

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S4/12/21
A Bill

SENATE BILL 460

By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGULATING PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES; TO AMEND THE LICENSE REQUIREMENTS FOR PRIVATE INVESTIGATORS; TO ESTABLISH MINIMUM REQUIREMENTS FOR PRIVATE INVESTIGATOR INSTRUCTORS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW REGULATING PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES; TO AMEND LICENSE REQUIREMENTS; AND TO ESTABLISH MINIMUM REQUIREMENTS FOR PRIVATE INVESTIGATOR INSTRUCTORS.

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

SECTION 1. Arkansas Code Title 17, Chapter 40, Subchapter 2, is amended to add an additional section to read as follows:

17-40-210. Qualifications of a private investigator instructor.

(a) The Director of the Division of Arkansas State Police shall establish qualifications under this chapter for a private investigator instructor.

(b) The minimum qualifications for a private investigator instructor, under this chapter include without limitation:

(1) Five (5) years' experience as a Class A licensee or Class D licensee;

(2) Licensed as a Class A licensee or Class D licensee;

(3) A baccalaureate degree from a four-year institution of



higher education;

(4) No felony or misdemeanor conviction listed as a disqualifying factor for a Class A license or Class D license; and

(5) Has not been disbarred from the practice of law in the State of Arkansas or any other state or territory of the United States.

SECTION 2. Arkansas Code § 17-40-302(a)(3), concerning the fees that may be assessed by the Director of the Division of Arkansas State Police to private investigators and private security agencies, is amended to add an additional subdivision to read as follows:

(E) Reexamination fee \$50.00

SECTION 3. Arkansas Code § 17-40-306(b), concerning the application qualifications for a private investigator or private security agency license or credential, is amended to read as follows:

(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; ~~and~~

(4) For a Class A license or Class D license, successfully completed two hundred ten (210) hours of a private investigator course of instruction approved by the director consisting of:

(A) Classes presented:

(i) In person; or

(ii) Classes presented in an online format from an educational provider approved by the director;

(B) Fifteen (15) hours of coursework in the basic doctrines of private security, including without limitation the:

(i) History of private security;

(ii) Ethics of private security;

(iii) Organization of private security; and

(iv) Functions of private security;

(C) Fifteen (15) hours of coursework on the purposes of security;

(D) Twenty-five (25) hours of coursework on criminal law;

(E) Twenty-five (25) hours of coursework on civil law;

(F) Five (5) hours of coursework on legal powers and limitations;

(G) Forty (40) hours of coursework on security functions, including without limitation:

(i) Report writing;

(ii) Patrol;

(iii) Interviewing;

(iv) Interrogations;

(v) Investigations;

(vi) Surveillance;

(vii) Evidence;

(viii) Public relations; and

(ix) Safety;

(H) Five combined (5) hours of coursework on the Polygraph Examiners Licensing Act, § 17-39-101 et. seq, and § 17-39-201 et. seq., and the annexation, consolidation, and detachment of municipalities under § 14-40-101 et seq.;

(I) Sixty (60) hours of coursework on security supervision management, including without limitation:

(i) Administrative responsibilities;

(ii) Investigative responsibilities;

(iii) Managerial responsibilities; and

(iv) Business communications;

(J) Ten (10) hours of coursework on emergencies and disaster control; and

(K) Ten (10) hours of coursework on armed and unarmed self-defense; and

(5)(A) Demonstrated his or her qualifications by successfully completing the examination under § 17-40-307(c).

(B) Failure to successfully complete the examination after two (2) attempts shall result in cancellation of the pending application.

(C) If an application is cancelled, and the former

applicant wishes to reapply for a license, the former applicant shall:

(i) Reapply as a new applicant;

(ii) Pay the required application fees; and

(iii) Take a refresher course offered by a provider

and approved by the director before submitting a new application for license.

SECTION 4. Arkansas Code § 17-40-306, concerning the application qualifications for a private investigator or private security agency license or credential, is amended to add *an additional subsection* to read as follows:

(f) A licensed private investigator holding a Class A license or Class D license shall have an Arkansas concealed handgun license to possess or carry a firearm during the scope of his or her duties.

SECTION 5. Arkansas Code § 17-40-307(d)(2), concerning the application and examination for a license or credential of a private investigator and private security agency, is amended to read as follows:

(2) If the person fails to ~~pass~~ successfully complete 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.~~

/s/B. Ballinger