

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: S2/5/15  
**A Bill**

SENATE BILL 164

By: Senators J. Hutchinson, G. Stubblefield, A. Clark

### **For An Act To Be Entitled**

AN ACT CONCERNING THE ADMINISTRATION OF PRIVATE SECURITY LICENSES, PRIVATE INVESTIGATOR CREDENTIALS, PRIVATE SECURITY AGENCY LICENSES, AND SCHOOL SECURITY OFFICER AND SECURITY OFFICER COMMISSIONS; TO ABOLISH THE ARKANSAS BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES; TO VEST THE DEPARTMENT OF ARKANSAS STATE POLICE WITH CERTAIN ADMINISTRATIVE DUTIES TO ISSUE LICENSES, CREDENTIALS, AND COMMISSIONS; CONCERNING THE LICENSURE OF POLYGRAPH EXAMINERS AND CERTIFIED VOICE STRESS ANALYSIS EXAMINERS; AND FOR OTHER PURPOSES.

### **Subtitle**

CONCERNING PRIVATE SECURITY LICENSES, PRIVATE INVESTIGATOR CREDENTIALS, PRIVATE SECURITY AGENCY LICENSES, SCHOOL SECURITY OFFICER AND SECURITY OFFICER COMMISSIONS, AND POLYGRAPH AND VOICE STRESS ANALYSIS EXAMINER LICENSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Abolition of board.

(a) The Arkansas Board of Private Investigators and Private Security Agencies established by the Private Investigators and Private Security Agencies Act, § 17-40-101 et seq., is abolished, and its powers, duties, and functions, records, personnel, property, unexpended balances of



appropriations, allocations, or other funds are transferred to the Department of Arkansas State Police by a type 3 transfer under § 25-2-106.

(b) For the purposes of this act, the Department of Arkansas State Police shall be considered a principal department established by Acts 1971, No. 38.

SECTION 2. Arkansas Code § 16-90-1416(a)(2), concerning the release of a sealed criminal record, is amended to read as follows:

(2) A criminal justice agency, as defined in § 12-12-1001, and the request is accompanied by a statement that the request is being made in conjunction with:

(A) an An application for employment with the criminal justice agency by the person whose record has been sealed; or

(B) A criminal background check under the Polygraph Examiners Licensing Act, § 17-39-101 et seq., or the Private Security Agency, Private Investigator, and School Security Licensing Act, § 17-40-101 et seq.;

SECTION 3. Arkansas Code § 17-39-102 is amended to read as follows:  
17-39-102. Definitions.

As used in this chapter:

~~(1) "Administrator" means the Administrator of the Arkansas Board of Private Investigators and Private Security Agencies;~~

~~(2) "Board" means the Arkansas Board of Private Investigators and Private Security Agencies created by § 17-40-201;~~

~~(3) "Intern" means a person who holds a valid polygraph examiner intern license by the board;~~

~~(4) "Internship" means the study of polygraph examinations and of the administration of polygraph examinations by an intern under the personal supervision and control of a licensed polygraph examiner as authorized by the board;~~

~~(5) "Person" means any natural person, firm, association, copartnership, or corporation; and~~

~~(6) "Polygraph examiner" means any person who uses any device or instrument to test or question individuals for the purpose of verifying truth of statements.~~

(1) "Intern" means a person who holds a valid intern polygraph

examiner license issued by the Director of the Department of Arkansas State Police;

(2) "Internship" means the study of polygraph examinations and of the administration of polygraph examinations by an intern under the personal supervision and control of a licensed polygraph examiner as authorized by the law or any rule issued by the director;

(3) "Person" means a natural person, firm, association, copartnership, or corporation; and

(4) "Polygraph examiner" means a person who uses any device or instrument to test or question individuals for the purpose of verifying the truth of statements.

SECTION 4. Arkansas Code § 17-39-103 is amended to read as follows:  
17-39-103. Penalties.

~~Any person who violates any provision of this chapter or any person who falsely states or represents that he or she has been or is a properly licensed polygraph examiner or intern shall be guilty of a misdemeanor. Upon conviction, that person shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or by imprisonment in the county jail for a term of not to exceed six (6) months, or both.~~

(a) A person who violates this chapter or who falsely states or represents that he or she is a properly licensed polygraph examiner or intern upon conviction is guilty of a Class A misdemeanor.

(b) It is unlawful for a person to conduct a polygraph examination in the State of Arkansas unless that person holds a valid license as a polygraph examiner or intern that is issued by the Director of the Department of Arkansas State Police.

(c) For each violation of this chapter, the director may deny, suspend, or revoke a license and:

(1) Fine the licensee an amount not to exceed one thousand dollars (\$1,000);

(2) Reprimand the licensee; or

(3) Both issue a fine and reprimand the licensee.

SECTION 5. Arkansas Code § 17-39-104 is amended to read as follows:

17-39-104. Injunction.

(a) If ~~any a~~ a person violates ~~any provisions of~~ this chapter, the ~~Administrator of the Arkansas Board of Private Investigators and Private Security Agencies, upon direction of a majority of the Arkansas Board of Private Investigators and Private Security Agencies and in the name of the State of Arkansas~~ Director of the Department of Arkansas State Police, through the Attorney General, ~~shall~~ may apply in any circuit court of competent jurisdiction for an order enjoining the violation or for an order enforcing compliance with this chapter.

(b)(1) Upon the filing of a verified petition in the court, the court ~~or any judge thereof~~, if satisfied by affidavit or otherwise that the person has violated this chapter, may issue a temporary injunction, without notice or bond, enjoining the continued violation.

(2) If it is established that the person has violated ~~or is violating~~ this chapter, the court ~~or any judge thereof~~ may enter a decree perpetually enjoining the violation or enforcing compliance with this chapter.

(c) In case of violation of any order or decree issued under the provisions of this section, the court ~~or any judge thereof~~ may try and punish the offender for contempt of court.

(d) ~~Proceeding~~ Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this chapter.

SECTION 6. Arkansas Code § 17-39-105 is amended to read as follows:

17-39-105. Evidence.

~~Nothing in this~~ This chapter shall not be construed as permitting the results of a polygraph examination ~~examinations~~ to be introduced or admitted as evidence in ~~a court of criminal law~~ a criminal proceeding.

SECTION 7. Arkansas Code § 17-39-106 is amended to read as follows:

17-39-106. ~~Board Powers and duties.~~ Director of the Department of Arkansas State Police - Powers and duties.

~~(a) The Arkansas Board of Private Investigators and Private Security Agencies is authorized and empowered to perform and carry out the functions and duties enumerated in this chapter with respect to the licensing of~~

~~polygraph examiners and to do and perform all other acts incidental and necessary to the proper performance of the functions and duties as prescribed in this chapter.~~

~~(b) The board shall issue rules consistent with the provisions of this chapter for the administration and enforcement of this chapter and shall prescribe forms which shall be issued in connection therewith.~~

~~(c) An order or a certified copy thereof, over the board seal and purporting to be signed by the board members, shall be prima facie proof that the signatures are the genuine signatures of the board members and that the board members are fully qualified to act.~~

~~(d) The position of Administrator of the Arkansas Board of Private Investigators and Private Security Agencies is created. The Director of the Department of Arkansas State Police, or his or her designated representative, shall serve as the administrator. The administrator shall not be a member of the board, shall perform duties prescribed by the board, and shall have no financial or business interests, contingent or otherwise, in any security services contractor or investigating company.~~

~~(e) All legal process and all documents required by law to be served upon or filed with the board shall be served or filed with the administrator at the designated office of the board.~~

~~(f) All official records of the board or affidavits by the administrator as to the content of the records shall be prima facie evidence of all matters required to be kept by the board.~~

(a) The Director of the Department of Arkansas State Police may perform the functions and duties enumerated in this chapter with respect to the licensing of polygraph examiners and interns and perform all other acts incidental and necessary to the proper performance of the functions and duties as prescribed in this chapter.

(b) The director shall issue rules consistent with this chapter for the administration and enforcement of this chapter and shall prescribe and issue forms in connection with these rules.

(c) The director shall perform duties prescribed by this chapter and shall have no financial, personal, or business interests, contingent or otherwise, in an entity within his or her licensing authority.

(d) The director or his or her designee is the agent for service of process for all legal process and documents required by law to be served in

conjunction with this chapter.

SECTION 8. Arkansas Code § 17-39-107 is amended to read as follows:

17-39-107. Disposition of funds.

(a) All fees collected under ~~the provisions of~~ this chapter shall be deposited into the State Treasury to the credit of the Department of Arkansas State Police Fund.

(b)(1) All funds received by the ~~Arkansas Board of Private Investigators and Private Security Agencies~~ Department of Arkansas State Police shall be deposited into the State Treasury as special revenues to the credit of the ~~fund~~ Department of Arkansas State Police Fund.

(2) Money remaining at the end of the fiscal year shall not revert to any other fund but shall carry over to the next fiscal year.

SECTION 9. Arkansas Code § 17-39-109 is amended to read as follows:

17-39-109. Instrumentation.

(a) Every polygraph examiner or intern shall use an instrument which records visually, permanently, and simultaneously a subject's:

- (1) ~~A subject's cardiovascular~~ Cardiovascular pattern;
- (2) Electrodermal activity; and
- (3) ~~A subject's respiratory~~ Respiratory pattern.

(b) Patterns of other physiological changes in addition to those described in this section may also be recorded.

SECTION 10. Arkansas Code Title 17, Chapter 39, Subchapter 1, is amended to add a new section to read as follows:

17-39-110. Director of the Department of Arkansas State Police - Designee.

The Director of the Department of Arkansas State Police may designate a person on his or her staff to administer and carry out the provisions of this chapter.

SECTION 11. Arkansas Code § 17-39-201 is amended to read as follows:

17-39-201. License required.

It ~~shall be~~ is unlawful for ~~any~~ a person, including a city, county, or state employee, to administer polygraph examinations or ~~attempt to~~ hold

himself or herself out as a polygraph examiner or intern without a license polygraph examiner license or intern polygraph examiner license approved and issued by the Arkansas Board of Private Investigators and Private Security Agencies Director of the Department of Arkansas State Police.

SECTION 12. Arkansas Code § 17-39-202 is amended to read as follows:  
17-39-202. Qualifications.

~~(a) A person is qualified to receive a license as an examiner who:~~  
~~(1) Is at least twenty one (21) years of age;~~  
~~(2) Has not been found guilty of or pleaded guilty or nolo contendere to a felony or a misdemeanor involving moral turpitude;~~  
~~(3) Holds a baccalaureate degree from a college or university accredited by the American Association of Collegiate Registrars and Admissions Officers or, in lieu thereof, has five (5) consecutive years of active investigative experience immediately preceding his or her application;~~  
~~and~~

~~(4) Is a graduate of a polygraph examiners course approved by the Arkansas Board of Private Investigators and Private Security Agencies and has satisfactorily completed not less than six (6) months of internship training.~~

~~(b) Prior to the issuance of a license, the applicant must furnish evidence of a surety bond or insurance policy to the board. The surety bond or insurance policy shall be in the sum of five thousand dollars (\$5,000). The bond shall be conditioned that the obligor therein will pay to the extent of the face amount of the surety bond or insurance policy all judgments which may be recovered against the licensee by reason of any wrongful or illegal acts committed by him or her in the course of his or her examinations.~~

A polygraph examiner license or an intern polygraph examiner license may be issued to an applicant who:

(1) Is at least twenty-one (21) years of age at the time of application;

(2)(A) Has successfully completed a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to one (1) or more of the following in any court in the State of Arkansas or a comparable offense in another state or in a military or federal court, for which a pardon has not been granted:

- (i) Felony;
- (ii) Class A misdemeanor;
- (iii) Crime involving violence; or
- (iv) Crime involving moral turpitude.

(B) For the purposes of this subdivision (2), the criminal background check shall include a record of all offenses that have been previously sealed or expunged by any court;

(3) Holds a baccalaureate degree from a college or university that is accredited by an accrediting agency approved by the United States Secretary of Education or has at least five (5) consecutive years of active law enforcement experience;

(4) Is a graduate of a polygraph examiners course approved by the Director of the Department of Arkansas State Police and has satisfactorily completed an internship of not less than six (6) months;

(5) Submits two (2) recent passport-style photographs of the applicant;

(6) Is not required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.; and

(7)(A)(i) Has furnished evidence of a surety bond or insurance policy to the director or proof that the applicant is covered by a business insurance policy.

(ii) The surety bond or insurance policy shall be in the sum of five thousand dollars (\$5,000).

(iii) The surety bond shall be conditioned that the obligor therein pay to the extent of the face amount of the surety bond or insurance policy all judgments recovered against the licensee by reason of any wrongful or illegal acts committed by him or her in the course of conducting a polygraph examination.

(B) An applicant who is conducting a polygraph examination solely in the course of his or her employment with a law enforcement agency may submit a letter from the county sheriff, municipal chief of police, or director of a state agency that states that any liability incurred will be covered under that entity's membership in the Arkansas Fidelity Bond Trust Fund, a risk management pool, or liability coverage, if any, in order to meet the requirement under this subdivision (7).

SECTION 13. Arkansas Code § 17-39-203 is amended to read as follows:

17-39-203. ~~Original~~ Initial polygraph examiner license or intern polygraph examiner license application.

~~(a) Applications for original licenses shall be made to the Administrator of the Arkansas Board of Private Investigators and Private Security Agencies in writing under oath on forms prescribed by the Arkansas Board of Private Investigators and Private Security Agencies and shall be accompanied by the required fee, which is not refundable.~~

~~(b) Any such application shall require the information that in the judgment of the board will enable it to pass on the qualifications of the applicant for a license.~~

(a) An application for an initial polygraph examiner license or intern polygraph examiner license shall be made to the Director of the Department of Arkansas State Police on forms prescribed by the director and shall be accompanied by the required fee as set out in § 17-39-207.

(b) The burden is on the applicant to provide sufficient information to bring himself or herself within the licensing standards and allow the director to determine if the applicant is qualified to hold a license under this chapter.

SECTION 14. Arkansas Code § 17-39-204 is amended to read as follows:

17-39-204. Agent for service for nonresident interns and licensees.

(a) In addition to other application requirements, a polygraph examiner licensee or intern an intern polygraph examiner licensee who does not maintain a place of business in Arkansas shall file with the ~~Arkansas Board of Private Investigators and Private Security Agencies~~ Director of the Department of Arkansas State Police an irrevocable consent that:

(1) Actions against the ~~applicant~~ licensee may be filed in any appropriate court of any county or municipality of this state in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose; and

(2) ~~Process on~~ Service of process of the action may be ~~erved~~ obtained on the ~~applicant~~ licensee by leaving two (2) copies ~~thereof~~ of the process with the ~~Administrator of the Arkansas Board of Private Investigators and Private Security Agencies~~ director.

(b) The consent shall stipulate and agree that the service of process

upon the director shall be taken and held to be valid and binding for all purposes.

(c) The ~~administrator~~ director shall ~~immediately send~~ promptly forward one (1) copy of the process to the ~~applicant~~ licensee at the address shown on the records of the ~~board~~ director by ~~registered or certified mail, return receipt requested.~~

SECTION 15. Arkansas Code § 17-39-205 is amended to read as follows:

17-39-205. ~~License based on reciprocity~~ License in another state or territory.

~~An applicant who is a polygraph examiner licensed under the laws of another state of the United States may be issued a two-year license by the Arkansas Board of Private Investigators and Private Security Agencies upon payment of a fee of one hundred and twenty dollars (\$120) and the production of satisfactory proof that the licensee meets the requirements of this section:~~

- ~~(1) The applicant must meet the requirements of § 17-39-202;~~
- ~~(2) The applicant is at least twenty-one (21) years of age;~~
- ~~(3) The requirements of § 17-39-202(3) and (4) may be waived by the board for the licensing of polygraph examiners in the particular state or territory of the United States were at the date of the applicant's licensing therein substantially equivalent to the requirements now in force in this state;~~
- ~~(4) The applicant had lawfully engaged in the administration of polygraph examinations under the laws of that state for at least two (2) years prior to his or her application for a license under this chapter; and~~
- ~~(5) The other state grants similar reciprocity to license holders of this state.~~

An applicant who is a polygraph examiner licensed under the laws of another state or territory of the United States may be issued a two-year license by the Director of the Department of Arkansas State Police upon the production of satisfactory proof that the applicant:

- (1)(A) Meets the requirements of §§ 17-39-202 and § 17-39-204.
- (B) The director may waive the requirements of § 17-39-202(3) and (4) for the licensing of polygraph examiners from a particular state or territory of the United States when, at the date of the applicant's licensing

in that state, the license is substantially equivalent to the requirements now in force in this state;

(2) Has paid the fee under § 17-39-207(a)(1); and

(3) Had been actively and lawfully engaged in the administration of polygraph examinations under the laws of that state or territory for at least two (2) years before his or her application is submitted for a license under this chapter.

SECTION 16. Arkansas Code § 17-39-206 is amended to read as follows:

17-39-206. ~~Internship license~~ Intern polygraph examiner license.

~~(a) Upon approval by the Administrator of the Arkansas Board of Private Investigators and Private Security Agencies, the administrator shall issue an internship license to an intern, provided that he or she applies for the license and pays the required fee within ten (10) days prior to the commencement of his or her internship. The application shall contain such information as may be required by the Arkansas Board of Private Investigators and Private Security Agencies.~~

~~(b) A person is qualified to receive an internship license if he or she:~~

~~(1) Is at least twenty one (21) years of age;~~

~~(2) Has not been found guilty of or pleaded guilty or nolo contendere to any felony or a misdemeanor involving moral turpitude;~~

~~(3) Holds a baccalaureate degree from a college or university accredited by the American Association of Collegiate Registrars and Admissions Officers or, in lieu thereof, has five (5) consecutive years of active investigative experience immediately preceding his or her application; and~~

~~(4) Is a graduate of a polygraph examiners course approved by the board.~~

~~(c) An internship license shall be valid for the term of twelve (12) months from the date of issue. It may be renewed for any term not to exceed six (6) months upon good cause shown to the board.~~

(a)(1) The Director of the Department of Arkansas State Police shall issue an intern polygraph examiner license to an applicant, provided that he or she submits a properly completed application, meets the licensing requirements, and pays the required fee under § 17-39-207.

(2) The application shall contain information required by the director.

(b) A person is qualified to receive an intern polygraph examiner license if he or she:

(1) Is at least twenty-one (21) years of age at the time of application;

(2)(A) Has successfully completed a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to one (1) or more of the following in any court in the State of Arkansas or a comparable offense in another state or in a military or federal court, for which a pardon has not been granted:

(i) Felony;

(ii) Class A misdemeanor;

(iii) Crime involving violence; or

(iv) Crime involving moral turpitude.

(B) For purposes of this subsection, the criminal background check shall include a record of all offenses that have been previously sealed or expunged by any court;

(3) Holds a baccalaureate degree from a college or university that is accredited by an accrediting agency approved by the United States Secretary of Education or has at least five (5) consecutive years of active law enforcement experience;

(4) Is a graduate of a polygraph examiners course approved by the director; and

(5) Is not required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.

(c)(1) An intern polygraph examiner license shall be valid for the term of twelve (12) months from the date of issue.

(2) The intern polygraph examiner license may be renewed for one (1) six-month period.

(d)(1) An intern polygraph examiner license that is not renewed is permanently expired.

(2) A person whose intern polygraph examiner license expired under subdivision (d)(1) of this section and who subsequently wishes to obtain an intern polygraph examiner license shall make application as required by this section.

SECTION 17. Arkansas Code § 17-39-207 is amended to read as follows:  
17-39-207. Examination – Fees.

(a) The fees to be paid for licenses shall be with an application for a license under this chapter are as follows:

(1) For an ~~original~~ initial two-year polygraph ~~examiner's~~ examiner license, one hundred twenty dollars (\$120);

(2) For a one-year ~~or less internship license~~ intern polygraph examiner license, thirty dollars (\$30.00);

(3) For the issuance of a duplicate polygraph ~~examiner's~~ examiner license or ~~internship license~~ intern polygraph examiner license, fifteen dollars (\$15.00);

(4) For a polygraph ~~examiner's~~ examiner two-year renewal license, fifty dollars (\$50.00);

(5) For the renewal of an ~~internship~~ intern polygraph examiner license ~~past~~ for a period of six (6) months, twenty-five dollars (\$25.00);  
~~and~~

(6) For the issuance of an optional wallet-size polygraph examiner licensee photo identification card or intern photo identification card, fifteen dollars (\$15.00); ~~and~~

(7) For the renewal of a polygraph examiner license that is expired less than six (6) months, a late fee of twenty dollars (\$20.00).

(b) A certified law enforcement officer who is a full-time employee of a law enforcement agency and who is applying for a polygraph examiner license or an intern polygraph examiner license for use solely in connection with his or her employment with the law enforcement agency is exempt from the licensing fee requirement under this section.

(c) All fees under this section are nonrefundable.

SECTION 18. Arkansas Code § 17-39-208 is amended to read as follows:  
17-39-208. Display of license and signature.

~~A license~~ A polygraph examiner license, an intern polygraph examiner license, or the photo identification card issued by the ~~Arkansas Board of Private Investigators and Private Security Agencies must~~ Director of the Department of Arkansas State Police shall be prominently displayed at the place of business of the ~~polygraph examiner licensee~~ licensee or ~~at the place of~~

internship worn on his or her person.

SECTION 19. Arkansas Code § 17-39-209 is amended to read as follows:  
17-39-209. Notification of address change.

Notice in writing shall be given to the ~~Administrator of the Arkansas Board of Private Investigators and Private Security Agencies~~ Director of the Department of Arkansas State Police by the ~~licensed examiner polygraph examiner licensee or the intern~~ polygraph examiner licensee or the intern of any change of principal business location, telephone number, or email address within thirty (30) days of the time he or she changes ~~the location, telephone number, or email address.~~

SECTION 20. Arkansas Code § 17-39-210 is amended to read as follows:  
17-39-210. Expiration and renewal.

(a) Each polygraph ~~examiner's~~ examiner license shall be issued for the term of two (2) years and, unless suspended or revoked, ~~shall~~ may be renewed with ~~such~~ documentation as may be prescribed by the ~~Arkansas Board of Private Investigators and Private Security Agencies~~ Director of the Department of Arkansas State Police.

(b)(1) A polygraph examiner whose license has expired less than six (6) months may renew the license by making a renewal application and paying the renewal ~~fees~~ fee of fifty dollars (\$50.00) and a late fee of twenty dollars (\$20.00) required by § 17-39-207.

~~(c)(2)~~ However, any polygraph ~~examiner's~~ examiner license that has been expired for more than six (6) months shall be deemed permanently expired, and the ~~licensee~~ polygraph examiner shall begin the process again as a new applicant.

~~(d)(3)~~ The calculation of the late fee or expiration time may be waived for a person who demonstrates that he or she was on active duty with the ~~armed forces of the~~ United States Armed Forces or the National Guard stationed outside of the State of Arkansas at the time of expiration.

~~(e)(4)~~ The requirements, as set out by the ~~board~~ director, ~~must~~ shall be met before renewal, including+

~~(1) Payment of all necessary fees; and~~

~~(2) Providing the board with proof~~ the submission of proof to the director of continuing polygraph examiner education of at least fourteen (14) hours ~~received~~ successfully completed in the most recent two-year period

by in a training course approved by the ~~board~~ director.

SECTION 21. Arkansas Code § 17-39-211 is amended to read as follows:

17-39-211. ~~Refusal, denial,~~ Denial, suspension, revocation – Grounds.

~~The Arkansas Board of Private Investigators and Private Security Agencies may deny, suspend, or revoke a license on any one (1) or more of the following grounds:~~

~~(1) Failure to inform a subject to be examined as to the nature of the examination;~~

~~(2) Failure to inform a subject to be examined that his or her participation in the examination is voluntary;~~

~~(3) Any violation of law or the rules of the board or failure to meet the qualifications for licensure;~~

~~(4) Material misstatement in any application for license under this chapter;~~

~~(5) Any misrepresentation or false promises or causing to be printed any false or misleading advertisement for the purpose of directly or indirectly obtaining business or interns;~~

~~(6) Demonstration of unworthiness or incompetency to act as a polygraph examiner as defined by this chapter;~~

~~(7) Allowing one's license under this chapter to be used by any unlicensed person in violation of the provisions of this chapter;~~

~~(8) Willfully aiding or abetting another in the violation of this chapter or rule issued pursuant to it;~~

~~(9) Failure within a reasonable time to provide information requested by the Administrator of the Arkansas Board of Private Investigators and Private Security Agencies as the result of a formal complaint to the board, which would indicate a violation of this chapter; or~~

~~(10) Failure to inform the subject of the polygraph examination of the results of the examination if so requested.~~

The Director of the Department of Arkansas State Police may deny, suspend, or revoke a polygraph examiner license or an intern polygraph examiner license on any one (1) or more of the following grounds:

(1) Failure of a licensee before conducting a polygraph examination to inform a subject to be examined of the nature of the polygraph examination;

(2) Failure of a licensee before conducting a polygraph examination to

inform a subject to be examined that the subject's participation in the polygraph examination is voluntary;

(3) Failure of a licensee to inform the subject of the polygraph examination of the results of the polygraph examination, if so requested;

(4) Violation of law or the rules of the director or failure to meet the qualifications for licensure under this chapter by an applicant or a licensee;

(5) Material misstatement in any application for license under this chapter;

(6) Failure by an applicant or licensee to demonstrate the ability to act as a polygraph examiner or an intern polygraph examiner;

(7) Allowance by a licensee of another person to use the license or the licensee photo identification card or the intern photo identification card issued under this chapter;

(8) An applicant's or a licensee's knowingly aiding or abetting another person in the violation of this chapter or a rule issued under this chapter;

(9) Failure by an applicant or licensee to provide within a reasonable time information requested by the director that would indicate a violation of this chapter or a rule issued under this chapter; or

(10) Arrest or indictment of an applicant or a licensee for a felony, Class A misdemeanor, crime involving an act of violence, crime involving moral turpitude, including a sealed and expunged offense, or an offense of comparable level if the offense occurred in another state.

SECTION 22. Arkansas Code § 17-39-212 is amended to read as follows:

17-39-212. ~~Background checks~~ Criminal background check.

~~(a) Each first-time applicant and applicant for license renewal shall be required to apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.~~

~~(b) The check shall conform to applicable federal standards and shall include the taking of fingerprints.~~

~~(c) The applicant shall sign a release of information to the Arkansas Board of Private Investigators and Private Security Agencies and shall be~~

~~responsible for the payment of any fee associated with the criminal background check.~~

~~(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all releasable information obtained concerning the applicant.~~

(a)(1) Each first-time applicant and applicant for license renewal under this chapter shall apply to the Director of the Department of Arkansas State Police for a state and national criminal background check to be conducted by the Department of Arkansas State Police and the Federal Bureau of Investigation.

(2) Criminal history records from the Arkansas Crime Information Center shall be available to the director for the review of an applicant's qualifications.

(b) The state and national criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints.

(c) The applicant shall sign a release of information to the director and shall be responsible for the payment of any fee associated with the state and national criminal background check.

(d) Upon completion of the state and national criminal background check, all releasable information obtained concerning the applicant shall be forwarded to the director.

(e) This section does not apply to a certified law enforcement officer who is a full-time employee of a law enforcement agency and who is applying for licensure as a polygraph examiner or intern polygraph examiner for the purpose of the full-time employment with the law enforcement agency.

SECTION 23. Arkansas Code § 17-39-213 is amended to read as follows:

17-39-213. ~~Refusal, denial~~ Denial, suspension, revocation -  
Proceedings.

~~(a)(1) When there is cause to deny an application or suspend or revoke the license of any polygraph examiner, the Arkansas Board of Private Investigators and Private Security Agencies not less than thirty (30) days before denial, suspension, or revocation action is taken, shall notify the person in writing, in person, or by certified mail at the last address supplied to the board by the person. This notice shall include notification~~

~~of the impending denial, suspension, or revocation, the reasons therefor, and of his or her right to an administrative hearing for the purpose of determining whether or not the evidence is sufficient to warrant the denial, suspension, or revocation action proposed to be taken by the board.~~

~~(2) Upon receipt by the board of the written request, an opportunity for an administrative hearing shall be afforded as early as is practicable.~~

~~(3) The administrative hearing in those cases shall be before the board.~~

~~(b)(1) The board shall conduct the administrative hearings, and it is authorized to administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books, papers, documents, etc.~~

~~(2) On the basis of the evidence submitted at the hearing, the Administrator of the Arkansas Board of Private Investigators and Private Security Agencies shall take whatever action he or she deems necessary in denying the application or suspending or revoking the license.~~

~~(c)(1) Upon the revocation or suspension of any license, the licensee shall immediately surrender the license or licenses to the administrator of the board.~~

~~(2) Failure of a licensee to do so shall be a violation of this chapter, and upon conviction the licensee shall be subject to the penalties set forth in § 17-39-103.~~

~~(3) At any time after the suspension or revocation of any license, the administrator shall restore it to the former licensee upon the written recommendations of the board.~~

(a)(1)(A) When the Director of the Department of Arkansas State Police seeks to deny an application or suspend or revoke a license issued under this chapter, the director shall notify the applicant or licensee in person or by certified mail, return receipt requested, at the last address supplied to the director by the applicant or licensee.

(B) The notice under subdivision (a)(1)(A) of this section shall include notification of the denial, suspension, or revocation, the reasons for the denial, suspension, or revocation, and the applicant's or licensee's right to an administrative hearing for the purpose of determining whether or not the evidence is sufficient to warrant the denial, suspension, or revocation action proposed to be taken by the director.

(2) Upon receipt by the director of the written request for a hearing from the applicant or the licensee, an opportunity for an administrative hearing shall be afforded as early as is practicable.

(3) The administrative hearing in a case under this subsection shall be before an administrative hearing officer appointed by the director.

(b)(1) The administrative hearing officer shall conduct the administrative hearing, and he or she may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books, papers, documents, or other relevant evidence.

(2) The administrative hearing officer shall submit his or her recommendation to the director within sixty (60) days of the hearing.

(c)(1) Upon the suspension or revocation of any license, the licensee shall immediately surrender the license or licenses to the director.

(2) Failure of a licensee to surrender the license or licenses is a violation of this chapter, and upon conviction the licensee shall be subject to the penalties set forth in § 17-39-103.

(d)(1) The denial, suspension, or revocation of a license shall be governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(2) Venue for the appeal to circuit court under this section shall be in Pulaski County, Arkansas.

SECTION 24. Arkansas Code § 17-39-214 is amended to read as follows:  
17-39-214. ~~Refusal~~ Denial, suspension, revocation – Appeal.

(a) ~~Any person~~ An applicant or licensee dissatisfied with the action of the ~~Arkansas Board of Private Investigators and Private Security Agencies~~ Director of the Department of Arkansas State Police in denying, suspending, or revoking ~~his or her~~ a license may appeal the decision of the director under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(b) ~~The board shall~~ director may be represented in ~~such appeals~~ an appeal by the Attorney General or any of his or her assistants.

SECTION 25. Arkansas Code § 17-39-215 is amended to read as follows:  
17-39-215. Rules.

~~The Arkansas Board of Private Investigators and Private Security Agencies~~ Director of the Department of Arkansas State Police may promulgate rules to permit the efficient administration of this ~~subchapter~~ chapter.

SECTION 26. Arkansas Code § 17-39-301 is amended to read as follows:  
17-39-301. Definitions.

As used in this subchapter:

~~(1) "Administrator" means the Administrator of the Arkansas Board of Private Investigators and Private Security Agencies;~~

~~(2) "Board" means the Arkansas Board of Private Investigators and Private Security Agencies created by § 17-40-201;~~

~~(3) "Voice stress analysis" means the procedure for analyzing the responses of an individual to a specific set of questions;~~

~~(4) "Voice stress analysis examiner" means an individual who has been trained in the operation of a voice stress analysis machine and who maintains a current certificate from a recognized training facility; and~~

~~(5) "Voice stress analysis machine" means a device which has the ability to electronically analyze the responses of an individual to a specific set of questions and to record the analysis, both digitally and on a graph.~~

(1) "Voice stress analysis" means the procedure for analyzing the responses of an individual to a specific set of questions;

(2) "Voice stress analysis examiner" means an individual who has been trained in the operation of a voice stress analysis machine and who maintains a current certificate from a recognized training facility; and

(3) "Voice stress analysis machine" means a device that has the ability to electronically analyze the responses of an individual to a specific set of questions and to record the analysis, both digitally and on a graph.

SECTION 27. Arkansas Code § 17-39-302 is amended to read as follows:  
17-39-302. Examinations not admissible in criminal proceedings.

~~Nothing contained in this~~ This subchapter shall not be construed to permit the results of any voice stress analysis examination to be introduced or admitted ~~as evidence~~ in any criminal proceeding.

SECTION 28. Arkansas Code § 17-39-303 is amended to read as follows:  
17-39-303. ~~License required~~ Applicant burden of proof.

~~It is unlawful for any person to engage in conducting a voice stress~~

~~analysis unless that person has qualified for and obtained a license as a voice stress analysis examiner from the Arkansas Board of Private Investigators and Private Security Agencies.~~

An applicant who seeks licensure under this subchapter as a certified voice stress analysis examiner has the burden to provide sufficient information to bring himself or herself within the licensing standards that would allow the Director of the Department of Arkansas State Police to determine if the applicant is qualified to hold the license.

SECTION 29. Arkansas Code § 17-39-304 is amended to read as follows:

17-39-304. Application for license – Proof and fee.

~~Any person desiring to be licensed as a voice stress analysis examiner shall make application for licensure to the Administrator of the Arkansas Board of Private Investigators and Private Security Agencies and shall submit with the application proof satisfactory to the board that the applicant:~~

- ~~(1) Is at least twenty-one (21) years of age;~~
- ~~(2) Is an Arkansas resident;~~
- ~~(3) Is a person of honesty, truthfulness, integrity, and moral fitness;~~
- ~~(4) Has not pleaded guilty or nolo contendere to or been found guilty of a felony or a misdemeanor involving moral turpitude;~~
- ~~(5) Holds a baccalaureate degree from a college or university accredited by the American Association of Collegiate Registrars and Admissions Officers or, in lieu thereof, has had five (5) years of investigative experience with a law enforcement agency;~~
- ~~(6) Has completed a course of training offering a certification in the operation of the voice stress analysis machine that has been approved by the board and submits a copy of the certification with the application; and~~
- ~~(7) Has posted a surety bond or insurance policy in the amount of five thousand dollars (\$5,000) or proof that the individual is covered by a business insurance policy.~~

A person who desires to be licensed as a certified voice stress analysis examiner and conduct voice stress analysis examinations within this state shall apply for licensure to the Director of the Department of Arkansas State Police and shall submit with the application documentation that the applicant:

(1) Is at least twenty-one (21) years of age at the time of application;

(2) Has paid the fees required under § 17-39-305;

(3) Submits two (2) recent passport-style photographs of the applicant;

(4) Is not required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.;

(5)(A) Has successfully completed a state and national criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to one (1) or more of the following in any court in the State of Arkansas or a comparable offense in another state or in a military or federal court, for which a pardon has not been granted:

(i) Felony;

(ii) Class A misdemeanor;

(iii) Crime involving violence; or

(iv) Crime involving moral turpitude.

(B) For purposes of this subdivision (5), the state and national criminal background check shall include a record of all offenses that have been previously sealed or expunged by any court;

(6) Holds a baccalaureate degree from a college or university that is accredited by an accrediting agency approved by the United States Secretary of Education or has at least five (5) years of active law enforcement experience;

(7) Has successfully completed a course of training that has been approved by the Director of the Department of Arkansas State Police offering a certification in the operation of the voice stress analysis machine and submits a copy of the certification with the application; and

(8)(A) Has provided evidence of a surety bond or insurance policy to the director in the amount of five thousand dollars (\$5,000) or proof that the applicant is covered by a business insurance policy.

(B) The surety bond shall be issued on the condition that the obligor will pay to the extent of the face value of the surety bond or insurance policy all judgments which may be recovered against the applicant by reason of a wrongful or illegal act committed by him or her in the course of conducting voice stress analysis examinations.

(C) An applicant who is conducting voice stress analysis

examinations in the course of his or her employment with a law enforcement agency, in lieu of a surety bond, may submit a letter from the county sheriff, chief of police, or director of the law enforcement agency that states that any liability incurred will be covered under that entity's membership in the Arkansas Fidelity Bond Trust Fund, a risk management pool, or liability coverage, if any, in order to meet the requirement under this subdivision (8).

SECTION 30. Arkansas Code § 17-39-305 is amended to read as follows:  
17-39-305. Fees.

(a)(1) Except as provided under subdivision (a)(2) of this section, the applicant for licensure under this subchapter shall pay the following fees:

(A) For an ~~original~~ initial two-year voice stress analysis examiner's license, one hundred twenty dollars (\$120);

(B) For a two-year renewal of a voice stress analysis examiner's license, fifty dollars (\$50.00);

(C) For the issuance of an optional wallet-sized voice stress analysis examiner's license photo identification card, fifteen dollars (\$15.00); ~~and~~

(D) For the issuance of a duplicate voice stress analysis examiner's license, ten dollars (\$10.00); ~~and~~

(E) For renewal of a license that is expired less than six (6) months, a late fee of twenty dollars (\$20.00).

(2) A certified law enforcement officer who is a full-time employee of a law enforcement agency and who is applying for his or her license ~~for the purpose of full-time employment~~ as a certified voice stress analysis examiner to be used solely in conjunction with his or her employment is not required to pay the fee under subdivisions (a)(1)(A) and (B) of this section.

~~(b) All fees collected under this subchapter shall be deposited into the State Treasury to the credit of the Department of Arkansas State Police Fund.~~

~~(c)(1)(b)(1)~~ All funds fees received by the board Director of the Department of Arkansas State Police under this subchapter are nonrefundable and shall be deposited into the State Treasury as special revenues to the

credit of the fund Department of Arkansas State Police Fund.

(2) Money remaining at the end of the fiscal year shall not revert to any other fund but shall carry over to the next fiscal year.

SECTION 31. Arkansas Code § 17-39-306 is amended to read as follows:

17-39-306. Grounds for denying, suspending, or revoking licenses.

~~The board may deny, suspend, or revoke a license on any of the following grounds:~~

~~(1) For failing to inform a subject to be examined as to the nature of the examination;~~

~~(2) For failing to inform a subject to be examined that his or her participation in the examination is voluntary;~~

~~(3) Any material misstatement in the application for original license or in the application for any renewal license under this subchapter;~~

~~(4) Any willful disregard or violation of this subchapter or of any rule issued pursuant to this subchapter, including, but not limited to, willfully making a false report concerning an examination for voice stress analysis examination purposes;~~

~~(5) If the holder of any license has been adjudged guilty of the commission of a felony or a misdemeanor involving moral turpitude;~~

~~(6) For making any willful misrepresentation or false promises or causing to be printed any false or misleading advertisement for the purpose of directly or indirectly obtaining business or trainees;~~

~~(7) For having demonstrated unworthiness or incompetency to act as a voice stress analysis examiner;~~

~~(8) For allowing one's license under this subchapter to be used by any other person;~~

~~(9) For willfully aiding or abetting another in the violation of this subchapter or any regulation or rule issued pursuant to this subchapter;~~

~~(10) For failing to maintain the requirements for licensure with the board;~~

~~(11) For failing, within a reasonable time, to provide information requested by the Secretary of the board as the result of a formal complaint to the board which would indicate a violation of this subchapter; or~~

~~(12) For failing to inform the subject of the voice stress analysis of the results of the examination if so requested.~~

The Director of the Department of Arkansas State Police may deny, suspend, or revoke a license of a certified voice stress analysis examiner on one (1) or more of the following grounds:

(1) Failure of a certified voice stress analysis examiner before conducting a voice stress analysis examination to inform a subject to be examined of the nature of the voice stress analysis examination;

(2) Failure of a certified voice stress analysis examiner before conducting a voice stress analysis examination to inform a subject to be examined that the subject's participation in the voice stress analysis examination is voluntary;

(3) Failure of a certified voice stress analysis examiner to inform the subject of a voice stress analysis examination of the results of the examination, if so requested;

(4) Failure to meet the qualifications for licensure under this subchapter;

(5) Material misstatement in the application for licensure under this subchapter;

(6) Failure by an applicant for licensure as a certified voice stress analysis examiner or by a licensed certified voice stress analysis examiner to demonstrate the ability to act as a certified voice stress analysis examiner;

(7) Allowance of another person by a licensed certified voice stress analysis examiner to use the license or the license photo identification card issued under this subchapter;

(8) An applicant's or a licensed certified voice stress analysis examiner's knowing disregard or violation of this subchapter or of any rule issued under this subchapter, including without limitation knowingly making a false report concerning the results of a voice stress analysis examination;

(9) An applicant's or a licensed certified voice stress analysis examiner's knowingly aiding or abetting another person in the violation of this subchapter or a rule issued under this subchapter;

(10) Failure by an applicant for licensure as a certified voice stress analysis examiner or by a licensed certified voice stress analysis examiner to provide within a reasonable time information requested by the director as the result of a formal complaint that may indicate a violation of this subchapter or a rule issued under this subchapter; or

(11) Arrest or indictment of an applicant for licensure as a certified voice stress analysis examiner or of a licensed certified voice stress analysis examiner for a felony, Class A misdemeanor, crime involving an act of violence, a crime involving moral turpitude, or an offense of comparable level if the offense occurred in another state.

SECTION 32. Arkansas Code § 17-39-307 is amended to read as follows:  
17-39-307. Rules.

The ~~board~~ Director of the Department of Arkansas State Police may promulgate rules to permit the efficient administration of this subchapter.

SECTION 33. Arkansas Code § 17-39-308 is amended to read as follows:  
17-39-308. Conduct of voice stress analysis examination.

(a) A Except as provided in subsection (d) of this section, a voice stress analysis examination shall be conducted only in person.

(b) ~~The test is to be conducted through an in-person interview, and written permission for the test must be obtained from the person to be tested~~  
Before undergoing the voice stress analysis examination, the subject of the voice stress analysis examination shall provide his or her written permission.

(c)~~(1)~~ The certified voice stress analysis examiner shall obtain the permission of the individual to be tested to interview and record and analyze the responses of the individual and to analyze the individual responses subject of the voice stress analysis examination.

~~(2) In each case, the individual's verbal permission shall be recorded as a part of the interview.~~

(d)(1) A certified law enforcement officer who is a full-time employee of a law enforcement agency and who is acting in the course of his or her employment for the law enforcement agency may conduct a voice stress analysis examination from a legally recorded conversation.

(2) If the ~~test~~ voice stress analysis examination is conducted under subdivision (d)(1) of this section:

(A) The ~~recorded~~ conversation may be recorded:

- (i) In person; or
- (ii) By telephone; and

(B) The ~~examiner~~ certified law enforcement officer shall

~~comply~~ ensure compliance with subsection ~~(e)~~(b) of this section.

SECTION 34. Arkansas Code § 17-39-309 is amended to read as follows:

17-39-309. ~~Background checks~~ Criminal background check.

(a)(1) Each first-time applicant and each applicant for ~~license~~ renewal of licensure as a certified voice stress analysis examiner shall ~~be required to apply to the Identification Bureau of the~~ Department of Arkansas State Police for a state and national criminal background check to be conducted by the ~~Identification Bureau~~ department and the Federal Bureau of Investigation.

(2) Criminal history records from the Arkansas Crime Information Center shall be available to the Director of the Department of Arkansas State Police for the review of an applicant's qualifications.

(b) The state and national criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints.

(c) The applicant shall sign a release of information to the ~~board~~ director and shall be responsible for the payment of any fee associated with the state and national criminal background check.

(d) Upon completion of the state and national criminal background check, the ~~Identification Bureau~~ department shall forward to the ~~board~~ director all releasable information obtained concerning the applicant.

(e) This section does not apply to a certified law enforcement officer who is a full-time employee of a law enforcement agency and who is applying for ~~his or her license~~ licensure as a certified voice stress analysis examiner for the purpose of the full-time employment with the law enforcement agency.

SECTION 35. Arkansas Code § 17-39-310 is amended to read as follows:

17-39-310. Prohibited acts - Penalties.

~~A person who violates any provision of this chapter or a person who falsely states or represents that he or she has been or is a properly licensed voice stress analysis examiner shall be guilty of a misdemeanor. Upon conviction, that person shall be punished by a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for a term of not to exceed six (6) months, or both.~~

(a) It is unlawful for a person to conduct a certified voice stress analysis examination unless that person holds a valid license as a voice stress analysis examiner issued by the Department of Arkansas State Police.

(b) A person who knowingly violates this subchapter or a person who falsely states or misrepresents that he or she is a properly licensed certified voice stress analysis examiner shall upon conviction be guilty of a Class A misdemeanor.

SECTION 36. Arkansas Code § 17-39-311 is amended to read as follows:  
17-39-311. Injunction.

(a) If a person violates ~~any provisions of this chapter~~ subchapter, the ~~Administrator of the Arkansas Board of Private Investigators and Private Security Agencies, upon the direction of a majority of the board and in the name of the State of Arkansas~~ Director of the Department of Arkansas State Police, through the Attorney General, ~~shall~~ may apply in ~~any~~ the circuit court ~~of competent~~ having jurisdiction for an order enjoining the violation or for an order enforcing compliance with this ~~chapter~~ subchapter.

(b)(1) Upon the filing of a verified petition in the court, ~~a judge of~~ the court, if satisfied by affidavit or otherwise that the person has violated this ~~chapter~~ subchapter, may issue a temporary injunction without notice or bond enjoining the continued violation.

(2) If it is established that the person has violated or is violating this ~~chapter~~ subchapter, ~~a judge of~~ the court may enter a decree perpetually enjoining the violation or enforcing compliance with this ~~chapter~~ subchapter.

(c) In case of violation of any order or decree issued under ~~the provisions of~~ this section, ~~a judge of~~ the court may sentence the offender for contempt of court.

(d) Punishment for a violation under this section shall be in addition to, but not in lieu of, all other remedies and penalties provided by this ~~chapter~~ subchapter.

SECTION 37. Arkansas Code § 17-39-312 is repealed.  
~~17-39-312. Evidence.~~

~~This chapter shall not be construed as permitting the results of voice stress analysis examinations to be introduced or admitted as evidence into a~~

~~court of criminal law.~~

SECTION 38. Arkansas Code § 17-39-313 is amended to read as follows:

17-39-313. ~~Board~~ Department of Arkansas State Police administration - Powers and duties.

~~(a) The board is authorized and empowered to perform and carry out the functions and duties enumerated within this chapter with respect to the licensing of voice stress analysis examiners and to perform all other acts incidental and necessary to the proper performance of the functions and duties as prescribed in this chapter.~~

~~(b) The board shall issue rules consistent with the provisions of this chapter for the administration and enforcement of this chapter and shall prescribe forms which shall be issued in connection therewith.~~

~~(c) An order or a certified copy thereof, over the board seal and purporting to be signed by the board members, shall be prima facie proof that the signatures are the genuine signatures of the board members and that the board members are fully qualified to act.~~

~~(d) The position of Administrator of the Arkansas Board of Private Investigators and Private Security Agencies is created. The Director of the Department of Arkansas State Police, or his or her designated representative, shall serve as the administrator. The administrator shall not be a member of the board, shall perform such duties as may be prescribed by the board, and shall have no financial or business interests, contingent or otherwise, in any security services contractor or investigating company.~~

~~(e) All legal process and all documents required by law to be served upon or filed with the board shall be served or filed with the administrator at the designated office of the board.~~

~~(f) All official records of the board or affidavits by the administrator as to the content of the records shall be prima facie evidence of all matters required to be kept by the board.~~

(a) The Director of the Department of Arkansas State Police may perform the functions and duties enumerated within this subchapter with respect to the licensing of certified voice stress analysis examiners and to perform all other acts incidental and necessary to the proper performance of the functions and duties as prescribed in this subchapter.

(b) The director shall issue rules consistent with this subchapter for

the administration and enforcement of this subchapter and shall prescribe and issue forms in connection with this subchapter.

(c) The director shall have no financial, personal, or business interests, contingent or otherwise, in an entity licensed under this subchapter.

(d) The director or his or her designee is the agent for service of process for all legal process and documents required by law to be served in conjunction with this subchapter.

(e) The director may grant, deny, suspend, or revoke any license issued under this subchapter and levy fines for violation of the licensing provisions of this subchapter.

SECTION 39. Arkansas Code § 17-40-101 is amended to read as follows:  
17-40-101. Title.

This chapter may be cited as the "Private Investigators and Private Security Agencies Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act".

SECTION 40. Arkansas Code § 17-40-102 is amended to read as follows:  
17-40-102. Definitions.

As used in this chapter:

~~(1) "Accident reconstruction" means the interpretation of physical evidence in the application of scientific principles to form opinions relative to the events of an accident;~~

~~(2) "Administrator" means the Administrator of the Arkansas Board of Private Investigators and Private Security Agencies;~~

~~(3) "Alarm systems agent" means any individual employed by an alarm systems company who sells on site, performs a survey of the premises to be protected, or responds to alarm signal devices, burglar alarms, or cameras as described in subdivision (5) or subdivision (27) of this section;~~

~~(4) "Alarm systems apprentice" means any individual employed by an alarm systems company who installs, services, or repairs on site as described in subdivision (5) or subdivision (27) of this section that is supervised by an alarm systems technician, a supervisor of technicians, or a manager;~~

~~(5) "Alarm systems company" means any person, firm, association, or corporation that for a fee or other valuable consideration installs,~~

~~services, sells on site, performs a survey of the premises to be protected, monitors, or responds to electrical, electronic, or mechanical alarm signal devices, burglar alarms, television cameras, or still cameras used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, hold up, or other illegal or unauthorized activity;~~

~~(6) "Alarm systems monitor" means any individual employed by an alarm systems company who monitors or responds as described in subdivision (5) of this section;~~

~~(7) "Alarm systems technician" means any individual employed by an alarm systems company who installs, services, or repairs on site as described in subdivision (5) or subdivision (27) of this section;~~

~~(8) "Armored car company" means any person that provides armed security transportation and protection of money, currency, coins, bullion, securities, bonds, jewelry, or other valuables from one (1) place or point to another place or point;~~

~~(9) "Board" means the Arkansas Board of Private Investigators and Private Security Agencies;~~

~~(10) "Commissioned security officer" means any private security officer to whom a security officer commission has been issued by the board;~~

~~(11) "Firearm" means, as defined in Merriam-Webster's New Collegiate Dictionary, a weapon from which a shot is discharged by gunpowder;~~

~~(12) "Guard company" means any person engaging in the business of providing or undertaking to provide a private watchman, guard, or street patrol service on a contractual basis for another person and performing any one (1) or more of the following or similar functions:~~

~~(A) Prevention of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property;~~

~~(B) Prevention, observation, or detection of any unauthorized activity on private property;~~

~~(C) Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property; or~~

~~(D) Protection of individuals from bodily harm;~~

~~(13) "Investigations company" means any person who engages in the~~

~~business or accepts employment to obtain or furnish information with reference to:~~

~~(A) Crime or wrongs done or threatened against the United States or any state or territory of the United States;~~

~~(B) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person;~~

~~(C) The location, disposition, or recovery of lost or stolen property;~~

~~(D) The cause or responsibility for fires, libels, losses, accidents, damages, or injuries to persons or to property; or~~

~~(E) The securing of evidence to be used before any court, board, officer, or investigating committee;~~

~~(14) "License" means a permit granted by the board entitling a person to operate as a security services contractor, an investigations company, or an alarm systems company;~~

~~(15) "Licensee" means any person to whom a license is granted under this chapter;~~

~~(16) "Manager" means, in the case of a corporation, an officer or supervisor, or, in the case of a partnership, a general or unlimited partner meeting the experience qualifications set forth in § 17-40-306 for managing a security services contractor or an investigations company;~~

~~(17) "NBFAA" means the National Burglar and Fire Alarm Association, 7101 Wisconsin Avenue, Suite 901, Bethesda, MD 20814-4805, (301) 907-3208;~~

~~(18) "NICET" means the National Institute for Certification in Engineering Technologies, 1420 King Street, Alexandria, VA 22314-2794, (703) 684-2835;~~

~~(19) "Person" means an individual, firm, association, company, partnership, corporation, nonprofit organization, institution, or similar entity;~~

~~(20) "Private investigator" means any person who performs one (1) or more services as described in subdivision (13) of this section;~~

~~(21) "Private security officer" means any individual employed by a security services contractor or the security department of a private business to perform the duties of a security guard, security watchman, security~~

~~patrolman, or armored car guard;~~

~~(22) “Registrant” means an individual who has filed an application with the board to perform the duties of a private investigator, manager, or branch office manager;~~

~~(23) “Registration” means a permit granted by the board to an individual to perform the duties of a private investigator, manager, or branch office manager;~~

~~(24) “Security department of a private business” means the security department of any person if the security department has as its general purpose the protection and security of its own property and grounds and if it does not offer or provide security services to any other person;~~

~~(25) “Security officer commission” means an authorization granted by the board to an individual employed as a private security officer to carry a firearm;~~

~~(26) “Security services contractor” means any guard company or armored car company;~~

~~(27) “Single station alarm systems company” means any person, firm, association, or corporation that for a fee or other valuable consideration installs, services, or sells on site fire, smoke, or heat detectors to be installed in a one family or two family dwelling or performs a survey of the premises to be protected if the detectors are single station installations and not a part of or connected to any other detection device or system;~~

~~(28) “Supervisor of technicians” means any individual employed by an alarm systems company who supervises alarm systems technicians or alarm systems apprentices and who may install, service, or repair on site as described in subdivision (5) of this section; and~~

~~(29) “Undercover agent” means an individual hired by another individual, partnership, corporation, or other business entity to perform a job for that individual, partnership, corporation, or other business entity and, while performing the job, to act as an undercover agent, an employee, or an independent contractor of a licensee, but supervised by a licensee.~~

(1) “Alarm systems agent” means an individual employed by an alarm systems company who sells on site, performs a survey of the premises to be protected, or responds to alarm signal devices, burglar alarms, or cameras;

(2) “Alarm systems apprentice” means an individual employed by an alarm systems company who installs, services, or repairs on site and who is

supervised by an alarm systems technician, a supervisor of technicians, or a manager;

(3) "Alarm systems company" means a person, firm, association, or corporation that for a fee or other valuable consideration installs, services, sells on site, performs a survey of the premises to be protected, monitors, or responds to electrical, electronic, or mechanical alarm signal devices, burglar alarms, television cameras, or still cameras used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;

(4) "Alarm systems monitor" means an individual employed by an alarm systems company who monitors or responds to an electrical, electronic, or mechanical alarm signal device, burglar alarm, television camera, or still camera used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;

(5) "Alarm systems technician" means an individual employed by an alarm systems company who installs, services, or repairs on site an electrical, electronic, or mechanical alarm signal device, burglar alarm, television camera, or still camera used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;

(6) "Arkansas Fire Prevention Code" means the International Fire Code, the International Building Code, and the International Residential Code as published by the International Code Council, and the rules as amended and adopted by the State Fire Marshal;

(7) "Armored car company" means a person that provides armed security transportation and protection of money, currency, coins, bullion, securities, bonds, jewelry, or other valuables from one place or point to another place or point;

(8)(A) "Assistant training administrator" means a person employed by a licensed company who may assist the training administrator with conducting the training of security personnel.

(B) The assistant training administrator shall certify to the Director of the Department of Arkansas State Police that the required training has been completed;

(9) "Burglar alarm" means a system designed to detect intrusion or unauthorized entry into a building, premises, or area;

(10) "Commissioned school security officer" means a private security officer who:

(A) Provides security for the school; and

(B) Has received an authorization issued by the director to carry a firearm in the course of his or her employment;

(11) "Commissioned security officer" means a private security officer to whom an authorization to carry a firearm in the course of his or her employment has been issued by the director;

(12) "Consumer reporting agency" means a person that employs an individual who, for a monetary fee, dues, or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and who uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports;

(13) "Convicted" means that a person pleaded guilty or nolo contendere to or was found guilty of a criminal offense, including a conviction that has been sealed or expunged;

(14) "Credential" means an authorization granted by the Department of Arkansas State Police to an individual to perform the duties of a private investigator, alarm systems monitor, alarm systems apprentice, alarm systems technician, alarms systems agent, private security officer, commissioned security officer, commissioned school security officer, assistant training administrator, training administrator, training instructor, manager, or branch office manager;

(15) "ESA" means the Electronic Security Association;

(16)(A) "Firearm" means a device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use.

(B) "Firearm" includes:

(i) A device described in subdivision (16)(A) of this section that is not loaded or lacks a clip or another component to render it immediately operable; and

(ii) Components that can readily be assembled into a

device described in subdivision (16)(A) of this section;

(17) "Guard company" means a person engaging in the business of providing or undertaking to provide services on a contractual basis for another person and performing one (1) or more of the following or similar functions:

(A) Prevention of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property;

(B) Prevention, observation, or detection of any unauthorized activity on private property;

(C) Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property; or

(D) Protection of individuals from bodily harm;

(18)(A) "Investigations company" means a person or entity that engages in the business or accepts employment to obtain or furnish information with reference to:

(i) Crime or wrongs done or threatened against the United States or any state or territory of the United States;

(ii) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of a person;

(iii) The location, disposition, or recovery of lost or stolen property;

(iv) The cause or responsibility for fires, libels, losses, accidents, damages, or injuries to persons or to property; or

(v) The securing of evidence to be used before any court, board, officer, or investigating committee.

(B)(i) A Class A investigations company may employ one (1) or more credentialed individuals.

(ii) A Class D investigations company may not employ more than one (1) credentialed individual;

(19) "License" means a permit granted by the director entitling a person to operate as a security services contractor, an investigations company, or an alarm systems company;

(20) "Licensee" means a person to whom a license is granted under this chapter;

(21) "Manager" means, in the case of a corporation, an officer or supervisor or, in the case of a partnership, a general or unlimited partner meeting the experience qualifications for managing a security services contractor, private business, or an investigations company;

(22) "Monitoring" means to observe, watch, surveil, and make appropriate response to an electrical, electronic, or mechanical alarm signal device, burglar alarm, television camera, or still camera used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;

(23) "NBFAA" means the National Burglar and Fire Alarm Association;

(24) "NFPA" means the National Fire Protection Association;

(25) "NICET" means the National Institute for Certification in Engineering Technologies;

(26) "Person" means an individual, firm, association, company, partnership, corporation, nonprofit organization, institution, or similar entity;

(27) "Private investigator" means a person who engages in the business or accepts employment to obtain or furnish information with reference to:

(A) A crime or wrong done or threatened against the United States or any state or territory of the United States;

(B) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of a person;

(C) The location, disposition, or recovery of lost or stolen property;

(D) The cause or responsibility for fires, libels, losses, accidents, damages, or injuries to persons or to property; or

(E) The securing of evidence to be used before a court, board, officer, or investigating committee;

(28) "Private school" means the property, grounds, or students of a private school for grades prekindergarten through twelve (preK-12), including a day-care program operated by the school;

(29) “Private security officer” means an individual employed by a security services contractor or the security department of a private business or armored car company to perform at least one (1) of the following duties:

(A) Prevention of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property;

(B) Prevention, observation, or detection of any unauthorized activity on private property;

(C) Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property;

(D) Protection of individuals from bodily harm; or

(E) Providing of armed security transportation and protection of money, currency, coins, bullion, securities, bonds, jewelry, or other valuable item from one place to another place;

(30) “Public charter school” means a conversion public charter school, an open-enrollment public charter school, or a limited public charter school;

(31) “School” means a school district, public charter school, or private school, including any day-care program operated by the school;

(32) “School district” means the property, grounds, or students of a school for grades prekindergarten through twelve (preK-12), including any day-care program operated by the school;

(33) “Security department of a private business or school” means the security department of a person or school if the general purpose of the security department is the protection and security of its own property, grounds, or students and if it does not offer or provide security services to any other person or school;

(34) “Security services contractor” means a guard company or armored car company;

(35) “Single-station alarm systems company” means a person that for a fee or other valuable consideration installs, services, or sells on site fire, smoke, or heat detectors to be installed in a one-family or two-family dwelling or that performs a survey of the premises to be protected if the detectors are single-station installations and not a part of or connected to any other detection device or system;

(36) “Supervisor of technicians” means an individual employed by an

alarm systems company who supervises alarm systems technicians or alarm systems apprentices and who may install, service, or repair on site, or who performs a survey of the premises to be protected, monitors, or responds to electrical, electronic, or mechanical alarm signal devices, burglar alarms, television cameras, or still cameras used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;

(37)(A) "Training administrator" means a person employed by a licensed company designated by a Class B, Class C, or Class G company designation or by the security department of a private business to conduct training for the security personnel.

(B) The training administrator shall certify to the director that the required training has been completed;

(38)(A) "Training instructor" means a person employed by a licensed company who may assist the training administrator with conducting the training of security personnel.

(B) However, a training instructor shall not certify that the required training has been completed; and

(39) "Undercover agent" means an individual hired by another individual, partnership, corporation, or other business entity to perform a job for that individual, partnership, corporation, or other business entity and, while performing the job, to act as an undercover agent, employee, or independent contractor of a licensee, and supervised by a licensee.

SECTION 41. Arkansas Code § 17-40-103 is amended to read as follows:  
17-40-103. Exemptions.

(a) This chapter does not apply to:

(1) A person employed exclusively and regularly by one (1) employer in connection with the affairs of that employer only and where there exists an employer-employee relationship;

(2) An officer or employee of the United States, or of this state, or of a political subdivision of either, while the employee or officer is engaged in the performance of official duties;

(3) A person not in the employ of another law enforcement officer and who has part-time or full-time employment as a law enforcement officer and who is certified by the Arkansas Commission on Law Enforcement

Standards and Training as a law enforcement officer and receives compensation for private employment on an individual or an independent contractor basis as a patrolman, guard, or watchman if the person is:

- (A)~~(i)~~ Employed in an employee-employer relationship; or
  - ~~(ii)~~(B) Employed on an individual contractual basis; ~~and~~
  - ~~(B) Not in the employ of another law enforcement officer;~~
- (4) A person engaged exclusively in the business of obtaining and furnishing information for purposes of credit worthiness or collecting debts or ascertaining the financial responsibility of applicants for property insurance and for indemnity or surety bonds, with respect to persons, firms, and corporations;
- (5) Consumer reporting agencies ~~as defined in 15 U.S.C. § 1681 et seq.;~~
- (6) ~~An~~ A licensed attorney ~~at law~~ in performing his or her duties, or an employee of an attorney ~~at law~~, only in connection with providing investigative services to the attorney and his or her practice;
- (7) Admitted insurers, insurance adjusters, agents, and insurance brokers licensed by the state performing duties in connection with insurance transacted by them;
- (8) An officer, employee, or agent of a communications common carrier, as defined in 47 U.S.C. § 153(11), while engaged in the normal course of business of the carrier or protecting the carrier or a user of the services of that carrier from fraudulent, unlawful, or abusive use of services;
- (9) A professional engineer registered with the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors engaged in providing investigative services as outlined in this chapter;
- (10) A person ~~who or business which~~ that sells or manufacturers alarm systems, unless such a person or business performs any service ~~as described in § 17-40-102(5)~~ as an alarm systems company;
- (11) Installation, servicing, or responding to fire alarm systems or any alarm device ~~which~~ that is installed in a motor vehicle, aircraft, or boat;
- (12) Installation of an alarm system on property owned by or leased to the installer;
- (13) Installation of fixed fire extinguisher systems by persons

licensed by the Arkansas Fire Protection Licensing Board;

(14) Installation of the raceway, conductors, and components of a fire alarm system by an entity holding a valid Arkansas contractor's license, electrical classification, when the systems are furnished by alarm systems companies licensed under this chapter, provided the alarm systems company:

(A) Furnishes a system designed to comply with applicable codes and standards;

(B) Furnishes the installing contractor with wiring diagrams and specifications for the required conductors;

(C) Provides periodic job site inspections of the installation in progress;

(D) Connects and installs the system components;

(E) Tests the completed installation in compliance with the Arkansas Fire Prevention Code and NFPA standard number 72: National Fire Alarm and Signaling Code, 2013 Edition, providing the owner's representative and the local fire marshal with test documentation; and

(F) Instructs the system owner's representative and provides operator manuals for the installed system; ~~and~~

(15) Alarm system agents, alarm system apprentices, and alarm system technicians for a class E-S and F-S license shall be exempt from the requirements for National Burglar and Fire Alarm Association Level 1 and 2 certification.

(16) ~~An~~ An agent, employee, or sales representative of an alarm ~~system~~ systems company, if the agent, employee, or sales representative:

(A) Does not alter, install, maintain, move, repair, replace, service, or reconfigure an alarm system or any individual component connected to an alarm system at an end-user's premises; and

(B) Is not granted access to passwords or codes which can be used to arm or disarm the alarm system installed at a specific end-user premises; and

(17) A certified public accountant licensed by the state performing his or her duties, only in connection with providing investigative services, and all employees, independent contractors, or agents acting under the supervision of a certified public accountant licensed by the state, only in connection with providing investigative services to the certified public

accountant and his or her practice.

~~(b)(1) Although under the provisions of this chapter the~~ If the security department of a private business or school that hires or employs an individual in the capacity of a ~~private security officer to possess a firearm in the course and scope of his or her duties is required to make application for a security officer commission for the individual according to the provisions of this chapter~~ commissioned security officer or commissioned school security officer, the security department of a the private business ~~shall not be~~ or school is not required to make application to the ~~Arkansas Board of Private Investigators and Private Security Agencies~~ Department of Arkansas State Police for any license under this chapter.

(2) However, the private business or school is required to be recognized by the Director of the Department of Arkansas State Police as a private business or school for the purposes of employing the commissioned security officer or commissioned school security officer.

(c) Notwithstanding any other provision of this chapter, employees of a licensee who are employed exclusively as undercover agents ~~shall not be~~ are ~~not~~ required to register with the ~~Arkansas Board of Private Investigators and Private Security Agencies~~ director under this chapter.

SECTION 42. Arkansas Code § 17-40-104 is amended to read as follows:  
17-40-104. Penalties.

~~(a) Any person who violates any provision of this chapter is guilty of a Class A misdemeanor. Any person who violates any provision of this chapter within one (1) year of a previous violation is guilty of a Class D felony.~~

~~(b) No person shall threaten, intimidate, or attempt to unlawfully influence any member of the Arkansas Board of Private Investigators and Private Security Agencies created by § 17-40-201 while the board member is engaged in the duties of the board. Violations of this subsection shall constitute Class A misdemeanors.~~

(a) A person who violates this chapter upon conviction is guilty of a Class A misdemeanor.

(b) A person who violates this chapter within one (1) year of a previous violation upon conviction is guilty of a Class D felony.

SECTION 43. Arkansas Code § 17-40-105 is amended to read as follows:

17-40-105. Notice of violation.

~~No person licensed under this chapter shall be prosecuted for violating this chapter unless the licensee has been notified of the alleged violation within three hundred sixty five (365) days after the occurrence of the violation.~~

The Director of the Department of Arkansas State Police shall not deny, suspend, revoke, or fine any person required to be licensed, credentialed, or commissioned under this chapter unless the person has been notified of the alleged violation of this chapter within three hundred sixty-five (365) days after the occurrence of the alleged violation.

SECTION 44. Arkansas Code § 17-40-106 is amended to read as follows:

17-40-106. Exclusive regulation – Authority of political subdivisions.

(a) The regulation of investigation, security, and alarm systems ~~businesses shall be~~ companies is exclusive to the ~~Arkansas Board of Private Investigators and Private Security Agencies~~ Director of the Department of Arkansas State Police.

(b) Licensees and employees of licensees, under the provisions of this chapter, ~~shall not be~~ are not required to obtain any authorization, permit, franchise, or license from, or pay another fee or franchise tax to, or post bond in any city, county, or other political subdivision of this state to engage in the business or perform any service authorized under this chapter.

(c) However, any city or county ~~shall be permitted to~~ may require a ~~business~~ company operating within its jurisdiction to register without fee and may adopt an ordinance to require users of alarm systems to obtain revocable permits without fee.

SECTION 45. Arkansas Code § 17-40-107 is repealed.

~~17-40-107. Introduction of evidence – Effect of violations.~~

~~The introduction of evidence in all courts in Arkansas shall not be affected by violations of this chapter.~~

SECTION 46. The title of Arkansas Code Title 17, Chapter 40, Subchapter 2, is amended to read as follows:

Subchapter 2

~~– Arkansas Board of Private Investigators and Private Security Agencies~~

Administration by the Department of Arkansas State Police

SECTION 47. Arkansas Code § 17-40-201 is repealed.

~~17-40-201. Creation.~~

~~The Arkansas Board of Private Investigators and Private Security Agencies is created to carry out the functions and duties conferred on it by this chapter.~~

SECTION 48. Arkansas Code § 17-40-202 is repealed.

~~17-40-202. Members—Qualifications.~~

~~(a) The Arkansas Board of Private Investigators and Private Security Agencies shall be composed of seven (7) members as follows:~~

~~(1) One (1) citizen who is not registered under this chapter and who is not employed by the same person as any other member of the board, appointed by the Governor from a list of three (3) names submitted by the Arkansas Sheriffs Association, subject to confirmation by the Senate;~~

~~(2) One (1) municipal law enforcement officer or his or her designee, appointed by the Governor from a list of three (3) names submitted by the Arkansas Municipal Police Association, subject to confirmation by the Senate;~~

~~(3) One (1) member who is registered under this chapter, who is a Class A or Class D licensee, who has been engaged for a period of five (5) consecutive years as a private investigator, and who is not employed by the same person as any other member of the board, appointed by the Governor, subject to confirmation by the Senate;~~

~~(4) One (1) member who is registered under this chapter, who has been employed for a period of five (5) consecutive years by a security services contractor, and who is not employed by the same person as any other member of the board, appointed by the Governor, subject to confirmation by the Senate;~~

~~(5) One (1) polygraph examiner who is registered under § 17-39-101 et seq., who has been engaged for a period of five (5) consecutive years as a polygraph examiner, and who is not employed by the same person as any other member of the board, appointed by the Governor, subject to confirmation by the Senate;~~

~~(6) One (1) member in business with contract security service~~

~~responsibilities that does not hold a license under this chapter, appointed by the Governor from a list of three (3) names submitted by the Arkansas Chapter of the American Society of Industrial Security, subject to confirmation by the Senate; and~~

~~(7) One (1) member who is registered under this chapter, who has been engaged for a period of five (5) consecutive years in the alarms systems profession, and who is not employed by the same person as any other member of the board, appointed by the Governor, subject to confirmation by the Senate.~~

~~(b) The experience qualifications prescribed for membership on the board in subsection (a) of this section shall be satisfied by experience of five (5) years in the particular field as a police officer in the State of Arkansas or in the armed forces of the United States, or both.~~

SECTION 49. Arkansas Code § 17-40-203 is repealed.

~~17-40-203. Members—Terms—Removal—Vacancies—Compensation.~~

~~(a) Members of the Arkansas Board of Private Investigators and Private Security Agencies shall serve four-year terms.~~

~~(b) No member shall serve two (2) consecutive terms.~~

~~(c) Each member, unless removed by the Governor, shall hold office until his or her successor is appointed and qualified.~~

~~(d) Any member who fails to attend two (2) or more consecutive meetings of the board without reasonable cause may be removed by the Governor.~~

~~(e) The Governor shall fill all vacancies occurring among appointed members of the board, subject to confirmation by the Senate, with appointments for the duration of the unexpired term.~~

~~(f) The members of the board shall serve without pay but may receive expense reimbursement in accordance with § 25-16-901 et seq.~~

SECTION 50. Arkansas Code § 17-40-204 is amended to read as follows.

17-40-204. ~~Administrator~~ Administration.

~~(a) The position of Administrator of the Arkansas Board of Private Investigators and Private Security Agencies is created. The Director of the Department of Arkansas State Police, or his or her designated representative, shall serve as the administrator. The administrator shall not be a member of the Arkansas Board of Private Investigators and Private Security Agencies,~~

~~shall perform such duties as may be prescribed by the board, and shall have no financial or business interests, contingent or otherwise, in any security services contractor or investigating company.~~

~~(b) All legal process and all documents required by law to be served upon or filed with the board shall be served or filed with the administrator at the designated office of the board.~~

~~(c) All official records of the board or affidavits by the administrator as to the content of the records shall be prima facie evidence of all matters required to be kept by the board.~~

(a) The Director of the Department of Arkansas State Police shall perform such duties as may be prescribed by the director and shall have no financial, personal, or business interests in an entity licensed under this chapter.

(b) All legal processes and all documents required by law shall be served upon the director or his or her designee or filed within the Department of the Arkansas State Police.

SECTION 51. Arkansas Code § 17-40-205 is repealed.

~~17-40-205. Employees.~~

~~The number of employees and the salary of each shall be fixed by the General Assembly.~~

SECTION 52. Arkansas Code § 17-40-206 is repealed.

~~17-40-206. Organization and proceedings.~~

~~(a) The Arkansas Board of Private Investigators and Private Security Agencies shall elect from among its members a chair, vice chair, and secretary to serve one-year terms commencing on January 1 of each year. The chair or, in his or her absence, the vice chair shall preside at all meetings of the board and perform the other duties prescribed in this chapter.~~

~~(b) The board shall meet at regular intervals to be decided by a majority vote of the board.~~

~~(c) At the first meeting, the board shall specify the date and place of the first examinations for licenses to be held.~~

~~(d) A majority of the board constitutes a quorum to transact business.~~

~~(e) The board shall adopt a seal, the form of which it shall prescribe.~~

~~(f) The board shall be governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.~~

SECTION 53. Arkansas Code § 17-40-207 is amended to read as follows:  
17-40-207. Powers and duties.

~~(a) The Arkansas Board of Private Investigators and Private Security Agencies shall have the following powers and duties:~~

~~(1) To determine the qualifications of licensees, registrants, and commissioned security officers as provided in this chapter;~~

~~(2) To investigate alleged violations of the provisions of this chapter and of any rules and regulations adopted by the board;~~

~~(3) To promulgate reasonable rules and regulations in the manner provided by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and~~

~~(4) To establish and enforce standards governing the safety and conduct of persons licensed, registered, and commissioned under the provisions of this chapter, including authority to adopt a rule to prohibit such persons from using any metallic insignia or identification badge.~~

~~(b) In the conduct of any investigation conducted under the provisions of this chapter, the board may issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records, and documents. The officer conducting a hearing may administer oaths and may require testimony or evidence to be given under oath.~~

(a) The Director of the Department of Arkansas State Police shall have the following powers and duties:

(1) To determine the qualifications of applicants as provided in this chapter;

(2) To investigate alleged violations of this chapter and of any rules adopted by the director;

(3) To grant, deny, suspend, or revoke any license, credential, or commission issued under this chapter and to levy fines for violation of the provisions of this chapter;

(4) To authorize a licensed or credentialed private investigator from another state the authority to operate in this state for up to ten (10) calendar days without being issued a credential under this chapter, under the rules promulgated by the director;

(5) To promulgate reasonable rules in the manner provided by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and

(6) To establish and enforce standards governing the safety and conduct of persons licensed, credentialed, or commissioned under this chapter.

(b)(1) In the conduct of any investigation performed under this chapter, the director may issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records, and documents.

(2)(A) The administrative hearing officer shall conduct the administrative hearing, and he or she may administer oaths, require testimony, and issue subpoenas for the attendance of witnesses and the production of relevant books, papers, documents, or other relevant evidence.

(B) The administrative hearing officer shall submit his or her recommendation to the director within sixty (60) days of the hearing.

(c) The director may designate a person on his or her staff to administer and carry out the provisions of this chapter.

SECTION 54. Arkansas Code § 17-40-208 is amended to read as follows:  
17-40-208. Training of personnel.

~~(a) The Arkansas Board of Private Investigators and Private Security Agencies shall establish training programs to be conducted by agencies and institutions approved by the board.~~

~~(b) The basic training course approved by the board may include the following:~~

~~(1) Legal limitations on the use of firearms and on the powers and authority of the private security officer;~~

~~(2) Familiarity with this chapter;~~

~~(3) Field note taking and report writing;~~

~~(4) Range firing and procedure and handgun safety and maintenance; and~~

~~(5) Any other topics of security officer training curriculum which the board deems necessary.~~

~~(c) The board shall promulgate all rules necessary to administer the provisions of this section concerning the training requirements of this chapter.~~

~~(d) When an individual meets the training requirements approved by the board, that individual shall not be required to be trained over again until the private security officer's or commissioned security officer's renewal training is required, which is two (2) years after the private security officer or commissioned security officer is licensed, regardless of the company by which the private security officer or commissioned security officer is employed or trained.~~

(a) The Director of the Department of Arkansas State Police shall establish minimum training requirements under this chapter for a private security officer, a commissioned security officer, and a commissioned school security officer.

(b) For a private security officer, the minimum training requirements under this chapter shall include without limitation the following topics:

(1) Legal limitations on the use of firearms and on the powers and authority of the private security officer;

(2) Familiarity with this chapter;

(3) Field note taking and report writing; and

(4) Other topics that the director deems necessary.

(c) For a commissioned security officer, the minimum training requirements under this chapter shall include without limitation the following topics:

(1) Legal limitations on the use of firearms and on the powers and authority of the commissioned security officer;

(2) Familiarity with this chapter;

(3) Field note taking and report writing;

(4) Range firing and procedure and handgun safety and maintenance; and

(5) Other topics the director deems necessary.

(d) For a commissioned school security officer, the minimum training requirements under this chapter shall include without limitation the following topics:

(1) Legal limitations on the use of firearms and on the powers and authority of the commissioned school security officer;

(2) Familiarity with this chapter;

(3) Field note taking and report writing;

(4) Fundamental use of firearms, including firearm safety

drills, tactics, and required qualification on an approved course of fire;

- (5) Active shooter training;
- (6) Active shooter simulation scenarios;
- (7) Trauma care;
- (8) Defensive tactics;
- (9) Weapon retention;
- (10) Handgun safety and maintenance; and
- (11) Other topics the director deems necessary.

(e) When an individual meets the training requirements approved by the director, that individual shall not be required to be retrained until two (2) years after the private security officer, commissioned security officer, or commissioned school security officer is commissioned.

SECTION 55. Arkansas Code § 17-40-209 is amended to read as follows:

17-40-209. Fees – Disposition of funds – Legislative intent.

~~(a) It is the intent of the General Assembly that the cost of the investigating and licensing of private investigators and private security agencies as authorized by this chapter be borne by the individuals and agencies so licensed.~~

~~(b) To assure that such an intent is carried out, the expenditure for personal services and operating expenses associated with the investigating and licensing of agencies and individuals required to be licensed under the provisions of this chapter shall be limited in the aggregate to the amount deposited into the State Treasury to the credit of the Department of Arkansas State Police Fund from license and registration fees of the individuals and agencies.~~

~~(c) In order to provide sufficient revenues to carry out the duties and functions prescribed by this chapter, the Arkansas Board of Private Investigators and Private Security Agencies is authorized to levy fees for licenses as authorized by this chapter in such amounts as may be deemed necessary and proper by the board.~~

~~(d) A delinquency fee shall be provided by the board.~~

~~(e)(1) All funds received by the board shall be deposited into the State Treasury as special revenues to the credit of the fund.~~

~~(2) Money remaining at the end of the fiscal year shall not revert to any other fund but shall carry over to the next fiscal year.~~

(a) It is the intent of the General Assembly that the cost of investigating and credentialing private investigators or licensing private security agencies as authorized by this chapter be borne by the individuals and agencies so credentialed or licensed.

(b) To assure that the intent is carried out, the expenditure for personal services and operating expenses associated with investigating and licensing, credentialing, or commissioning of individuals and agencies required to be licensed, credentialed, or commissioned under this chapter shall be limited in the aggregate to the amount deposited into the State Treasury to the credit of the Department of Arkansas State Police Fund from license, credential, and commission fees of the individuals and agencies.

(c) In order to provide sufficient revenues to carry out the duties and functions prescribed by this chapter, the Director of the Department of Arkansas State Police shall levy fees for licenses, credentials, and commissions as authorized by this chapter as determined by the director.

(d) A late fee or a fine may be levied by the director.

(e)(1) All funds received by the director shall be deposited into the State Treasury as special revenues to the credit of the Department of Arkansas State Police Fund.

(2) Money remaining at the end of the fiscal year shall carry over to the next fiscal year and shall not revert to any other fund.

SECTION 56. The title of Arkansas Code Title 17, Chapter 40, Subchapter 3, is amended to read as follows:

Subchapter 3 – License, Registration Credential, and Commissions Commission

SECTION 57. Arkansas Code § 17-40-301 is amended to read as follows:  
17-40-301. Unlawful acts.

~~(a) No licensee or officer, director, partner, manager, or employee of a licensee shall knowingly make any false report to his or her employer or client for whom information was being obtained.~~

~~(b) No written report shall be submitted to a client except by the licensee, manager, or a person authorized by one (1) or either of them. The person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in a report are true and correct.~~

~~(c) No licensee, or officer, director, partner, manager, or employee of a licensee, except full time police officers, shall use a title, wear a uniform, use an insignia, use an identification, or make any statement with the intent to give the impression that he or she is connected in any way with the federal government, a state government, county government, city government, or any political subdivision of a state government.~~

~~(d) It is unlawful and punishable as provided in § 17-40-104 for any person to represent falsely that he or she is employed by a licensee.~~

~~(e) It shall be unlawful and punishable as provided in § 17-40-104 for any state, county, or municipal government, or political subdivision of either, to install, service, maintain, monitor, operate, sell, or lease as lessor any burglar alarm system, fire alarm system, or other electronic security system on private property if a private contractor licensed to do business within the county or municipality offers such systems or services to the public within such a county or municipality. The provisions of this section shall not prohibit a county or municipal government from installing, servicing, maintaining, or operating a burglar alarm system or fire alarm system on any property owned or leased by such a county or municipal government.~~

~~(f) No person shall program an automatic dialing device to call any law enforcement agency, fire department, emergency health service, or any state, city, or county agency, without prior approval of the Arkansas Board of Private Investigators and Private Security Agencies.~~

~~(g) No licensee shall contract or subcontract with any unlicensed entity that performs a service that is required to be licensed by this chapter.~~

(a) It is unlawful for a person to knowingly:

(1) Perform any service as a private investigator unless the person has obtained a credential to perform the services of a private investigator under this chapter;

(2) Perform any service as or engage in the business or business activity of a security services contractor or alarm systems company unless the person has obtained a license as a securities services contractor or alarm systems company under this chapter; or

(3) Engage in an operation outside the scope of the person's license or credential.

(b) A credential holder or a licensee or an officer, director, partner, manager, or employee of a licensee shall not knowingly make a false report to his or her employer or client for whom information was being obtained.

(c)(1) A credential holder, licensee, manager, or agent authorized by one (1) or both the licensee or manager shall have the sole responsibility of knowingly submitting a written investigative report to a client.

(2) The person submitting the written investigative report shall exercise due diligence in ascertaining the truth and accuracy of the information in the report.

(d) A credential holder, or a licensee or officer, director, partner, manager, or employee of a licensee, except a full-time police officer, shall not knowingly use a title, wear a uniform, use an insignia, use an identification, or make any statement with the intent to give the impression that the person is connected in any way with the federal government, a state government, county government, city government, or any political subdivision of a state government.

(e) It is unlawful for a person to misrepresent that he or she is employed by a credential holder or a licensee.

(f)(1) It is unlawful for a state, county, or municipal government or political subdivision of a state, county, or municipal government to install, service, maintain, monitor, operate, sell, or lease as lessor a burglar alarm, fire alarm system, or other electronic security system on private property if a private contractor licensed to do business within the county or municipality offers such systems or services to the public within the county or municipality.

(2) This section does not prohibit a county or municipal government from installing, servicing, maintaining, or operating a burglar alarm or fire alarm system on property owned or leased by a county or municipal government.

(3) This subsection does not apply to an entity authorized to provide, directly or indirectly, voice, data, broadband, video, or wireless telecommunications services under § 23-17-409(b)(2).

(g) A person shall not program an automatic dialing device to call a law enforcement agency, fire department, emergency health service, or a state, city, or county agency without the prior approval of the Director of

the Department of Arkansas State Police.

(h) A credential holder or a licensee shall not contract or subcontract with an unlicensed person or uncredentialed individual to perform a service that requires a credential or a license under this chapter.

(i) A person licensed only as a security services contractor shall not engage in an investigation unless the investigation is incidental to the theft, loss, embezzlement, misappropriation, or concealment of property that the person has been hired or engaged to protect.

(j) A person shall not employ an individual as a private security officer and knowingly authorize or permit him or her to carry a firearm during the course of performing his or her duties as a private security officer if the director has not issued the private security officer a security officer commission.

(k) An individual employed as a private security officer shall not knowingly carry a firearm during the course of performing his or her duties as a private security officer if the director has not issued him or her a security officer commission.

(l) A person shall not knowingly hire or employ an individual as a private security officer and an individual shall not accept employment as a private security officer if the employment requires the private security officer to carry a firearm in the course and scope of his or her duties, unless the private security officer is a commissioned security officer.

SECTION 58. Arkansas Code Title 17, Chapter 40, Subchapter 3, is amended to add a new section to read as follows:

17-40-302. Fees.

(a) The Director of the Department of Arkansas State Police may assess fees under this chapter as follows:

(1) For an initial application:

(A) Alarm systems agent, alarm systems apprentice, alarm systems technician, or alarm systems monitor credential..... \$40.00;

(B) Class A license..... \$600;

(C) Class B license..... \$600;

(D) Class C license..... \$850;

(E) Class D license..... \$300;

(F) Class E-M license..... \$600;

- (G) Class E Restricted license..... \$600;
- (H) Class E-S license..... \$600;
- (I) Class E Unrestricted license..... \$600;
- (J) Class G license..... \$1,200;
- (K) Security guard credential..... \$40.00; and
- (L) Credentialed private investigator..... \$450;

(2) For a renewal application:

(A) Alarm systems agent, alarm systems apprentice, alarm systems technician, or alarm systems monitor credential..... \$40.00;

- (B) Class A license..... \$300;
- (C) Class B license..... \$300;
- (D) Class C license..... \$500;
- (E) Class D license..... \$150;
- (F) Class E-M license..... \$300;
- (G) Class E Restricted license..... \$300;
- (H) Class E-S license..... \$300;
- (I) Class E Unrestricted license..... \$300;
- (J) Class G license..... \$600;
- (K) Security guard credential..... \$40.00; and
- (L) Credentialed private investigator..... \$150; and

(3) For the following:

(A) Replacement credential or commission photo identification card..... \$5.00;

(B) Duplicate wall mounted license..... \$10.00;

(C) Late renewal fee for a:

- (i) Class A license..... \$150;
- (ii) Class B license..... \$150;
- (iii) Class C license..... \$250;
- (iv) Class D license..... \$75.00;
- (v) Class E license, any version..... \$150; and
- (vi) Class G license..... \$300; and

(D) Transfer fee for:

(i) A credentialed private investigator..... \$75.00;

and

(ii) An alarm systems agent, alarm systems apprentice, alarm systems technician, or alarm systems monitor

credential..... \$20.00.

(b) Applicable state and national criminal background check fees are as set under the Arkansas State Criminal Records Act, § 12-12-1501 et seq., or by the Federal Bureau of Investigation.

(c) All fees under this section are nonrefundable.

SECTION 59. Arkansas Code § 17-40-305 is repealed.

~~17-40-305. License required.~~

~~It shall be unlawful and punishable as provided in § 17-40-104 for any person to engage in the business of, or perform any service as, a private investigator, security services contractor, or alarm systems company, or to offer his or her services in those capacities or engage in any business or business activity required to be licensed by this chapter unless he or she has obtained a license under the provisions of this chapter.~~

SECTION 60. Arkansas Code § 17-40-306 is amended to read as follows:

17-40-306. License or credential - Applicant qualifications.

~~(a) Unless the requirement is waived by the Arkansas Board of Private Investigators and Private Security Agencies, an applicant for a license or his or her manager must:~~

~~(1) Be at least twenty one (21) years of age;~~

~~(2) Be a high school graduate or its equivalent if the applicant is a manager of an investigations company or an individual applying for an investigations company license;~~

~~(3) Not have been found guilty of or pleaded guilty or nolo contendere to any:~~

~~(A) Felony, Class A misdemeanor, crime involving an act of violence, or any crime involving moral turpitude in any court in the State of Arkansas for which a pardon has not been granted;~~

~~(B) Felony, Class A misdemeanor or an offense of a comparable level, crime involving an act of violence, or any crime involving moral turpitude in any court in another state for which a pardon has not been granted; or~~

~~(C) Felony, Class A misdemeanor or an offense of a comparable level, crime involving an act of violence, or any crime involving moral turpitude in a military or federal court for which a pardon has not~~

~~been granted;~~

~~(4) Not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not have been restored;~~

~~(5) Not be suffering from habitual drunkenness or from narcotics addiction or dependence;~~

~~(6) Not have been discharged from the armed services of the United States under other than honorable conditions;~~

~~(7) Be of good moral character; and~~

~~(8) Be in compliance with any other reasonable qualifications that the board may fix by rule.~~

~~(b)(1) An applicant who applies for a license to engage in the business of an investigations company or his or her manager shall have:~~

~~(A) Two (2) consecutive years' experience prior to the date of the application in the investigative field as an agent, employee, manager, or owner of an investigations company;~~

~~(B) Been licensed under Acts 1965, No. 447 [repealed];~~

~~(C) Two (2) years' experience as a licensed bail bondsman and a baccalaureate degree from a four-year institution of higher education; or~~

~~(D) Satisfied such other requirements as may be set by the board.~~

~~(2) The experience of the applicant must be reviewed by the board and determined to be adequate to qualify the applicant to engage in the business of an investigations company.~~

~~(c) An applicant who applies for a license to engage in the business of a security services contractor or his or her manager shall have two (2) consecutive years' experience prior to the date of application in the security services field as an agent, employee, manager, or owner of a security services contractor company, or the applicant or his or her manager shall have been licensed under Acts 1973, No. 605 [repealed], or shall satisfy such other requirements as may be set by the board.~~

(a) A person applying for a license or credential other than that for a commissioned security officer or commissioned school security officer shall:

(1) Be at least eighteen (18) years of age at the time of

application;

(2) Not be suffering from habitual drunkenness or from narcotics addiction or dependence;

(3) Not have been discharged from the United States Armed Forces under dishonorable conditions;

(4) Be in compliance with any other reasonable qualifications that the Director of the Department of Arkansas State Police may set by rule;

(5) Not have been adjudicated as mentally incompetent or have been involuntarily committed to a mental institution or mental health treatment facility; and

(6) Not be a registered sex offender or be required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.

(b) An applicant who applies for a license to engage in the business of an investigations company or his or her manager shall have:

(1) Two (2) consecutive years' experience before the date of the application in the investigative field as an agent, employee, manager, or owner of an investigations company;

(2) Two (2) years' experience as a licensed bail bondsman and a baccalaureate degree from a four-year institution of higher education; or

(3) Satisfied other requirements as may be set by the director.

(c) An applicant makes application to engage in the business of a security services contractor, private business, or his or her manager shall:

(1) Have two (2) consecutive years' experience before the date of application in the security services field as an agent, employee, manager, or owner of a security services contractor company; or

(2) Satisfy other requirements as may be set by the director.

(d)(1) The director shall not issue a license or credential nor renew an existing license or credential of a person who has been found guilty of or pleaded guilty or nolo contendere to one (1) or more of the following in any court in the State of Arkansas or a comparable offense in another state, or in a military or federal court for which a pardon has not been granted:

(A) A felony;

(B) A Class A misdemeanor;

(C) A crime involving violence; or

(D) A crime involving moral turpitude.

(2) For purposes of this subsection, the state and national criminal background check shall include a record of all offenses that have been previously sealed or expunged by any court.

SECTION 61. Arkansas Code § 17-40-307 is amended to read as follows:

17-40-307. License or credential – Application and examination.

~~(a) An application for a license under this chapter shall be in the form prescribed by the Arkansas Board of Private Investigators and Private Security Agencies. The application shall include:~~

- ~~(1) The full name and business address of the applicant;~~
  - ~~(2) The name under which the applicant intends to do business;~~
  - ~~(3) A statement as to the general nature of the business in which the applicant intends to engage;~~
  - ~~(4) A statement as to the classification under which the applicant desires to be qualified;~~
  - ~~(5) The full name and residence address of each of the applicant's partners, officers, directors, and its manager, if the applicant is an entity other than an individual;~~
  - ~~(6) Two (2) recent photographs, of a type prescribed by the board, of the applicant, if the applicant is an individual, or of each officer and of each partner or shareholder who owns a twenty five percent (25%) or greater interest in the applicant, if the applicant is an entity;~~
  - ~~(7) Two (2) classifiable sets of fingerprints of the applicant, if the applicant is an individual, or of each officer and of each partner or shareholder who owns a twenty five percent (25%) or greater interest in the applicant, if the applicant is an entity;~~
  - ~~(8) A verified statement of his or her experience qualifications;~~
  - ~~(9) A verified statement disclosing any record of convictions of the applicant of a felony, Class A misdemeanor, a crime involving an act of violence, or any crime involving moral turpitude; and~~
  - ~~(10) Such information as may be required by the board which would show that the applicant is honest, trustworthy, and of good character.~~
- ~~(b) An application for a license under this chapter shall include the social security number of the one making the application.~~
- ~~(c) The board may require an applicant or his or her manager to~~

~~demonstrate qualifications by an examination to be determined by the board or show proof of other qualifications as may be determined by the board.~~

~~(d) Payment of the application fee prescribed by this chapter entitles the applicant or his or her manager to one (1) examination without further charge. If the person fails to pass the examination, he or she shall not be eligible for any subsequent examination except upon payment of the reexamination fee which shall be set by the board in an amount not in excess of the renewal fee for the license classification for which license application was originally made.~~

~~(e)(1) Each first-time applicant and applicant for license renewal shall be required to apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.~~

~~(2) The check shall conform to applicable federal standards and shall include the taking of fingerprints as required in subdivision (a)(7) of this section.~~

~~(3) The applicant shall sign a release of information to the board and shall be responsible for the payment of any fee associated with the criminal background check.~~

~~(4) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all releasable information obtained concerning the applicant.~~

(a) An application for a license or credential under this chapter shall be in the form prescribed by the Director of the Department of Arkansas State Police and shall include:

- (1) The full name and business address of the applicant;
- (2) The name under which the applicant intends to do business;
- (3) A statement as to the general nature of the business and the business classification in which the applicant intends to engage;
- (4) The full name and residence address of each of the applicant's partners, officers, directors, and managers, if the applicant is an entity other than an individual;
- (5) Two (2) recent passport-style photographs of the applicant, if the applicant is an individual, or of each officer and of each partner or

shareholder who owns an interest of twenty-five percent (25%) or greater in the applicant, if the applicant is an entity;

(6) Two (2) classifiable sets of fingerprints of the applicant, if the applicant is an individual, or of each officer and of each partner or shareholder who owns an interest of twenty-five percent (25%) or greater in the applicant, if the applicant is an entity;

(7) A verified statement of the applicant's experience qualifications;

(8) A verified statement disclosing any record of arrests, pending criminal charges, or convictions of the applicant of a felony, Class A misdemeanor, a crime involving an act of violence, or any crime involving moral turpitude, including those that have been sealed or expunged; and

(9) Information that may be required by the director that would show that the applicant is honest, trustworthy, and of good character, if the applicant is an individual.

(b) An application for a license or credential under this chapter shall include the Social Security number of the applicant.

(c) The director may require an applicant or his or her manager to demonstrate qualifications determined by the director by an examination or show proof of other qualifications as may be determined by the director.

(d)(1) Payment of the application fee prescribed by this chapter entitles the applicant or his or her manager to one (1) examination without further charge.

(2) If the person fails to pass the examination, he or she shall not be eligible for any subsequent examination except upon payment of the reexamination fee which shall be set by the director.

(e)(1)(A) Each first-time applicant and applicant for license or credential renewal shall apply to the Department of Arkansas State Police for a state and national criminal background check to be conducted by the department and the Federal Bureau of Investigation.

(B) Criminal history records from the Arkansas Crime Information Center shall be available to the director for the review of applicant qualification.

(2) The state and national criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints as required in subdivision (a)(6) of this section.

(3) The applicant shall sign a release of information to the director and shall be responsible for the payment of any fee associated with the state and national criminal background check.

(4) Upon completion of the state and national criminal background check, the department shall forward to the director all releasable information obtained concerning the applicant.

(f) The burden is on the applicant to provide information sufficient to allow the director to determine if the applicant is qualified to hold the license or credential.

SECTION 62. Arkansas Code § 17-40-308 is amended to read as follows:  
17-40-308. License or credential – Insurance prerequisite.

(a) ~~No~~ A Class B, Class C, or ~~general license~~ Class G license shall not be issued to ~~a company~~ an applicant under this chapter unless the applicant files with the ~~Arkansas Board of Private Investigators and Private Security Agencies~~ Director of the Department of Arkansas State Police proof of a policy of continuing public liability insurance in a sum not less than five hundred thousand dollars (\$500,000), conditioned to compensate any person for damages, including, but not limited to, bodily injury, caused by wrongful acts of the principal or its servants, officers, agents, and employees in the conduct of any business licensed by this chapter.

(b) ~~No~~ A Class B or Class C license shall not be issued to an armored car company unless the applicant files with the ~~board~~ director proof of a valid and continuing policy of armored car cargo insurance protecting customers' valuables in a sum not less than five hundred thousand dollars (\$500,000).

(c)(1) All Class E licensees shall maintain in force at all times while licensed a public liability insurance policy, with minimum limits of liability of three hundred thousand dollars (\$300,000). ~~All Class F licensees shall maintain in force at all times while licensed a public liability insurance policy, with minimum limits of liability of one hundred thousand dollars (\$100,000).~~

(2) All alarm systems businesses ~~which~~ that issue ~~Underwriters'~~ Underwriters Laboratories certificates for local mercantile, central station, or police connected alarms shall maintain in force at all times a public liability insurance policy in an amount of at least three hundred thousand

dollars (\$300,000).

(3) Proof of ~~such~~ public liability insurance ~~must~~ shall be provided to the ~~board~~ director at the time of application or renewal or upon request.

(4) This section ~~will~~ does not pertain to alarm systems businesses that do not sell, install, or service alarm systems.

SECTION 63. Arkansas Code § 17-40-309 is amended to read as follows:  
17-40-309. License and credential – Classifications.

~~(a) No person may engage in any operation outside the scope of the person's license.~~

~~(b) For the purpose of defining the scope of licenses, the following license classifications are established:~~

~~(1) Class A: Investigations company license, covering operations as defined in § 17-40-102(13);~~

~~(2) Class B: Security services contractor license, covering operations as defined in § 17-40-102(26);~~

~~(3) Class C: Covering the operations included within Class A and Class B;~~

~~(4) Class D: A single individual operating as an investigations company with no other employees required to be licensed or registered under this chapter;~~

~~(5)(A) Class E Level 1: Alarm systems company license, covering operations as defined in § 17-40-102(5). Fire alarm license is restricted to structures for which applicable building and life safety codes do not mandate the installation of fire alarm systems, one family or two family dwellings classified as "Group R-3" in the Arkansas Fire Prevention Code.~~

~~(B) Class E Level 2: Alarm systems company license covering operations as defined in § 17-40-102(5). Fire alarm license is restricted to structures for which applicable building and life safety codes do not mandate the installation of fire alarm systems, one family and two-family dwellings classified as "Group R-3"; "Group R-1", except buildings with three (3) or more stories; "Group R-2", except buildings with three (3) or more stories; "Group A", except those that exceed fifteen thousand square feet (15,000 sq.ft.); "Group B", except "highrise"; "Group E", except those that exceed fifteen thousand square feet (15,000 sq.ft.); "Group F"; "Group~~

~~M"; and "Group S" in the Arkansas Fire Prevention Code.~~

~~(C) Class E Level 3: Alarm systems company license covering operations as defined in § 17-40-102(5). Fire alarm license is unrestricted.~~

~~(D) Class E M: Alarm systems company license covering only monitoring as defined in § 17-40-102(5).~~

~~(E) Class E S: A single station alarm systems company license covering operations as defined by § 17-40-102(27). Fire alarm license is restricted to one family and two family dwellings.~~

~~(F) Class F S: A single station alarm systems company license covering operations as defined by § 17-40-102(27) with no more than five (5) registered employees required to be registered under this chapter. Fire alarm license is restricted to one family and two family dwellings;~~

~~(6)(A) Class F: An alarm systems company license covering operations as defined in § 17-40-102(5) with no more than five (5) employees required to be registered under this chapter. Fire alarm license is restricted to structures for which applicable building and life safety codes do not mandate installation of fire alarm systems and one family and two family dwellings classified as "Group R-3" in the Arkansas Fire Prevention Code.~~

~~(B) Class F M: Alarm systems company license covering only monitoring as defined in § 17-40-102(5) with no more than five (5) persons required to be registered under this chapter; and~~

~~(7) General: Covering the operations included within Class A, Class B, and Class E.~~

~~(c) A person licensed only as a security services contractor may not make any investigation except as incidental to the theft, loss, embezzlement, misappropriation, or concealment of any property which the person has been hired or engaged to protect.~~

For the purpose of defining the scope of licenses under this chapter, the following license classifications are established:

(1) "Class A" means a license issued to an investigations company employing one (1) or more individuals;

(2) "Class B" means a security services contractor license;

(3) "Class C" means a license that includes the operations within a Class A license and a Class B license;

(4) "Class D" means a license for a single individual operating as an investigations company with no other employees who are required to be licensed or credentialed under this chapter;

(5) "Class E Restricted" means a license for an alarm systems company the work of which is limited to structures that are not required by the Arkansas Fire Prevention Code to have a fire alarm system;

(6) "Class E Unrestricted" means a license for an alarm systems company that installs fire alarm systems that are required by the Arkansas Fire Prevention Code;

(7) "Class E-M" means an alarm systems company license covering only monitoring;

(8) "Class E-S" means a single-station alarm systems company license restricted to one-family and two-family dwellings; and

(9) "Class G" means a general license for operations included within Class A, Class B, Class E Restricted, and Class E Unrestricted licenses.

SECTION 64. Arkansas Code § 17-40-310 is amended to read as follows:  
17-40-310. License and credential – Form.

A license or credential when issued shall be in the form prescribed by the ~~Arkansas Board of Private Investigators and Private Security Agencies,~~ Director of the Department of Arkansas State Police and shall include the:

- (1) ~~The name~~ Name of the licensee or credential holder;
- (2) ~~The name~~ Name under which the licensee or credential holder is to operate; and
- (3) ~~The number~~ License or credential number and date of ~~issuance of~~ the license expiration.

SECTION 65. Arkansas Code § 17-40-311 is amended to read as follows:  
17-40-311. License and credential – Assignability.

A license or credential issued under this chapter is not assignable.

SECTION 66. Arkansas Code § 17-40-312 is amended to read as follows:  
17-40-312. License and credential – Termination.

~~(a) The Arkansas Board of Private Investigators and Private Security Agencies shall prescribe by rule the procedure under which a license issued~~

~~under this chapter may be terminated.~~

~~(b) The fee for the termination of a license under this chapter shall be established by the board in an amount not to exceed five dollars (\$5.00).~~

The Director of the Department of Arkansas State Police shall prescribe by rule the procedure under which a license or credential issued under this chapter may be terminated by the licensee or credential holder.

SECTION 67. Arkansas Code § 17-40-313 is amended to read as follows:

17-40-313. License and credential - Expiration and renewal.

~~(a) Licenses issued under this chapter expire one (1) year after the date of issuance if not renewed. To renew an unexpired license, the licensee, on or before the date on which it would otherwise expire, shall apply for renewal on a form prescribed by the Arkansas Board of Private Investigators and Private Security Agencies, and pay the renewal fee prescribed by this chapter. On renewal, a renewal license shall be issued to the licensee.~~

~~(b) Renewal of a license shall not prohibit the bringing of disciplinary proceedings for an act committed before the effective date of the renewal.~~

~~(c) A suspended license is subject to expiration and shall be renewed as provided in this chapter. However, renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity or in any other activity or conduct in violation of the order or judgment by which the license was suspended.~~

~~(d) It shall be unlawful for a suspended license holder or its employee to operate while the license is suspended.~~

~~(e) A license which is not renewed within two (2) years after its expiration may not be renewed, restored, reinstated, or reissued thereafter.~~

~~(f) The holder of the license may obtain a new license only on compliance with all of the provisions of this chapter relating to the issuance of an original license.~~

(a)(1) A license or credential issued under this chapter shall expire two (2) years from the date of issuance.

(2) To renew an unexpired license or credential, the licensee or the credential holder shall apply for renewal on a form prescribed by the Director of the Department of Arkansas State Police and pay the renewal fee prescribed by this chapter.

(3) Upon approval of the application by the director, a renewal license or credential shall be issued.

(b)(1) A suspended license or credential is subject to expiration and may be renewed as provided in this chapter.

(2) However, renewal does not entitle the licensee or the credential holder, while the license or credential remains suspended and until it is reinstated, to engage in the licensed or credentialed activity.

(c) It is unlawful for a suspended licensee or credential holder or an employee of the suspended licensee or credential holder to operate while the license or credential is suspended.

(d) A license or credential that is not renewed within six (6) months after its expiration shall not be renewed thereafter.

(e) The holder of the license or credential that has been expired for more than six (6) months may obtain a new license or credential only on compliance with all of the provisions of this chapter relating to the issuance of an initial license or credential.

SECTION 68. Arkansas Code § 17-40-314 is amended to read as follows:

17-40-314. ~~Licenses—Managers~~ Managers.

~~(a)(1) The business of each licensee, other than in instances in which the licensee company is owned and operated by the same individual who meets the qualifications of a manager, shall be operated under the direction and control of at least one (1) manager.~~

~~(2) Licensees in instances in which the licensee company is owned and operated by the same individual who meets the qualifications of a manager shall not be required to obtain a manager's license.~~

~~(b) No person shall act as a manager of a licensee until he or she has:~~

~~(1) Demonstrated his or her qualifications by a written examination; and~~

~~(2) Made a satisfactory showing to the Arkansas Board of Private Investigators and Private Security Agencies that he or she has the qualifications prescribed by § 17-40-306 and that none of the facts stated in § 17-40-350(a) exist as to him or her.~~

~~(c) It shall be unlawful and punishable as provided in § 17-40-104 for any individual to make application to the board as manager or to serve as~~

~~manager of an investigations company, security services contractor, or alarm systems company unless the individual intends to maintain a supervisory position on a daily basis for the investigations company, security services contractor, or alarm systems company.~~

~~(d) If the manager, who has qualified as provided in this section, ceases to be manager for any reason whatsoever, the licensee shall notify the board in writing within fourteen (14) days from the cessation. If notice is given, the license shall remain in force for a reasonable length of time to be determined by the rules of the board pending the qualification, as provided in this chapter, of another manager. If the licensee fails to notify the board within the fourteen-day period, his or her license shall be subject to suspension or revocation.~~

(a) The business of each licensee shall be operated under the direction and control of at least one (1) manager.

(b) A person shall not act as a manager of a licensee or private business until the person has:

(1) Demonstrated the person's qualifications by a written examination; and

(2) Made a satisfactory showing to the Director of the Department of Arkansas State Police that the person has the qualifications prescribed by this chapter.

(c) It is unlawful for an individual to make application to the director as manager or to serve as manager of an investigations company, security services contractor, private business, or alarm systems company unless the individual intends to maintain a supervisory position on a daily basis for the investigations company, security services contractor, or alarm systems company.

(d)(1) If a manager who has qualified as provided in this section ceases to be manager for any reason, the licensee shall notify the director in writing within fourteen (14) days from the cessation of the manager.

(2) If notice under subdivision (d)(1) of this section is given, the license shall remain in force for a reasonable length of time to be determined by the rules of the director and pending the qualification of another manager.

(3) If the licensee fails to provide the notice under subdivision (d)(1) of this section to the director within the fourteen-day

period, the licensee's license may be subject to suspension, a fine, or revocation.

SECTION 69. Arkansas Code § 17-40-315 is amended to read as follows:

17-40-315. Duties of licensee or credential holder.

(a) Each licensee or credential holder shall maintain a record containing the information relative to his or her employees as may be prescribed by the ~~Arkansas Board of Private Investigators and Private Security Agencies~~ Director of the Department of Arkansas State Police.

(b) At all times a licensee or credential holder shall be legally responsible for the good conduct in the business of each employee, including ~~his or her~~ the licensee's manager.

(c) ~~Any licensed entity~~ A licensee or credential holder finding a violation of this chapter shall report the violation to the local authority and to the ~~board~~ director.

SECTION 70. Arkansas Code § 17-40-316 is amended to read as follows:

17-40-316. Licenses and credentials – Change of address, telephone number, email address, name, or officers or partners.

~~(a) Notification to the Arkansas Board of Private Investigators and Private Security Agencies shall be made within fourteen (14) days after:~~

~~(1) The change of address of the principal place of business of a licensee;~~

~~(2) The change of address of a branch office; or~~

~~(3) The change of a business name under which a licensee does business.~~

~~(b) A licensee shall, within fourteen (14) days after the change, notify the board of:~~

~~(1) Any and all changes of his or her address;~~

~~(2) The change of the name under which he or she does business; and~~

~~(3) Any changes in its officers or partners.~~

(a) A licensee or credential holder shall notify the Director of the Department of Arkansas State Police within fourteen (14) days after a change of the licensee's or credential holder's name, address, telephone number, email address, or officer or partner.

(b) A licensee or manager shall notify the director within fourteen (14) days after a change in the credentialed person's name, address, telephone number, or email address.

SECTION 71. Arkansas Code § 17-40-317 is amended to read as follows:

17-40-317. Licensees and credential holders – Windup period.

When the individual on the basis of whose qualifications a license or credential under this chapter has been obtained ceases to be connected with ~~the licensee for any reason whatsoever~~ the business for which a license or credential under this chapter is required, the business may be carried on for a temporary period under such terms and conditions as the ~~Arkansas Board of Private Investigators and Private Security Agencies shall provide by regulation~~ Director of the Department of Arkansas State Police shall provide by rule.

SECTION 72. Arkansas Code § 17-40-318 is amended to read as follows:

17-40-318. Training requirements for alarm ~~system-business~~ systems company.

~~(a) The licensee or his or her manager of a Class E Level 1 and Class F license shall show proof of National Burglar and Fire Alarm Association Level 2 certification or board approved equivalent. The licensee or his or her manager for a Class E Level 1 shall have two (2) years from July 30, 1999, to obtain the aforementioned certification. An applicant for a Class E Level 1 and Class F license or his or her manager applicant shall show proof of National Burglar and Fire Alarm Association Level 2 certification or board approved equivalent before the license may be issued.~~

~~(b) The licensee or his or her manager of a Class E Level 2 license shall show proof of National Burglar and Fire Alarm Association Level 2, National Institute for Certification in Engineering Technologies Level II certification or board approved equivalent. The licensee or his or her manager shall have two (2) years from July 30, 1999, to obtain the aforementioned certification. An applicant for a Class E Level 2 license or his or her manager applicant shall show proof of National Burglar and Fire Alarm Association Level 2 certification, National Institute for Certification in Engineering Technologies Level II certification or board approved equivalent before the license may be issued.~~

~~(c) The licensee or his or her manager of a Class E Level 3 license shall show proof of National Institute for Certification in Engineering Technologies Level III, National Burglar and Fire Alarm Association Level 2 and Practical Fire Alarm Course, or board approved equivalent. The licensee or his or her manager shall have two (2) years from July 30, 1999, to obtain the aforementioned certification. An applicant for a Class E Level 3 license or his or her manager applicant shall show proof of National Burglar and Fire Alarm Association Level 2 and Practical Fire Alarm Course, National Institute for Certification in Engineering Technologies Level III, or board approved equivalent before the license may be issued.~~

~~(d) All persons applying for a license as an alarm system company or his or her manager applicant shall successfully complete the examination as manager under the provisions of this chapter and the Arkansas Board of Private Investigators and Private Security Agencies' rules and regulations.~~

~~(e) All applicants for licensure shall meet other reasonable qualifications as may be adopted by the board.~~

~~(f) The licensee or the licensee's manager of a Class E-S or Class F-S license shall demonstrate that he or she is knowledgeable in fire protection and the proper use and placement of single station fire and heat detectors by satisfactorily completing an examination to be approved by the board on the single station portion of the Household Fire Warning Protection provision of the National Fire Protection Association, 72 Code Book, as it exists on January 1, 2001, and the Arkansas Fire Code as it pertains to single station fire detection devices.~~

The Director of the Department of Arkansas State Police shall promulgate rules regarding the training requirements for alarm systems companies, alarm systems apprentices, alarm systems monitors, alarm systems technicians, and alarm systems agents.

SECTION 73. Arkansas Code § 17-40-325 is amended to read as follows:

17-40-325. ~~Registration required~~ Credential application.

~~Every employee of a licensee who is employed as a private investigator, manager, private security officer, commissioned security officer, alarm systems technician, alarm systems monitor, alarm systems apprentice, registrant private investigator, or alarm systems agent must be registered with the Arkansas Board of Private Investigators and Private Security~~

~~Agencies within fourteen (14) calendar days after the commencement of the employment.~~

Every person who is employed as a private investigator, manager, private security officer, alarm systems technician, alarm systems monitor, alarm systems apprentice, or alarm systems agent who is required to be credentialed under this chapter shall submit a properly completed application to the Director of the Department of Arkansas State Police within fourteen (14) calendar days after the commencement of employment.

SECTION 74. Arkansas Code § 17-40-326 is repealed.

~~17-40-326. Registration—Applicant qualifications.~~

~~(a) The minimum age of a person registered as a private investigator, security officer, alarm agent, alarm technician, alarm monitor, alarm supervisor, or alarm apprentice under this subchapter shall be eighteen (18) years of age.~~

~~(b) The Arkansas Board of Private Investigators and Private Security Agencies may promulgate by rule any additional qualifications for an individual registered under this subchapter as a private investigator, manager, private security officer, branch office manager, alarm monitor, alarm supervisor, alarm apprentice, or alarm systems agent, which may include provision for apprenticeship programs.~~

SECTION 75. Arkansas Code § 17-40-327 is repealed.

~~17-40-327. Registration—Application.~~

~~The application for registration shall be verified and shall include all of the following:~~

~~(1) The full name, residence address, residence telephone number, date and place of birth, and the social security number of the employee;~~

~~(2) The name and address of the employer, the date the employment commenced, and a letter from the licensee requesting that the employee be registered under his or her license;~~

~~(3) The title of the position occupied by the employee and a description of his or her duties;~~

~~(4) Two (2) recent photographs of the employee of a type prescribed by the Arkansas Board of Private Investigators and Private Security Agencies and two (2) classifiable sets of his or her fingerprints;~~

~~(5)(A) A verified statement disclosing any record of convictions or pleas of guilty or nolo contendere of the applicant of a felony, a Class A misdemeanor, a crime involving an act of violence, or any crime involving moral turpitude.~~

~~(B) The verified statement shall be obtained from the Identification Bureau of the Department of Arkansas State Police after a state and national criminal background check has been conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.~~

~~(C) The check shall conform to applicable federal standards and shall include the taking of fingerprints as required in § 17-40-307(a)(7).~~

~~(D) The applicant shall sign a release of information to the board and shall be responsible for the payment of any fee associated with the criminal background check.~~

~~(E) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all releasable information obtained concerning the applicant; and~~

~~(6) Other information, evidence, statements, or documents required by the board.~~

SECTION 76. Arkansas Code § 17-40-328 is repealed.

~~17-40-328. Registration fee.~~

~~The Arkansas Board of Private Investigators and Private Security Agencies is authorized to levy fees for registration as authorized by this chapter in such amounts as may be deemed necessary and proper by the board.~~

SECTION 77. Arkansas Code § 17-40-329 is amended to read as follows:

17-40-329. ~~Registration~~— Issuance of credential photo identification card – Transfer and fee – Cancellation.

~~(a) An identification card of such size, design, and content as may be determined by the Arkansas Board of Private Investigators and Private Security Agencies shall be issued to each registrant under this chapter. The date of expiration shall be noted on the identification card. The identification card shall contain a photograph and the name of the agency.~~

~~(b) The registration of each registrant, private security officer,~~

~~alarm systems technician, alarm systems monitor, alarm systems apprentice, registrant private investigator, or alarm systems agent expires two (2) years from the date of issuance and is valid regardless of the security company, alarm company, or investigative company by which the registrant, commissioned security officer, alarm systems technician, alarm systems monitor, alarm systems apprentice, registrant private investigator, or alarm systems agent is employed.~~

~~(c) When an individual to whom a registration has been issued terminates his or her position, he or she shall return the identification card to the licensee within five (5) days after his or her date of termination.~~

~~(d) When an individual to whom a registration has been issued terminates his or her employment with a company, he or she, prior to becoming employed with a different agency, must notify the board in writing and pay a transfer fee.~~

~~(e) Within seven (7) days after the licensee has received the identification of a terminated registered employee, the licensee shall mail or deliver the identification card to the board for cancellation, along with a letter from the licensee stating:~~

~~(1) The date the registered employee terminated;~~

~~(2) The date the licensee received the identification card of the terminated registered employee; and~~

~~(3) The cause for which or the conditions under which the registered employee terminated.~~

(a)(1) A credential photo identification card of a size, a design, and content as may be determined by the Director of the Department of Arkansas State Police shall be issued by the Department of Arkansas State Police under this chapter.

(2) The credential photo identification card shall display:

(A) The name of the credential holder;

(B) A photograph of the credential holder;

(C) A credential number and date of expiration; and

(D) The name of the entity by whom the credential holder is employed.

(b) The credential of each person, private security officer, alarm systems technician, alarm systems monitor, alarm systems apprentice,

credentialed private investigator, or alarm systems agent expires two (2) years from the date of issuance and is valid irrespective of the credential holder's employer.

(c) When an individual to whom a credential has been issued terminates his or her position, he or she shall return the credential photo identification card to the licensee immediately upon termination.

(d) When an individual to whom a credential has been issued changes employment from one licensee to another licensee, the new manager shall notify the director immediately in writing and pay a transfer fee.

(e) Within seven (7) days after the licensee has received the identification card of a credentialed employee who has terminated his or her position, the licensee shall mail or deliver the credential photo identification card to the director for cancellation, along with a letter from the licensee stating:

(1) The date the credentialed employee terminated his or her position;

(2) That the licensee received the credential photo identification card of the credentialed employee who has terminated his or her position; and

(3) The cause for which or the conditions under which the credentialed employee terminated his or her position.

SECTION 78. Arkansas Code Title 17, Chapter 40, Subchapter 3, is amended to add three new sections to read as follows:

17-40-330. Authority to issue commission to carry a firearm.

The Director of the Department of Arkansas State Police may determine the qualifications for and issue an authorization to carry a firearm in the form of a commission to a qualified security officer or qualified school security officer that shall be held during the course of his or her employment.

17-40-331. Previously issued license, credential, or commission.

All previously licensed, credentialed, commissioned, or registered persons who were approved before September 1, 2015, shall meet all of the requirements of this chapter upon renewal.

17-40-332. Time limit on civil liability.

The Department of Arkansas State Police and its employees are not liable for any civil damages resulting from a license, credential, or commission issued before September 1, 2015.

SECTION 79. Arkansas Code § 17-40-335 is repealed.

~~17-40-335. Security officer's commission required.~~

~~It is unlawful and punishable as provided in § 17-40-104.~~

~~(1) For a person to employ an individual as a private security officer and knowingly authorize or permit him or her to carry a firearm during the course of performing his or her duties as a private security officer if the Arkansas Board of Private Investigators and Private Security Agencies has not issued him or her a security officer commission under § 17-40-336;~~

~~(2) For an individual employed as a private security officer to knowingly carry a firearm during the course of performing his or her duties as a private security officer if the board has not issued him or her a security officer commission under § 17-40-336; or~~

~~(3) For any person to hire or employ an individual or for any individual to accept employment in the capacity of a private security officer to carry a firearm in the course and scope of his or her duties unless the private security officer is issued a security officer commission by the board.~~

SECTION 80. Arkansas Code § 17-40-336 is repealed.

~~17-40-336. Commission—Geographical scope.~~

~~(a) With the concurrence of the Department of Arkansas State Police, the Arkansas Board of Private Investigators and Private Security Agencies may issue a security officer commission to an individual employed as a uniformed private security officer, provided that the geographical scope of the security officer commission is restricted to one (1) named county in the state and all counties contiguous to the named county, except as allowed in subsection (b) of this section.~~

~~(b) With the concurrence of the department, the board may issue a security officer commission that is broader in geographical scope within the state than that specified in subsection (a) of this section if the broader scope is shown to be in the public interest and necessary to the performance~~

~~of the duties of the private security officer.~~

SECTION 81. Arkansas Code § 17-40-337 is amended to read as follows:  
17-40-337. Commission – Applicant qualifications.

~~(a) No security officer commission may be issued to any individual who:~~

~~(1) Is under twenty one (21) years of age;~~

~~(2) Has been found guilty of or who has pleaded guilty or nolo contendere to any felony in any:~~

~~(A) Court in the State of Arkansas for which a pardon has not been granted;~~

~~(B) Court in another state for which a pardon has not been granted; or~~

~~(C) Military or federal court for which a pardon has not been granted; or~~

~~(3) Has committed any act which if committed by a licensee would be grounds for suspension or revocation of a license under this chapter.~~

~~(b) The Arkansas Board of Private Investigators and Private Security Agencies shall not issue a security officer commission to an applicant employed by a licensee or the security department of a private business unless the applicant submits evidence satisfactory to the board that he or she meets all qualifications established by this chapter and by the rules of the board.~~

(a) A commission as a commissioned security officer or a commissioned school security officer shall not be issued under this chapter to an individual who:

(1) Is under twenty-one (21) years of age;

(2) Has been found guilty of or who has pleaded guilty or nolo contendere to an offense listed under § 17-40-306(d);

(3) Has committed an act which would be grounds for suspension or revocation under this chapter;

(4) Does not meet the qualifications for a commission as determined by the Director of the Department of Arkansas State Police;

(5) May not lawfully possess a firearm;

(6)(A) Has not successfully completed a state and national criminal background check to be conducted by the Department of Arkansas State

Police and the Federal Bureau of Investigation.

(B) Criminal history records from the Arkansas Crime Information Center shall be available to the director for review of the applicant's qualifications.

(C) The state and national criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints.

(D) The individual applicant shall sign a release of information to the director and shall make payment of any fee associated with the state and national criminal background check;

(7) Has been adjudicated as mentally incompetent, or has been involuntarily committed to a mental institution or mental health treatment facility;

(8) Is a registered sex offender or required to be registered as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.;

(9) Is suffering from habitual drunkenness or from narcotics addiction or dependence;

(10) Has been discharged from the United States Armed Forces under dishonorable conditions;

(11) Is not in compliance with any other reasonable qualification that the director may set by rule; or

(12) Has been found guilty of or who has pleaded guilty or nolo contendere by any court to any felony, Class A misdemeanor, crime involving an act of violence, any crime involving use of a firearm, any crime involving the use of alcohol while in possession of a firearm, any crime involving moral turpitude, or a comparable offense in another state, including a previously sealed or expunged offense, by any court.

(b) The director shall not issue a commission as a commissioned security officer or as a commissioned school security officer to an applicant employed by a licensee or the security department of a private business unless the applicant submits evidence satisfactory to the director that he or she meets all qualifications established by this chapter and by the rules of the director.

SECTION 82. Arkansas Code § 17-40-338 is repealed.

~~17-40-338. Commission—Armored car company employees.~~

~~(a) With the concurrence of the Department of Arkansas State Police, the Arkansas Board of Private Investigators and Private Security Agencies shall issue a security officer commission to a qualified employee of an armored car company that is a carrier that has a permit from the proper federal or state regulatory authority to conduct the armored car business in accordance with the permit or certificate.~~

~~(b) A security officer commission issued to an employee of an armored car company shall be broad enough in its geographical scope to cover the county or counties in this state in which the armored car company has a permit or certificate to conduct its business.~~

SECTION 83. Arkansas Code § 17-40-339 is amended to read as follows:

17-40-339. Commission – ~~Processing of applications~~ Notice to law enforcement.

~~(a) The Arkansas Board of Private Investigators and Private Security Agencies shall send a copy of each application for a security officer commission to the sheriff of the county and the chief of police of the principal city of the county in which the applicant resides.~~

~~(b) A sheriff or chief of police who wishes to object to the issuance of a security officer commission to a particular applicant may do so by mailing or otherwise delivering, within twenty (20) days after the date the notice was mailed to him or her, a written statement of his or her objection and his or her reasons to the board.~~

~~(c) In its discretion, the board may set the matter for a hearing if an objection is timely filed.~~

(a) The Director of the Department of Arkansas State Police shall notify the sheriff of the county and the chief of police of the city, if applicable, in which the applicant resides of the application for a commission to be a commissioned security officer or a commissioned school security officer.

(b) A sheriff or chief of police who wishes to object to the issuance of a commission as a commissioned security officer or a commissioned school security officer to a particular applicant may do so by notifying the director of his or her objection with specific reasons within thirty (30) days after the date of receipt of notification under this section.

(c) If a sheriff or chief of police who is given notice under this section files an objection and the director finds good cause to consider the objection to have merit, the director may deny the application for the commission.

SECTION 84. Arkansas Code § 17-40-340 is amended to read as follows:  
17-40-340. Commission – Issuance of identification card.

~~(a) Each security officer commission issued under this section shall be in the form of an identification card designed by the Arkansas Board of Private Investigators and Private Security Agencies and shall identify the licensee and the security department of a private business by whom the holder of the security officer commission is employed.~~

~~(b) No charge shall be imposed for the identification card.~~

Each commission as a commissioned security officer or a commissioned school security officer issued under this chapter shall be in the form of a commission photo identification card designed by the Director of the Department of Arkansas State Police that shall identify:

- (1) The commission holder;
- (2) The security department of a private business or school by whom the commission holder is employed;
- (3) A photograph of the credential holder; and
- (4) A credential number and date of expiration.

SECTION 85. Arkansas Code § 17-40-342 is amended to read as follows:  
17-40-342. Commission – Termination.

If the holder of a ~~license, registration, or~~ commission terminates his or her employment with the licensee or the security department of a private business or school, he or she shall return the commission photo identification card to the ~~Arkansas Board of Private Investigators and Private Security Agencies~~ Director of the Department of Arkansas State Police within seven (7) days of the date of termination of the employment.

SECTION 86. Arkansas Code § 17-40-343 is amended to read as follows:  
17-40-343. Commission – Expiration.

A A commission as a commissioned security officer ~~commission expires~~ or a commission as a commissioned school security officer expires two (2) years

after the date it is issued.

SECTION 87. Arkansas Code § 17-40-344 is amended to read as follows:

17-40-344. Commission – ~~Suspension or denial~~ Denial, suspension, or revocation.

~~The Administrator of the Arkansas Board of Private Investigators and Private Security Agencies may suspend or deny a security officer commission if the holder or applicant is indicted or arrested for a felony, a Class A misdemeanor, a crime involving an act of violence, or a crime involving moral turpitude.~~

The Director of the Department of Arkansas State Police may deny, suspend, or revoke a commission as a commissioned school security officer or a commission as a commissioned security officer if the applicant for a commission or the commission holder is indicted or arrested for one (1) of the following offenses or a comparable offense in another state:

- (1) A felony;
- (2) A class A misdemeanor;
- (3) A crime involving an act of violence;
- (4) A crime involving the use of a firearm;
- (5) A crime involving the use of alcohol or drugs while in possession of a firearm;
- (6) A crime that results in the person's disqualifying himself or herself from legally possessing a firearm under state or federal law; or
- (7) A crime involving moral turpitude.

SECTION 88. Arkansas Code Title 17, Chapter 40, Subchapter 3, is amended to add a new section to read as follows:

17-40-349. Suspension for nonpayment of child support.

(a) The Director of the Department of Arkansas State Police shall suspend a license, credential, or commission issued under this chapter if the Department of Arkansas State Police is notified by the Office of Child Support Enforcement that the licensee, credential holder, or commission holder has not paid his or her required child support.

(b) The licensee, credential holder, or commission holder shall be sent notice of the suspension under this section.

(c) The licensee, credential holder, or commission holder may be

reinstated after:

- (1) Full payment of the amount due through the office; and
- (2) Notification from the office to the department.

SECTION 89. Arkansas Code § 17-40-350 is amended to read as follows:

17-40-350. ~~License, registration, or commission—~~ Grounds for disciplinary action.

~~(a) The Arkansas Board of Private Investigators and Private Security Agencies may revoke, place on probation, or suspend any registration, license, or security officer commission and may either fine in an amount not to exceed one thousand dollars (\$1,000) for each violation of this chapter or reprimand any registrant, licensee, or commissioned security officer, or both, or the board may deny an application for a registration, license, or security officer commission, or renewal thereof, on proof that the applicant, licensee, commissioned security officer, or registrant has:~~

~~(1) Violated any provision of this chapter or violated any of the rules and regulations promulgated under this chapter;~~

~~(2) Been found guilty of or pleaded guilty or nolo contendere to any:~~

~~(A) Felony, Class A misdemeanor, crime involving an act of violence, or crime involving moral turpitude by any court in the State of Arkansas for which a pardon has not been granted;~~

~~(B) Felony, Class A misdemeanor or an offense of a comparable level, any crime involving an act of violence, or any crime involving moral turpitude in any court in another state for which a pardon has not been granted; or~~

~~(C) Felony, Class A misdemeanor or an offense of a comparable level, any crime involving an act of violence, or any crime involving moral turpitude in a military or federal court for which a pardon has not been granted;~~

~~(3) Practiced fraud, deceit, or misrepresentation;~~

~~(4) Made a material misstatement in the application for or renewal of a license, registration, or security officer commission; or~~

~~(5) Demonstrated incompetence or untrustworthiness in his or her actions.~~

~~(b) The Administrator of the Arkansas Board of Private Investigators~~

~~and Private Security Agencies may summarily suspend, for no more than sixty (60) days, any registration or commission if it is shown that the health, safety, or welfare of the public is endangered.~~

~~(c)(1) The board may suspend any registration, license, or commission on conviction in this state or any other state or territory of the United States or in any foreign country, of a felony, a Class A misdemeanor, a crime involving an act of violence, or a crime involving an act of moral turpitude for a period not exceeding sixty (60) days pending a hearing and a determination of charges.~~

~~(2) If the licensee is a corporation, proof of actual participation and knowledge on the part of the registrant is required.~~

~~(3) If the hearing is adjourned at the request of the registrant or licensee, the suspension may be continued for the additional period of the adjournment.~~

(a) The Director of the Department of Arkansas State Police may suspend or revoke a license, credential, or commission or issue a fine in an amount not to exceed one thousand dollars (\$1,000) for each violation of this chapter, or both, or the director may deny an application for a license, credential, or commission, or renewal thereof, on proof that the applicant, licensee, commission holder, or credential holder:

(1) Violated a provision of this chapter or violated a rule promulgated under this chapter;

(2) No longer meets the qualifications for the license, credential, or commission under this chapter; or

(3) Has been arrested for an offense that if convicted would result in disqualification for the license, credential, or commission under this chapter.

(b) The director may summarily suspend for no more than sixty (60) days a license, credential, or commission if it is shown that the health, safety, or welfare of the public is endangered.

(c)(1) The director may suspend a license, credential, or commission of a person who is found guilty of or pleaded guilty or nolo contendere to a felony, a Class A misdemeanor, a crime involving an act of violence, or a crime involving an act of moral turpitude in this state or a comparable offense in another state or territory of the United States or in any foreign country.

(2) If the licensee is a corporation, proof of actual participation or actual knowledge on the part of the licensee or on the part of an employee of the licensee who is also a credential holder or commission holder is required.

(3) If the hearing on a license, credential, or commission that has been summarily suspended is adjourned at the request of the licensee, credential holder, or commission holder, the suspension may be continued for the additional period of the adjournment.

SECTION 90. Arkansas Code § 17-40-351 is amended to read as follows:

17-40-351. ~~License, registration, or commission~~ Procedure for denial.

~~(a) The Administrator of the Arkansas Board of Private Investigators and Private Security Agencies shall have the authority to deny the issuance of a license, registration, or commission.~~

~~(b) He or she shall notify the applicant of his or her decision in writing.~~

~~(c) The applicant may appeal the decision to the Arkansas Board of Private Investigators and Private Security Agencies, provided he or she perfects the appeal within ten (10) days of his or her notice of rejection.~~

~~(d) The board shall hear his or her appeal within sixty (60) days.~~

(a) The Director of the Department of Arkansas State Police may deny the issuance of a license, credential, or commission under this chapter.

(b) The director shall notify the applicant of the director's decision in writing.

(c) The applicant may appeal the decision to the director, provided he or she perfects the appeal within ten (10) days of the receipt of his or her notice of denial.

SECTION 91. Arkansas Code § 17-40-352 is amended to read as follows:

17-40-352. License, ~~registration~~ credential, or commission – Record of denial, revocation, or suspension.

~~(a) In the event that the Arkansas Board of Private Investigators and Private Security Agencies denies the application or revokes or suspends any license, security officer commission, or registration, or imposes any reprimand or fine the board's determination shall be in writing and~~

~~officially signed.~~

~~(b) The original copy of the determination, when signed, shall be filed with the board. Copies shall be mailed to the applicant, licensee, commissioned security officer, or registrant and to the complainant within two (2) days after the filing.~~

(a) In the event that the Director of the Department of Arkansas State Police denies the application or suspends or revokes a license, credential, or commission, or if a fine is imposed, the director's decision shall be in writing.

(b) The notice of the decision shall be mailed to the applicant, licensee, credential holder, or commission holder within sixty (60) days of the director's decision.

SECTION 92. Arkansas Code § 17-40-353 is amended to read as follows:

17-40-353. Reciprocity - Private investigator.

~~Any person who is licensed under the laws of another state or territory of the United States as a security services contractor, private investigator, or alarm systems company may apply for a license in this state upon production of satisfactory proof that:~~

~~(1) The other state or territory grants similar reciprocity to license holders of this state;~~

~~(2) The requirements for licensing in the particular state or territory were at the date of the applicant's licensing substantially equivalent to the requirements now in effect in this state;~~

~~(3) The applicant meets all the qualifications for the particular license of § 17-40-306 and pays the fees specified for the particular license in § 17-40-209; and~~

~~(4) The applicant meets other reasonable qualifications as may be adopted by the Arkansas Board of Private Investigators and Private Security Agencies for reciprocity.~~

A person who is licensed or credentialed under the laws of another state or territory of the United States as a private investigator may apply for a credential as a private investigator in this state upon production of satisfactory proof that:

(1) The other state or territory grants similar reciprocity to credential holders of this state that coincides with the records on private

investigator credential reciprocity maintained by the Department of Arkansas State Police;

(2) The requirements for licensing or credentialing in the particular state or territory were at the date of the applicant's most recent licensing or credentialing substantially equivalent to the requirements now in effect in this state;

(3) The applicant meets all the qualifications for the credential as set out in this chapter, including the successful completion of a state and national criminal background check; and

(4) The applicant meets other reasonable qualifications as may be adopted by the Director of the Department of Arkansas State Police.

SECTION 93. Arkansas Code § 17-40-354 is amended to read as follows:  
17-40-354. Fingerprint cards.

~~The Identification Bureau of the Department of Arkansas State Police may retain the fingerprint card collected for each individual who is fingerprinted under this chapter.~~

(a) The Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation may retain the fingerprints collected for each individual who is fingerprinted under this chapter.

(b) The Director of the Department of Arkansas State Police may enroll a person issued a license, credential, or commission under this chapter in a program that electronically notifies law enforcement if the person has been arrested.

SECTION 94. Arkansas Code Title 17, Chapter 40, Subchapter 3, is amended to add a new section to read as follows:

17-40-355. Appeal of denial, suspension, or revocation – Venue.

(a) The denial, suspension, or revocation of a license, credential, or commission under this chapter by the Director of the Department of Arkansas State Police may be appealed to circuit court and shall be governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(b) Venue for the appeal to circuit court under this section shall be in Pulaski County, Arkansas.

SECTION 95. Arkansas Code § 19-6-301(40), concerning special

enumerated revenues, is amended to read as follows:

(40) Private investigator's application fees, agency fees, and license fees and security guard fines and fees, as enacted by Acts 1977, No. 429, known as the "Private Investigators and Private Security Agencies Act", and all laws amendatory thereto, §§ 17-40-101 – 17-40-104, ~~17-40-201~~ 17-40-204, 17-40-207 – 17-40-209, 17-40-301 – ~~17-40-302~~, 17-40-306 – 17-40-317, ~~17-40-325~~ – 17-40-329 – 17-40-332, ~~17-40-335~~ – 17-40-337, 17-40-339, 17-40-340, ~~17-40-341 [repealed]~~, 17-40-342 – 17-40-344, and ~~17-40-350~~ – ~~17-40-352~~ 17-40-349 – 17-40-355;

SECTION 96. Effective date. This act is effective on and after September 1, 2015.

*/s/J. Hutchinson*