

SENATE BILL No. 776

October 25, 2011, Introduced by Senator SCHUITMAKER and referred to the Committee on Regulatory Reform.

A bill to amend 1965 PA 285, entitled "Professional investigator licensure act," by amending section 6 (MCL 338.826), as amended by 2008 PA 146.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) The department shall issue a license to conduct
2 business as a professional investigator if **IT IS** satisfied that the
3 applicant, ~~is a person, or if a firm, partnership, company, limited~~
4 ~~liability company, or corporation,~~ **IF THE APPLICANT IS AN**
5 **INDIVIDUAL, OR** the sole or principal license holder **OF THE**
6 **APPLICANT, IF THE APPLICANT IS A PARTNERSHIP, CORPORATION, LIMITED**
7 **LIABILITY COMPANY, OR OTHER LEGAL ENTITY,** ~~is a person~~ **AN INDIVIDUAL**
8 who meets all of the following qualifications:
9 (a) Is a citizen of the United States.
10 (b) Is ~~not less than~~ **AT LEAST** 25 years of age.
11 (c) Has a high school education or its equivalent.

SENATE BILL No. 776

1 (d) Has not been convicted of a felony, or **HAS NOT BEEN**
2 **CONVICTED OF** a misdemeanor ~~involving~~**THAT INVOLVES** any of the
3 following:

4 (i) Dishonesty or fraud.

5 (ii) Unauthorized divulging or selling of information or
6 evidence.

7 (iii) ~~Impersonation of~~**IMPERSONATING** a law enforcement officer
8 or employee of the United States, ~~or~~a state, or a political
9 subdivision of the United States or a state.

10 (iv) Illegally using, carrying, or possessing a dangerous
11 weapon.

12 (v) Two or more alcohol related offenses.

13 (vi) Controlled substances under the public health code, 1978
14 PA 368, MCL 333.1101 to 333.25211.

15 (vii) An assault.

16 (e) Has not been dishonorably discharged from a branch of the
17 United States military service.

18 (f) For a period of ~~not less than~~**AT LEAST** 3 years **BEFORE THE**
19 **DATE OF THE APPLICATION**, has been or is any of the following on a
20 full-time basis:

21 (i) Lawfully engaged in the professional investigation business
22 as a licensee, registrant, or investigative employee in another
23 state.

24 (ii) Lawfully engaged in the investigation business as an
25 investigative employee of the holder of a license to conduct a
26 professional investigation agency.

27 (iii) An investigator, detective, special agent, intelligence

1 specialist, parole agent, probation officer, or certified police
2 officer employed by any government executive, military, judicial,
3 or legislative agency, or other public authority engaged in
4 investigative or intelligence activities. This ~~subdivision~~
5 **SUBPARAGRAPH** does not include individuals employed by educational
6 or charitable institutions who are solely engaged in academic,
7 consulting, educational, instructional, or research activities. ~~In~~
8 ~~the case of the experience requirement under this subparagraph for~~
9 ~~an applicant demonstrating experience as a probation officer or~~
10 ~~parole agent, the department shall consider any application filed~~
11 ~~on or after January 1, 2005 for eligibility regarding that~~
12 ~~experience.~~

13 (iv) A graduate of an accredited institution of higher
14 education with a baccalaureate or postgraduate degree in the field
15 of police administration, security management, investigation, law,
16 criminal justice, **FRAUD INVESTIGATION**, or computer forensics; or
17 ~~other computer forensic industry certificated study that is~~
18 ~~acceptable to~~ **AN INDIVIDUAL CERTIFIED AS A FORENSICS OR FRAUD**
19 **EXAMINER BY AN INDUSTRY, TRAINING, OR EDUCATION ORGANIZATION**
20 **APPROVED BY** the department.

21 (v) Lawfully engaged in the investigation business as a full-
22 time proprietary or in-house investigator employed by a business or
23 attorney, or as an investigative reporter employed by a recognized
24 media outlet, ~~acceptable to~~ **AS DETERMINED BY** the department. This
25 ~~subdivision~~ **SUBPARAGRAPH** does not include ~~individuals~~ **AN INDIVIDUAL**
26 **WHO IS** employed by **AN** educational or charitable ~~institutions who~~
27 ~~are~~ **INSTITUTION AND IS** solely engaged in academic, consulting,

1 educational, instructional, or research activities.

2 (g) Has posted with the department a bond or insurance policy
3 provided for in this act.

4 (2) ~~In the case of a person, firm, partnership, company,~~
5 ~~limited liability company, or corporation now doing or seeking to~~
6 ~~do business in this state, the~~ **IF A LICENSEE OR AN APPLICANT**
7 **DESCRIBED IN SUBSECTION (1) HAS A MANAGER, THAT** manager shall
8 comply with the ~~qualifications~~ **REQUIREMENTS** of this section.

9 (3) Beginning July 1, 2010, **THE DEPARTMENT SHALL NOT ISSUE A**
10 **NEW OR RENEWAL LICENSE TO** a law enforcement officer, as that term
11 is defined in section 2 of the commission ~~of~~ **ON** law enforcement
12 standards act, 1965 PA 203, MCL 28.602, ~~shall not be issued a new~~
13 ~~or renewal license and~~ **THAT OFFICER** shall not be employed and
14 working in an investigative capacity by, or authorized to operate
15 in a capacity as, a professional investigator ~~unless~~ **IF** the law
16 enforcement officer ~~obtains and produces~~ **DOES NOT OBTAIN AND**
17 **PRODUCE**, in a manner acceptable to the department, any 1 of the
18 following:

19 (a) Written permission to act as a professional investigator
20 from the current chief of police, county sheriff, or other official
21 having executive authority and responsibility over the law
22 enforcement matters in that jurisdiction if the law enforcement
23 officer does not work under the authority of a chief of police or
24 county sheriff.

25 (b) A copy of the law enforcement officer's jurisdiction's
26 published policies and procedures allowing off-duty employment,
27 ~~which~~ **IF THOSE** policies and procedures include the prohibition of

1 the off-duty use of investigative tools or equipment, or both,
2 provided exclusively for law enforcement and indicate that the off-
3 duty employment as a professional investigator is not considered in
4 conflict with employment as a law enforcement officer.

5 (c) A copy of the collective bargaining agreement of the law
6 enforcement officer's jurisdiction.

7 (4) This act does not prevent a licensee from acting as a
8 professional investigator outside of this state to the extent
9 allowed ~~by that other state~~ under the laws of that state.

10 (5) The department may enter into reciprocal agreements with
11 other states that have professional investigator qualification laws
12 to allow a professional investigator license or registration to be
13 used by that licensee or registrant within the jurisdiction of
14 either this state or another state. The reciprocal agreement shall
15 be limited to only allow professional investigators to continue
16 investigations that originate in the investigator's home state and
17 that require investigation in another state. The department may
18 enter into a reciprocal agreement if the other state meets all of
19 the following conditions:

20 (a) Issues a professional investigator identification card
21 with an expiration date printed on the card.

22 (b) Is available to verify the license or registration status
23 for law enforcement purposes.

24 (c) Has disqualification, suspension, and revocation standards
25 for licenses and registrations.

26 (d) Requires the applicant for a license or registration as a
27 professional investigator to submit to a criminal history records

1 check pursuant to applicable state and federal law.

2 (6) Each reciprocal agreement shall, at a minimum, include the
3 following provisions:

4 (a) A requirement that the professional investigator possess a
5 professional investigator license or registration in good standing
6 from his or her home state.

7 (b) A requirement that the professional investigator ~~shall be~~
8 **IS** time-limited to a maximum of 30 days per case while conducting
9 an investigation in this state, or a lesser amount of time if
10 required to comply with the reciprocity statutes or regulations of
11 the other state.

12 (c) A requirement that the professional investigator from the
13 other state not solicit any business in this state while conducting
14 investigations in this state.