

House Bill 2126

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Public Safety Standards and Training)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies provisions regarding application to obtain private investigator's license.

A BILL FOR AN ACT

Relating to private investigators; amending ORS 703.415, 703.425, 703.430 and 703.993.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 703.415 is amended to read:

703.415. (1) In order to obtain a private investigator's license, a person **must**:

[(1)] (a) [*Must*] Be at least 18 years of age[;].

[(2)] (b) [*Must*] Be eligible to work in the United States[;].

[(3)] (c) [*Must*] Not have committed any act that constitutes grounds for denial of a private investigator's license[;].

[(4)] (d) [*Must*] Have obtained a passing score on the test of investigator competency adopted by the Board on Public Safety Standards and Training and administered by the Department of Public Safety Standards and Training[;].

[(5)] (e) [*Must*] Submit to fingerprinting and criminal records checks as prescribed by the board by rule[;].

[(6)] (f)(A) [*Must*] Have a corporate surety bond, an irrevocable letter of credit issued by an insured institution as defined in ORS 706.008 or such other security as the department may prescribe by rule in the sum of at least \$5,000[;]; or

(B) Be covered by errors and omissions insurance in the sum of at least \$5,000[; and].

[(7)] (g) [*Must*] Have at least 1,500 hours of experience in investigatory work, have completed a related course of study approved by the department or have a combination of work experience and education, including relevant training and experience obtained in the military, approved by the department.

(2) For the purpose of receiving a state or nationwide criminal records check under ORS 181A.195, the department shall require each applicant to be fingerprinted as part of the licensing procedure.

(3) ORS 181A.195 (10) does not apply to the department when the department refuses to issue a license under this section based on information received under subsection (2) of this section.

(4) The department and an employee of the department acting within the course and scope of employment are immune from any civil liability that might otherwise be incurred or imposed for refusing to issue a license based on information received under subsection (2)

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 of this section. The department, an employee of the department acting within the course and
 2 scope of employment and an employer or employer's agent who in good faith comply with the
 3 requirements of this section, ORS 703.425 and 703.430, any rules adopted by the department
 4 and the decision of the department or employee of the department acting within the course
 5 and scope of employment are not liable for employment-related decisions based on decisions
 6 made under this section, ORS 703.425 and 703.430. The department or an employee of the
 7 department acting within the course and scope of employment is not liable for defamation
 8 or invasion of privacy in connection with the lawful dissemination of information lawfully
 9 received under ORS 181A.195.

10 **SECTION 2.** ORS 703.425 is amended to read:

11 703.425. (1) An application for a private investigator's license or a provisional investigator's li-
 12 cense must be in writing on a form prescribed by the Department of Public Safety Standards and
 13 Training[, *stating the applicant's:*]

14 [(a) *Legal name;*]

15 [(b) *Birthdate;*]

16 [(c) *Citizenship;*]

17 [(d) *Physical description;*]

18 [(e) *Current residence;*]

19 [(f) *Residence for the preceding 10 years;*]

20 [(g) *Current employment;*]

21 [(h) *Employment for the preceding 10 years;*]

22 [(i) *Experience qualifications;*]

23 [(j) *Education;*]

24 [(k) *Business address, which may be a post office box; and*]

25 [(L) *Any other information required by the department*].

26 (2) The application must be accompanied by:

27 (a) The application fee as prescribed by the Board on Public Safety Standards and Training by
 28 rule; **and**

29 (b) Recent photographs of the applicant as prescribed by the board by rule to be used for an
 30 identification card and for the files of the department[;].

31 [(c) *Complete sets of the applicant's fingerprints as prescribed by the board by rule;*]

32 [(d) *Three professional references, none of which may be from a person who is related to the ap-
 33 plicant by blood or marriage;*]

34 [(e) *Proof of a corporate surety bond, an irrevocable letter of credit issued by an insured institution
 35 as defined in ORS 706.008 or such other security as the department may prescribe by rule in the sum
 36 of at least \$5,000, or errors and omissions insurance in the sum of at least \$5,000; and*]

37 [(f) *Proof of a passing score on the test of investigator competency adopted by the board and ad-
 38 ministered by the department.*]

39 [(3) *All applicants must disclose any acts constituting grounds for denial of an investigator's li-
 40 cense and must notify the department if the applicant is charged with a criminal offense. The depart-
 41 ment shall conduct a special review of any applicant making a disclosure under this subsection.*]

42 [(4) *The Department of Public Safety Standards and Training shall forward a complete set of an
 43 applicant's fingerprints to the Department of State Police and shall request that the Department of State
 44 Police conduct criminal records checks as provided in ORS 181A.195.*]

45 [(5) *Employees of or partners in a firm who are covered by the firm's errors and omissions insur-*

1 *ance meet the requirements of subsection (2)(e) of this section as long as the coverage is at least \$5,000*
2 *per investigator.]*

3 **SECTION 3.** ORS 703.430 is amended to read:

4 703.430. (1) The Department of Public Safety Standards and Training shall issue:

5 (a) A private investigator's license if the applicant has satisfied the requirements of ORS 703.415
6 and 703.425 and is in compliance with the rules of the Board on Public Safety Standards and
7 Training and the department.

8 (b) A provisional investigator's license if the applicant has satisfied the requirements of ORS
9 703.415 [(1) to (6)] **(1)(a) to (f)** and 703.425 and is in compliance with the rules of the board and
10 department. A person who has a provisional investigator's license may not employ or supervise other
11 investigators.

12 (2) The department may issue:

13 (a) A temporary investigator's license to a person licensed as an investigator by another juris-
14 diction. The board shall adopt rules to carry out this paragraph including, but not limited to, rules
15 establishing requirements, procedures and fees for issuing a temporary investigator's license and the
16 scope and duration of the license.

17 (b) An interim investigator's license to a person who:

18 (A) Has applied for a private investigator's license or a provisional investigator's license and
19 whose application has not been granted or denied;

20 (B) Works only for a private investigator licensed under this section, an attorney or another
21 employer who has requested that the person be issued an interim investigator's license;

22 (C) Has never been convicted of, pleaded guilty or no contest to or forfeited security for a crime;
23 and

24 (D) Meets all requirements established by the board by rule including, but not limited to, rules
25 establishing requirements, procedures and fees for issuing an interim investigator's license and the
26 scope and duration of the license.

27 (3) A license issued under subsection (1) of this section expires two years following the date of
28 issuance or on the assigned renewal date.

29 **SECTION 4.** ORS 703.993 is amended to read:

30 703.993. (1) A person commits a Class A misdemeanor if the person knowingly falsifies the fin-
31 gerprints, photographs or other data pertinent to an application for a license or identification card
32 under the provisions of ORS **703.415**, 703.425, 703.430 or 703.435.

33 (2) A person commits a Class B misdemeanor if the person knowingly practices as an investi-
34 gator without a license as required by ORS 703.405.

35 (3) An investigator who fails to carry the identification card as required by ORS 703.435 com-
36 mits a Class A violation.

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