

# Private Investigator and Security Guard Licensing Board

## Licensure Law and Regulations

A compilation from the Indiana Code and Indiana Administrative Code

2013 Edition



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**NOTICE:** This compilation incorporates the most recent revisions of the statutory provisions and administrative rules governing the professions of private investigators, security guards and polygraph examiners, as of September 2013. Note that this compilation is not an official version of the Indiana Code. It is distributed as a general guide to professionals regulated by the Indiana Professional Licensing Agency. It is not intended to be offered as legal advice, and it may contain typographical errors. Neither the Private Investigator and Security Guard Licensing Board, nor the Indiana Professional Licensing Agency are able to provide legal advice on issues contained herein. For legal advice, please consult an attorney. To obtain official copies of the Indiana Code or Indiana Administrative Code, please contact your nearest public library or visit the website of the Indiana General Assembly at [www.in.gov/legislative](http://www.in.gov/legislative).

# PRIVATE INVESTIGATOR AND SECURITY GUARD LICENSING BOARD

September 2013 Edition

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INDIANA CODE § 25-30

ARTICLE 30. PRIVATE INVESTIGATORS AND SECURITY GUARDS

INDIANA CODE § 25-30-1

Chapter 1. Private Investigator Firm Licensing

**IC 25-30-1-1 Short title**

Sec. 1. This chapter may be cited as the "Private Investigator Firm License Law."  
*(Formerly: Acts 1961, c.163, s.1.) As amended by Acts 1982, P.L.154, SEC.87; P.L.185-2007, SEC.8.*

**IC 25-30-1-1.2 Repealed**

*(Repealed by P.L.185-2007, SEC.28.)*

**IC 25-30-1-2 Definitions**

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 investigator firm" 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, abandoned, unclaimed, or stolen 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) providing, for hire or reward, undercover investigators to detect and prevent fraud and theft in the workplace or elsewhere.
- (4) "Board" refers to the private investigator and security guard licensing board established under section 5.2 of this chapter.
- (5) "Licensing agency" refers to the Indiana professional licensing agency established under IC 25-1-5.
- (6) "Business entity" means a firm, a company, an association, an organization, a partnership, or a corporation.  
*(Formerly: Acts 1961, c.163, s.2; Acts 1965, c.162, s.1; Acts 1967, c.171, s.1.) As amended by Acts 1982, P.L.154, SEC.88; P.L.261-1987, SEC.1; P.L.234-1989, SEC.5; P.L.214-1993, SEC.66; P.L.236-1995, SEC.46; P.L.1-2006, SEC.474; P.L.185-2007, SEC.9; P.L.3-2008, SEC196.*

**IC 25-30-1-3 Necessity of license**

Sec. 3. It shall be unlawful for a person to:

- (1) engage in business as a private investigator firm;
- (2) solicit or advertise for business as a private investigator firm; or
- (3) represent or hold the person out to be a private investigator firm; unless the person is licensed as a private investigator firm under this chapter and complies with this chapter and rules adopted under this chapter.  
*(Formerly: Acts 1961, c.163, s.3.) As amended by Acts 1982, P.L.154, SEC.89; P.L.234-1989, SEC.6; P.L.185-2007, SEC.10.*

**IC 25-30-1-4 Repealed**

*(Repealed by P.L.214-1993, SEC.91.)*

**IC 25-30-1-5 Exceptions to licensing requirements**

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 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.
- (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 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.
- (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 underwriting purposes; including a consumer reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).
- (7) A retail merchant or an employee of the retail merchant to the extent that the person is hiring a private investigator for the purposes of loss prevention investigations for the retail merchant's retail establishment.

(8) 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.

(9) 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.

(10) 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.

(11) A certified public accountant with a certificate under IC 25-2.1-3, to the extent that the person is engaged in an investigation incident to the practice of accountancy.

(12) An independent consultant employed by the attorney general under IC 32-34-1-48, to the extent that the independent consultant is engaged in providing services for the attorney general.

*(Formerly: Acts 1961, c.163, s.5.) As amended by Acts 1982, P.L.154, SEC.91; P.L.261-1987, SEC.2; P.L.234-1989, SEC.7; P.L.245-1995, SEC.1; P.L.42-1999, SEC.1; P.L.185-2007, SEC.11.*

#### **IC 25-30-1-5.1 Repealed**

*(Repealed by P.L.185-2007, SEC.28.)*

#### **IC 25-30-1-5.2 Private detectives licensing board; establishment; membership; term; removal; vacancy; compensation**

Sec. 5.1. (a) The private investigator and security guard licensing board is established.

(b) The board consists of:

(1) the superintendent of the state police department or the superintendent's designee; and

(2) the following six (6) members appointed by the governor from different geographic regions of Indiana as determined by the governor:

(A) Two (2) individuals who are associated with a private investigator firm licensed under this article.

(B) Two (2) individuals who are associated with a security guard agency licensed under this article.

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

(D) One (1) person who is not associated with a private investigator firm or security guard agency other than as a consumer.

(c) Each member of the board appointed by the governor shall serve a term of two (2) years.

(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) A vacancy in the membership of the board shall be filled by appointment by the governor for 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). Each member of the board 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 Indiana department of administration and approved by the budget agency.

*As added by P.L.185-2007, SEC.12.*

#### **IC 25-30-1-5.3 Election of president and vice president**

Sec. 5.3. The board shall, at its first meeting of each year, elect a president and a vice president from among its membership by a majority vote of all the members of the board.

*As added by P.L.234-1989, SEC.9. Amended by P.L.214-1993, SEC.68.*

#### **IC 25-30-1-5.5 Rules**

Sec. 5.5. (a) The board shall adopt rules under IC 4-22-2 to implement this chapter.

(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.

*As added by P.L.234-1989, SEC.10.*

#### **IC 25-30-1-6 Powers and duties of licensing agency**

Sec. 6. The licensing agency shall assist the board by performing administrative functions under this chapter.

*(Formerly: Acts 1961, c.163, s.6.) As amended by Acts 1982, P.L.154, SEC.92; P.L.234-1989, SEC.11.*

#### **IC 25-30-1-6.5 Board meetings; quorum**

Sec. 6.5. (a) The board shall meet upon the call of the board president.

(b) Four (4) members of the board constitute a quorum.

*As added by P.L.185-2007, SEC.13.*

#### **IC 25-30-1-7 Application for license**

Sec. 7. (a) An application for licensure as a private investigator firm must be on a form prescribed by the board accompanied by the license fee established by the board under IC 25-1-8.

(b) The application for licensure as a private investigator firm shall 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 private investigator firm.

(3) The full name and residential address of each of the private investigator firms members, partners, officers, directors, and managers.

(4) The proof of insurance required by section 15 of this chapter.

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

*(Formerly: Acts 1961, c.163, s.7.) As amended by Acts 1982, P.L.154, SEC.93; P.L.234-1989, SEC.12; P.L.194-2005, SEC.74; P.L.185-2007, SEC.14.*

#### **IC 25-30-1-8 Qualifications for license; grounds for denial**

Sec. 8. (a) The board may not issue a private investigator firm license to an individual unless the individual:

(1) is at least twenty-one (21) years of age; and

(2) demonstrates the necessary knowledge and skills, as determined by the board, to conduct a private investigator firm competently.

(b) The board may not issue a private investigator firm license to a business entity unless:

- (1) one (1) officer in the case of a corporation; or
- (2) one (1) partner in the case of a partnership;

meets 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 or if the applicant is a business entity, the officer or partner referred to 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 in the commission of an act for which a license is required by this chapter;
- (5) is not on probation or parole; and
- (6) is not being sought under an active warrant against the applicant, officer, or partner.

*(Formerly: Acts 1961, c.163, s.8.) As amended by Acts 1978, P.L.2, SEC.2549; P.L.261-1987, SEC.3; P.L.234-1989, SEC.13; P.L.214-1993, SEC.69; P.L.185-2007, SEC.15; P.L.3-2008, SEC.197.*

#### **IC 25-30-1-8.5 Change in ownership of licensee**

Sec. 8.5. If a change in the ownership of a private investigator firm results in the failure to meet the qualifications set forth in section 8 of this chapter:

- (1) the license of the private investigator firm terminates on the date the change of ownership is effective; and
- (2) the private investigator firm must file a new application for a license as a private investigator firm with the board.

*As added by P.L.185-2007, SEC.16.*

#### **IC 25-30-1-9 Continuation of business after death of licensee**

Sec. 9. (a) Upon the death of an individual licensed under this chapter, the private investigator firm with which the decedent was connected may be carried on for a period of ninety (90) days after the individual's death 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 business entity, the other officers of the business entity.

(b) Upon the authorization of the board, the private investigator firm 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 investigator firm if the vendee qualifies for a license under this chapter.

*(Formerly: Acts 1961, c.163, s.9.) As amended by Acts 1982, P.L.154, SEC.94; P.L.234-1989, SEC.14; P.L.185-2007, SEC.17.*

#### **IC 25-30-1-10 Form of license; display; change of address; assignment of license**

Sec. 10. (a) A license, when issued, shall be in a form determined by the board and shall include the following:

- (1) The full name of the licensee.
  - (2) The number and expiration date of the license.
- (b) Upon the issuance of a private investigator firm license, a pocket card shall be issued without charge to the licensee. When a license is revoked, the pocket card shall be surrendered and, not later than five (5) days after revocation, shall be mailed or delivered by the licensee to the board for cancellation.
- (c) A licensed private investigator firm shall, not later than thirty (30) days after a change, notify the board of any changes to the:
- (1) licensee's address;
  - (2) name under which the licensee does business; and (3) licensee's officers, directors, members, or partners.

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

(e) A licensee shall present, upon the request of a client, a pocket card license that indicates the:

- (1) license is active; and
- (2) licensee is in good standing.

*(Formerly: Acts 1961, c.163, s.10.) As amended by Acts 1982, P.L.154, SEC.95; P.L.234-1989, SEC.15; P.L.214-1993, SEC.70; P.L.236-1995, SEC.47; P.L.185-2007, SEC.18.*

#### **IC 25-30-1-11 Employees of licensee**

Sec. 11. (a) A licensee may employ, to assist the licensee in the licensee's business as a private investigator firm, as many unlicensed persons as may be necessary. The licensee is civilly responsible for the good conduct of all employees while the unlicensed persons are 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.

(c) A licensed private investigator firm shall, at the board's request, provide the board with a roster of all unlicensed individuals employed by the private investigator firm.

*(Formerly: Acts 1961, c.163, s.11.) As amended by Acts 1978, P.L.2, SEC.2550; P.L.234-1989, SEC.16; P.L.214-1993, SEC.71; P.L.236-1995, SEC.48; P.L.185-2007, SEC.19.*

#### **IC 25-30-1-12 Repealed**

*(Repealed by P.L.35-1984, SEC.10.)*

### **IC 25-30-1-13 Advertisements**

Sec. 13. 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.

*(Formerly: Acts 1961, c.163, s.13.) As amended by P.L.234-1989, SEC.17.*

### **IC 25-30-1-14 Nonresident licensees**

Sec. 14. It shall be unlawful for a person licensed by any other state to do business in Indiana unless the person is licensed and authorized to do business in Indiana. A person may not do business in Indiana until the person is licensed with the board and meets the requirements for licensees of this state. 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.

*(Formerly: Acts 1961, c.163, s.14.) As amended by P.L.234-1989, SEC.18; P.L.214-1993, SEC.72; P.L.185-2007, SEC.20.*

### **IC 25-30-1-15 Insurance**

Sec. 15. (a) An applicant for a private investigator firm license shall submit to the board a certificate of insurance or other evidence of financial responsibility that:

- (1) is approved by the board; and
- (2) meets the following requirements:
  - (A) Is issued by an insurance company or other legal entity authorized to transact business in Indiana.
  - (B) Provides for general liability coverage of at least one hundred thousand dollars (\$100,000).
  - (C) Lists the state as an additional insured.
  - (D) States that cancellation and non-renewal of the underlying policy or other evidence of financial responsibility is not effective until the board received written notice at least ten (10) days before the cancellation or nonrenewal of the policy.
  - (E) Contains any other terms and conditions established by the board.

(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 private investigator firm;
- (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 the insurance requirements of this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for reinstatement of the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(f) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance requirements 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.

*(Formerly: Acts 1961, c.163, s.15.) As amended by Acts 1982, P.L.154, SEC.97; P.L.261-1987, SEC.4; P.L.157-1988, SEC.1; P.L.234-1989, SEC.19; P.L.214-1993, SEC.73; P.L.185-2007, SEC.21.*

### **IC 25-30-1-16 Expiration and renewal of license**

Sec. 16. (a) Unless a license is renewed, a license issued under this chapter expires on a date specified by the licensing agency under IC 25-1-6-4 and expires every four (4) years after the initial expiration date. An applicant for renewal shall pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without any action taken by the board.

(c) If a license has been expired for not more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements under IC 25-1-8-6(c).

(d) If a license has been expired for more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

*(Formerly: Acts 1961, c.163, s.16.) As amended by Acts 1982, P.L.154, SEC.98; P.L.234-1989, SEC.20; P.L.214-1993, SEC.74; P.L.194-2005, SEC.75; P.L.157-2006, SEC.68.; P.L.185-2007, SEC.22; P.L.105-2008, SEC.57.*

### **IC 25-30-1-17 Fees**

Sec. 17. (a) The board shall charge and the licensing agency shall collect the fees established by the board under IC 25-1-8.

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

(c) All fees collected under this chapter are nontransferable and nonrefundable.

*(Formerly: Acts 1961, c.163, s.17.) As amended by Acts 1982, P.L.154, SEC.99; P.L.5-1988, SEC.137; P.L.234-1989, SEC.21; P.L.214-1993, SEC.75; P.L.194-2005, SEC.76; P.L.185-2007, SEC.23.*

### **IC 25-30-1-18 Administrative proceedings; violation of professional standards; sanctions against licensees**

Sec. 18. (a) The proceedings under this chapter shall be conducted in accordance with IC 4-21.5. In conducting proceedings under this chapter, 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, permitted an employee to personate, or aided and abetted an employee in impersonating:

- (A) a law enforcement officer;
- (B) an employee of the United States government;
- (C) an employee of the state; or
- (D) 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, 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 of the application for a license.

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

*(Formerly: Acts 1961, c.163, s.18.) As amended by Acts 1978, P.L.2, SEC.2551; P.L.7-1987, SEC.127; P.L.234-1989, SEC.22; P.L.214-1993, SEC.76; P.L.3-2008, SEC.198.*

#### **IC 25-30-1-19 Carrying weapons**

Sec. 19. Nothing in this chapter shall be construed to authorize any licensee to carry any weapon.

*(Formerly: Acts 1961, c.163, s.19.) As amended by P.L.3-1989, SEC.147.*

#### **IC 25-30-1-19.5 Action to collect fees; burden of proving licensure or exemption**

Sec. 19.5. A person that files a civil action to collect fees for performing acts regulated by this chapter must allege and prove that when the action arose the person was not in violation of section 22 of this chapter.

*As added by P.L.214-1993, SEC.77. As amended by P.L.185-2007, SEC.24.*

#### **IC 25-30-1-20 Prosecuting attorneys; reporting violations**

Sec. 20. It shall be 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.

*(Formerly: Acts 1961, c.163, s.20.) As amended by P.L.234-1989, SEC.23.*

#### **IC 25-30-1-21 Violations; fines; separate offenses; complaints**

Sec. 21. (a) A person who violates this chapter commits a Class A misdemeanor.

(b) A person violates this chapter if the person is not exempt under section 5 of this chapter, does not have a private investigator firm license, and knowingly or intentionally:

- (1) engages in the private investigator firm business;
- (2) solicits or advertises for business as a private investigator firm; or
- (3) in any way represents to be a private investigator firm.

(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 35-50-3-2, 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) engages in business as a private investigator firm;
- (2) solicited or advertised for business as a private investigator firm; or
- (3) represented to be a private investigator firm;

without a private investigator firm license.

(f) A person who knowingly or intentionally fails or refuses to surrender a private investigator firm license issued under this chapter when the license is revoked by the board commits a Class A misdemeanor.

*(Formerly: Acts 1961, c.163, s.21.) As amended by Acts 1978, P.L.2, SEC.2552; P.L.214-1993, SEC.78; P.L.1-1998, SEC.134; P.L.185-2007, SEC.25.*

#### **IC 25-30-1-22 Activities by unlicensed persons; show cause notice; cease and desist order**

Sec. 22. (a) If the board determines that a person that 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.

(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 21(b) of this chapter occurs may file an action in the name of the state for an injunction.

*As added by P.L.214-1993, SEC.79. As amended by P.L.185-2007, SEC.26.*

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**Chapter 1.3. Security Guard Agency Licensing**

**IC 25-30-1.3-1 "Board"**

Sec. 1. As used in this chapter, "board" refers to the private investigator and security guard licensing board established under IC 25-30-1-5.2.

*As added by P.L.185-2007, SEC.27.*

**IC 25-30-1.3-2 "Business Entity"**

Sec. 2. As used in this chapter, "business entity" means a firm, a company, an association, an organization, a partnership, or a corporation.

*As added by P.L.185-2007, SEC.27.*

**IC 25-30-1.3-3 "Licensee"**

Sec. 3. As used in this chapter, "licensee" means a person licensed as a security guard agency under this chapter.

*As added by P.L.185-2007, SEC.27.*

**IC 25-30-1.3-4 "Person"**

Sec. 4. As used in this chapter, "person" means an individual, a firm, a company, an association, an organization, a partnership, or a corporation.

*As added by P.L.185-2007, SEC.27.*

**IC 25-30-1.3-5 "Security guard agency"**

Sec. 5. As used in this chapter, "security guard agency" means a person that is in the business of providing, for hire or reward, a guard or other individual to:

- (1) protect persons or property; or
- (2) prevent the misappropriation or concealment of goods, wares and merchandise, money, bonds, stocks, choses in action, notes, or other valuable documents or papers.

*As added by P.L.185-2007, SEC.27.*

**IC 25-30-1.3-6 Exceptions from licensing requirement**

Sec. 6. (a) For purposes of this section, "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.

(b) This chapter does not apply to the following:

- (1) A law enforcement officer of the United States, a state, or a political subdivision of a state to the extent that the officer is engaged in the performance of the officer's official duties.
- (2) 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, to the extent that the employee is engaged in the performance of the employee's official duties.
- (3) The owner of an industrial plant or an employee of the owner of an industrial plant to the extent that the owner or the employee is hiring a plant security guard for the owner's industrial plant.
- (4) A retail merchant or an employee of the retail merchant to the extent that the retail merchant or the employee is hiring a security guard for the retail merchant's retail establishment.

*As added by P.L.185-2007, SEC.27. Amended by P.L.3-2008, SEC.199.*

**IC 25-30-1.3-7 Necessity of license**

Sec. 7. A person may not:

- (1) engage in business as a security guard agency;
- (2) solicit or advertise for business as a security guard agency; or
- (3) represent or hold a person out as a security guard agency;

unless the person is licensed as a security guard agency under this chapter.

*As added by P.L.185-2007, SEC.27.*

**IC 25-30-1.3-8 Application for license**

Sec. 8. (a) A person must apply for a license as a security guard agency by submitting the following to the board:

- (1) An application as described under subsection (b) and in a form prescribed by the board.
- (2) A licensing fee established by the board under IC 25-1-8.

(b) The application for licensure as a security guard agency 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 agency.
- (3) The full name and residential address of each of the security guard agency's members, partners, officers, directors, and managers.
- (4) Proof of insurance required under section 16 of this chapter.
- (5) Other information, evidence, statements, or documents required by the board.

*As added by P.L.185-2007, SEC.27.*

#### **IC 25-30-1.3-9 Qualifications for license; grounds for denial**

Sec. 9. (a) The board may not issue a security guard agency license to an individual unless the individual:

- (1) is at least twenty-one (21) years of age; and
- (2) demonstrates the necessary knowledge and skills, as determined by the board, to conduct a security guard agency competently.

(b) The board may not issue a security guard agency license to a business entity unless:

- (1) one (1) officer in the case of a corporation; or
- (2) one (1) partner in the case of a partnership;

meets 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, or if the applicant is a business entity, the officer or partner referred to 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) 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 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; and
- (6) is not being sought under an active warrant against the applicant, officer, or partner.

*As added by P.L.185-2007, SEC.27. Amended by P.L.3-2008, SEC.200.*

#### **IC 25-30-1.3-10 Change in ownership**

Sec. 10. If a change in the ownership of a security guard agency results in the failure to meet the qualifications set forth in section 9 of this chapter:

- (1) the license for the security guard agency terminates on the date the change in ownership is effective; and
- (2) the security guard agency must file a new application for a license as a security guard agency with the board.

*As added by P.L.185-2007, SEC.27.*

#### **IC 25-30-1.3-11 Continuation of business after death of licensee**

Sec. 11. (a) Upon the death of an individual licensed under this chapter, the security guard agency with which the decedent was connected may be carried on for a period of ninety (90) days after the individual's death 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 business entity, the other officers of the business entity.

(b) Upon the authorization of the board, a security guard agency 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) This section does not authorize the solicitation or acceptance of business after the death of an individual except as provided by this chapter.

(d) This section may not be construed to restrict the sale of a security guard agency if the vendee qualifies for a license under this chapter.

*As added by P.L.185-2007, SEC.27.*

#### **IC 25-30-1.3-12 Form of license; display; change of address; assignment of license**

Sec. 12. (a) A license, when issued, must be in a form determined by the board and must include the following:

- (1) The full name of the licensee.
- (2) The number and expiration date of the license.

(b) Upon the issuance of a security guard agency license, a pocket card shall be issued without charge to the licensee. If a license is revoked, the person whose license is revoked shall surrender the pocket card and, not later than five (5) days after revocation, shall mail or deliver the pocket card to the board for cancellation.

(c) A licensed security guard agency shall, not later than thirty (30) days after a change, notify the board of any changes to the:

- (1) licensee's address;
- (2) name under which the licensee does business; or
- (3) licensee's officers, directors, members, or partners.

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

(e) A licensee shall present, upon the request of any client, a pocket card license that indicates the:

- (1) license is active; and
- (2) licensee is in good standing.

*As added by P.L.185-2007, SEC.27.*

#### **IC 25-30-1.3-13 Employees of licensee**

Sec. 13. (a) A licensee may employ, to assist the licensee in the licensee's business as a security guard agency, as many unlicensed persons as necessary. The licensee is civilly responsible for the good conduct of all employees while the employees are acting on behalf of the licensee.

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

- (1) A picture taken within thirty (30) days after the date that an employee commences employment with the licensee.
- (2) A full set of fingerprints of both hands of each employee.

(c) A licensee shall provide the board, at the board's request, a roster of all unlicensed persons employed by the security guard agency.

*As added by P.L.185-2007, SEC.27.*

#### **IC 25-30-1.3-14 Advertisements**

Sec. 14. An advertisement by a licensee soliciting or advertising for business must contain the name and address of the licensee as it appears in the records of the board.

*As added by P.L.185-2007, SEC.27.*

### **IC 25-30-1.3-15 Nonresident licensees**

Sec. 15. It is unlawful for a person licensed by any other state to do business in Indiana unless the person is licensed and authorized to do business in Indiana. A person may not do business in Indiana until the person is licensed with the board and meets the requirements for licensees of Indiana. 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.  
*As added by P.L.185-2007, SEC.27.*

### **IC 25-30-1.3-16 Insurance**

Sec. 16. (a) An applicant for a security guard agency license must submit to the board a certificate of insurance or other evidence of financial responsibility that:

- (1) is approved by the board; and
- (2) meets the following requirements:
  - (A) Is issued by an insurance company or other legal entity authorized to transact business in Indiana.
  - (B) Provides for general liability coverage of at least one hundred thousand dollars (\$100,000).
  - (C) Lists the state as an additional insured.
  - (D) States that cancellation and nonrenewal of the underlying policy or other evidence of financial responsibility is not effective until the board receives at least ten (10) days prior written notice of the cancellation or nonrenewal of the policy.
  - (E) Contains any other terms and conditions established by the board.

(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 agency;
- (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 the injury arises solely from the use of reasonable force to protect persons or property.

(c) If a licensee fails to comply with the insurance requirements of this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for reinstatement of 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 requirements 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.

*As added by P.L.185-2007, SEC.27.*

### **IC 25-30-1.3-17 Expiration and renewal of license**

Sec. 17. (a) Unless a license is renewed, a license issued under this chapter expires on a date specified by the licensing agency under IC 25-1-6-4 and expires every four (4) years after the initial expiration date. An applicant for renewal shall pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without any action taken by the board.

(c) If a license has been expired for not more than three (3) years, the license may be reinstated if the holder of the license meets the requirements under IC 25-1-8-6(c).

(d) If a license has been expired for more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

*As added by P.L.185-2007, SEC.27. Amended by P.L.105-2008, SEC.58.*

### **IC 25-30-1.3-18 Fees**

Sec. 18. (a) The board shall charge and the licensing agency shall collect the fees established by the board under IC 25-1-8.

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

(c) All fees collected under this chapter are nontransferable and nonrefundable.

*As added by P.L.185-2007, SEC.27.*

### **IC 25-30-1.3-19 Administrative proceedings; violation of professional standards; sanctions against licensees**

Sec. 19. (a) The proceedings under this chapter shall be conducted in accordance with IC 4-21.5. In conducting proceedings under this chapter, 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 part of a building.
- (2) Impersonated, permitted an employee to impersonate, or aided and abetted an employee in impersonating:
  - (A) a law enforcement officer;
  - (B) an employee of the United States government;
  - (C) an employee of the state; or
  - (D) 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, 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 of the application for a license.

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

*As added by P.L.185-2007, SEC.27. Amended by P.L.3-2008, SEC.201.*

**IC 25-30-1.3-20 Carrying weapons**

Sec. 20. This chapter may not be construed to authorize any licensee to carry any weapon.  
As added by P.L.185-2007, SEC.27.

**IC 25-30-1.3-21 Action to collect fees; burden of proving licensure exemption**

Sec. 21. A person that files a civil action to collect fees for performing acts regulated by this chapter must allege and prove that when the action arose the person was not in violation of section 23 of this chapter.  
As added by P.L.185-2007, SEC.27.

**IC 25-30-1.3-22 Prosecuting attorneys; reporting violations**

Sec. 22. A prosecuting attorney to whom the board reports a violation of this chapter shall cause proceedings to be commenced against a person or a business entity violating this chapter and to prosecute the person or the business entity to final termination.  
As added by P.L.185-2007, SEC.27.

**IC 25-30-1.3-23 Violations; fines; separate offenses; complaints**

Sec. 23. (a) A person who recklessly, knowingly, or intentionally violates this chapter commits a Class A misdemeanor.  
(b) A person who is not exempt under section 6 of this chapter, who does not have a security guard agency license, and who recklessly, knowingly, or intentionally:  
(1) engages in business as a security guard agency;  
(2) solicits or advertises for business as a security guard agency; or  
(3) in any way represents to be a security guard agency;  
commits a Class A misdemeanor.  
(c) In addition to any other penalty 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 IC 35-50-3-2, 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 24 of this chapter is sufficient if the complaint alleges that a person or business entity on a specific day in a specific county:  
(1) engaged in business as a security guard agency;  
(2) solicited or advertised for business as a security guard agency; or  
(3) represented to be a security guard agency;  
without a security guard agency license.  
(f) A person who recklessly, knowingly, or intentionally fails or refuses to surrender a security guard agency license issued under this chapter when the license is revoked by action of the board commits a Class A misdemeanor.  
As added by P.L.185-2007, SEC.27. Amended by P.L.3-2008, SEC.202.

**IC 25-30-1.3-24 Activities by unlicensed persons; show cause notice; cease and desist order**

Sec. 24. (a) If the board determines that a person that 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.  
(b) A hearing conducted under this section must comply with 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 23(b) of this chapter occurs may file an action in the name of the state for an injunction.  
As added by P.L.185-2007, SEC.27.

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**Non-Code Provisions under Public Law 185-2007****P.L.185-2007, SECTION 29.**

(a) The private detective licensing board is abolished. The powers, rights, obligations, functions, liabilities, and assets of the private detective licensing board as of June 30, 2007, shall be transferred to the private investigator and security guard licensing board, as established by this act on July 1, 2007.  
(b) This SECTION expires July 1, 2009.

**P.L.185-2007, SECTION 30.**

(a) Notwithstanding IC 25-30-1-5.2, as added by this act, the initial terms of the members of the private investigator and security guard licensing board are as follows:  
(1) The term of a member appointed under IC 25-30-1-5.2(b)(2)(A) and IC 25-30-1-5.2(b)(2)(C), as added by this act, is two (2) years.  
(2) The term of a member appointed under IC 25-30-1-5.2(b)(2)(B) and IC 25-30-1-5.2(b)(2)(D), as added by this act, is three (3) years.  
(b) This SECTION expires July 1, 2011.

**P.L.185-2007, SECTION 31.**

- (a) The definitions in IC 25-30-1-2 and IC 25-30-1.3-1 through IC 25-30-1.3-5 apply throughout this SECTION.
- (b) Notwithstanding IC 25-30-1, as amended by this act, and IC 25-30-1.3, as added by this act, the board may issue a license as a private investigator firm or a security guard agency to a person that:
- (1) holds a license as a private detective business under IC 25-30-1, as amended by this act, on June 30, 2007; and
  - (2) verifies to the board before December 31, 2007, that the person meets the qualifications required to hold a license as a:
    - (A) private investigator firm under IC 25-30-1; or
    - (B) security guard agency under IC 25-30-1.3.
- (c) This SECTION expires January 1, 2008.
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**TITLE 862 PRIVATE DETECTIVES LICENSING BOARD**

*NOTE: Agency abolished by P.L.185-2007, SECTION 29, effective July 1, 2007.*

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**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 25-30-1; IC 25-30-1.3**

Sec. 1. (a) The definitions in IC 25-30 and this section apply throughout this article.

(b) For purposes of IC 25-30-1-2 and IC 25-30-1.3-5, "for hire or reward" means to charge a monetary fee or 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 involved in the daily operations of the business entity by which he or she is employed.

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

- (1) a law enforcement officer while on duty and in an official capacity as an employee of a law enforcement agency; or
- (2) a 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; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA)*

**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.

The advertising shall include, but is not limited to, the following:

- (1) Business cards.
- (2) Identification cards.
- (3) Letterheads.
- (4) Invoices.
- (5) Business websites.
- (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 PRIVATE INVESTIGATOR AND SECURITY GUARD LICENSING BOARD

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intent of IC 35-43-5-2.5 and IC 35-43-5-3. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-1-2; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

#### **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 on 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; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

#### **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; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

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### **Rule 2. Private Investigator Firm Licensing**

#### **874 IAC 1-2-1 Experience and education requirements**

**Authority:** IC 25-30-1-5.5

**Affected:** IC 8-3-17; IC 25-30-1-8; IC 25-30-1.3

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 may be satisfied by completing the employment experience in subdivision (1) or the educational experience in subdivision (2) as follows:

(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 a private investigator firm licensed:

(i) under IC 25-30-1; or

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

(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.

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(F) As a railroad detective.

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

(H) As a licensed and practicing attorney at law or as an investigator for a practicing attorney.

(I) As a law enforcement officer for any federal, state, or local unit of government. This does not include unpaid reserve or volunteer officers.

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

(K) As a military criminal investigation or intelligence officer or agent 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; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

#### **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; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

#### **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 to the board, in addition to all other forms and documents required under IC 25-30-1.3 or this article, the following:

(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 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; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

#### **874 IAC 1-2-4 Violation of law; effect on application**

**Authority: IC 25-30-1-5.5**

**Affected: IC 25-30-1-8**

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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; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

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### **Rule 3. Security Guard Agency Licensing**

#### **874 IAC 1-3-1 Experience and education requirements**

**Authority: IC 25-30-1-5.5**

**Affected: IC 8-3-17; 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 may be satisfied by completing the employment experience in subdivision (1) or the educational experience in subdivision (2) as follows:

(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 a:

(i) security guard agency licensed:

(AA) under IC 25-30-1.3; or

(BB) in another state with substantially equivalent licensing requirements

(ii) private investigator firm licensed:

- (AA) under IC 25-30-1; or
  - (BB) in another state with substantially equivalent licensing requirements; or
  - (iii) proprietary security force of at least twenty (20) employees or a lesser number 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 a licensed and practicing attorney at law or as an investigator for a practicing attorney.
  - (I) As a law enforcement officer for any federal, state, or local unit of government. This does not include unpaid reserve or volunteer officers.
  - (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;
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- (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; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

**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; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

**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 to the board, in addition to all other forms and documents required under IC 25-30-1.3 or this article, the following:
- (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; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

**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; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)



## ARTICLE 2. PRIVATE INVESTIGATOR FIRMS AND SECURITY GUARD AGENCIES

### Rule 1. General Provisions

#### 874 IAC 2-1-1 Fees

**Authority:** IC 25-1-8-2; IC 25-30

**Affected:** IC 25-30

Sec. 1. (a) The application/issuance fee for a license as a private investigator firm shall be as follows:

(1) Three hundred dollars (\$300) if the application is filed one (1) year or more from the date of the next quadrennial renewal expiration date.

(2) One hundred fifty dollars (\$150) if the application is filed less than one (1) year from the date of the next quadrennial renewal expiration date.

(b) The application/issuance fee for a license as a security guard agency shall be as follows:

(1) Three hundred dollars (\$300) if the application is filed one (1) year or more from the date of the next quadrennial renewal expiration date.

(2) One hundred fifty dollars (\$150) if the application is filed less than one (1) year from the date of the next quadrennial renewal expiration date.

(c) The quadrennial renewal fee for a license as a private investigator firm shall be three hundred dollars (\$300).

(d) The quadrennial renewal fee for a license as a security guard agency shall be three hundred dollars (\$300). *(Private*

*Investigator and Security Guard Licensing Board; 874 IAC 2-1-1; filed Jun 3, 2010, 3:10 p.m.: 20100630-IR-874090003FRA)*

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