State psychology board.
(23) Indiana real estate commission.
(24) Speech-language pathology and audiology board.
(25) Department of natural resources.
(26) State boxing commission.
(27) Board of chiropractic examiners.
(28) Mining board.
(29) Indiana board of veterinary medical examiners.
(30) State department of health.
(31) Indiana physical therapy committee.
(32) Respiratory care committee.
(33) Occupational therapy committee.
(34) Social worker, marriage and family therapist, and mental health counselor board.
(35) Real estate appraiser licensure and certification board.
(36) State board of registration for land surveyors.
(37) Physician assistant committee.
(38) Indiana dietitians certification board.
(39) Indiana hypnotist committee.
(40) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the

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notice.

SECTION 3. IC 25-1-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) There is established the Indiana professional licensing agency. The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) State board of cosmetology examiners (IC 25-8-3-1).
(7) State board of funeral and cemetery service (IC 25-15-9).
(8) State board of registration for professional engineers (IC 25-31-1-3).
(9) Indiana plumbing commission (IC 25-28.5-1-3).
(10) Indiana real estate commission (IC 25-34.1).
(11) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).
(12) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
(13) Private ~~detectives~~ **investigator and security guard** licensing board (IC 25-30-1-5.1).
(14) State board of registration for land surveyors (IC 25-21.5-2-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 4. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and
(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

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"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) Board of chiropractic examiners (IC 25-10-1).
(7) State board of cosmetology examiners (IC 25-8-3-1).
(8) State board of dental examiners (IC 25-14-1).
(9) State board of funeral and cemetery service (IC 25-15-9).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Medical licensing board of Indiana (IC 25-22.5-2).
(13) Indiana state board of nursing (IC 25-23-1).
(14) Indiana optometry board (IC 25-24).
(15) Indiana board of pharmacy (IC 25-26).
(16) Indiana plumbing commission (IC 25-28.5-1-3).
(17) Board of podiatric medicine (IC 25-29-2-1).
(18) Board of environmental health specialists (IC 25-32-1).
(19) State psychology board (IC 25-33).
(20) Speech-language pathology and audiology board (IC 25-35.6-2).
(21) Indiana real estate commission (IC 25-34.1-2).
(22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(24) Respiratory care committee (IC 25-34.5).
(25) Private ~~detectives~~ **investigator and security guard** licensing board (IC 25-30-1-5.1).
(26) Occupational therapy committee (IC 25-23.5).
(27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(29) State board of registration for land surveyors (IC 25-21.5-2-1).
(30) Physician assistant committee (IC 25-27.5).
(31) Indiana athletic trainers board (IC 25-5.1-2-1).
(32) Indiana dietitians certification board (IC 25-14.5-2-1).

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(33) Indiana hypnotist committee (IC 25-20.5-1-7).
(34) Indiana physical therapy committee (IC 25-27).
(35) Any other occupational or professional agency created after June 30, 1981.

SECTION 5. IC 25-1-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) Board of chiropractic examiners (IC 25-10-1).
(7) State board of cosmetology examiners (IC 25-8-3-1).
(8) State board of dental examiners (IC 25-14-1).
(9) State board of funeral and cemetery service (IC 25-15).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Medical licensing board of Indiana (IC 25-22.5-2).
(13) Mining board (IC 22-10-1.5-2).
(14) Indiana state board of nursing (IC 25-23-1).
(15) Indiana optometry board (IC 25-24).
(16) Indiana board of pharmacy (IC 25-26).
(17) Indiana plumbing commission (IC 25-28.5-1-3).
(18) Board of environmental health specialists (IC 25-32-1).
(19) State psychology board (IC 25-33).
(20) Speech-language pathology and audiology board (IC 25-35.6-2).
(21) Indiana real estate commission (IC 25-34.1-2-1).
(22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
(23) Department of insurance (IC 27-1).
(24) State police department (IC 10-1-1-1), for purposes of certifying polygraph examiners under ~~IC 25-30-2.~~ **IC 10-1-11.**
(25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(26) Private ~~detectives~~ **investigator and security guard** licensing board (IC 25-30-1-5.1).
(27) Occupational therapy committee (IC 25-23.5-2-1).
(28) Social worker, marriage and family therapist, and mental

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health counselor board (IC 25-23.6-2-1).

(29) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(30) State board of registration for land surveyors (IC 25-21.5-2-1).

(31) Physician assistant committee (IC 25-27.5).

(32) Indiana athletic trainers board (IC 25-5.1-2-1).

(33) Board of podiatric medicine (IC 25-29-2-1).

(34) Indiana dietitians certification board (IC 25-14.5-2-1).

(35) Indiana physical therapy committee (IC 25-27).

(36) Any other occupational or professional agency created after June 30, 1981.

SECTION 6. IC 25-1-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) State board of cosmetology examiners (IC 25-8-3-1).

(7) State board of registration of land surveyors (IC 25-21.5-2-1).

(8) State board of funeral and cemetery service (IC 25-15-9).

(9) State board of registration for professional engineers (IC 25-31-1-3).

(10) Indiana plumbing commission (IC 25-28.5-1-3).

(11) Indiana real estate commission (IC 25-34.1-2-1).

(12) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).

(13) Real estate appraiser licensure certification board (IC 25-34.1-8).

(14) Private ~~detectives~~ **investigator and security guard** licensing board (IC 25-30-1-5.1).

SECTION 7. IC 25-30-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. This chapter may be cited as the ~~"Detective License~~ **"Private Investigator Licensing** Law."

SECTION 8. IC 25-30-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.2. (a) Except as provided in subsection (b), this chapter does not apply to a law enforcement officer (as defined in IC 3-6-6-36) who has graduated from the law enforcement training academy and is employed full time as a law enforcement officer.

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(b) This chapter applies to a law enforcement officer to the extent that the law enforcement officer is engaged in the business of **a** private ~~detective~~ **investigator** as an individual with the assistance of a licensed or unlicensed person.

SECTION 9. IC 25-30-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this chapter:

(1) "Person" means an individual, a firm, a company, an association, an organization, a partnership, or a corporation.

(2) "Licensee" means a person licensed under this chapter.

(3) "Private ~~detective"~~ **investigator"** means a person who conducts a private ~~detective~~ **investigator** business with or without the assistance of an employee.

(4) "Private ~~detective~~ **investigator** business" means the business of:

(A) making, for hire or reward, investigation or investigations for the purpose of obtaining information with reference to:

(i) a crime against the state or wrongs done or threatened;

(ii) the habits, conduct, movements, whereabouts, association, transactions, reputation, or character of a person;

(iii) credibility of witnesses or other persons;

(iv) the location or recovery of lost, ~~or~~ stolen, **abandoned, or unclaimed** property;

(v) the causes, origin, or responsibility for fires or accidents or injuries to real or personal property; or

(vi) the truth or falsity of a statement or representation;

(B) securing, for hire or reward, evidence to be used for authorized investigation committees or boards of award or arbitration or in the trial of civil or criminal cases; or

(C) ~~furnishing,~~ **providing,** for hire or reward, ~~a guard or guards or other persons to protect persons or property or to prevent the misappropriation or concealment of goods, wares and merchandise, money, bonds, stocks, choses in action, notes, or other valuable documents or papers.~~ **undercover investigators for the purpose of detecting and preventing fraud and theft in the workplace and elsewhere.**

(5) "Industrial plant" means a factory, business, or concern that is engaged primarily in the manufacture or assembly of goods or the processing of raw materials, or both.

(6) "Board" refers to the private ~~detectives~~ **investigator and security guard** licensing board established under section 5.1 of

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this chapter.

(7) "Licensing agency" refers to the Indiana professional licensing agency established under IC 25-1-6.

(8) "Resident" means a person who has established an actual domicile in Indiana.

SECTION 10. IC 25-30-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. **(a)** It shall be unlawful for a person ~~partnership, or corporation~~ to engage in the business of **a** private ~~detective,~~ **investigator,** or to solicit or advertise for business as a private ~~detective,~~ **investigator,** or **to** represent or hold the person ~~partnership, or corporation~~ out to be a private ~~detective~~ **investigator** unless the person ~~partnership, or corporation~~ is licensed under this chapter and complies with this chapter and rules adopted under this chapter.

(b) A change in the ownership of a private investigator business that results in a change of qualifying licensee requires that a new application for licensure must be filed with the board.

SECTION 11. IC 25-30-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. This chapter does not require any of the following persons to be a licensee:

(1) A law enforcement officer of the United States, a state, or a political subdivision of a state to the extent that the officer or employee is engaged in the performance of the officer's or employee's official duties.

(2) Any person to the extent that the person is engaged in the business of furnishing and obtaining information concerning the financial rating of other persons.

(3) A collection agency licensed by the secretary of state or its employee acting within the scope of the employee's employment, to the extent that the person is making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's assets in a property that the client has an interest in or a lien upon.

(4) ~~An armored service agency to the extent that the agency is engaged in the business of transporting property to prevent the theft or unlawful taking of goods, wares, merchandise, or money.~~

~~(5)~~ An attorney or employee of an attorney to the extent that the person is engaged in investigative matters incident to the delivery of professional services that constitute the practice of law.

~~(6)~~ **(5)** An insurance adjuster to the extent that the adjuster is employed in the investigation and settlement of claims made against insurance companies or persons insured by insurance

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companies if the adjuster is a regular employee of the insurance company, and the insurance company is authorized to do business in Indiana and is complying with the laws regulating insurance companies in Indiana.

~~(7) Any employee to the extent that the employee is hired for the purpose of guarding and protecting the properties of railroad companies and is licensed as a railroad policeman under IC 8-3-17.~~

~~(8) An owner of an industrial plant or an employee of the owner to the extent that the person is hiring a plant security guard for the owner's industrial plant.~~

~~(9)~~ **(6)** A person primarily engaged in the business of furnishing information for:

(A) business decisions and transactions in connection with credit, employment, or marketing; or

(B) insurance purposes;

including a consumer reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

~~(10) A retail merchant or an employee of the retail merchant to the extent that the person is hiring a security guard for the retail merchant's retail establishment.~~

~~(11)~~ **(7)** A professional engineer registered under IC 25-31 or a person acting under a registered professional engineer's supervision, to the extent the professional engineer is engaged in an investigation incident to the practice of engineering.

~~(12)~~ **(8)** An architect with a certificate of registration under IC 25-4, to the extent the architect is engaged in an investigation incident to the practice of architecture.

~~(13)~~ **(9)** A land surveyor with a certificate of registration under IC 25-21.5, to the extent the land surveyor is engaged in an investigation incident to the practice of land surveying.

SECTION 12. IC 25-30-1-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5.1. (a) The private ~~detectives~~ **investigator and security guard** licensing board is established.

(b) The board consists of the superintendent of the state police department or the superintendent's designee and the following ~~six (6)~~ **seven (7)** members appointed by the governor from different geographic regions of Indiana as determined by the governor:

(1) ~~Two (2)~~ **Three (3)** private ~~detectives~~ **investigators** licensed under this ~~chapter who are associated with a private detective business that employs less than fifteen (15) persons.~~ **article.**

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(2) ~~One (1) private detective licensed under this chapter who is associated with a private detective business that employs at least fifteen (15) persons.~~ **Two (2) security guards licensed under this article.**

(3) One (1) local law enforcement official.

(4) One (1) person who is not associated with the private ~~detective~~ **investigator** business other than as a consumer.

~~(5) One (1) private detective licensed under this chapter who is a sole practitioner.~~

(c) A member of the board appointed by the governor serves a two (2) year term.

(d) The governor may remove a board member appointed by a governor for incompetency or failure to perform the member's duties under this chapter.

(e) If an appointed member cannot finish the member's term or is removed by the governor, the governor shall appoint a successor to serve for the remainder of the unexpired term.

(f) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

SECTION 13. IC 25-30-1-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5.5. (a) The board shall adopt rules under IC 4-22-2 to implement this ~~chapter~~ **article.**

(b) The board may not adopt rules concerning qualifications for licensure that are so restrictive that a person may not be licensed under this ~~chapter.~~ **article.**

SECTION 14. IC 25-30-1-5.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 5.7. The board may enter into a reciprocity agreement with another state if the legal standards for licensure in the other state are substantially the same as or more stringent than the standards under this article.**

SECTION 15. IC 25-30-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) An application for license as a private ~~detective~~ **investigator** must be on a form prescribed by the board accompanied by the license fee as provided by this chapter.

(b) The application shall be verified and shall include the following:

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(1) The full name and business address, **including street address,** of the applicant.

(2) The name under which the applicant intends to do business as a private ~~detective.~~ **investigator.**

(3) If the applicant is a person other than an individual, the full name and residence address of each of its members, partners, officers, and directors, and its managers.

(4) Other information, evidence, statements, or documents required by the board.

SECTION 16. IC 25-30-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) Before the application for a license is granted the applicant must meet all of the following:

(1) Be at least twenty-one (21) years of age.

(2) ~~Be a resident of Indiana for at least one (1) year, except for firms, partnerships, or corporations that are licensed in another state and who otherwise comply with this chapter.~~

~~(3)~~ Have:

(A) **four thousand (4,000) hours of** experience in private ~~detective~~ **investigator** work under a licensee, or its equivalent;

(B) **four thousand (4,000) hours of** law enforcement experience;

(C) **at least** a **bachelor's** degree in criminal justice; or

(D) any other experience relevant to the private ~~detective~~ **investigator** business;

as determined by the board.

(b) If the applicant is a corporation or a partnership, one (1) officer in the case of a corporation, or one (1) partner in the case of a partnership, must meet the personal qualifications as set out in subsection (a), unless otherwise provided.

(c) The board may deny a license unless the applicant makes a showing satisfactory to the board that the applicant has not, or if a partnership or corporation, that the officer or partner in subsection (b): ~~has not:~~

(1) **has not** committed an act, which, if committed by a licensee would be ground for the suspension or revocation of a license under this chapter;

(2) **has not** been convicted of a:

(A) felony; or

(B) ~~a~~ misdemeanor that has a direct bearing upon the applicant's ability to practice competently;

(3) **has not** been refused a license under this chapter or had a

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license revoked; ~~or~~

(4) **has not,** while unlicensed, committed or aided and abetted commission of an act for which a license is required by this chapter;

(5) is not on probation or parole; or

(6) is not being sought under an active warrant against the applicant.

(d) The applicant must be a citizen or legal resident of the United States.

(e) Firms, partnerships, or corporations that are licensed in another state and that otherwise comply with this chapter are not required to be domiciled in Indiana.

SECTION 17. IC 25-30-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) Upon the death of an individual licensed under this chapter, the business with which the decedent was connected may be carried on for a period of ninety (90) days by the following:

(1) In the case of an individual licensee the surviving spouse, or if there is no surviving spouse, the executor or administrator of the estate of the decedent.

(2) In case of a partner, the surviving partners.

(3) In case of an officer of a firm, company, association, organization, or corporation, the other officers of the firm, company, association, organization, or corporation.

(b) Upon the authorization of the board, the business may be carried on for a further period of time when necessary to complete an investigation or assist in litigation pending at the death of the decedent.

(c) Nothing in this section authorizes the solicitation or acceptance of business after the death of the decedent except as provided by this chapter.

(d) Nothing in this section shall be construed to restrict the sale of a private ~~detective~~ **investigator** business if the vendee qualifies for a license under this chapter.

SECTION 18. IC 25-30-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) **The board shall issue the following types of private investigator licenses:**

(1) A principal private investigator license, for an individual who is:

(A) a sole practitioner; or

(B) the qualifying licensee for a private investigator firm.

(2) A private investigator firm license, for a private investigator firm.

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(3) An authorized employee license, for an employee of a private investigator firm, other than an employee who:

(A) is the qualifying licensee under subdivision (1); or

(B) is not engaged in field work.

(b) A license, when issued, shall be in a form determined by the board and shall include the following:

(1) The name of the licensee, or the names of the individual partners if the licensee is a partnership, or the names of the officers and directors of the corporation if the licensee is a corporation.

(2) The name under which the licensee is to operate.

(3) The number and date of the license.

(4) Other information the board deems necessary.

~~(b)~~ **(c)** The license shall be posted in a conspicuous place in the principal place of business of the licensee.

~~(c)~~ **(d)** Upon the issuance of a license, a pocket card of a design determined by the board shall be issued without charge to each licensee other than a corporation. If the licensee is a corporation or partnership, the pocket card must be issued to each officer, partner, and manager of the corporation or partnership who also meet the requirements under section 8 of this chapter. Each individual who is issued a pocket card under this subsection shall affix **on the back of the pocket card** an appropriate picture. ~~to the pocket card, and in addition to the picture the pocket card shall also contain a fingerprint of the forefinger of the licensee.~~ When a license is revoked, the pocket card shall be surrendered and, within five (5) days after revocation, shall be mailed or delivered by the licensee to the board for cancellation.

~~(d)~~ **(e)** The board shall furnish each of the licensee's employees, except office employees, with an identification card. The identification card shall contain ~~a recent picture of the employee,~~ the employee's name, the licensee's name and address, **and** the license number of the employee's employer. ~~and a thumbprint of the employee.~~ The licensee shall affix ~~each employee's picture and thumbprint to the identification card.~~ **on the back of the identification card a recent picture of the employee.**

~~(e)~~ **(f)** A licensee shall, within thirty (30) days after a change, notify the board of any changes of the licensee's address, of the name under which the licensee does business, and of a change of the licensee's officers, directors, members, or partners.

~~(f)~~ **(g)** A license issued under this chapter is not assignable and is personal to the licensee.

SECTION 19. IC 25-30-1-11 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) A licensee may employ, to assist the licensee in the licensee's business as a private ~~detective,~~ **investigator,** as many ~~unlicensed person,~~ **persons who are at least eighteen (18) years of age** as may be necessary. **However, all employees must be registered with the board.** The licensee is civilly responsible for the good conduct of an employee while the employee is acting on behalf of the licensee.

(b) A licensee shall maintain a record, relative to the licensee's employees, containing the following information:

(1) A picture taken within thirty (30) days of the date that the employee commences employment with the licensee.

(2) A full set of fingerprints of both hands of the employee.

SECTION 20. IC 25-30-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. ~~(a)~~ It shall be unlawful for a person licensed by any other state to do business **as a private investigator** in Indiana unless the person is authorized to do business **as a private investigator** in Indiana. A person may not do business **as a private investigator** in Indiana ~~until~~ **unless** the person:

(1) is licensed with the board ~~and~~ **under this chapter; and**

(2) meets the requirements for licensees of this state. ~~except the residence requirement of one (1) year. In addition, an out-of-state person must prove to the board that the person is in good standing in the state the person was issued a license.~~

~~(b) A person licensed under this section must have a resident licensee:~~

~~(1) whose name and license number appear on the license for the private detective business; and~~

~~(2) who, in writing to the board, assumes full responsibility for the following:~~

~~(A) All the employees of the private detective business.~~

~~(B) Maintaining all records required under this chapter in an Indiana location.~~

~~(C) Assuring compliance with this chapter.~~

~~(c) The resident licensee is responsible for informing the board, in writing, of the following:~~

~~(1) When the relationship with an out-of-state licensee is terminated.~~

~~(2) Where records are maintained by the resident licensee.~~

~~(d) This section does not relieve a licensee of responsibility for complying with this chapter.~~

SECTION 21. IC 25-30-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) An applicant for

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a private ~~detective~~ **investigator** license ~~who employs more than fourteen (14) others~~ must submit proof to the board that the applicant is insured by an insurance company authorized to do business in Indiana for the amount of one hundred thousand dollars ($100,000) liability per occurrence.

(b) ~~An applicant for a private detective license who employs less than fifteen (15) others must do one (1) of the following:~~

~~(1) Post with the board a surety bond that:~~

~~(A) names the applicant as the principal;~~

~~(B) obligates the surety in the amount of seven thousand dollars ($7,000) to the board in favor of the state;~~

~~(C) requires the principal, if granted a license, to conduct the business of private detective faithfully and honestly and to observe all Indiana statutes; and~~

~~(D) authorizes the board to declare the bond in default and to levy against the surety and the principal under the bond for the payment of actual damages to any person who is harmed as a result of the principal's violation of the requirements described in clause (C).~~

~~(2) Submit proof to the board that the applicant is insured by an insurance company authorized to do business in Indiana for the amount of one hundred thousand dollars ($100,000) per liability occurrence.~~

~~(c)~~ The insurance referred to in ~~subsections~~ **subsection** (a): ~~and (b)(2):~~

(1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a private ~~detective;~~ **investigator;**

(2) must include coverage for:

(A) false arrest, detention, or imprisonment;

(B) malicious prosecution; and

(C) wrongful entry or eviction, or other invasion of the right of private occupancy; and

(3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if such injury arises solely from the use of reasonable force for the purpose of protecting persons or property.

~~(d) Every~~ **(c) If a** licensee ~~who employs at least fifteen (15) others shall at all times maintain in force the insurance referred to in subsection (a). Upon a licensee's failure~~ **fails** to comply with ~~this~~ subsection **(a)**, the license of the licensee shall be suspended. A license

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suspended under this subsection may not be reinstated until an application for the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

~~(e) Every licensee who employs less than fifteen (15) others shall at all times maintain in force a surety bond on file with the board under subsection (b)(1) or maintain in force the insurance provided by subsection (b)(2). Upon a licensee's failure to comply with this subsection, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance or surety bond.~~

~~(f)~~ **(d)** The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance ~~or the surety bond requirements~~ **requirement** of this section for any of the following:

(1) Any reason that would justify a refusal to issue, a suspension, or a revocation of a license.

(2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

~~(g) A surety bond posted with the board under this section may be canceled by the surety thirty (30) days after the surety gives the board written notice of its intent to cancel the bond. However, the cancellation of a bond under this subsection does not terminate the liability of the surety on the bond in connection with any action commenced before the cancellation of the bond.~~

SECTION 22. IC 25-30-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) The board shall charge and the licensing agency shall collect the following private ~~detective~~ **investigator** license fees:

(1) For issuance or renewal of a ~~private detective~~ **principal private investigator** license, **a private investigator firm license, or an authorized employee license,** a fee of one hundred fifty dollars ($150).

(2) For identification cards for unlicensed employees issued under section ~~10(d)~~ **10(e)** of this chapter, a fee of:

(A) ten dollars ($10); or

(B) five dollars ($5) if application for the identification card is made in the second year of the licensee's license.

(3) For reinstatement of a license referred to in section 16(c) of this chapter, a delinquent fee of seventy-five dollars ($75).

(b) If an applicant requests the issuance or renewal of both a

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private investigator license and a security guard license, the board shall charge a fee of two hundred dollars ($200).

~~(b)~~ **(c)** All fees collected under this chapter shall go into the general fund and shall be accounted for by the licensing agency.

~~(c)~~ **(d)** A license fee shall not be refunded unless a showing is made of ineligibility to receive the license by failure to meet the requirements of this chapter, or by a showing of mistake, inadvertence, or error in the collection of the fee.

SECTION 23. IC 25-30-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. (a) Except as provided in subsection (b), a person who violates this chapter commits a Class A misdemeanor.

(b) A person who is not exempt under section 5 of this chapter, who does not have a ~~private detective~~ license **under section 10(a) of this chapter**, and who:

(1) engages in the private ~~detective~~ **investigator** business;

(2) solicits or advertises for business as a private ~~detective;~~ **investigator;** or

(3) in any way represents to be a private ~~detective;~~ **investigator;** commits a Class A infraction.

(c) In addition to any other fine imposed on the person, the court shall fine the person convicted of an offense under subsection (b) the amount of compensation earned by the person in the commission of the offense. Notwithstanding ~~IC 34-28-5-4(a),~~ **any other law,** the total fine imposed under this section may exceed ten thousand dollars ($10,000) if necessary to comply with this subsection.

(d) Each transaction under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 22 of this chapter is sufficient if the complaint alleges that a person on a specific day in a specific county:

(1) acted as a private ~~detective;~~ **investigator;**

(2) solicited or advertised for business as a private ~~detective;~~ **investigator;** or

(3) represented to be a private ~~detective;~~ **investigator;** without a ~~private detective~~ license **described in section 10(a) of this chapter**.

SECTION 24. IC 25-30-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 1.7. Regulation of Security Guards

Sec. 1. This chapter may be cited as the "Security Guard

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Licensing Law".

Sec. 2. (a) Except as provided in subsection (b), this chapter does not apply to a law enforcement officer (as defined in IC 3-6-6-36) who has graduated from the law enforcement training academy and is employed full time as a law enforcement officer.

(b) This chapter applies to a law enforcement officer to the extent that the law enforcement officer is engaged in the security guard business as an individual with the assistance of a licensed or unlicensed person.

Sec. 3. As used in this chapter, "board" refers to the private investigator and security guard licensing board established under IC 25-30-1-5.1.

Sec. 4. As used in this chapter, "industrial plant" means a factory, business, or concern that is engaged primarily in the manufacture or assembly of goods or the processing of raw materials, or both.

Sec. 5. As used in this chapter, "licensee" means a person licensed under this chapter.

Sec. 6. As used in this chapter, "licensing agency" refers to the Indiana professional licensing agency established under IC 25-1-6.

Sec. 7. As used in this chapter, "person" means an individual, a firm, a company, an association, an organization, a partnership, or a corporation.

Sec. 8. As used in this chapter, "resident" means a person who has established an actual domicile in Indiana.

Sec. 9. As used in this chapter, "security guard" means a person who conducts a security guard business with or without the assistance of an employee.

Sec. 10. As used in this chapter, "security guard business" means the business of furnishing, for hire or reward, a guard, guards, or other persons to protect persons or property or to prevent the misappropriation or concealment of goods, wares, merchandise, money, bonds, stocks, choses in action, notes, or other valuable documents or papers.

Sec. 11. It is unlawful for a person to engage in the security guard business, solicit or advertise for business as a security guard, or represent or hold the person out to be a security guard unless the person:

(1) is licensed under this chapter;

(2) complies with this chapter; and

(3) complies with rules adopted under this chapter.

Sec. 12. This chapter does not require any of the following

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persons to be a licensee under this chapter:

(1) A law enforcement officer of the United States, a state, or a political subdivision of a state to the extent that the officer or employee is engaged in the performance of the officer's or employee's official duties.

(2) An armored service agency to the extent that the agency is engaged in the business of transporting property to prevent the theft or unlawful taking of goods, wares, merchandise, or money.

(3) An employee to the extent that the employee is hired for the purpose of guarding and protecting the properties of railroad companies and is licensed as a railroad policeman under IC 8-3-17.

(4) The owner of an industrial plant or an employee of the owner to the extent that the person is hiring a plant security guard for the owner's industrial plant.

(5) A retail merchant or an employee of the retail merchant to the extent that the person is hiring a security guard for the merchant's retail establishment.

Sec. 13. (a) An application for license as a security guard must be on a form prescribed by the board accompanied by the license fee as provided by this chapter.

(b) The application must be verified and must include the following:

(1) The full name and business address, including street address, of the applicant.

(2) The name under which the applicant intends to do business as a security guard.

(3) If the applicant is a person other than an individual, the full name and residence address of each of its members, partners, officers, directors, and managers.

(4) Other information, evidence, statements, or documents required by the board.

Sec. 14. (a) Before an application for a license is granted, the applicant must meet all of the following requirements:

(1) Be at least eighteen (18) years of age.

(2) Have:

(A) at least four thousand (4,000) hours of experience in security guard work under a licensee, or its equivalent;

(B) at least four thousand (4,000) hours of law enforcement or prison guard experience;

(C) at least a bachelor's degree in criminal justice or

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another subject as approved by the board; or

(D) any other experience relevant to the security guard business as determined by the board.

(b) If the applicant is a corporation or a partnership, one (1) officer in the case of a corporation, or one (1) partner in the case of a partnership, must meet the personal qualifications as set out in subsection (a), unless otherwise provided.

(c) The board may deny a license to an applicant unless the applicant makes a showing satisfactory to the board that the applicant, or if the applicant is a partnership or corporation, that the officer or partner in subsection (b):

(1) has not committed an act, which, if committed by a licensee, would be grounds for the suspension or revocation of a license under this chapter;

(2) has not been convicted of a:

(A) felony; or

(B) misdemeanor that has a direct bearing upon the applicant's ability to practice competently;

(3) has not been refused a license under this chapter or had a license revoked;

(4) has not, while unlicensed, committed or aided and abetted commission of an act for which a license is required by this chapter;

(5) is not on probation or parole; or

(6) is not being sought under an active warrant against the applicant.

(d) The applicant must be a citizen or legal resident of the United States.

(e) Firms, partnerships, or corporations that are licensed in another state, and that otherwise comply with this chapter, do not have to be domiciled in Indiana.

Sec. 15. (a) Upon the death of an individual licensed under this chapter, the business with which the decedent was connected may be carried on for a period of ninety (90) days by the following:

(1) In the case of an individual licensee, the surviving spouse, or if there is no surviving spouse, the executor or administrator of the estate of the decedent.

(2) In the case of a partner, the surviving partners.

(3) In the case of an officer of a firm, company, association, organization, or corporation, the other officers of the firm, company, association, organization, or corporation.

(b) Upon the authorization of the board, the business may be

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carried on for a longer period when necessary to complete an investigation or assist in litigation pending at the death of the decedent.

(c) This section does not authorize the solicitation or acceptance of business after the death of the decedent except as provided by this chapter.

(d) This section does not restrict the sale of a security guard business if the vendee qualifies for a license under this chapter.

Sec. 16. (a) The board shall issue the following types of security guard licenses:

(1) A principal security guard license, for an individual who is:

(A) a sole practitioner; or

(B) the qualifying licensee for a security firm.

(2) A security firm license, for a security firm.

(3) An authorized employee license, for an employee of a security firm, other than an employee who:

(A) is the qualifying licensee under subdivision (1); or

(B) is not engaged in field work.

(b) A license, when issued, must be in a form determined by the board and must include the following:

(1) The name of the licensee, or the names of the individual partners if the licensee is a partnership, or the names of the officers and directors of the corporation if the licensee is a corporation.

(2) The name under which the licensee is to operate.

(3) The number and date of the license.

(4) Other information the board considers necessary.

(c) The license shall be posted in a conspicuous place in the principal place of business of the licensee.

(d) Upon the issuance of a license, a pocket card of a design determined by the board shall be issued without charge to each licensee other than a corporation. If the licensee is a corporation or partnership, the pocket card must be issued to each officer, partner, and manager of the corporation or partnership who also meet the requirements under section 14 of this chapter. Each individual who is issued a pocket card under this subsection shall affix on the back of the pocket card an appropriate picture. When a license is revoked, the pocket card must be surrendered and, within five (5) days after revocation, must be mailed or delivered by the licensee to the board for cancellation.

(e) The board shall furnish each of the licensee's employees,

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except office employees, with an identification card. The identification card must contain the employee's name, the licensee's name and address, and the license number of the employee's employer. The licensee must affix on the back of the identification card a recent picture of the employee.

(f) A licensee shall, within thirty (30) days after a change, notify the board of any changes of the licensee's address, of the name under which the licensee does business, and of a change in the licensee's officers, directors, members, or partners.

(g) A license issued under this chapter is not assignable and is personal to the licensee.

Sec. 17. (a) A licensee may employ, to assist the licensee in the licensee's business as a security guard, as many unlicensed persons who are at least eighteen (18) years of age as may be necessary. However, all employees must be registered with the board. The licensee is civilly responsible for the good conduct of an employee while the employee is acting on behalf of the licensee.

(b) A licensee shall maintain a record, relative to the licensee's employees, containing the following information:

(1) A picture taken within thirty (30) days of the date that the employee commences employment with the licensee.

(2) A full set of fingerprints of both hands of the employee.

Sec. 18. An advertisement by a licensee soliciting or advertising for business must contain the name and address of the licensee as they appear in the records of the board.

Sec. 19. It is unlawful for a person licensed by any other state to do business as a security guard in Indiana unless the person is authorized to do business as a security guard in Indiana. A person may not do business as a security guard in Indiana unless the person:

(1) is licensed by the board under this chapter; or

(2) meets the requirements for licensees of this state.

Sec. 20. (a) An applicant for a security guard license must submit proof to the board that the applicant is insured by an insurance company authorized to do business in Indiana for the amount of one hundred thousand dollars ($100,000) liability per occurrence.

(b) The insurance referred to in subsection (a):

(1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a security guard;

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(2) must include coverage for:

(A) false arrest, detention, or imprisonment;

(B) malicious prosecution; and

(C) wrongful entry or eviction, or other invasion of the right of private occupancy; and

(3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if such injury arises solely from the use of reasonable force for the purpose of protecting persons or property.

(c) If a licensee fails to comply with subsection (a), the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(d) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance requirement of this section for any of the following:

(1) Any reason that would justify a refusal to issue, a suspension, or a revocation of a license.

(2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

Sec. 21. (a) A license and the identification cards of the licensee's employees issued under this chapter expire two (2) years from the date of issuance of the license.

(b) A licensee desiring a renewal license must:

(1) file an application for renewal at least thirty (30) days before the expiration of the licensee's license on a form prescribed by the board; and

(2) meet the license renewal requirements determined by the board.

(c) A license may be reinstated within thirty (30) days after the expiration of the license if the applicant does the following:

(1) Files an application for renewal with the board.

(2) Meets the license requirements determined by the board.

(3) Pays the license and delinquent fees.

(d) Employee identification cards issued under this chapter expire at the same time as the license referred to in subsection (a).

Sec. 22. (a) The board shall charge and the licensing agency shall collect the following security guard license fees:

(1) For issuance or renewal of a principal security guard

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license, a security firm license, or an authorized employee license, a fee of one hundred fifty dollars ($150).

(2) For identification cards for unlicensed employees issued under section 16(e) of this chapter, a fee of:

(A) ten dollars ($10); or

(B) five dollars ($5), if application for the identification card is made in the second year of the licensee's license.

(3) For reinstatement of a license referred to in section 21(c) of this chapter, a delinquent fee of seventy-five dollars ($75).

(b) If an applicant requests the issuance or renewal of both a private investigator license and a security guard license, the board shall charge a fee of two hundred dollars ($200).

(c) All fees collected under this chapter must be deposited in the state general fund and must be accounted for by the licensing agency.

(d) A license fee may not be refunded unless a showing is made of ineligibility to receive the license based upon failure to meet the requirements of this chapter or based upon a showing of mistake, inadvertence, or error in the collection of the fee.

Sec. 23. (a) The proceedings under this chapter shall be conducted in accordance with IC 4-21.5, and the board has all powers granted under IC 4-21.5.

(b) The board may impose sanctions against a licensee under IC 25-1-11 if the board determines that the licensee has done any of the following:

(1) Forcibly and without the consent of the person in lawful possession, entered a building or portion of a building.

(2) Impersonated, or permitted or aided and abetted an employee to impersonate a law enforcement officer, an employee of the United States government, an employee of the state, or an employee of a political subdivision of the state.

(3) During the period between the expiration of a license for failure to renew within the time fixed by this chapter and the reinstatement of the license, has committed or permitted an employee to commit an act that would be cause for suspension or revocation of a license, or grounds for the denial for the application for a license.

(4) Committed an act that is grounds for the denial of an application for a license under this chapter.

Sec. 24. This chapter does not authorize a licensee to carry any weapon.

Sec. 25. A person who files a civil action to collect fees for

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performing acts regulated by this chapter must allege and prove that when the action arose, the person was not in violation of section 27 of this chapter.

Sec. 26. It is the duty of a prosecuting attorney to whom the board reports a violation of this chapter to cause proceedings to be commenced against a person violating this chapter and to prosecute the person to final termination.

Sec. 27. (a) Except as provided in subsection (b), a person who violates this chapter commits a Class A misdemeanor.

(b) A person who is not exempt under section 12 of this chapter, who does not have a license under section 16(a) of this chapter, and who:

(1) engages in the security guard business;

(2) solicits or advertises for business as a security guard; or

(3) in any way represents to be a security guard;

commits a Class A infraction.

(c) In addition to any other fine imposed on the person, the court shall fine a person convicted of an offense under subsection (b) the amount of compensation earned by the person in the commission of the offense. Notwithstanding any other law, the total fine imposed under this section may exceed ten thousand dollars ($10,000) if necessary to comply with this subsection.

(d) Each transaction under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 28 of this chapter is sufficient if the complaint alleges that a person on a specific day in a specific county:

(1) acted as a security guard;

(2) solicited or advertised for business as a security guard; or

(3) represented to be a security guard;

without a license described in section 16(a) of this chapter.

Sec. 28. (a) If the board determines that a person who is not licensed or exempt under this chapter is engaged in activities that require a license, the board may send a notice of hearing requiring the person to show cause why the challenged activities are not a violation of this chapter. The notice must be in writing and include the following information:

(1) The date, time, and place of the hearing.

(2) The alleged violation.

(3) That the affected person or the person's representative may present evidence concerning the alleged violation.

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(b) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(c) If the board after a hearing determines that the activities that the person engaged in are subject to licensing under this chapter, the board may issue a cease and desist order that describes the person and activities that are the subject of the order.

(d) A cease and desist order issued under this section is enforceable in the circuit courts of Indiana.

(e) The attorney general, the board, or the prosecuting attorney of any county where a violation of section 27(b) of this chapter occurs may file an action in the name of the state for an injunction.

SECTION 25. IC 25-30-2 IS REPEALED [EFFECTIVE JULY 1, 1999].

SECTION 26. [EFFECTIVE JULY 1, 1999] **(a) As used in this SECTION, "board" refers to the private investigator and security guard licensing board established under IC 25-30-1-5.1, as amended by this act.**

(b) Notwithstanding IC 25-30-1-5.1, as amended by this act, the governor shall appoint the board members required under IC 25-30-1-5.1(b)(2), as amended by this act, before September 1, 1999, for terms expiring as follows:

(1) One (1) security guard member for a term expiring June 30, 2000.

(2) One (1) security guard member for a term expiring June 30, 2001.

(c) This SECTION expires July 1, 2001.

SECTION 27. [EFFECTIVE JULY 1, 1999] **(a) Notwithstanding the repeal of IC 25-30-2 by this act, a certificate of competence issued under IC 25-30-2-2, before its repeal by this act, has the same effect as a certificate of competence issued under IC 10-1-11-3, as added by this act.**

(b) Notwithstanding the repeal of IC 25-30-2 by this act, a rule adopted under IC 25-30-2, before its repeal, remains in effect as if the rule were adopted under IC 10-1-11, as added by this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 2028, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BOTTORFF, Chair

Committee Vote: yeas 13, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 2028 be amended to read as follows:

Page 6, line 37, reset in roman "(25)".
Page 6, line 39, reset in roman "(26)".
Page 6, line 39, delete "(25)".
Page 6, line 41, reset in roman "(27)".
Page 6, line 41, delete "(26)".
Page 6, line 42, reset in roman "(28)".
Page 6, line 42, delete "(27)".
Page 7, line 2, reset in roman "(29)".
Page 7, line 2, delete "(28)".
Page 7, line 4, reset in roman "(30)".
Page 7, line 4, delete "(29)".
Page 7, line 6, reset in roman "(31)".
Page 7, line 6, delete "(30)".
Page 7, line 7, reset in roman "(32)".
Page 7, line 7, delete "(31)".
Page 7, line 8, reset in roman "(33)".
Page 7, line 8, delete "(32)".
Page 7, line 9, reset in roman "(34)".
Page 7, line 9, delete "(33)".
Page 7, line 10, reset in roman "(35)".
Page 7, line 10, delete "(34)".
Page 7, line 11, reset in roman "(36)".
Page 7, line 11, delete "(35)".

(Reference is to HB 2028 as printed February 12, 1999.)

MELLINGER

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