

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: S4/12/21

# A Bill

SENATE BILL 460

5 By: Senator B. Ballinger  
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## 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 FOR OTHER PURPOSES.  
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## Subtitle

15 TO AMEND THE LAW REGULATING PRIVATE  
16 INVESTIGATORS AND PRIVATE SECURITY  
17 AGENCIES; TO AMEND LICENSE REQUIREMENTS;  
18 AND TO ESTABLISH MINIMUM REQUIREMENTS FOR  
19 PRIVATE INVESTIGATOR INSTRUCTORS.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code Title 17, Chapter 40, Subchapter 2, is  
26 amended to add an additional section to read as follows:

27 17-40-210. Qualifications of a private investigator instructor.

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

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

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

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

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



1 higher education;

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

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

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

11 (E) Reexamination fee \$50.00

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

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

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

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

23 (3) Satisfied other requirements as may be set by the director; ~~and~~

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

27 (A) Classes presented:

28 (i) In person; or

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

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

33 (i) History of private security;

34 (ii) Ethics of private security;

35 (iii) Organization of private security; and

36 (iv) Functions of private security;

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

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

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

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

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

9 (i) Report writing;

10 (ii) Patrol;

11 (iii) Interviewing;

12 (iv) Interrogations;

13 (v) Investigations;

14 (vi) Surveillance;

15 (vii) Evidence;

16 (viii) Public relations; and

17 (ix) Safety;

18 (H) Five combined (5) hours of coursework on the Polygraph  
19 Examiners Licensing Act, § 17-39-101 et. seq., and § 17-39-201 et. seq., and  
20 the annexation, consolidation, and detachment of municipalities under § 14-  
21 40-101 et seq.;

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

24 (i) Administrative responsibilities;

25 (ii) Investigative responsibilities;

26 (iii) Managerial responsibilities; and

27 (iv) Business communications;

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

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

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

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

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

1 applicant wishes to reapply for a license, the former applicant shall:  
2 (i) Reapply as a new applicant;  
3 (ii) Pay the required application fees; and  
4 (iii) Take a refresher course offered by a provider  
5 and approved by the director before submitting a new application for license.  
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7 SECTION 4. Arkansas Code § 17-40-306, concerning the application  
8 qualifications for a private investigator or private security agency license  
9 or credential, is amended to add *an additional subsection* to read as follows:

10 (f) A licensed private investigator holding a Class A license or Class  
11 D license shall have an Arkansas concealed handgun license to possess or  
12 carry a firearm during the scope of his or her duties.  
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14 SECTION 5. Arkansas Code § 17-40-307(d)(2), concerning the application  
15 and examination for a license or credential of a private investigator and  
16 private security agency, is amended to read as follows:

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