

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4  
5 By: Senator B. Ballinger

# A Bill

SENATE BILL 460

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REGULATING PRIVATE  
9 INVESTIGATORS AND PRIVATE SECURITY AGENCIES; TO AMEND  
10 THE LICENSE REQUIREMENTS FOR PRIVATE INVESTIGATORS;  
11 TO ESTABLISH MINIMUM REQUIREMENTS FOR PRIVATE  
12 INVESTIGATOR INSTRUCTORS AND EXAMINATIONS; AND FOR  
13 OTHER PURPOSES.

## Subtitle

14  
15  
16  
17 TO AMEND THE LAW REGULATING PRIVATE  
18 INVESTIGATORS AND PRIVATE SECURITY  
19 AGENCIES; TO AMEND LICENSE REQUIREMENTS;  
20 AND TO ESTABLISH MINIMUM REQUIREMENTS FOR  
21 PRIVATE INVESTIGATOR INSTRUCTORS AND  
22 EXAMINATIONS.

23  
24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26  
27 SECTION 1. Arkansas Code Title 17, Chapter 40, Subchapter 2, is  
28 amended to add an additional section to read as follows:

29 17-40-210. Qualifications of a private investigator instructor.

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

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

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



- 1           (2) Licensed as a Class A licensee or Class D licensee;
- 2           (3) A baccalaureate degree from a four-year institution of
- 3 higher education;
- 4           (4) No felony or misdemeanor conviction listed as a
- 5 disqualifying factor for a Class A license or Class D license;
- 6           (5) Has not been disbarred from the practice of law in the State
- 7 of Arkansas or any other state or territory of the United States; and
- 8           (6) Pass a background check upon request of the director .

9

10           SECTION 2. Arkansas Code § 17-40-302(a)(3), concerning the fees that

11 may be assessed by the Director of the Division of Arkansas State Police to

12 private investigators and private security agencies, is amended to add an

13 additional subdivision to read as follows:

14                           (E) Reexamination fee                           \$50.00

15

16           SECTION 3. Arkansas Code § 17-40-306(b), concerning the application

17 qualifications for a private investigator or private security agency license

18 or credential, is amended to read as follows:

19           (b) An applicant who applies for a license to engage in the business

20 of an investigations company or his or her manager shall have:

21                           (1) Two (2) consecutive years' experience before the date of the

22 application in the investigative field as an agent, employee, manager, or

23 owner of an investigations company;

24                           (2) Two (2) years' experience as a licensed bail bondsman and a

25 baccalaureate degree from a four-year institution of higher education; ~~or~~

26                           (3) Satisfied other requirements as may be set by the director+;

27                           (4) For a Class A license or Class D license, successfully

28 completed two hundred ten (210) hours of a private investigator course of

29 instruction consisting of:

30   (A) Classes presented:

31   (i) In person; or

32   (ii) Classes presented in an online format from an

33 educational provider approved by the director;

34   (B) Fifteen (15) hours of coursework in the basic

35 doctrines of private security, including without limitation the:

36   (i) History of private security;

- 1                   (ii) Ethics of private security;  
2                   (iii) Organization of private security; and  
3                   (iv) Functions of private security;  
4                   (C) Fifteen (15) hours of coursework on the purposes of  
5 security;  
6                   (D) Twenty-five (25) hours of coursework on criminal law;  
7                   (E) Twenty-five (25) hours of coursework on civil law;  
8                   (F) Five (5) hours of coursework on legal powers and  
9 limitations;  
10                  (G) Forty (40) hours of coursework on security functions,  
11 including without limitation:  
12                   (i) Report writing;  
13                   (ii) Patrol;  
14                   (iii) Interviewing;  
15                   (iv) Interrogations;  
16                   (v) Investigations;  
17                   (vi) Surveillance;  
18                   (vii) Evidence;  
19                   (viii) Public relations; and  
20                   (ix) Safety;  
21                  (H) Five combined (5) hours of coursework on the Polygraph  
22 Examiners Licensing Act, § 17-39-101 et. seq., and § 17-39-201 et. seq., and  
23 the annexation, consolidation, and detachment of municipalities under § 14-  
24 40-101 et seq.;  
25                  (I) Sixty (60) hours of coursework on security supervision  
26 management, including without limitation:  
27                   (i) Administrative responsibilities;  
28                   (ii) Investigative responsibilities;  
29                   (iii) Managerial responsibilities; and  
30                   (iv) Business communications;  
31                  (J) Ten (10) hours of coursework on emergencies and  
32 disaster control; and  
33                  (K) Ten (10) hours of coursework on armed and unarmed  
34 self-defense; and  
35                  (5)(A) Demonstrated his or her qualifications by successfully  
36 completing the examination under § 17-40-307(c).

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

3                   (C) If an application is cancelled, and the former  
4 applicant wishes to reapply for a license, the former applicant shall:

5                           (i) Reapply as a new applicant;

6                           (ii) Pay the required application fees; and

7                           (iii) Take a refresher course offered by a provider  
8 approved by the director before submitting a new application for license.

9  
10           SECTION 4. Arkansas Code § 17-40-306, concerning the application  
11 qualifications for a private investigator or private security agency license  
12 or credential, is amended to add additional subsections to read as follows:

13           (f) An applicant for a renewal license shall successfully complete two  
14 (2) hours of continuing education before filing a renewal of license every  
15 two (2) years from an instructor and school of instruction approved by the  
16 director.

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

20  
21           SECTION 5. Arkansas Code § 17-40-307(c), concerning the application  
22 and examination for a license or credential of a private investigator and  
23 private security agency, is amended to read as follows:

24           (c)(1) ~~The director may require an~~ An applicant for a private  
25 investigator license or his or her manager ~~to~~ shall demonstrate his or her  
26 qualifications ~~determined by the director~~ by successfully completing an  
27 examination ~~or show proof of other qualifications as may be determined by the~~  
28 director.

29           (2) The examination shall consist of a minimum of one hundred  
30 (100) questions covering the following:

31                           (A) The subjects described in § 17-40-306(b)(4);

32                           (B) The rules promulgated by the director governing  
33 private investigators;

34                           (C) Field note taking and report writing; and

35                           (D) The Arkansas Criminal Code.

36           (3) The examination shall be completed in person by:

1                   (A) The applicant; or

2                   (B) The manager or any branch manager if the applicant is  
3 a partnership or corporation meeting all qualifications of an applicant.

4                   (4) Scoring seventy percent (70%) or above on the examination  
5 constitutes successful completion.

6                   (5) If an applicant fails to successfully complete the  
7 examination, the applicant:

8                   (A) Shall wait a minimum of five (5) working days to be  
9 eligible to retake the examination; and

10                   (B) Pay a reexamination fee of fifty dollars (\$50.00) if  
11 the examination is administered by the Division of Arkansas State Police.

12

13                   SECTION 6. Arkansas Code § 17-40-307(d)(2), concerning the application  
14 and examination for a license or credential of a private investigator and  
15 private security agency, is amended to read as follows:

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

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36