

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 26H-4, Hawaii Revised Statutes, is amended to read as follows:

"§26H-4 Repeal dates. (a) The following chapters are hereby repealed effective December 31, 1987:

- (1) Chapter 458 (Board of Dispensing Opticians)
- (2) Chapter 459 (Board of Examiners in Optometry)
- (3) Chapter 452 (Board of Massage)
- (4) Chapter 471 (Board of Veterinary Examiners)
- (5) Chapter 441 (Cemeteries and Mortuaries)
- [(6) Chapter 463 (Board of Detectives and Guards)]
- [(7)] (6) Chapter 455 (Board of Examiners in Naturopathy)

(b) The following chapters are hereby repealed effective December 31, 1988:

- (1) Chapter 465 (Board of Psychology)
- (2) Chapter 468E (Board of Speech Pathology and Audiology)
- (3) Chapter 468K (Travel Agencies)
- (4) Chapter 373 (Commercial Employment Agencies)
- (5) Chapter 442 (Board of Chiropractic Examiners)
- (6) Chapter 448 (Board of Dental Examiners)
- (7) Chapter 436E (Board of Acupuncture)

(c) The following chapters are hereby repealed effective December 31, 1989:

- (1) Chapter 444 (Contractors License Board)
- (2) Chapter 448E (Board of Electricians and Plumbers)
- (3) Chapter 464 (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)
- (4) Chapter 466 (Board of Public Accountancy)
- (5) Chapter 467 (Real Estate Commission)
- (6) Chapter 439 (Board of Cosmetology)
- (7) Chapter 454 (Mortgage Brokers and Solicitors)
- (8) Chapter 454D (Mortgage and Collection Servicing Agents)

(d) The following chapters are hereby repealed effective December 31, 1990:

- (1) Chapter 447 (Dental Hygienists)
- (2) Chapter 453 (Board of Medical Examiners)
- (3) Chapter 457 (Board of Nursing)
- (4) Chapter 460J (Pest Control Board)
- (5) Chapter 462A (Pilotage)
- (6) Chapter 438 (Board of Barbers)

(e) The following chapters are hereby repealed effective December 31, 1991:

- (1) Chapter 448H (Elevator Mechanics Licensing Board)
- (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
- (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
- (4) Chapter 460 (Board of Osteopathic Examiners)
- (5) Chapter 461 (Board of Pharmacy)
- (6) Chapter 461J (Board of Physical Therapy)
- (7) Chapter 463E (Podiatry)

(f) The following chapters are hereby repealed effective December 31, 1992:

- (1) Chapter 437 (Motor Vehicle Industry Licensing Board)
- (2) Chapter 437B (Motor Vehicle Repair Industry Board)
- (3) Chapter 440 (Boxing Commission)[.]

(g) The following chapter is hereby repealed effective December 31,

1997:

- (1) Chapter 463 (Board of Private Detectives and Guards)."

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 oneself to be, hold oneself out as, list 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 application[, examination] and license fees and no firm, 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 application and license fees."

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 person, corporation, partnership, or association making written application therefor. The applicant, if an individual, or the principal detective of a corporation, shall be a resident of the State, shall be not less than [twenty-two] eighteen 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 necessary for the conduct of 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. The employer, with the written authorization of the employee, may conduct a criminal history records check of all new employees directly through the Hawaii criminal justice data center upon certification to the board that the signature on the authorization is authentic and that the employee is employed in a guard or investigative capacity."

ACT 57

SECTION 4. Section 463-8, Hawaii Revised Statutes, is amended to read as follows:

“§463-8 Guard; qualifications for license. The board [of detectives and guards] may grant a guard or a guard agency license 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 be a resident of the State, shall be not less than [twenty-two] eighteen 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 necessary for the conduct of 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. The employer, with the written authorization of the employee, may conduct a criminal history records check of all new employees directly through the Hawaii criminal justice data center upon certification to the board that the signature on the authorization is authentic and that the employee is employed in a guard or investigative capacity.”

SECTION 5. 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 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] Hawaii criminal justice data center 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 business, stating that the applicant is a person of good moral character.] director of commerce and consumer affairs.”

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 29, 1987.)