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**TITLE 874 PRIVATE INVESTIGATOR AND SECURITY GUARD LICENSING BOARD**

**Proposed Rule**  
LSA Document #07-342

DIGEST

Adds 874 IAC concerning private investigators and security guards to implement the requirements of SEA 506, P.L.185-2007. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

**874 IAC**

SECTION 1. 874 IAC IS ADDED TO READ AS FOLLOWS:

**TITLE 874 PRIVATE INVESTIGATOR AND SECURITY GUARD LICENSING BOARD**

**ARTICLE 1. PRIVATE INVESTIGATOR FIRMS AND SECURITY GUARD AGENCIES**

**Rule 1. General Provisions**

**[874 IAC 1-1-1](#) Definitions**

Authority: [IC 25-30-1-5.5](#)

Affected: [IC 25-30](#)

Sec. 1. (a) The definitions in [IC 25-30](#) and this section apply throughout this title.

(b) For purposes of [IC 25-30-1-2](#) and [IC 25-30-1.3-5](#), "for hire or reward" means to:

- (1) charge a monetary fee; or
- (2) receive any item of pecuniary value;

for the provision of private investigative or security guard services.

(c) "Manager" or "administrator" means an employee who is responsible for the daily management operations or administration of the business entity by which the employee is employed.

(d) For purposes of [IC 25-30-1.3-6\(b\)\(1\)](#), "official duties" means duties performed by a:

- (1) law enforcement officer while on duty and in an official capacity as an employee of a law enforcement agency; or
- (2) law enforcement officer, special deputy, or reserve officer while off duty and performing a paid detail assignment that has been assigned to the law enforcement officer, special deputy, or reserve officer by the law enforcement agency to which the:
  - (A) law enforcement officer or special deputy is employed; or
  - (B) reserve officer is employed or serves as a volunteer.

(e) "Qualifier" means an individual for a sole proprietorship applicant, one (1) individual of a partnership applicant, or one (1) officer of a corporate applicant who meets the experience requirements under:

- (1) [IC 25-30-1-8\(a\)\(2\)](#) and [874 IAC 1-2-1](#) for obtaining a private investigator firm license; or
- (2) [IC 25-30-1.3-9\(a\)\(2\)](#) and [874 IAC 1-3-1](#) for obtaining a security guard agency license.

(*Private Investigator and Security Guard Licensing Board; [874 IAC 1-1-1](#)*)

**[874 IAC 1-1-2](#) Advertising**

Authority: [IC 25-30-1-5.5](#)

Affected: [IC 25-30-1-13](#); [IC 25-30-1.3-14](#); [IC 35-43-4-3](#); [IC 35-43-5-3](#)

**Sec. 2. (a)** Any advertisement by a licensee, or by any employee, member, officer, director, or manager of a licensee, must contain the full name, business address, license type, and license number of the licensee as they appear in the records of the board. Such advertising shall include, but is not limited to, the following:

- (1) Business cards.
- (2) Identification cards.
- (3) Letterhead.
- (4) Invoices.
- (5) Business website.
- (6) Other forms that may be used to advertise the licensee's business.

**(b)** No written or verbal advertisement by any licensee, or by any employee, member, officer, director, or manager of a licensee, shall contain any:

- (1) wording;
- (2) slogans;
- (3) logos;
- (4) seals;
- (5) graphics; or
- (6) other inference;

that the licensee or any such person is connected with or in any manner represents any local, state, or federal law enforcement agency.

**(c)** This section shall not be construed to prevent the proper use of the forms and cards authorized by the board, or any other legitimate advertising, but is intended solely for the purpose of preventing misleading or false advertising within the meaning and intent of [IC 35-43-4-3](#) and [IC 35-43-5-3](#).

*(Private Investigator and Security Guard Licensing Board; [874 IAC 1-1-2](#))*

#### **[874 IAC 1-1-3](#) Renewal of license**

Authority: [IC 25-30-1-5.5](#)

Affected: [IC 25-30-1-16](#); [IC 25-30-1.3-17](#)

**Sec. 3. (a)** All licenses issued by the board expire October 1, 2011, and every four (4) years from that date.

**(b)** It is the responsibility of the licensee to notify the Indiana professional licensing agency of an address change.

*(Private Investigator and Security Guard Licensing Board; [874 IAC 1-1-3](#))*

#### **[874 IAC 1-1-4](#) Renewal of license; limited criminal history background checks**

Authority: [IC 25-30-1-5.5](#)

Affected: [IC 25-1-7](#); [IC 25-30-1-16](#); [IC 25-30-1.3-17](#)

**Sec. 4. (a)** All individuals serving as a qualifier for a licensed private investigator firm or licensed security guard agency shall obtain a limited criminal history background check from each state in which the qualifier has resided during the previous four (4) years preceding the filing of the application for renewal of a private investigator firm license or security guard agency license.

**(b)** Qualifiers shall maintain copies of the limited criminal history background check for a period of not less than four (4) years.

(c) The board may require a qualifier to submit the limited criminal history background check under any of the following circumstances:

- (1) At the time of renewal and as a condition for renewal.
- (2) Within one (1) year of the most recent renewal deadline as part of a random audit.
- (3) At any other time as part of an ongoing investigation under [IC 25-1-7](#).

(Private Investigator and Security Guard Licensing Board; [874 IAC 1-1-4](#))

## Rule 2. Private Investigator Firm Licensing

### [874 IAC 1-2-1](#) Experience requirements

Authority: [IC 25-30-1-5.5](#)

Affected: [IC 8-3-17](#); [IC 25-30-1-8](#)

Sec. 1. (a) This section establishes the experience requirements under [IC 25-30-1-8\(a\)\(2\)](#) for a private investigator firm license. All individual applicants, one (1) individual of a partnership applicant, or one (1) officer of a corporate applicant, who will be serving as the qualifier for the licensed private investigator firm, must meet the requirements in this section.

(b) The experience requirements shall be either of the following:

(1) A minimum of two (2) years of experience as verified by a minimum of four thousand (4,000) hours of employment in any of the following areas or combination of areas:

(A) As an employed private investigator for a private investigator firm licensed:

- (i) under [IC 25-30-1](#); or
- (ii) in another state with substantially equivalent licensing requirements.

(B) As a full-time manager or administrator for:

(i) a private investigator firm licensed:

- (AA) under [IC 25-30-1](#); or
- (BB) in another state with substantially equivalent licensing requirements;

(ii) a security guard agency licensed:

- (AA) under [IC 25-30-1.3](#); or
- (BB) in another state with substantially equivalent licensing requirements; or

(iii) a proprietary security force of:

- (AA) at least twenty (20) employees; or
- (BB) a lesser number of employees but providing the manager or administrator with equivalent experience as determined by the board.

(C) As an investigator for the:

- (i) United States Department of Justice; or
- (ii) United States Department of the Treasury.

(D) As a criminal investigator with the armed forces of the United States.

(E) As a sheriff's investigator.

(F) As a railroad detective.

(G) As a claims investigator for an insurance company.

(H) As:

- (i) a licensed and practicing attorney at law; or
- (ii) an investigator for a practicing attorney.

(I) As a police officer for any federal, state, or local unit of government.

(J) As a railroad policeman under [IC 8-3-17](#).

(K) As a military or security police officer with the armed forces of the United States.

(2) A bachelor's degree or higher in criminal justice, or a related field, as determined by the board, from an institution of higher education that is accredited by the:

- (A) Middle States Association of Colleges and Schools;
- (B) New England Association of Colleges and Schools;
- (C) North Central Association of Colleges and Schools;
- (D) Northwest Association of Colleges and Schools;
- (E) Southern Association of Colleges and Schools;

- (F) Western Association of Colleges and Schools; or
- (G) Commission on Accreditation of Criminal Justice Programs.

(c) The experience requirements shall be verified in a manner and on forms as prescribed by the board.

*(Private Investigator and Security Guard Licensing Board; [874 IAC 1-2-1](#))*

#### **[874 IAC 1-2-2](#) Criminal history information requirements**

Authority: [IC 25-30-1-5.5](#)

Affected: [IC 25-30-1-8](#)

Sec. 2. (a) All individual applicants, one (1) individual of a partnership applicant, or one (1) officer of a corporate applicant, who will be serving as the qualifier for the licensed private investigator firm, must meet the requirements in this section.

(b) Qualifiers must submit the following:

- (1) Criminal history information from each city, county, and state in which the applicant has resided during the seven (7) years preceding the filing of the application for licensure.
- (2) A fingerprint-based criminal history check from the Indiana state police.

(c) The applicant shall pay any fees associated with the release of the criminal history information of the applicant.

*(Private Investigator and Security Guard Licensing Board; [874 IAC 1-2-2](#))*

#### **[874 IAC 1-2-3](#) Nonresident applicants**

Authority: [IC 25-30-1-5.5](#)

Affected: [IC 25-30-1-14](#); [IC 25-30-1.3](#)

Sec. 3. (a) All persons who are licensed to conduct a private investigator business in any state other than Indiana, who apply for an Indiana private investigator firm license, shall furnish the following to the board, in addition to all other forms and documents required under [IC 25-30-1.3](#) or this article:

- (1) A license certification letter from the licensing authority for private investigators in each state in which licensed to conduct a private investigator business, stating that the applicant is in good standing in that state or in those states.
- (2) Verification of registration as a foreign corporation with the Indiana secretary of state, if the firm is a corporation.

(b) All persons who hold or have held a professional license issued by a state licensing board in any state other than Indiana, who apply for an Indiana private investigator firm license, shall furnish to the board, in addition to all other forms and documents required under [IC 25-30-1.3](#) or this article, a license certification letter from the licensing authority in each state in which the applicant holds or has held a professional license, stating that the applicant is in good standing in that state or in those states.

*(Private Investigator and Security Guard Licensing Board; [874 IAC 1-2-3](#))*

#### **[874 IAC 1-2-4](#) Violation of law; effect on application**

Authority: [IC 25-30-1-5.5](#)

Affected: [IC 25-30-1-8](#)

Sec. 4. The board may, at its discretion, consider an application for a private investigator firm license if the applicant or an officer or partner of the applicant under [IC 25-30-1-8\(b\)](#) has acted as a private

investigator firm in violation of [IC 25-30](#) or this article within a period of two (2) years prior to the date of the applicant's application, including whether any such experience gained while acting as a private investigator firm in violation of [IC 25-30](#) or this article may be considered in determining required experience under section 1 of this rule.

(Private Investigator and Security Guard Licensing Board; [874 IAC 1-2-4](#))

### Rule 3. Security Guard Agency Licensing

#### [874 IAC 1-3-1](#) Experience requirements

Authority: [IC 25-30-1-5.5](#)

Affected: [IC 8-3-17](#); [IC 25-30-1](#); [IC 25-30-1.3-9](#)

Sec. 1. (a) This section establishes the experience requirements under [IC 25-30-1.3-9\(a\)\(2\)](#) for a security guard agency license. All individual applicants, one (1) individual of a partnership applicant, or one (1) officer of a corporate applicant, who will be serving as the qualifier for the licensed security guard agency, must meet the requirements in this section.

(b) The experience requirements shall be either of the following:

(1) A minimum of two (2) years of experience as verified by a minimum of four thousand (4,000) hours of employment in any of the following areas or combination of areas:

(A) As an employed private investigator for a private investigator firm licensed:

(i) under [IC 25-30-1](#); or

(ii) in another state with substantially equivalent licensing requirements.

(B) As a full-time manager or administrator for:

(i) a security guard agency licensed:

(AA) under [IC 25-30-1.3](#); or

(BB) in another state with substantially equivalent licensing requirements;

(ii) a private investigator firm licensed:

(AA) under [IC 25-30-1](#); or

(BB) in another state with substantially equivalent licensing requirements; or

(iii) a proprietary security force of:

(AA) at least twenty (20) employees; or

(BB) a lesser number of employees but providing the manager or administrator with equivalent experience as determined by the board.

(C) As an investigator for the:

(i) United States Department of Justice; or

(ii) United States Department of the Treasury.

(D) As a criminal investigator with the armed forces of the United States.

(E) As a sheriff's investigator.

(F) As a railroad detective.

(G) As a claims investigator for an insurance company.

(H) As:

(i) a licensed and practicing attorney at law; or

(ii) an investigator for a practicing attorney.

(I) As a police officer for any federal, state, or local unit of government.

(J) As a railroad policeman under [IC 8-3-17](#).

(K) As a military or security police officer with the armed forces of the United States.

(2) A bachelor's degree or higher in criminal justice, or a related field, as determined by the board, from an institution of higher education that is accredited by the:

(A) Middle States Association of Colleges and Schools;

(B) New England Association of Colleges and Schools;

(C) North Central Association of Colleges and Schools;

(D) Northwest Association of Colleges and Schools;

(E) Southern Association of Colleges and Schools;

(F) Western Association of Colleges and Schools; or

(G) Commission on Accreditation of Criminal Justice Programs.

(c) The experience requirements shall be verified in a manner and on forms as prescribed by the board.

(Private Investigator and Security Guard Licensing Board; [874 IAC 1-3-1](#))

#### **[874 IAC 1-3-2](#) Criminal history information requirements**

Authority: [IC 25-30-1-5.5](#)

Affected: [IC 25-30-1.3-9](#)

Sec. 2. (a) All individual applicants, at least one (1) individual of a partnership applicant, and at least one (1) officer of a corporate applicant, who will be serving as the qualifier for the licensed security guard agency, must meet the requirements in this section.

(b) Qualifiers must submit the following:

- (1) Criminal history information from each city, county, and state in which the applicant has resided during the seven (7) years preceding the filing of the application for licensure.
- (2) A fingerprint-based criminal history check from the Indiana state police.

(c) The applicant shall pay any fees associated with the release of the criminal history information of the applicant.

(Private Investigator and Security Guard Licensing Board; [874 IAC 1-3-2](#))

#### **[874 IAC 1-3-3](#) Nonresident applicants**

Authority: [IC 25-30-1-5.5](#)

Affected: [IC 25-30-1.3-15](#)

Sec. 3. (a) All persons who are licensed to conduct a security guard business in any state other than Indiana, who apply for an Indiana security guard agency license, shall furnish the following to the board, in addition to all other forms and documents required under [IC 25-30-1.3](#) or this article:

- (1) A license certification letter from the licensing authority for security guards in each state in which licensed to conduct a security guard business, stating that the applicant is in good standing in that state or in those states.
- (2) Verification of registration as a foreign corporation with the Indiana secretary of state, if the security guard agency is a corporation.

(b) All persons who hold or have held a professional license issued by a state licensing board in any state other than Indiana, who apply for an Indiana security guard agency license, shall furnish to the board, in addition to all other forms and documents required under [IC 25-30-1.3](#) or this article, a license certification letter from the licensing authority in each state in which the applicant holds or has held a professional license, stating that the applicant is in good standing in that state or in those states.

(Private Investigator and Security Guard Licensing Board; [874 IAC 1-3-3](#))

#### **[874 IAC 1-3-4](#) Violation of law; effect on application**

Authority: [IC 25-30-1-5.5](#)

Affected: [IC 25-30-1.3-9](#)

Sec. 4. The board may, at its discretion, consider an application for a security guard agency license if the applicant or an officer or partner of the applicant under [IC 25-30-1.3-9\(b\)](#) has acted as a security guard agency in violation of [IC 25-30](#) or this article within a period of two (2) years prior to the date of the applicant's application, including whether any such experience gained while acting as a security guard

agency in violation of [IC 25-30](#) or this article may be considered in determining required experience under section 1 of this rule.

(*Private Investigator and Security Guard Licensing Board; [874 IAC 1-3-4](#)*)

[Notice of Public Hearing](#)

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