

House Bill 616

By: Representative Powell of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to
2 operators of private detective businesses and private security businesses, so as to revise the
3 practice of private detective business; to include the application of electronic tracking devices
4 within the definition of a private detective business for certain circumstances; to revise
5 requirements used by the Georgia Board of Private Detective and Security Agencies for
6 concealed weapons permit applications; to provide for related matters; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to operators of
11 private detective businesses and private security businesses, is amended by revising Code
12 Section 43-38-3, relating to definitions, as follows:

13 "43-38-3.

14 As used in this chapter, the term:

15 (1) 'Board' means the Georgia Board of Private Detective and Security Agencies, a
16 professional licensing board.

17 (1.1) 'Electronic tracking device' means an electronic or mechanical device that permits
18 a person to remotely determine or track the position and movement of another person.

19 (2) 'Law enforcement agency' means an agency responsible for ensuring compliance with
20 the laws and ordinances enacted by federal, state, and local governing authorities.

21 (3) 'Private detective business' means the business of obtaining or furnishing, or
22 accepting employment to obtain or to furnish, information with reference to:

23 (A) Crimes or wrongs done or threatened against the United States of America or any
24 state or territory thereof;

25 (B) The background, identity, habits, conduct, business, employment, occupation,
26 assets, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty,

27 activity, movement, whereabouts, affiliations, associations, transactions, acts,
 28 reputation, or character of any person;

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

30 (D) The cause or responsibility for fires, libels, losses, accidents, damage, or injury to
 31 persons or property;

32 (E) The securing of evidence in the course of the private detective business to be used
 33 before any court, board, officer, or investigating committee; ~~or~~

34 (F) The protection of individuals from serious bodily harm or death; or

35 (G) The application of an electronic tracking device, provided that such determination
 36 or tracking is not otherwise contrary to law and the person subject to the determination
 37 or tracking of the electronic tracking device is not under the protection of a protective
 38 order issued pursuant to Article 1 of Chapter 13 of Title 19.

39 (4) 'Private security business' means engaging in the business of, or accepting
 40 employment to provide, any or all of the following:

41 (A) Private patrol service;

42 (B) Watchman service;

43 (C) Guard service;

44 (D) Armored car service; or

45 (E) The protection of persons from death or serious bodily harm."

46 **SECTION 2.**

47 Said chapter is further amended by revising subsection (e) of Code Section 43-38-10, relating
 48 to permits to carry firearms, proficiency requirement, exemption from specified laws, denial,
 49 refusal to renew, and suspension of permits, and effect of license suspension and restoration,
 50 as follows:

51 "(e) Licensees or registrants under this chapter may apply to the board for a concealed
 52 weapons permit. Qualifications and training requirements for such permits and restrictions
 53 on such permits shall be established by appropriate rules of the board and shall be
 54 consistent with the requirements of Code Section 16-11-129. The board shall, in its
 55 discretion, consider and approve each application for a concealed weapons permit on an
 56 individual basis."

57 **SECTION 3.**

58 All laws and parts of laws in conflict with this Act are repealed.