

Bill as  
Introduced

HB 353 - AS INTRODUCED

2013 SESSION

13-0493

10/01

HOUSE BILL **353**

AN ACT relative to the regulation of private investigators and security guards.

SPONSORS: Rep. Burrige, Ches 16

COMMITTEE: Executive Departments and Administration

---

ANALYSIS

This bill makes various changes to the licensing and regulation of private investigators, security guard services, and bail recovery agents by the commissioner of safety.

This bill is a request of the advisory board to review complaints and licensing issues relative to private investigative agencies and security services.

-----

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT relative to the regulation of private investigators and security guards.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Enforcement. Amend RSA 106-F:3, II to read as follows:

2 II. The commissioner of safety *or the commissioner's designee* shall have the authority to  
3 enforce the provisions of this chapter, which authority shall not be restricted by RSA 106-B:15. *The*  
4 *commissioner may request the assistance of local or county law enforcement in*  
5 *investigations of violations of this chapter.*

6 2 Advisory Board; Membership. Amend RSA 106-F:3-a to read as follows:

7 106-F:3-a Advisory Board.

8 I. There is hereby established an advisory board to review complaints and licensing issues  
9 relative to private investigative agencies and security services. Each *appointed* member shall be  
10 appointed by the governor and approved by the council. A member, *other than an ex officio*  
11 *member*, shall continue to serve until a successor is appointed by the governor and council.  
12 Members of the board shall serve without compensation. *Appointed* members shall each serve a  
13 term of 3 years. No appointed member shall be eligible to serve more than 3 full consecutive terms,  
14 provided that for this purpose only a period actually served which exceeds 1/2 of the 3-year term  
15 shall be deemed a full term. Initial appointments made by the governor shall be staggered for terms  
16 of one, 2, or 3 years.

17 II. The board shall consist of:

18 (a) Three members licensed in New Hampshire as investigators and who have been so  
19 licensed for the last 5 years, one of whom shall be engaged in the practice of accident reconstruction  
20 or the practice of bail recovery.

21 (b) Two members of the general public who are not and have never been licensed in  
22 New Hampshire or another jurisdiction as investigators and who are not the spouse of any such  
23 person and who do not have and never have had a material interest in either provision of private  
24 investigation services or an activity directly related to private investigation, including representation  
25 of the board or profession for a fee at any time during the 5 years preceding their appointments.

26 (c) One member of the law enforcement community.

27 (d) *One member licensed in New Hampshire as a security guard and who has*  
28 *been so licensed for the last 5 years.*

29 (e) The commissioner of the department of safety, or designee.

30 III. The board shall elect a chairperson from its members. ~~[The board shall hold its first~~  
31 ~~meeting no later than 90 days after the effective date of this section.]~~

1           3 Definition; Private Investigator. Amend RSA 106-F:4, XI and XII to read as follows:

2           XI. "Private investigator" means a person not excluded by RSA 106-F:2 engaged in  
3 conducting investigations, including but not limited to:

- 4           (a) Unsolved crimes.  
5           (b) Insurance claims or matters for attorneys in anticipation of civil litigation.  
6           (c) Clandestine surveillance.  
7           (d) Locating missing persons.  
8           (e) Locating lost, concealed, or stolen property.  
9           (f) Locating escaped felons or wanted persons subject to reward for capture.

10          (g) ***Character, reputation, or fitness for employment.***

11          XII. "Private investigative agency" means the business, within or from the state of  
12 New Hampshire, of offering or providing by legal means, for a fee or other compensation, to other  
13 persons or businesses, the service of ***researching or*** collecting information on the identity, character  
14 and characteristics, reputation, conduct, background history, movements, whereabouts, affiliations,  
15 or transactions of any other living person or any business or legal entity or organization, for a fee,  
16 hire, or reward information on the identity, conduct, movements, whereabouts, affiliations,  
17 transactions, reputation, or character of any person, or otherwise making inquiries or collecting  
18 evidence, for a private rather than a public interest. This shall not preclude a licensee under this  
19 chapter from pursuing investigation of matters arising in this state in, another state, or political  
20 subdivision except as provided by the law of the other state or political subdivision.

21          4 Application for License. Amend RSA 106-F:6, VII(d) to read as follows:

22           (d) Except for employees, possess:

23           (1) A minimum of 4 years' experience as a full-time law enforcement officer with a  
24 federal, state, county, college or university, or municipal police department, director ***or head*** of  
25 security [~~or senior officer~~] of a company or corporation, or licensed security service, full-time adjuster,  
26 risk manager, or claims investigator for an insurance carrier or adjusting company; or

27           (2) An associate of science degree or bachelor of science degree in criminal justice or  
28 fire service from an accredited college or university, certification from the American Society for  
29 Industrial Security as a certified professional investigator, or certification from the National  
30 Association of Legal Investigators as a certified legal investigator and employment as a full-time  
31 investigator for a private investigative agency for at least 2 years; or

32           (3) A minimum of 4 years' employment as a full-time investigator for a licensed  
33 private investigator or private investigative agency; or

34           (4) A minimum of 4 years' experience as a full-time firefighter and certification by  
35 the International Association of Arson Investigators; or

36           (5) Certification by the American Society for Industrial Security in security  
37 operations, and 2 years experience providing such services; or

1 (6) Certification by the American Society for Industrial Security in executive  
2 protection, and 2 years experience providing such services[-] or

3 (7) *National or international recognized certification as determined by the*  
4 *commissioner of safety on a case-by-case basis.*

5 5 License Application Fees. Amend RSA 106-F:8, I to read as follows:

6 I. The fee for a private investigative agency license [ø], a security guard service license, *or a*  
7 *bail recovery agency license* shall be \$150 for an agency or service employing one person licensed  
8 under this chapter and \$500 for an agency or service employing more than one such person. A  
9 person may hold one or more types of license at any given time, provided that a separate fee shall be  
10 paid for each license so held. Licenses shall be valid for 2 years after the date of issue and shall be  
11 renewed every 2 years thereafter, upon application and payment of the fee and submission of  
12 certified evidence that the surety bond remains in force. The application for renewal shall be  
13 submitted at least 15 days before the expiration of the previously granted license.

14 6 Firearm Proficiency. Amend RSA 106-F:8-a, I to read as follows:

15 I. All armed security guards, armed private investigators, and armed bail enforcement  
16 agents shall meet minimum requirements in the proficiency in the use of firearms at least once per  
17 year. The requirements shall be as follows:

18 (a) The practical police course or the tactical revolver course, with a minimum  
19 qualification score of 75 percent.

20 (b) Shotgun familiarization course required for all security officers, *private*  
21 *investigators*, and bail enforcement agents whose employers issue, or have as part of their  
22 equipment, shotguns.

23 (c) *Rifle familiarization course required for all security officers, private*  
24 *investigators, and bail enforcement agents whose employers issue, or have as part of their*  
25 *equipment, rifles.*

26 (d) Four hours of instruction, to include firearms techniques and safety, laws on the use  
27 of deadly force, and the moral and ethical use of force. Only qualified firearms instructors shall be  
28 used to certify the successful completion of the requirements.

29 7 Effective Date. This act shall take effect 60 days after its passage.

# Amendments

Rep. C. McGuire, Merr. 29  
February 28, 2013  
2013-0613h  
10/05

Amendment to HB 353

- 1 Amend the bill by deleting section 3 and renumbering the original sections 4-7 to read as 3-6,
- 2 respectively.

Amendment to HB 353

- Page 2 -

2013-0613h

AMENDED ANALYSIS

This bill makes various changes to the licensing and regulation of private investigators, security guard services, and bail recovery agents by the commissioner of safety.





Rep. C. McGuire, Merr. 29  
February 28, 2013  
2013-0614h  
10/05

" Not Adopted "

Amendment to HB 353

1 Amend the bill by inserting after the enacting clause the following new section and renumbering the  
2 original sections 1-7 to read as 2-8, respectively:

3

4 1 New Paragraph; Private Investigative Agencies, Bail Enforcement Agencies, and Security  
5 Services; Exclusion Added. Amend RSA 106-F:2 by inserting after paragraph XIV the following new  
6 paragraph:

7 XV. Individuals, who are not employees of an agency or firm required to be licensed under  
8 this chapter, who only provide research of publicly available information.



2013-0614h

AMENDED ANALYSIS

This bill makes various changes to the licensing and regulation of private investigators, security guard services, and bail recovery agents by the commissioner of safety.

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 353

**BILL TITLE:** relative to the regulation of private investigators and security guards.

**DATE:** 1/29/13

**LOB ROOM:** 306      **Time Public Hearing Called to Order:** 10:00 am

**Time Adjourned:** 10:35 am

(please circle if present)

**Committee Members:** Reps. Weber, Schuett, P. Schmidt, D. Sullivan, Jeudy, Goley, Gagnon,  
Booras, Moffett, M. Nelson, Hansberry, C. McGuire, Pratt, Hansen, S. Sweeney, Beaudoin, Bianca  
Rose Garcia, Sytek, Danais and Byron.

**Bill Sponsors:** Rep. Burrige, Ches 16

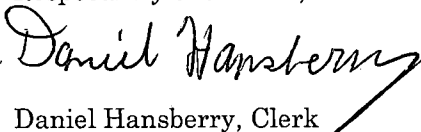
TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Burrige**, Prime Sponsor – Introduced bill and said he would yield to Earl Sweeney, Asst. Commissioner, Department of Safety.

**Earl Sweeney** – Asst. Commissioner, Department of Safety – Supports the bill. Bail enforcement agents were a recent addition to the bill. Section 1 allows a designee to represent the commissioner on the Board. Commissioner may call on county and local police to investigate incidences according to the bill. Bill adds a licensed security guard with at least five years of experience to the Board. Bill calls for investigators to be licensed. Bill provides same fee to be paid by bail recovery agent as a private investigator for a license. Bill requires firearm training. Firearm training has to be provided by a licensed firearm training expert. There is no license required to carry pepper spray or a stun gun.

Respectfully submitted,



Daniel Hansberry, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 353

BILL TITLE: relative to the regulation of private investigators and security guards.

DATE:

1/29/13

LOB ROOM:

306

Time Public Hearing Called to Order: 10:00 a.m.

Time Adjourned: 10:35 a.m.

(please circle if present)

Committee Members: Reps. Weber, Schuett, P. Schmidt, D. Sullivan, Judy Goley, Gagnon, Booras, Moffett, M. Nelson, Hansberry, C. McGuire, Pratt, Hansen, S. Sweeney, Beaudoin, Bianca Rose Garcia, Sytek, Danals and Byron.

Bill Sponsors: Rep. Burrige, Ches 16

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Burrige, prime sponsor - Introduced bill and said he would yield to Earl Sweeney, Asst. Commissioner - Dept. of Safety. Earl Sweeney - Asst. Commissioner - Dept. of Safety - Supports the bill. Bail enforcement agents were a recent addition to the bill. Section 1 allows a designee to represent him ~~on~~ on the Board. Commissioner may call on county and local police to investigate incidences according to the bill. Bill adds a licensed security guard with at least five years of experience to the Board. Bill calls for investigators to be licensed. Bills provides some fee be paid by bail recovery agent as a private investigator for a license.

Bill requires firearm training. Firearm training has to be provided by a licensed firearm training expert. There is no license required to carry pepper spray or a stun gun.



# Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 353

**BILL TITLE:** relative to the regulation of private investigators and security guards.

**DATE:** 3/5/13

**LOB ROOM:** 306

**Amendments:**

Sponsor: Rep. Nelson OLS Document #: 2013 0613h

Sponsor: Rep. McGuire OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Nelson

Seconded by Rep. Jeudy

Vote: 20-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Dianne Schuett, Acting Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 353

BILL TITLE: relative to the regulation of private investigators and security guards.

DATE:

3/5/13

LOB ROOM: 306

Amendments:

Sponsor: Rep. Nelson / Mc Guire OLS Document #: 061346 20-0  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Nelson / Judy

Seconded by Rep.

Vote: 20-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.) 20-0

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Daniel C. Hansberry, Clerk



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/10/2013 9:17:57 AM  
Roll Call Committee Registers  
Report

2013 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: 353 Title: regulation of PIs & security guards  
 PH Date: 1/1/2013 Exec Session Date: 3/5/13  
 Motion: Nelson/Judy OTP/AM Amendment #: 06 R 3h

MEMBER	YEAS	NAYS
Weber, Lucy M, Chairman	20	
Schuett, Dianne E, V Chairman	1	
Schmidt, Peter B	2	
Judy, Jean L	3	
Sullivan, Daniel J	4	
Goley, Jeffrey P	5	
Gagnon, Raymond G	6	
Nelson, Mary S	7	
Booras, Efstathia C	8	
Hansberry, Daniel C, Clerk	9	
Moffett, Howard M	10	
McGuire, Carol M	11	
Sytek, John	12	
Pratt, Calvin D	13	
Hansen, Peter T	14	
Beaudoin, Steven P	15	
Byron, Frank A	16	
Danais, Romeo	17	
Garcia, Bianca R — O'CONNOR	18	
Sweeney, Shawn P	19	
<b>TOTAL VOTE:</b>	<b>20</b>	<b>0</b>



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/10/2013 9:17:57 AM  
Roll Call Committee Registers  
Report

2013 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 353 Title: reg of PT's and security guards

PH Date: 1/29/2013 Exec Session Date: 3/5/13

Motion: AM 0613h Amendment #: 0613

MEMBER	YEAS	NAYS
Weber, Lucy M, Chairman	20	
Schuett, Dianne E, V Chairman	1	
Schmidt, Peter B	2	
Jeudy, Jean L	3	
Sullivan, Daniel J	4	
Goley, Jeffrey P	5	
Gagnon, Raymond G	6	
Nelson, Mary S	7	
Booras, Efstathia C	8	
Hansberry, Daniel C, Clerk	9	
Moffett, Howard M	10	
McGuire, Carol M	11	
Sytek, John	12	
Pratt, Calvin D	13	
Hansen, Peter T	14	
Beaudoin, Steven P	15	
Byron, Frank A	16	
Danais, Romeo	17	
Garcia, Bianca R <u>O'CONNOR</u>	18	
Sweeney, Shawn P	19	
<b>TOTAL VOTE:</b>	<b>20</b>	<b>0</b>

# Committee Report

**CONSENT CALENDAR**

**March 6, 2013**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on EXECUTIVE DEPARTMENTS AND  
ADMINISTRATION to which was referred HB353,**

**AN ACT relative to the regulation of private  
investigators and security guards. Having considered  
the same, report the same with the following  
amendment, and the recommendation that the bill  
OUGHT TO PASS WITH AMENDMENT.**

**Rep. Mary S Nelson**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>EXECUTIVE DEPARTMENTS AND ADMINISTRATION</b>
Bill Number:	<b>HB353</b>
Title:	<b>relative to the regulation of private investigators and security guards.</b>
Date:	<b>March 6, 2013</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT</b>

### STATEMENT OF INTENT

HB 353 makes several changes to the statutes covering private investigators, security guards and bail recovery agents. It allows the commissioner or a designee to enforce the chapter. Additionally the commissioner may request the assistance of local or county law enforcement in investigating violations. It adds a licensed security guard to the advisory board created to review complaints. It adds bail recovery agents to the entities already required to obtain agency licenses at a cost of \$150.00 for an agency employing one licensed person. It requires a rifle familiarization course for all security officers, private investigators and bail enforcement agents who have rifles as part of their equipment, and adds shotgun familiarization for private investigators.

The amendment removed provisions which would have required licensing for those engaged simply in research rather than active investigation and removed a provision which would have extended licensing to those conducting investigations into character, reputation, or fitness for employment.

Vote 20-0.

Rep. Mary S Nelson  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File



## CONSENT CALENDAR

### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

#### **HB353, relative to the regulation of private investigators and security guards. OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary S Nelson for EXECUTIVE DEPARTMENTS AND ADMINISTRATION. HB 353 makes several changes to the statutes covering private investigators, security guards and bail recovery agents. It allows the commissioner or a designee to enforce the chapter. Additionally the commissioner may request the assistance of local or county law enforcement in investigating violations. It adds a licensed security guard to the advisory board created to review complaints. It adds bail recovery agents to the entities already required to obtain agency licenses at a cost of \$150.00 for an agency employing one licensed person. It requires a rifle familiarization course for all security officers, private investigators and bail enforcement agents who have rifles as part of their equipment, and adds shotgun familiarization for private investigators.

The amendment removed provisions which would have required licensing for those engaged simply in research rather than active investigation and removed a provision which would have extended licensing to those conducting investigations into character, reputation, or fitness for employment.

**Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: EXEC DEPTS & ADMIN

BILL NUMBER: HB 353

TITLE: ~~Group of~~ reg. of P.I.s & security guards

DATE: 3/5/13 CONSENT CALENDAR: YES [X] NO [ ]

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. 0613h

STATEMENT OF INTENT:

HB 353 makes several changes to the statutes covering private investigators, security guards and bail recovery agents. It allows the Commissioner or a designee to enforce the Chapter. Additionally, the Commissioner may request the assistance of local or county law enforcement in investigatory violations. It adds a license created to review complaints security guard to the advisory board. It adds bail recovery agents to the entities already required to obtain agency license at a cost of \$150,000 for an agency employing one licensed person.

COMMITTEE VOTE: 20-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. \_\_\_\_\_ For the Committee

(Nelson)

HB 353

OTP/A #0613h  
20-0 Consent Calendar

HB 353 makes several changes to the statutes covering private investigators, security guards and bail recovery agents. It allows the commissioner or a designee to enforce the chapter. Additionally the commissioner may request the assistance of local or county law enforcement in investigating violations. It adds a licensed security guard to the advisory board created to review complaints. It adds bail recovery agents to the entities already required to obtain agency licenses at a cost of \$150.00 for an agency employing one licensed person. It requires a rifle familiarization course for all security officers, private investigators and bail enforcement agents who have rifles as part of their equipment, and adds shotgun familiarization for private investigators.

---

The amendment removed provisions which would have required licensing for those engaged simply in research rather than active investigation and removed a provision which would have extended licensing to those conducting investigations into character, reputation, or fitness for employment.

Rep. Mary Nelson for the Committee

*de Lucy Weber*

HB 353

OTP/A #0613h  
20-0 Consent Calendar

HB 353 makes several changes to the statutes covering private investigators, security guards and bail recovery agents. It allows the commissioner or a designee to enforce the chapter. Additionally the commissioner may request the assistance of local or county law enforcement in investigating violations. It adds a licensed security guard to the advisory board created to review complaints. It adds bail recovery agents to the entities already required to obtain agency licenses at a cost of \$150.00 for an agency employing one licensed person. It requires a rifle familiarization course for all security officers, private investigators and bail enforcement agents who have, as part of their equipment, ~~rifles~~ <sup>rifles</sup> and adds shotgun familiarization for private investigators.

The amendment removed provisions which would have required licensing for those engaged simply in research rather than active investigation and removed a provision which would have extended licensing to those conducting investigations into character, reputation, or fitness for employment.

Rep. Mary Nelson for the Committee

*OK w/ above  
change  
Jag Weber*