

1 HB467  
2 218522-2  
3 By Representatives Mooney, Holmes and Sanderford  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 08-MAR-22

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8       SYNOPSIS:               Under existing law, the Alabama Private  
9                               Investigation Board is responsible for the  
10                              licensing and regulation of private investigators  
11                              in the state.

12                             This bill would further establish education  
13                             and work experience requirements for applicants in  
14                             order to qualify for a private investigator  
15                             license.

16                             This bill would clarify those fees collected  
17                             by the board that must be deposited into the  
18                             Alabama Private Investigation Board Fund.

19                             This bill would provide further for the  
20                             qualifications for licensure as a private  
21                             investigator.

22                             This bill would provide further for criminal  
23                             history background checks for applicants for  
24                             licensure.

25                             This bill would authorize the board to grant  
26                             inactive status to licensees and to provide, by

1 rule, for a procedure and fee to reinstate an  
2 inactive license.

3 This bill would provide for administrative  
4 penalties against any individual practicing without  
5 a license.

6 This bill would require licensees to report  
7 arrests to the board within 72 hours.

8 This bill would clarify that the number of  
9 hours of continuing education required to maintain  
10 licensure is 16 hours during the two-year license  
11 period.

12 This bill would create a private  
13 investigator apprentice license that would allow  
14 apprentices to gain work experience through an  
15 internship.

16 This bill would authorize the board to issue  
17 a private investigator license to a licensed  
18 private investigator apprentice who successfully  
19 completes an internship in a specified time and  
20 passes an examination.

21 This bill would also require private  
22 investigation agencies that do business within the  
23 state to be licensed by the board and meet certain  
24 requirements.

25 Amendment 621 of the Constitution of Alabama  
26 of 1901, as amended by Amendment 890, now appearing  
27 as Section 111.05 of the Official ReCompilation of

1 the Constitution of Alabama of 1901, as amended,  
2 prohibits a general law whose purpose or effect  
3 would be to require a new or increased expenditure  
4 of local funds from becoming effective with regard  
5 to a local governmental entity without enactment by  
6 a 2/3 vote unless: it comes within one of a number  
7 of specified exceptions; it is approved by the  
8 affected entity; or the Legislature appropriates  
9 funds, or provides a local source of revenue, to  
10 the entity for the purpose.

11 The purpose or effect of this bill would be  
12 to require a new or increased expenditure of local  
13 funds within the meaning of the amendment. However,  
14 the bill does not require approval of a local  
15 governmental entity or enactment by a 2/3 vote to  
16 become effective because it comes within one of the  
17 specified exceptions contained in the amendment.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 Relating to the Alabama Private Investigation  
24 Regulatory Act; to designate as Article 1, Sections 34-25B-1  
25 to 34-25B-29, inclusive, Code of Alabama 1975; to amend  
26 Sections 34-25B-2, 34-25B-3, 34-25B-4, 34-25B-7, 34-25B-10,  
27 34-25B-11, 34-25B-12, 34-25B-13, 34-25B-14, 34-25B-17,

1 34-25B-18, 34-25B-21, 34-25B-22, and 34-25B-26 of the Code of  
2 Alabama 1975, relating to the Alabama Private Investigation  
3 Board; to add Section 34-25B-12.1 and add a new Article 2,  
4 commencing with Section 34-25B-50 to Chapter 25B, Title 34 of  
5 the Code of Alabama 1975; to require applicants for private  
6 investigator licenses to complete education and work  
7 experience; to clarify those fees collected by the board that  
8 must be deposited into the Alabama Private Investigation Board  
9 Fund; to provide further for the qualifications for licensure  
10 as a private investigator; to provide further for criminal  
11 history background checks for applicants for licensure; to  
12 authorize the board to grant inactive status to licensees and  
13 to provide, by rule, for a procedure and fee to reinstate an  
14 inactive license; to provide for administrative penalties  
15 against any person practicing without a license; to require  
16 licensees to report arrests to the board within 72 hours; and  
17 to clarify that the number of hours of continuing education  
18 required to maintain licensure is 16 hours during the two-year  
19 license period; to license private investigator apprentices  
20 and allow apprentices to gain work experience through an  
21 internship; to provide for licensure of apprentices as private  
22 investigators after completing certain requirements; and to  
23 provide for licensure of private investigation agencies that  
24 do business in the state; and in connection therewith would  
25 have as its purpose or effect the requirement of a new or  
26 increased expenditure of local funds within the meaning of  
27 Amendment 621 of the Constitution of Alabama of 1901, as

1 amended by Amendment 890, now appearing as Section 111.05 of  
2 the Official Recompilation of the Constitution of Alabama of  
3 1901, as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. An article heading is added before  
6 Section 34-25B-1 of the Code of Alabama 1975, to read as  
7 follows:

8 ARTICLE 1. Private Investigator Licenses, Private  
9 Investigator Apprentice Licenses, and Private Investigation  
10 Board.

11 Section 2. Sections 34-25B-2, 34-25B-3, 34-25B-4,  
12 34-25B-7, 34-25B-10, 34-25B-11, 34-25B-12, 34-25B-13,  
13 34-25B-14, 34-25B-17, 34-25B-18, 34-25B-21, 34-25B-22, and  
14 34-25B-26 of the Code of Alabama 1975, are amended to read as  
15 follows:

16 "§34-25B-2.

17 "As used in this chapter, the following terms shall  
18 have the following meanings:

19 "(1) BOARD. The Alabama Private Investigation Board.

20 "~~(1)~~(2) FELONY. A criminal offense that is defined  
21 and punishable under the laws of this state, or an offense  
22 committed outside the State of Alabama, which if committed in  
23 this state, would constitute a felony under Alabama law; a  
24 crime in any other state or a crime against the United States  
25 which is designated as a felony; or an offense in any other  
26 state, territory, or country punishable by imprisonment for a  
27 term exceeding one year.

1           "~~(2)~~(3) PRIVATE INVESTIGATION. The compensated act  
2 of any individual or company engaging in the business of  
3 obtaining or furnishing information with reference to any of  
4 the following:

5           "a. A crime committed or threatened against the  
6 United States or any state or territory of the United States.

7           "b. The identity, habits, conduct, business,  
8 occupation, honesty, integrity, credibility, including, but  
9 not limited to, the credibility of ~~a person~~ an individual  
10 giving testimony in a criminal or civil proceeding, knowledge,  
11 trustworthiness, efficiency, loyalty, activity, movement,  
12 whereabouts, affiliations, associations, transactions, acts,  
13 reputations, or character of any ~~person~~ individual.

14           "c. The location, disposition, or recovery of lost  
15 or stolen property.

16           "d. The cause or responsibility for fires, losses,  
17 accidents, damages, or injuries to ~~persons~~ individuals or to  
18 property.

19           "(4) PRIVATE INVESTIGATION AGENCY. A corporation,  
20 firm, partnership, or other business entity that, for  
21 compensation, practices private investigation in this state  
22 and employs licensed private investigators. The term includes  
23 a business entity that practices private investigation through  
24 licensed private investigators who are solely independent  
25 contractors rather than employees.

26           "~~(3)~~(5) PRIVATE INVESTIGATOR. a. ~~A person~~ An  
27 individual who, for compensation, performs one or more of the

1 private investigation services defined and regulated by this  
2 chapter.

3 "b. ~~A person~~ An individual who, for consideration,  
4 advertises as providing or performing private investigation.  
5 The term does not include an informant who, on a one time or  
6 limited basis, as a result of a unique expertise, ability, or  
7 vocation, and who provides information or services while under  
8 the direction and control of a licensee of the board, that  
9 would otherwise be included in the definition of private  
10 investigation.

11 "c. ~~A person~~ An individual who is engaged in private  
12 investigation ~~as defined herein~~ and who is licensed in  
13 accordance with this ~~chapter~~ article.

14 "(6) PRIVATE INVESTIGATOR APPRENTICE. An individual  
15 who is engaged in private investigation under the supervision  
16 of a licensed private investigator and who is licensed in  
17 accordance with this article.

18 "§34-25B-3.

19 "An individual may not ~~No person shall~~ practice  
20 private investigation or hold himself or herself out to the  
21 public as a private investigator or private investigator  
22 apprentice or use any term, title, or abbreviation that  
23 expresses, infers, or implies that the ~~person~~ individual is  
24 licensed as a private investigator or private investigator  
25 apprentice unless the ~~person~~ individual at the time holds a  
26 valid license to practice private investigation as provided in  
27 this ~~chapter~~ article. ~~All applicants shall pass a criminal~~



1 ~~background check based on criteria established pursuant to~~  
2 ~~Section 34-25B-4.~~

3 "§34-25B-4.

4 "(a) There is created the Alabama Private  
5 Investigation Board. The appointing authorities shall  
6 coordinate their appointments to assure the membership of the  
7 board shall reflect is inclusive and reflects the racial,  
8 gender, geographic, urban ~~and,~~ rural, and economic diversity  
9 of the state.

10 "(b) Private investigator members ~~provided for~~  
11 ~~herein~~ shall have had five years of experience as an  
12 investigator prior to his or her appointment. Beginning on  
13 August 1, 2018, each private investigator ~~members who are~~  
14 member appointed to the board shall have been licensed  
15 pursuant to this chapter as a private investigator for a  
16 period of at least five years prior to his or her appointment.

17 "(c) The following members shall be appointed to the  
18 board:

19 "(1) Three ~~persons~~ individuals appointed by the  
20 Governor, two of whom shall be private investigators ~~in this~~  
21 ~~state~~ and one of whom shall be a consumer who will represent  
22 the public at large. ~~The Governor shall appoint the three~~  
23 ~~members to initial terms of three years. Thereafter, successor~~  
24 ~~members shall be appointed for terms of four years each.~~

25 "(2) One ~~person~~ individual appointed by the  
26 Lieutenant Governor, who ~~must~~ shall be a private investigator.  
27 ~~The Lieutenant Governor shall appoint the member for an~~

1 ~~initial term of two years. Thereafter, successor members shall~~  
2 ~~be appointed for terms of four years.~~

3           "(3) One ~~person~~ individual appointed by the Speaker  
4 of the House of Representatives who ~~must~~ shall be a private  
5 investigator. ~~The Speaker of the House of Representatives~~  
6 ~~shall appoint the member for an initial term of two years.~~  
7 ~~Thereafter, successor members shall be appointed for terms of~~  
8 ~~four years.~~

9           "(4) One ~~person~~ individual appointed by the Attorney  
10 General who ~~must~~ shall be a private investigator. ~~The Attorney~~  
11 ~~General shall appoint the member for an initial term of two~~  
12 ~~years. Thereafter, successor members shall be appointed this~~  
13 ~~member for terms of four years.~~

14           "(5) One ~~person~~ individual appointed by the Alabama  
15 State Bar Association who ~~must~~ shall be a member in good  
16 standing ~~for an initial term of four years. Thereafter,~~  
17 ~~successor members shall be appointed for terms of four years~~  
18 ~~of the bar.~~

19           "(6) One ~~person~~ individual appointed by the Alabama  
20 Private Investigators Association who ~~must~~ shall be a private  
21 investigator. ~~The association shall appoint the member for an~~  
22 ~~initial term of four years. Thereafter, successor members~~  
23 ~~shall be appointed for terms of four years.~~

24           "(d) ~~Following the initial appointments, all~~  
25 ~~successor~~ All members of the board shall be appointed for a  
26 term of four years and shall serve until their successors are  
27 appointed and qualified by subscribing to the constitutional

1 oath of office, ~~which shall be filed with the Secretary of~~  
2 ~~State.~~

3 "(e) Any vacancy occurring on the board shall be  
4 filled by the appointing authority of the vacating member for  
5 the unexpired term.

6 "(f) No member may be appointed to succeed himself  
7 or herself for more than ~~one full term~~ three consecutive full  
8 terms.

9 "(g) The appointing authority may remove a member of  
10 the board for misconduct, incompetency, or willful neglect of  
11 duty. The board may recommend to the appointing authority  
12 suggested administrative actions that may be taken against a  
13 board member for missing an excessive ~~amount~~ number of  
14 meetings.

15 "~~(h) Each member of the board shall receive a~~  
16 ~~certificate of appointment from the Governor before entering~~  
17 ~~upon the discharge of the duties of office.~~

18 "§34-25B-7.

19 "(a) There is hereby created in the State Treasury  
20 for the use of the ~~Alabama Private Investigation Board~~ board a  
21 fund to be known as the Alabama Private Investigation Board  
22 Fund. All application and license fees, penalties, fines, and  
23 any other funds collected by the board ~~under the provisions of~~  
24 ~~this chapter are to~~ related to private investigators, private  
25 investigator apprentices, private investigation agencies, and  
26 the implementation of this chapter, shall be deposited in this  
27 fund and used only to carry out the operations of the board.

1 The fees that the board may charge, collect, and deposit into  
2 the fund shall include, but not be limited to, all of the  
3 following:

4 "(1) An application fee for an original license and  
5 for an inactive status certificate.

6 "(2) A renewal fee for a license and for an inactive  
7 status certificate.

8 "(3) A reinstatement application fee.

9 "(4) A late renewal fee.

10 "(5) A change of information fee.

11 "(6) A replacement license fee.

12 "(7) An inactive license fee.

13 "(8) An issuance fee for a private investigator  
14 license, a private investigator apprentice license, or a  
15 private investigation agency license.

16 "(9) Reasonable and necessary administrative fees  
17 that reflect the actual cost of services provided.

18 "(b) No monies shall be withdrawn or expended from  
19 the fund for any purpose unless the monies have been  
20 appropriated by the Legislature and allocated pursuant to this  
21 chapter. Any monies appropriated shall be budgeted and  
22 allotted pursuant to the Budget Management Act in accordance  
23 with Article 4, (commencing with Section 41-4-80), of Chapter  
24 4 of Title 41, and only in the amounts provided by the  
25 Legislature in the general appropriations act or other  
26 appropriations act. ~~There is hereby appropriated to the~~  
27 ~~Alabama Private Investigation Board the sum of all monies~~

1 ~~collected and deposited into the Alabama Private Investigation~~  
2 ~~Board Fund for each of the fiscal years ending September 30,~~  
3 ~~2013, and September 30, 2014, to be used for the operations of~~  
4 ~~the board.~~

5 "(c) All expenses incurred by the board in  
6 implementing and administering this chapter shall be paid out  
7 of the fund, provided that the expenses of the board shall not  
8 exceed the amount of monies in the fund.

9 "§34-25B-10.

10 "(a) Except as otherwise provided in this chapter,  
11 it shall be unlawful for any person individual to act as a  
12 private investigator or private investigator apprentice  
13 without first obtaining a license from the board. For  
14 prosecution purposes, a violation of this chapter is  
15 classified as a Class A misdemeanor, punishable by a fine of  
16 not more than six thousand dollars (\$6,000) and imprisonment  
17 for up to one year.

18 "(b) Each person individual licensed in accordance  
19 with this ~~chapter~~ article shall designate to the board a  
20 physical address where his or her records are to be kept.

21 "§34-25B-11.

22 "(a) Except as provided in subsection (b), an An  
23 application and all information on an application for  
24 licensure as a private investigator, private investigator  
25 apprentice, or private investigation agency shall be treated  
26 as confidential and shall be filed with the board on forms

1 prescribed by the board. The application shall include all of  
2 the following information of the applicant:

3 "(1) His or her full name.

4 "(2) His or her date and place of birth.

5 "(3) All residences during the immediate past five  
6 years.

7 "(4) All employment or occupations engaged in during  
8 the immediate past five years.

9 "(5) Three sets of classifiable fingerprints or  
10 electronic fingerprints or criminal history background  
11 information, or both, as approved by the board for initial  
12 licensure.

13 "(6) A list of convictions and pending charges  
14 involving a felony or misdemeanor in any jurisdiction.

15 "(b) The board may publish the name of a licensee  
16 and his or her license number, date of licensure, and license  
17 status on the website of the board and in any licensee  
18 directory printed or distributed by the board. Additionally,  
19 with written permission of the licensee, the board may release  
20 or publish contact information for a licensee, including his  
21 or her email address, website, telephone number, and address.

22 "§34-25B-12.

23 "~~(a)~~ Each individual applicant for a license as a  
24 private investigator shall meet all of the following criteria  
25 ~~that he or she:~~

26 "(1) Is at least 21 years of age.

1           "(2) Has successfully completed a criminal history  
2 background check based on criteria established by the board.

3           ~~"(2)~~(3) Has not been declared by any court of  
4 competent jurisdiction incompetent by reason of mental defect  
5 or disease unless a court of competent jurisdiction has  
6 subsequently declared the applicant competent.

7           ~~"(3)~~(4) Has not been convicted of a crime of moral  
8 turpitude, with the board having the final determination on  
9 the interpretation of moral turpitude.

10           ~~"(4)~~(5) Has not been convicted of a felony crime.

11           ~~"(5)~~(6) Has passed an examination ~~to be~~ administered  
12 ~~twice annually~~ by the board designed to measure knowledge and  
13 competence in the investigation field and in state civil and  
14 criminal privacy laws.

15           "(7) Has a minimum of two years' experience,  
16 education, or training, or a combination thereof, including  
17 120 hours of practical field experience directly related to  
18 private investigation, in any of the following areas:

19           "a. Special investigations, consisting of special  
20 investigative experience in insurance, fire or arson, banking,  
21 legal, or similar setting, or other special investigatory  
22 experience as determined suitable by the board.

23           "b. Law enforcement, consisting of experience as a  
24 sworn law enforcement officer, investigative experience as a  
25 detective or investigator at the federal, state, or local  
26 level, or other investigative experience as determined  
27 suitable by the board.

1           "c. Education, consisting of a minimum of a two-year  
2 degree in a field of study directly related to private  
3 investigation including, but not limited to, criminal justice,  
4 political science, criminology, or law enforcement.

5           "d. Internship, consisting of successful completion  
6 of a private investigator apprenticeship pursuant to Section  
7 34-25B-12.1.

8           ~~"(b) A study guide shall be provided to any~~  
9 ~~applicant seeking to obtain an initial or renewal license~~  
10 ~~under this chapter.~~

11           ~~"(c) Any investigator currently holding a business~~  
12 ~~license in the State of Alabama shall not have to meet the~~  
13 ~~initial application requirements of this chapter, but shall be~~  
14 ~~issued a license pursuant to this chapter upon application.~~

15           "§34-25B-13.

16           "(a) Upon receipt of an application for a license as  
17 a private investigator pursuant to this chapter,  
18 nonrefundable, nonprorateable application fees shall be  
19 submitted to the board by the applicant for all of the  
20 following services:

21           "(1) A request that the ~~Alabama Bureau of~~  
22 ~~Investigation compare~~ Alabama State Law Enforcement Agency  
23 perform a state criminal history background check on the  
24 fingerprints submitted with the application to fingerprints  
25 filed with the Alabama Bureau of Investigation. On subsequent  
26 applications, the ~~Alabama Bureau of Investigation~~ State Law  
27 Enforcement Agency, at the request of the board, shall review



1 its criminal history files based upon the name, date of birth,  
2 sex, race, and Social Security number of an applicant whose  
3 fingerprints have previously been submitted to the bureau for  
4 any new information since the date of the initial fingerprint  
5 ~~comparison~~ submission, and shall furnish any information  
6 thereby derived to the board.

7 "(2) A request to submit the fingerprints to the  
8 Federal Bureau of Investigation for ~~a search of its files to~~  
9 ~~determine whether an individual fingerprinted has any recorded~~  
10 ~~convictions~~ completion of a national criminal history  
11 background check.

12 "(b) After the approval of the application by the  
13 board, the board shall issue a license in a form prescribed by  
14 the board to each qualified applicant upon its receipt of a  
15 nonrefundable, nonprorateable private investigator license fee  
16 as set by the board.

17 "(c) (1) If an application for a license is denied,  
18 the board shall notify the applicant in writing and specify  
19 the grounds for denial. If the grounds are subject to  
20 correction by the applicant, the notice shall so state and  
21 specify a reasonable period of time within which the applicant  
22 shall make the required correction.

23 "(2) The applicant may submit an application for  
24 reconsideration to the board within 30 days from the date of  
25 receipt of the denial.

26 "(d) The board shall issue a license to all  
27 licensees that shall be at least 8" x 10" in size and shall be

1 displayed on a wall of the workplace of the licensee. ~~This~~  
2 ~~license~~ All licenses and identification cards issued by the  
3 board shall be deemed property of the State of Alabama and  
4 subject to forfeiture to the state upon revocation.

5 "§34-25B-14.

6 "(a) The board shall issue to every private  
7 investigator licensee and private investigator apprentice  
8 licensee an identification card, which shall be issued in  
9 credit card size, be permanently laminated, and contain all of  
10 the following information of the licensee:

11 "(1) Name.

12 "(2) Photograph.

13 "(3) Physical characteristics.

14 "(4) Private investigator's license number.

15 "(5) Expiration date of license.

16 "(b) The identification card shall be carried on the  
17 person of the licensee when engaged in the activities of the  
18 licensee.

19 "(c) A private investigator licensee shall include  
20 his or her license number on all advertisements, brochures,  
21 stationary, letterhead, case reports, and business cards  
22 distributed or used by the private investigator.

23 "§34-25B-17.

24 "(a) All licenses issued or renewed under this  
25 ~~chapter~~ article shall be valid for a period of two years from  
26 the ~~date~~ month of issuance. The board shall ~~provide~~ mail to  
27 each licensee ~~with a renewal application,~~ at his or her

1 address of record, a notice of renewal at least 60 days prior  
2 to the expiration of ~~the~~ his or her license. An application  
3 for renewal shall be available for download by the licensee on  
4 the website of the board. A licensee shall report any change  
5 of address to the board.

6 "(b) Each application for renewal shall be reviewed  
7 for criminal convictions and civil fraud findings.

8 "(c) An administrative late fee not exceeding two  
9 hundred dollars (\$200), as prescribed by the board, shall be  
10 assessed on any renewal application postmarked after the  
11 expiration date of the license.

12 "(d) ~~No~~ A renewal application may not be accepted by  
13 the board more than 30 days after the expiration date of the  
14 license. This subsection may be waived by the board for good  
15 cause.

16 "e) A licensee may request, in writing, for the  
17 board to place his or her license on inactive status. The fees  
18 for issuing and renewing an inactive status certificate shall  
19 be established by rule of the board. The board shall also  
20 provide, by rule, for the activities an inactive status  
21 certificate holder may engage in, and for the procedure and  
22 fees required to reinstate an inactive status license. Any  
23 holder of an inactive status certificate who violates the  
24 limitations of the certificate shall be subject to fines and  
25 disciplinary action established by rule of the board.

26 "§34-25B-18.

1           "(a) The board may suspend, revoke, or refuse to  
2 issue or renew any private investigator license issued by ~~it~~  
3 the board upon finding that the holder or applicant has  
4 committed any of the following acts:

5           "(1) A violation of this chapter or any rule  
6 ~~promulgated~~ adopted pursuant to this chapter.

7           "(2) Fraud, deceit, or misrepresentation regarding  
8 an application or license.

9           "(3) Knowingly and willfully making a material  
10 misstatement in connection with an application for a license  
11 or renewal.

12           "(4) A conviction by a court of competent  
13 jurisdiction of a felony.

14           "(5) A conviction by a court of competent  
15 jurisdiction of a Class A misdemeanor, if the board finds that  
16 the conviction reflects unfavorably on the fitness of the  
17 ~~person~~ individual for the license.

18           "(6) The commission of any act which would have been  
19 cause for refusal to issue the license or identification card  
20 had it existed and been known to the board at the time of  
21 issuance.

22           "(b) In addition to, or in lieu of, any other lawful  
23 disciplinary action under this section, the board may assess a  
24 civil penalty not exceeding two thousand dollars (\$2,000) for  
25 each violation.

1           "(c) A license may be suspended for the remaining  
2 license period and renewed during any period in which the  
3 license was suspended.

4           "(d) Any entity or individual who operates, provides  
5 services, or advertises the provision of private investigator  
6 services without a license as required by this chapter shall  
7 be subject to an administrative fine of up to one thousand  
8 dollars (\$1,000) per day that those services are provided or  
9 advertised and may be administratively enjoined by the board  
10 from providing services or advertising until in compliance  
11 with this chapter.

12           "§34-25B-21.

13           "The board shall ~~provide~~ regularly publish and  
14 update a copy of this chapter and any rules ~~promulgated~~  
15 adopted under this chapter ~~to the following:~~ on the website of  
16 the board.

17           "~~(1) Each licensee, upon issuance of an original~~  
18 ~~license, and every two years thereafter upon license renewal.~~

19           "~~(2) Any other person, upon request, for a~~  
20 ~~reasonable fee established by the board.~~

21           "§34-25B-22.

22           "(a) The following acts when committed by an  
23 individual licensed as a private investigator ~~in Alabama~~ or a  
24 private investigator apprentice, or employed by or contracting  
25 with a private investigation agency, shall constitute a  
26 violation punishable as a Class A misdemeanor:

1           "(1) To knowingly make a material misrepresentation  
2 as to the ability of the individual to perform the  
3 investigation required by a potential client in order to  
4 obtain employment.

5           "(2) To make unsubstantiated monetary charges to a  
6 client for services not rendered or transportation not  
7 utilized.

8           "(3) To knowingly make a false report to a client in  
9 relation to the investigation performed for a client.

10           "(4) To continue an investigation for a client when  
11 it becomes obvious to the investigator that a successful  
12 completion of an investigation is unlikely without first  
13 advising the client and obtaining the approval of the client  
14 for continuation of the investigation.

15           "(5) To reveal information obtained for a client  
16 during an investigation to another individual except as  
17 required by law.

18           "(b) ~~Persons~~ Individuals licensed pursuant to this  
19 chapter shall report any suspected instances of child abuse or  
20 neglect to a local law enforcement agency or the Department of  
21 Human Resources, or both.

22           "§34-25B-26.

23           "(a) Each private investigator licensee shall  
24 complete ~~eight~~ 16 hours of continuing professional education,  
25 including two hours of ethics instruction, acceptable to the  
26 board in each ~~calendar year~~ two-year renewable licensing  
27 period.

1           ~~"(b) The board shall make every effort to ensue at~~  
2 ~~least one seminar per year will be held in each congressional~~  
3 ~~district of the state providing an opportunity to fulfill the~~  
4 ~~continuing professional education requirements of this~~  
5 ~~section, which shall include at least one hour per year on~~  
6 ~~ethics.~~

7           ~~"(c)(b) The board shall promulgate~~ adopt rules as  
8 necessary to ~~carry out~~ implement this section."

9           Section 3. Section 34-25B-12.1 is added to the Code  
10 of Alabama 1975, to read as follows:

11           §34-25B-12.1.

12           (a) An individual may obtain a license as a private  
13 investigator apprentice and work under the supervision of a  
14 private investigator.

15           (b) An applicant for a private investigator  
16 apprentice license shall meet all of the following criteria to  
17 obtain a license:

18                 (1) Be at least 18 years of age.

19                 (2) Be a high school graduate, have earned a GED  
20 certification, or have completed other equivalent education as  
21 determined suitable by the board.

22                 (3) Meet the requirements of subdivisions (2) to  
23 (5), inclusive, of Section 34-25B-12.

24           (c) An individual issued a private investigator  
25 apprentice license shall successfully pass an examination  
26 required by the board, which shall be taken during a time  
27 period designated by rule of the board, not sooner than 45

1 days after initial licensure. Before taking the examination, a  
2 private investigator apprentice licensee may begin working as  
3 an intern. If the examination is not successfully passed by  
4 the deadline set by rule of the board, the private  
5 investigator apprentice license may be suspended until such  
6 time that a passing grade has been achieved.

7 (d) (1) A private investigator apprentice shall be  
8 trained under the supervision of a sponsor private  
9 investigator who has at least two years' experience as a  
10 licensed private investigator in this state and who is  
11 certified by the board as a sponsor. The board may charge a  
12 one-time certification fee per sponsor, not exceeding fifty  
13 dollars (\$50), and may, by rule, establish standards for  
14 certification, refusing certification, reporting of  
15 apprentices sponsored, and documentation required for  
16 sponsorships.

17 (2) Supervision of a private investigator apprentice  
18 may be in person, by telephone, or by other form of electronic  
19 communication and oversight. A sponsor may not act as a  
20 sponsor for more than five private investigator apprentices at  
21 one time. A sponsor shall maintain records of training  
22 activities as required by the board, by rule, and shall make  
23 those records available to the board upon request. Failure of  
24 a sponsor to maintain adequate records may result in the  
25 revocation of his or her sponsor certification.



1 (e) A private investigator apprentice shall have  
2 three years to complete his or her internship. An internship  
3 shall consist of both of the following:

4 (1) The successful completion of a minimum number of  
5 hours of experience in the field and classroom training, not  
6 exceeding 300 hours, as established by board rule. Classroom  
7 instruction shall be provided by a certified trainer and shall  
8 include instruction in administrative functions, including  
9 report writing and research.

10 (2) The successful completion of a minimum of eight  
11 hours per year of continuing education credit, as administered  
12 by the Alabama Private Investigators Association, or other  
13 certified provider of continuing education approved by the  
14 board. The coursework shall include instruction in  
15 investigations and a minimum of two hours of ethics training  
16 annually, and may include business operations training.

17 (f) To qualify for a license as a private  
18 investigator, a private investigator apprentice licensee shall  
19 submit proof of successful completion of an internship  
20 pursuant to this section and shall pay the applicable license  
21 fee to the board.

22 (g) A private investigator apprentice licensee who  
23 does not complete an internship within three years after being  
24 issued a private investigator apprentice license shall be  
25 required to reapply for a new private investigator apprentice  
26 license. A private investigator apprentice license shall be  
27 renewed annually during an internship. Any education and

1 training experience completed during a previous internship  
2 shall be credited toward completing a new internship. A  
3 private investigator apprentice licensee may obtain a copy of  
4 his or her training records from the sponsoring private  
5 investigator. A sponsor who fails to provide training records,  
6 as requested, may have his or her sponsor certification  
7 revoked or be fined by the board, or both.

8 (h) A private investigator apprentice licensee may  
9 only perform work under the supervision of a certified sponsor  
10 and may not advertise or perform any private investigation  
11 services for the general public outside of that supervision.

12 (i) If a private investigator apprentice is  
13 instructed by a sponsor to perform any action that violates  
14 this chapter, both the private investigator apprentice and the  
15 sponsor may be held responsible by the board. The private  
16 investigator apprentice licensee shall be responsible for  
17 identifying any conflicts of interest on assigned case work  
18 and notifying the sponsor of any conflict.

19 Section 4. Article 2, commencing with Section  
20 34-25B-50, is added to Chapter 25B of Title 34 of the Code of  
21 Alabama 1975, to read as follows:

22 ARTICLE 2. Private Investigation Agencies.

23 §34-25B-50.

24 (a) (1) A business entity and its agents, officers,  
25 and employees, whether domiciled within or outside of this  
26 state, which employ or subcontract with private investigators,  
27 may not practice, advertise, or hold themselves out to the

1 public as a private investigation agency without first being  
2 licensed by the board. A violation of this subsection by an  
3 applicant or a licensee shall be punishable as a Class A  
4 misdemeanor.

5 (2) This subsection does not prevent a business  
6 entity domiciled outside of this state from contracting with a  
7 private investigation agency domiciled within this state, but  
8 requires any private investigator doing contract work for a  
9 business entity domiciled outside of this state, that is not  
10 licensed in this state, to register as a private investigation  
11 agency.

12 (b) Commencing on January 1, 2023, no business  
13 entity that conducts private investigations for compensation  
14 in this state, and employs private investigators in this  
15 state, may operate without a license.

16 (c) A private investigation agency may not employ  
17 more than four private investigators at one time.

18 §34-25B-51.

19 (a) Application for a license as a private  
20 investigation agency shall be made in writing to the board, on  
21 forms prescribed by the board, and shall include all of the  
22 following information:

23 (1) The name of the applicant.

24 (2) The business name and physical and email address  
25 of the applicant.

26 (3) A telephone number and other contact information  
27 for the applicant.

1           (4) If the applicant is not a domestic business  
2 entity in the state, the name and contact information for the  
3 registered agent of the applicant for service of process.

4           (5) The name, address, and contact information of a  
5 principal contact for the applicant.

6           (6) The name, address, and contact information for  
7 at least one officer or principal of the company who holds a  
8 valid private investigator license in this state.

9           (7) An irrevocable uniform consent to service of  
10 process.

11           (8) A designated physical address where the records  
12 of the applicant shall be kept.

13           (9) Any other information required by the board and  
14 reasonably necessary to grant licensure, as established by  
15 rule of the board.

16           (b) Upon receipt of a properly completed application  
17 and payment of a license fee as provided in this subsection,  
18 the board shall issue the applicant a private investigation  
19 agency license.

20           (1) For a private investigation agency domiciled  
21 within this state, the license fee and renewal fee shall be in  
22 an amount determined by the board, not exceeding fifty dollars  
23 (\$50) for a private investigation agency that employs or  
24 contracts with not more than two licensed private  
25 investigators, and not exceeding two hundred dollars (\$200)  
26 for a private investigation agency that employs or contracts  
27 with three or four licensed private investigators.

1           (2) For a private investigation agency domiciled  
2 outside of this state, the license fee shall be in an amount  
3 determined by the board, not exceeding five hundred dollars  
4 (\$500).

5           (c) A private investigation agency license shall be  
6 valid for two years from the month of issuance and may be  
7 renewed upon payment of the license fee provided in subsection  
8 (b) and the satisfaction of any other reasonable requirement  
9 established by rule by the board.

10           §34-25B-52.

11           (a) The board shall issue to each private  
12 investigation agency licensee a certification, which shall be  
13 at least 8" x 10" in size and shall contain the following  
14 information:

15           (1) The name of the private investigation agency.

16           (2) The physical address of the private  
17 investigation agency.

18           (3) The license number.

19           (4) The expiration date of the license.

20           (b) The certification card shall be posted in a  
21 conspicuous area at the physical address of the private  
22 investigation agency.

23           (c) The private investigation agency shall display  
24 the agency license number on all advertisements, brochures,  
25 stationary, letterhead, case reports, and business cards,  
26 distributed or used by the private investigation agency. Any  
27 invoice generated for professional services performed by the

1 private investigation agency or a private investigator  
2 licensee, contractor, or employee of the private investigation  
3 agency shall include the license number for each licensee  
4 whose services are being compensated for by a consumer and the  
5 time being charged by the private investigator licensee,  
6 contractor, or employee of the private investigation agency.  
7 Nonlicensee and noninvestigative services provided by  
8 secretarial or office administrative staff, and charges for  
9 rental equipment and other nonprofessional services and items,  
10 shall not be included on the professional invoice. Case  
11 reports shall include the license number of each licensee  
12 involved in performing work on the case.

13 §34-25B-53.

14 (a) The board shall mail to each private  
15 investigation agency licensee a notice of renewal at least 60  
16 days prior to the expiration of the license. An application  
17 for renewal shall be available for download by the licensee on  
18 the website of the board. A licensee shall report any change  
19 of address to the board.

20 (b) An administrative late fee, not exceeding two  
21 hundred dollars (\$200) as prescribed by rule of the board,  
22 shall be assessed on any renewal application postmarked after  
23 the expiration date of the license.

24 (c) A renewal application may not be accepted by the  
25 board more than 30 days after the expiration date of the  
26 license. This subsection may be waived by the board for good  
27 cause.

1                   §34-25B-54.

2                   The board shall adopt rules as necessary to  
3 implement this article.

4                   Section 5. Although this bill would have as its  
5 purpose or effect the requirement of a new or increased  
6 expenditure of local funds, the bill is excluded from further  
7 requirements and application under Amendment 621, as amended  
8 by Amendment 890, now appearing as Section 111.05 of the  
9 Official Recompilation of the Constitution of Alabama of 1901,  
10 as amended, because the bill defines a new crime or amends the  
11 definition of an existing crime.

12                   Section 6. This act shall become effective on the  
13 first day of the third month following its passage and  
14 approval by the Governor, or its otherwise becoming law.