

By: Representatives Baker, Espy

To: Judiciary A

HOUSE BILL NO. 713

1 AN ACT TO CREATE THE MISSISSIPPI PRIVATE INVESTIGATION  
2 REGULATORY ACT; TO PROVIDE DEFINITIONS FOR SUCH ACT; TO PROVIDE  
3 ALL PERSONS ACTING AS PRIVATE INVESTIGATORS BE LICENSED; TO CREATE  
4 THE PRIVATE INVESTIGATION BOARD; TO PROVIDE FOR MEMBERSHIP AND  
5 TERMS OF THE MEMBERS OF SUCH BOARD; TO PROVIDE THAT THE BOARD IS A  
6 QUASI-JUDICIAL BODY; TO CREATE THE MISSISSIPPI PRIVATE  
7 INVESTIGATION BOARD FUND; TO PROHIBIT UNLICENSED PERSONS FROM  
8 ACTING AS PRIVATE INVESTIGATORS; TO PROVIDE THE CRITERIA FOR  
9 OBTAINING A PRIVATE INVESTIGATOR'S LICENSE; TO GRANDFATHER IN  
10 CERTAIN PERSONS OPERATING AS PRIVATE INVESTIGATORS AS OF THE  
11 EFFECTIVE DATE OF THIS ACT; TO PROVIDE A PROCEDURE FOR ACCEPTING  
12 APPLICATIONS UNDER THIS ACT; TO REQUIRE THE BOARD TO CREATE  
13 PRIVATE INVESTIGATOR LICENSES; TO REQUIRE A PRIVATE INVESTIGATOR  
14 TO HAVE SUCH LICENSE WHILE WORKING AS AN INVESTIGATOR; TO PROVIDE  
15 FEES FOR SUCH LICENSE; TO PROVIDE FINES FOR VIOLATIONS OF THIS  
16 ACT; TO EXCLUDE CERTAIN PERSONS FROM THE PROVISIONS OF THIS ACT;  
17 TO CREATE THE DIVISION OF INVESTIGATION AS THE BOARD'S OFFICIAL  
18 INVESTIGATIVE AGENCY; AND FOR RELATED PURPOSES.

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

20 **SECTION 1.** This act shall be known and may be cited as the  
21 "Mississippi Private Investigation Regulatory Act."

22 **SECTION 2.** The following terms shall have the following  
23 meanings, unless the content clearly states otherwise:

24 (a) "Felony" means a criminal offense that is defined  
25 and punishable as a felony under the laws of this state, or an  
26 offense committed outside the State of Mississippi, which if



27 committed in this state, would constitute a felony under  
28 Mississippi law; a crime in any other state or a crime against the  
29 United States which is designated as a felony; or an offense in  
30 any other state, territory, or country punishable by imprisonment  
31 for a term exceeding one (1) year.

32 (b) "Private investigation" means the compensated act  
33 of any individual or company engaging in the business of obtaining  
34 or furnishing information with reference to any of the following:

35 (i) A crime committed or threatened against the  
36 United States or any state or territory of the United States.

37 (ii) The identity, habits, conduct, business,  
38 occupation, honesty, integrity, credibility, including, but not  
39 limited to, the credibility of a person giving testimony in a  
40 criminal or civil proceeding, knowledge, trustworthiness,  
41 efficiency, loyalty, activity, movement, whereabouts,  
42 affiliations, associations, transactions, acts, reputations, or  
43 character of a person.

44 (iii) The location, disposition, or recovery of  
45 lost or stolen property.

46 (iv) The cause or responsibility for fires,  
47 losses, accidents, damages, or injuries to persons or to property.

48 (c) "Private Investigator" means either:

49 (i) A person who, for compensation, performs one  
50 (1) or more of the private investigation services defined and  
51 regulated by this act.



52 (ii) A person who, for consideration, advertises  
53 as providing or performing private investigation. The term does  
54 not include an informant who, on a one-time or limited basis, as a  
55 result of a unique expertise, ability, or vocation, and who  
56 provides information or services while under the direction and  
57 control of a licensee of the board, that would otherwise be  
58 included in the definition of private investigation; or

59 (iii) A person who is engaged in private  
60 investigation as defined herein and who is licensed in accordance  
61 with this act.

62 **SECTION 3.** No person shall practice private investigation or  
63 hold himself or herself out to the public as a private  
64 investigator or use any term, title, or abbreviation that  
65 expresses, infers, or implies that the person is licensed as a  
66 private investigator unless the person, at the time of the action  
67 described in this section, holds a valid license to practice  
68 private investigation as provided in this act. All applicants  
69 shall pass a criminal background check.

70 **SECTION 4.** (1) There is created the Mississippi Private  
71 Investigation Board. The membership of the board shall reflect  
72 the racial, gender, geographic, urban, rural, and economic  
73 diversity of the state.

74 (2) Members of the board shall have had five (5) years of  
75 experience as an investigator prior to his or her appointment.  
76 From and after August 1, 2020, all members who are private



77 investigators shall be licensed pursuant to this act as a private  
78 investigator for a period of at least five (5) years before his or  
79 her appointment.

80 (3) The following members shall be appointed to the board:

81 (a) Three (3) persons appointed by the Governor, two  
82 (2) of whom shall be private investigators in this state and one  
83 (1) of whom shall be a consumer who utilizes private investigative  
84 services will represent the public at large. The Governor shall  
85 appoint the three (3) members to initial terms of three (3) years.  
86 Thereafter, successor members shall be appointed for terms of four  
87 (4) years.

88 (b) One (1) person, who shall be a private  
89 investigator, appointed by the Lieutenant Governor. The Lieutenant  
90 Governor shall appoint the member for an initial term of two (2)  
91 years. Thereafter, successor members shall be appointed for terms  
92 of four (4) years.

93 (c) One (1) person, who shall be a private  
94 investigator, who is appointed by the Speaker of the House of  
95 Representatives. The Speaker of the House of Representatives  
96 shall appoint the member for an initial term of two (2) years.  
97 Thereafter, successor members shall be appointed for terms of four  
98 (4) years.

99 (d) One (1) person, who shall be a private  
100 investigator, appointed by the Attorney General. The Attorney  
101 General shall appoint the member for an initial term of two (2)



102 years. Thereafter, successor members shall be appointed for terms  
103 of four (4) years.

104 (e) One (1) person, who shall be a Mississippi licensed  
105 attorney in good standing, to be appointed by the Mississippi  
106 State Bar Association for an initial term of four (4) years.  
107 Thereafter, successor members shall be appointed for terms of four  
108 (4) years.

109 (f) One (1) person, who shall be a private  
110 investigator, appointed by the Mississippi Private Investigators  
111 Association. The association shall appoint the member for an  
112 initial term of four (4) years. Thereafter, a successor member  
113 shall be appointed for a term of four (4) years.

114 (4) Following the initial appointments, all successor  
115 members of the board shall be appointed for a term of four (4)  
116 years and shall serve until their successors are appointed.

117 (5) Any vacancy occurring on the board shall be filled by  
118 the appointing authority of the vacating seat of the unexpired  
119 term.

120 (6) No member may be appointed to succeed himself or herself  
121 for more than one (1) full term.

122 (7) The appointing authority may remove a member of the  
123 board for misconduct, incompetency, or willful neglect of duty.  
124 The board may recommend to the appointing authority suggested  
125 administrative actions that may be taken against a board member  
126 for missing an excessive amount of meetings.



127           (8) Each member of the board shall receive a certificate of  
128 appointment from the Governor before entering upon the discharge  
129 of the duties of the office.

130           **SECTION 5.** (1) The board is declared to be a quasi-judicial  
131 body. Absent negligence, wantonness, recklessness, or deliberate  
132 misconduct, the members and the employees of the board are granted  
133 immunity from civil liability and may not be liable for damages  
134 when acting in the performance of their duties under this act.

135           (2) Board members and employees shall be defended by the  
136 Attorney General in regard to any criminal or civil litigation  
137 filed against them based on the performance of their official  
138 duties under this act.

139           **SECTION 6.** At the initial meeting of the board and each time  
140 a new member is appointed to the board, the members of the board  
141 shall select from among their members a chair to preside over  
142 meetings of the board and a vice chair to preside in the absence  
143 of the chair.

144           **SECTION 7.** There is hereby created in the State Treasury for  
145 the use of the Mississippi Private Investigation Board a fund to  
146 be known as the Mississippi Private Investigation Board Fund. All  
147 application and license fees, penalties, fines, and any other  
148 funds collected by the board under the provisions of this act are  
149 to be deposited into this fund and used only to carry out the  
150 operations of the board. No monies shall be withdrawn or expended  
151 from the fund for any purpose unless the monies have been



152 appropriated by the Legislature and allocated pursuant to this  
153 act. Any monies appropriated shall be budgeted and allotted in  
154 the amounts provided by the Legislature in the general  
155 appropriations legislation.

156 **SECTION 8.** (1) The board may promulgate rules necessary to  
157 implement this act and accomplish its objectives subject to the  
158 Mississippi Administrative Procedure Act.

159 (2) The board may promulgate and establish canons of ethics  
160 and minimum acceptable professional standards of practice for  
161 licensees within any rules that it adopts.

162 (3) The board may hire personnel necessary or as advisable  
163 to carry out the purposes and provisions of this act. With the  
164 exception of the executive director, all personnel shall be  
165 subject to the provisions of law governing state employees.

166 (4) The Attorney General shall provide legal services to the  
167 board and board employees in connection with official duties and  
168 actions of the board.

169 **SECTION 9.** (1) The board shall establish regular and  
170 special meetings for the purpose of transacting its business as  
171 provided by rules promulgated by the board. Notice of board  
172 meetings and meetings of the board shall comply with the  
173 Mississippi Open Meetings Act.

174 (2) A majority of the board shall constitute a quorum at any  
175 meeting of the board.



176           **SECTION 10.** (1) Except as otherwise provided in this act,  
177 it shall be unlawful for any person to act as a private  
178 investigator without first obtaining a license from the board.  
179 For prosecution purposes, a violation of this act is classified as  
180 a misdemeanor.

181           (2) Each person licensed in accordance with this act shall  
182 designate to the board, a physical address where his or her  
183 records are to be kept.

184           **SECTION 11.** An application and all information on an  
185 application for licensure as a private investigator shall be  
186 treated as confidential and shall be filed with the board on forms  
187 prescribed by the board. The application shall include all of the  
188 following information of the applicant:

189           (a) His or her full name.

190           (b) His or her date and place of birth.

191           (c) All residences during the immediate past five (5)  
192 years.

193           (d) All employment or occupations engaged in during the  
194 immediate past five (5) years.

195           (e) Three (3) sets of classifiable fingerprints.

196           (f) A list of convictions and pending charges involving  
197 a felony or misdemeanor in any jurisdiction.

198           **SECTION 12.** (1) Each individual applicant shall meet the  
199 following criteria that he or she:

200           (a) Is at least twenty-one (21) years of age.





201 (b) Has not been declared by any court of competent  
202 jurisdiction incompetent by reason of mental defect or disease  
203 unless a court of competent jurisdiction has subsequently declared  
204 the applicant competent.

205 (c) Has not been convicted of a crime of moral  
206 turpitude, with the board having the final determination on the  
207 interpretation of moral turpitude.

208 (d) Has not been convicted of a felony crime.

209 (e) Has passed an examination to be administered twice  
210 annually by the board designed to measure knowledge and competence  
211 in the investigation field.

212 (2) A study guide shall be provided to any applicant seeking  
213 to obtain an initial or renewal license under this act.

214 (3) Any person operating or engaged in business as a private  
215 investigator before the effective date of this act shall not be  
216 required to meet the initial application requirements of this act,  
217 but shall be issued a license pursuant to this act upon  
218 application to the board. In order to be eligible for a license  
219 under this subsection (3), the person shall submit an application  
220 to the board with at least the following:

221 (a) The name of the person's business;

222 (b) The taxpayer identification number; and

223 (c) Any other information required by the board. The  
224 board shall review the application, determine whether the



225 applicant qualifies for licensing under this subsection (3) and  
226 notify the applicant of its decision.

227        SECTION 13. (1) Upon receipt of an application for a  
228 license pursuant to this act, nonrefundable, nonprorateable  
229 application fees shall be submitted to this board by the applicant  
230 for the following services:

231           (a) A request that the Mississippi Bureau of  
232 Investigation compare the fingerprints submitted with the  
233 application to fingerprints filed with the Mississippi Bureau of  
234 Investigation. On subsequent applications, the Mississippi Bureau  
235 of Investigation, at the request of the board, shall review its  
236 criminal history files based upon the name, date of birth, sex,  
237 race, and social security number of an applicant whose  
238 fingerprints have previously been submitted to the bureau of any  
239 new information since the date of the fingerprint comparison, and  
240 shall furnish any information thereby derived to the board.

241           (b) A request to submit the fingerprints to the Federal  
242 Bureau of Investigation for a search of its files to determine  
243 whether an individual fingerprinted has any recorded convictions.

244        (2) After the approval of the application by the board, the  
245 board shall issue a license in a form prescribed by the board to  
246 each qualified applicant upon its receipt of a nonrefundable,  
247 nonprorateable private investigator license fee as set by the  
248 board.



249 (3) (a) If an application for a license is denied, the  
250 board shall notify the applicant in writing and specify the  
251 grounds for denial. If the grounds are subject to correction by  
252 the applicant, the notice shall so state and specify a reasonable  
253 period of time within which the applicant shall make the required  
254 correction.

255 (b) The applicant may submit an application for  
256 reconsideration to the board within thirty (30) days from the date  
257 of receipt of denial.

258 (4) The board shall issue a license to all licensees that  
259 shall be at least 8"X10" in size and shall be displayed on a wall  
260 of the workplace of the licensee. This license shall be deemed  
261 property of the State of Mississippi and subject to forfeiture to  
262 the state upon revocation.

263 **SECTION 14.** (1) The board shall issue to every private  
264 investigator licensee an identification card, which shall be  
265 issued in credit card size, be permanently laminated, and contain  
266 the following information of the licensee:

- 267 (a) Name.  
268 (b) Photograph.  
269 (c) Physical characteristics.  
270 (d) Private investigator's license number.  
271 (e) Expiration date of license.



272 (2) The identification card shall be carried on the person  
273 of the licensee when engaged in the activities of the licensee as  
274 a private investigator.

275 **SECTION 15.** Making a false statement to the board shall be  
276 punishable by a civil penalty not to exceed One Thousand Dollars  
277 (\$1,000.00).

278 **SECTION 16.** Upon receipt of an application and applicable  
279 fees, the board shall conduct an investigation to determine  
280 whether the statements made in the application are true.

281 **SECTION 17.** (1) All licenses issued or renewed under this  
282 act shall be valid for a period of two (2) years from the date of  
283 issuance. The board shall provide each licensee with a renewal  
284 application sixty (60) days before the expiration of the license.

285 (2) Each application for renewal shall be reviewed for  
286 criminal convictions and civil fraud findings.

287 (3) An administrative late fee not exceeding Two Hundred  
288 Dollars (\$200.00) as prescribed by the board shall be assessed on  
289 any renewal application postmarked after the expiration date of  
290 the license.

291 (4) No renewal application may be accepted more than thirty  
292 (30) days after the expiration date of the license.

293 **SECTION 18.** (1) The board may suspend, revoke, or refuse to  
294 issue or renew any license issued by it upon finding that the  
295 holder or applicant has committed any of the following acts:



296 (a) A violation of this act or any rule promulgated  
297 pursuant to this act.

298 (b) Fraud, deceit, or misrepresentation regarding an  
299 application or license.

300 (c) Knowingly and willfully making a material  
301 misstatement in connection with an application for a license or  
302 renewal.

303 (d) A conviction by a court of competent jurisdiction  
304 of a felony.

305 (e) A conviction by a court of competent jurisdiction  
306 of a misdemeanor, if the board finds that the conviction reflects  
307 unfavorably on the fitness of the person for the license.

308 (f) The commission of any act which would have been  
309 cause for refusal to issue the license or identification card had  
310 it existed and been known to the board at the time of issuance.

311 (2) In addition to, or in lieu of, any other lawful  
312 disciplinary action under this section, the board may assess a  
313 civil penalty not exceeding Two Thousand Dollars (\$2,000.00) for  
314 each violation.

315 (3) A license may be suspended for the remaining license  
316 period and renewed during any period in which the license was  
317 suspended.

318 **SECTION 19.** No licensee or applicant shall be required to  
319 obtain any authorization or license from, or pay any other fee or  
320 post a bond in, any municipality, county, or other political



321 subdivision of this state to engage in any activity regulated  
322 under this act.

323 **SECTION 20.** The board may negotiate and enter into  
324 reciprocal agreements with the appropriate officials in other  
325 states to permit licensed investigators who meet or exceed the  
326 qualifications established in this act to operate in reciprocal  
327 states under mutually acceptable terms.

328 **SECTION 21.** The board shall provide a copy of this act and  
329 any rules promulgated under this act to the following:

330 (a) Each licensee, upon issuance of an original  
331 license, and every two (2) years thereafter upon license renewal.

332 (b) Any other person, upon request, for a reasonable  
333 fee established by the board.

334 **SECTION 22.** (1) The following acts when committed by an  
335 individual licensed as a private investigator in Mississippi shall  
336 constitute a violation punishable as a misdemeanor:

337 (a) To knowingly make a material misrepresentation as  
338 to the ability of the individual to perform the investigation  
339 required by a potential client in order to obtain employment.

340 (b) To make unsubstantiated monetary charges to a  
341 client for services not rendered or transportation not utilized.

342 (c) To knowingly make a false report to a client in  
343 relation to the investigation performed for a client.

344 (d) To continue an investigation for a client when it  
345 becomes obvious to the investigator that a successful completion



346 of an investigation is unlikely without first advising the client  
347 and obtaining the approval of the client for continuation of the  
348 investigation.

349 (e) To reveal information obtained for a client during  
350 an investigation to another individual except as required by law.

351 (2) Persons licensed pursuant to this act shall report any  
352 suspected instances of child abuse or neglect to a local law  
353 enforcement agency or the Department of Human Services, or both.

354 **SECTION 23.** The Mississippi Administrative Procedures Act  
355 shall govern all matters and procedures respecting the hearing and  
356 judicial overview of any contested case.

357 **SECTION 24.** This act shall not apply to the following:

358 (a) An employee of any business or entity that is not  
359 primarily engaged in the business of private investigation when  
360 that employee is performing duties related to his or her  
361 employment.

362 (b) An investigation of the internal affairs of a  
363 private business entity investigating a current or prospective  
364 employee.

365 (c) An employee of any business or entity that is not  
366 primarily engaged in the business of private investigation when  
367 that employee is working under a contract for his or her services  
368 that his or her employer signed with a third party.

369 (d) Any person or professional, including, without  
370 limitation, an attorney providing legal services, who is not



371 primarily engaged in the business of private investigation, but  
372 who in conjunction with his or her business or profession may  
373 occasionally perform private investigation services.

374 (e) Any business or entity that is not primarily  
375 engaged in the business of private investigation.

376 (f) A consumer reporting agency as defined by the  
377 Federal Fair Credit Reporting Act.

378 (g) Any certified public accountant authorized to  
379 engage in the practice of public accountancy in the state or any  
380 entity licensed or otherwise permitted to engage in the practice  
381 of public accountancy in this state or the affiliated entities  
382 thereof.

383 (h) Any person who is:

384 (i) An attorney at law in good standing and  
385 licensed to practice law;

386 (ii) An employee of a single attorney or single  
387 law firm who is acting within the employee's scope of employment  
388 for the attorney or law firm; or

389 (iii) A consultant, accident reconstructionist,  
390 or forensic scientist when the person is retained by an attorney,  
391 insurance company representative, or appointed by a court to serve  
392 as an expert witness or to investigate, or to make tests, conduct  
393 experiments, draw conclusions, render opinions or make diagnoses,  
394 where those services require the use of training or experience in  
395 technical, scientific, or social science field.





396 (i) Any individual engaged in any of the following:

397 (i) Computer or digital forensic services.

398 (ii) The acquisition, review, or analysis of  
399 digital or computer-based information in order to obtain or  
400 furnish information for evidentiary or other purposes or to  
401 provide expert testimony before any court, board, officer, or  
402 investigating committee.

403 (iii) Network or system vulnerability testing,  
404 including network scans and risk assessment and analysis of  
405 computers connected to a network.

406 **SECTION 25.** (1) There is created within the board a  
407 Division of Investigation that shall be the board's official  
408 investigative agency.

409 (2) Each licensee shall provide to the investigative  
410 division staff all records that pertain to the exact nature of the  
411 complaint under investigation and upon the issuance of a subpoena.

412 (3) The board or an executive director of the board may  
413 subpoena those persons or documents necessary to any investigation  
414 undertaken under this act if other means including, but not  
415 limited to, notification by return receipt registered United  
416 States mail, have not produced the desired results. Any subpoena  
417 issued shall be limited to investigations by the board of its  
418 members and shall not extend to any other matter.



419           **SECTION 26.** (1) Each licensee shall complete eight (8)  
420 hours of continuing professional education acceptable to the board  
421 in each calendar year.

422           (2) The board shall make every effort to ensure at least one  
423 (1) seminar per year will be held in each congressional district  
424 of the state providing an opportunity to fulfill the continuing  
425 education requirements of this section, which shall include at  
426 least one (1) hour per year on ethics.

427           (3) The board shall promulgate rules necessary to carry out  
428 this section.

429           **SECTION 27.** (1) Any person offering private investigation  
430 training must first be certified by the board. The board shall  
431 ensure that the instructors employed by the training provider  
432 possess both the experience and academic credentials to ensure  
433 that the curriculum and instruction will be beneficial to those  
434 seeking to enter the profession. In order to qualify as a  
435 certified trainer or instructor, or both, the trainer shall meet  
436 the following criteria that he or she:

437                   (a) Is twenty-one (21) years of age.

438                   (b) Has had at least three (3) years' experience  
439 satisfactory to the board with an investigative company or  
440 proprietary entity or with any federal, United States military,  
441 state, county, or municipal law enforcement agency relating to the  
442 block of instruction.



443 (c) Is personally qualified to conduct the training  
444 required by this act and is certified by the board which shall  
445 establish standards for the instruction process.

446 (2) A certified trainer, in his or her discretion, may  
447 instruct personally or use a combination of personal, instruction,  
448 audio, and visual training aids.

449 (3) To assist in the implementation of a training program,  
450 the certified trainer may use as an assistant trainer any person  
451 who meets each of the following requirements that the assistant:

452 (a) Is nineteen (19) years of age.

453 (b) Has had at least one (1) year of experience with an  
454 investigative company or any United States military, state,  
455 county, or municipal law enforcement agency.

456 (4) A certified trainer may be an employee of a private  
457 investigative or propriety agency or, if not, employed by an  
458 agency as a company under this act.

459 (5) The certified trainer shall certify that he or she has  
460 successfully completed the training and shall submit the  
461 certification to the board.

462 (6) The training program, fees, and requirements shall be  
463 established by rules promulgated by the board.

464 **SECTION 28.** No criminal or civil action taken under this act  
465 precludes a prosecution or action under any other law of this  
466 state.



467           **SECTION 29.** The Mississippi Private Investigation Board is  
468 subject to the provisions of the Mississippi Sunset Law of 1981.  
469 The board shall automatically terminate on October 1, 2016, and  
470 every four (4) years thereafter, unless a bill is passed that it  
471 be continued, modified, or reestablished.

472           **SECTION 30.** This act shall take effect and be in force from  
473 and after July 1, 2015.

