

A Bill for an Act Relating to Private Investigators and Guards.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 463-1, Hawaii Revised Statutes, is amended to read as follows:

**“§463-1 Definitions.** As used in this chapter:

- (1) “Detective” or “investigator” means [a private detective or investigator.] a licensed person qualified to obtain information and evidence not readily or publicly accessible.
- (2) “Guard” means a [private guard, guard-patrolman, patrolman, or watchman.] licensed uniformed or nonuniformed person responsible for the safekeeping by the licensed person’s presence, of a client’s properties and persons within contractually prescribed boundaries, and for observation and reporting relative to such safekeeping.
- (3) “Board” means the board of private<sup>1</sup> detectives and guards described in section 463-2.
- (4) “Detective or guard agency” means a corporation, partnership, or association engaged in the private detective or guard business.”

SECTION 2. Section 463-5, Hawaii Revised Statutes, is amended to read as follows:

**“§463-5 Private detectives, guards, and agencies; license required.** No person shall engage in the business of private detective or guard, represent [himself] oneself to be, hold [himself] oneself out as, list [himself] oneself or advertise as a private detective or guard or as furnishing detective investigating services or guard services without first obtaining a license as a private detective or guard from the board of detectives and guards upon payment of a licensing fee of [\$25 [37.50]] \$37.50 a year and no corporation, partnership, or association shall engage in the business of private detective or guard, represent itself to be, hold itself out as, list itself or advertise as a private detective or guard agency or bureau or as furnishing detective, investigating, or guard services without first obtaining a license as a private detective or guard agency from the board upon payment of a licensing fee of [\$25 [37.50]] \$37.50 a year.”

SECTION 3. Section 463-6, Hawaii Revised Statutes, is amended to read as follows:

**"§463-6 Private detective; qualifications for license.** The board of detectives and guards may grant a private detective license to [any suitable citizen of the United States and to] any suitable person, corporation, partnership, or association making written application therefor. The applicant, if an individual, or the principal detective of a corporation, shall [have been] be a resident of the State [for not less than one year immediately prior to the filing of application for license], shall be not less than twenty-two years of age, shall have a high school education or its equivalent, and shall have had experience reasonably equivalent to at least four years of full-time investigational work. The applicant shall disclose whether the applicant has received treatment for any psychiatric or psychological disorder, or whether such treatment has ever been recommended, and shall not have been convicted in any jurisdiction of a crime which reflects unfavorably on the fitness of the applicant to engage in the profession, provided such sentence has not been annulled or expunged by court order. Any licensee may employ as many agents, operatives, and assistants as [he deems] necessary for the conduct of [his]business, provided such licensee, or the principal detective if a corporation is the employer, shall be held responsible for the acts of those employees while they are acting within the scope and purpose of the licensee's business. Employees shall have an eighth grade education or its equivalent. The employee shall disclose whether the employee has received treatment for any psychiatric or psychological disorder, or whether such treatment has ever been recommended, and shall not have been convicted in any jurisdiction of a crime which reflects unfavorably on the fitness of the employee to engage in the profession, provided there has not been any order annulling or expunging the sentence."

SECTION 4. Section 463-7, Hawaii Revised Statutes, is amended to read as follows:

**"§463-7 Guard license required.** No person, firm, partnership, or corporation shall engage in the business of guard for the purpose of protecting persons or property or to prevent theft or unlawful taking of goods, wares, merchandise, money, bonds, documents, or other articles of value for hire or reward or represent [himself or itself] oneself to be, or hold [itself] oneself out as such without first obtaining a license as a guard or guard agency from the board of detectives and guards upon payment of a licensing fee of [\$25 [37.50]] \$37.50 a year."

SECTION 5. Section 463-8, Hawaii Revised Statutes, is amended to read:

**"§463-8 Guard; qualifications for license.** The board of detectives and guards may grant a guard or a guard agency license to [any suitable citizen of the United States and to] any suitable person, corporation, partnership, or association making written application therefor. The applicant, if an individual, or the principal guard in the case of a corporation, shall [have been] be a resident of the State [for not less than one year immediately prior to the filing of application for license], shall be not less than twenty-two years of age, shall have a high school education or its equivalent, and shall have had experience reasonably equivalent to at least four years of full-time guard work. The applicant shall disclose whether the applicant has received treatment for any psychiatric or psychological disorder, or whether such treatment has ever been recommended, and shall not have been convicted in

any jurisdiction of a crime which reflects unfavorably on the fitness of the applicant to engage in the profession, provided such sentence has not been annulled or expunged by court order. Any licensee may employ as many agents, operatives, and assistants as [he deems] necessary for the conduct of [his] business, provided such licensee, or the principal guard if the employer is a corporation, shall be held responsible for the acts of those employees while they are acting within the scope and purpose of the licensee's business. Employees shall have an eighth grade education or its equivalent. The employee shall disclose whether the employee has received treatment for any psychiatric or psychological disorder, or whether such treatment has ever been recommended, and shall not have been convicted in any jurisdiction of a crime which reflects unfavorably on the fitness of the employee to engage in the profession, provided there has not been any order annulling or expunging the sentence."

SECTION 6. Section 463-8.5, Hawaii Revised Statutes, is amended to read as follows:

**"[[§463-8.5]] Guards; concurrent employment.** No person shall engage in the business of guard when the guard work is concurrent with other duties performed under the agreement of employment or when the guard work is not the principal fact of the employment without first obtaining a license as a guard."

SECTION 7. Section 463-9, Hawaii Revised Statutes, is amended to read as follows:

**"§463-9 Form of application for license.** Application for such license shall be made under oath on a form to be furnished by the board of detectives and guards which form may require a statement of the applicant's full name, age, date and place of birth, residence and business address, the business or occupation the applicant has engaged in for ten years immediately preceding the date of the filing of the application with names and addresses of employers, the date and place of any arrest or conviction of a crime [of a felony] where there has not been any order annulling or expunging the sentence or of any offense involving moral turpitude, whether the applicant has received treatment for any psychiatric or psychological disorder, or whether such treatment has ever been recommended, and such information, including fingerprints of the applicant and such other information as the board may require to investigate the character, competency, and integrity of the applicant. The board shall conduct such investigation of the applicant's background, character, competency, and integrity as it deems appropriate, and shall request criminal history records of the applicant from each jurisdiction in which the application form indicates the applicant lived for any substantial period of time. The police departments of the counties of this State shall provide such information on request to the board. The application shall be accompanied by affidavits of three reputable citizens of the State residing in the locality where the applicant proposes to conduct [his] business, stating that the applicant is a person of good moral character."

SECTION 8. Chapter 463, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§463-17 Provisions severable.** If any provision of this chapter or the application thereof to any person or circumstance should be held invalid by any

court, the invalidity shall not affect the other provisions or applications of the section which can be given effect without the invalid provisions or applications, and to this end the provisions of this section are severable.”<sup>1</sup>

SECTION 9. Statutory material to be repealed is bracketed. New material is underscored.<sup>2</sup>

SECTION 10. This Act shall take effect upon its approval.

(Approved May 18, 1983.)

**Notes**

1. Underscoring missing.
2. Edited pursuant to HRS §23G-16.5.