

**Not Germane
AMENDMENT NO 2 PROPOSED TO**

Cmte Sub for House Bill No. 1301

BY: Representative Malone

1 **AMEND** by inserting the following after line 814 and
2 renumbering the succeeding section:

3 "**SECTION 30.** The Legislature of Mississippi declares that it
4 is in the best interest of the citizens of Mississippi to require
5 the licensure of private investigators and businesses.

6 The purpose of this act is to require qualifying criteria in
7 a professional field in which unqualified individuals may injure
8 the public. The requirements of this act shall contribute to the
9 safety, health and welfare of the people of Mississippi.

10 **SECTION 31.** This act shall be known and may be cited as the
11 "Private Investigators Law."

12 **SECTION 32.** As used in this act, the following terms shall
13 have the meanings ascribed to them unless the context clearly
14 requires otherwise:

15 (a) "Applicant" means a person who seeks to be examined
16 for licensure or certification by the board.

17 (b) "Board" means the Mississippi State Board of
18 Private Investigator Examiners within the Department of Public
19 Safety.

20 (c) "Contract private investigator company" means any
21 person engaged in the business of providing, or which undertakes

22 to provide, an investigator on a contractual basis for another
23 person.

24 (d) "Executive director" means the chief administrative
25 officer of the board.

26 (e) "Licensee" means any person to whom a license is
27 granted in accordance with the provisions of this act and who may
28 certify the successful completion of the required minimum training
29 for private investigator apprentices.

30 (f) "Person" means an individual, firm, association,
31 company, partnership, corporation, nonprofit organization or other
32 legal entity.

33 (g) "Principal corporate officer" means the president,
34 treasurer, secretary, or comptroller or any other persons who
35 performs functions for the corporation corresponding to those
36 performed by the foregoing officers.

37 (h) (i) "Private investigator" or "private detective"
38 means any person who holds out to the general public and engages
39 in the business of furnishing or who accepts employment to furnish
40 information or who agrees to make or makes an investigation for
41 the purpose of obtaining information with reference to the
42 following:

43 1. Crimes or wrongs committed.

44 2. Identity, habits, conduct, business,
45 occupations, honesty, integrity, credibility, knowledge,
46 trustworthiness, efficiency, loyalty, activity, movement,
47 whereabouts, affiliations, associations, transactions, acts,
48 reputation or character of any person.

49 3. The location, disposition or recovery of
50 stolen property.

51 4. The cause or responsibility for fires,
52 libels, losses, accidents, damages or injuries to persons or to
53 properties. However, scientific research laboratories, technical

54 experts and licensed engineers shall not be included in this
55 definition.

56 5. Securing evidence to be used before any
57 court, board, officer or investigative committee.

58 (ii) The definition "pi" or "pdetc" shall not
59 include any of the following:

60 1. Insurer employees or agents and insurance
61 adjusters or claims agents who make appraisals for the monetary
62 value or settlement of damages or monetary value or settlement of
63 personal injuries.

64 2. An officer or employee of the United
65 States, this state or any political subdivision of either while
66 such officer or employee is engaged in the performance of his or
67 her official duties within the course and scope of his or her
68 employment with the United States, this state or any political
69 subdivision.

70 3. A person engaged exclusively in the
71 business of obtaining and furnishing information as to the
72 financial rating or credit worthiness of persons.

73 4. An attorney at law licensed to practice in
74 this state and his or her employees.

75 5. Undercover agents working with the United
76 States, this state or any political subdivision while engaged in
77 the performance of their official duties.

78 6. A person primarily engaged in the business
79 of furnishing confidential information for the purposes of a
80 consumer reporting agency, as defined by the Federal Fair Credit
81 Reporting Act, 15 USCS 1681 et seq.

82 7. A person licensed by the Mississippi State
83 Board of Private Security Examiners only when investigating at his
84 or her place of employment during the performance of his or her
85 duties.

86 8. A person or corporation which employs
87 persons who do private investigative work in connection with the
88 affairs of such employer exclusively and who have an
89 employer-employee relationship with such employer. Neither such
90 persons or corporations nor their employees shall be required to
91 register or be licensed under this act.

92 9. A person engaged as a professional
93 employment screening consultant conducting face-to-face interview
94 with an applicant or candidate for employment.

95 10. A certified public accountant licensed to
96 practice in this state and his or her employees.

97 (i) "Registrant" means an individual who holds a valid
98 registration card issued by the board.

99 (j) "Registration card" means the identification card
100 issued by the board to a registrant as evidence that the
101 registrant has met the required minimum qualifications to perform
102 the duties of a private investigator or apprentice.

103 **SECTION 33.** (1) The Mississippi State Board of Private
104 Investigator Examiners is hereby created within the Department of
105 Public Safety. The board shall be a body corporate and may sue
106 and be sued.

107 (2) The board shall be comprised of seven (7) members
108 appointed by the Governor. One (1) member shall be appointed from
109 each of the four (4) congressional districts and one (1) at large
110 as established by law and shall be a resident of the district from
111 which he or she is appointed. The Governor shall appoint one (1)
112 licensed attorney to serve on the board from the state at large
113 and one (1) member from the state at large appointed from a list
114 of names submitted by the Board of Directors of the Mississippi
115 Private Investigators Association. Each member of the board shall
116 be a citizen of the United States of America, a resident of
117 Mississippi, at least twenty-one (21) years of age and, except for

118 the attorney appointed from the state at large, shall have been
119 actively engaged in the private investigator business for the
120 previous five (5) years, earning at least ninety percent (90%) of
121 his or her gross income for the year preceding his or her
122 appointment from the private investigator business. No more than
123 two (2) board members may be employed by or affiliated with the
124 same agency. The initial board members shall not be required to
125 be licensed but shall obtain a license within one hundred eighty
126 (180) days after appointment to the board. Each subsequent member
127 shall be a licensed private investigator.

128 (3) The board shall be domiciled in Jackson, Mississippi,
129 and may meet at such other location in the state as may be
130 determined by the board.

131 (4) Each member shall serve at the pleasure of the Governor.
132 Each appointment by the Governor shall be submitted to the Senate
133 for confirmation.

134 (5) Any vacancy on the board caused by the death,
135 resignation or disability of a member shall be filled by
136 appointment by the Governor. A person appointed to fill a vacancy
137 on the board shall possess the same qualifications and residency
138 requirements as the person whose position on the board is being
139 filled by the appointment.

140 (6) Each member of the board shall receive a certificate or
141 commission from the Governor and before beginning his or her term
142 of office shall file with the Secretary of State a written oath or
143 affirmation for faithful discharge of his or her official duties.

144 (7) (a) No member of the board shall receive a per diem but
145 shall be reimbursed for actual expenses incurred when attending a
146 meeting of the board or any of its committees and for the time
147 spent on behalf of the board on official business, not to exceed
148 ten (10) days in any month.

149 (b) Each member shall be reimbursed, upon approval of
150 the board as evidenced by voucher, for all necessary travel,
151 incidental and clerical expenses incurred in carrying out the
152 provisions of this act.

153 **SECTION 34.** (1) The board shall:

154 (a) Examine all applicants desiring to be licensed as a
155 private investigator or private investigator agency in the State
156 of Mississippi.

157 (b) Administer a written examination for prospective
158 licensees at least twice each year in the City of Jackson.

159 (c) Adopt rules and regulations to govern the practice
160 of a private investigator in the State of Mississippi.

161 (d) Issue, suspend, modify or revoke license
162 certificates to practice as a private investigator or apprentice
163 in the State of Mississippi.

164 (e) Report to the Attorney General of the state all
165 persons violating the provisions of this act.

166 (f) Elect a chairman and vice chairman, each to serve a
167 term of two (2) years.

168 (g) Report, no later than October 1 of each year, to
169 the Governor, the Secretary of State, and the Legislature on its
170 activities.

171 (h) Adopt its official seal.

172 (2) The board may:

173 (a) Adopt and enforce such rules and regulations,
174 bylaws and rules of professional conduct as the board may deem
175 necessary and proper to regulate private investigator businesses
176 in the State of Mississippi, to provide for the efficient
177 operation of the board, and otherwise to discharge its powers,
178 duties and functions under the provisions of this act.

179 (b) Prescribe and adopt regulations, standards,
180 procedures and policies governing the manner and conditions under

181 which credit shall be given by the board for participation in
182 professional education such as the board may consider necessary
183 and appropriate to maintain the highest standards of the private
184 investigator industry in the State of Mississippi.

185 (c) Authorize any member of the board to make any
186 affidavit necessary for the issuance of any injunction or other
187 legal process authorized under this act or under the rules and
188 regulations of the board.

189 (d) Issue subpoenas to require attendance and testimony
190 and the production of documents, for the purpose of enforcing the
191 laws relative to the private investigator industry and securing
192 evidence of violations thereof.

193 (e) Maintain a current list of licensed private
194 investigators.

195 (f) Appoint a qualified executive director.

196 (g) Employ clerical assistance necessary to carry out
197 the administrative work of the board.

198 (h) Employ legal counsel to carry out the provisions of
199 this act. The fees of such counsel and the cost of all
200 proceedings except criminal prosecutions shall be paid by the
201 board from its own funds.

202 (i) Incur all necessary and proper expenses.

203 (3) The chairman and executive director of the board or, in
204 their absence, any other member of the board, may administer oaths
205 in the taking of testimony given before the board.

206 (4) The board shall meet quarterly at regular meetings each
207 year. A special meeting may be held at such time and place as
208 specified by the executive director on call of the chairman or any
209 four (4) members. The executive director shall give written
210 notice of all meetings to the members of the board and to the
211 interested public.

212 (5) Four (4) members of the board shall constitute a quorum
213 for all purposes, including the granting or issuance of licenses
214 and the rulemaking and adjudicative functions of the board.

215 (6) The board shall have the authority to:

216 (a) Request and obtain state and national criminal
217 history record information on any person applying for any license
218 or registration which the board is authorized by law to issue.

219 (b) Require any applicant for any license or
220 registration, which the board is authorized to issue, to submit
221 two (2) full sets of fingerprints, in a form and manner prescribed
222 by the board, as a condition to the board's consideration of his
223 or her application.

224 (c) Charge and collect from an applicant for any
225 license or registration which the board is authorized to issue, in
226 addition to all other applicable fees and costs, such amount as
227 may be incurred by the board in requesting and obtaining criminal
228 history record information on the applicant.

229 **SECTION 35.** (1) The position of executive director of the
230 board is hereby created. The executive director shall be
231 appointed by the board with consent of the Governor and shall
232 serve as the chief administrator of the board. He or she shall
233 not be a member of the board, but shall be a full-time
234 unclassified employee of the board who shall be paid compensation
235 in an amount to be determined by the board which shall not exceed
236 Fifty Thousand Dollars (\$50,000.00) annually. The office,
237 equipment and furnishings of the board and the executive director
238 shall be initially furnished by the Department of Public Safety
239 and Corrections.

240 (2) The executive director shall perform such duties as may
241 be prescribed by the board. He or she shall have no financial or
242 business interests, contingent dealings or otherwise, in the

243 private investigator industry while so employed or for a period of
244 two (2) years after termination of employment.

245 **SECTION 36.** (1) The board shall base the determination of
246 the satisfactory minimum qualifications for licensing on whether
247 or not the applicant satisfies the following criteria:

248 (a) Is of legal age.

249 (b) Is a citizen of the United States or a resident
250 alien holding proper documentation to work in the United States.

251 (c) Has not been convicted in any jurisdiction of any
252 felony or of any crime involving moral turpitude.

253 (d) Has not been declared by any court of competent
254 jurisdiction to be incompetent by reason of mental defect or
255 disease which has not been restored.

256 (e) Is not a practicing alcoholic or drug addict.

257 (f) If a corporation, shall be incorporated under the
258 laws of this state or shall be duly qualified to do business
259 within the state with a valid certificate of authority issued by
260 the Secretary of State, and shall have an agent for service of
261 process designated as required by law.

262 (2) If, in the discretion of the board, the applicant
263 provides inadequate information to allow the board to ascertain
264 whether the applicant satisfies the qualifications for licensure,
265 the applicant shall be required to provide additional information
266 for the purpose of the application, or may be required to present
267 himself or herself for an interview for this purpose.

268 (3) An applicant for licensing shall file with the board an
269 application form provided by the board. The form shall require
270 such relevant information about the applicant's character,
271 experience and background as the board may determine and the
272 following:

273 (a) If the applicant is an individual, the application
274 shall be subscribed and sworn to by such person before a notary
275 and two (2) witnesses.

276 (b) If the applicant is a partnership, the application
277 shall be subscribed and sworn to by each partner before a notary
278 and two (2) witnesses.

279 (c) If the applicant is a corporation, it shall be
280 subscribed and sworn to by at least two (2) principal corporate
281 officers before a notary and two (2) witnesses.

282 (d) Any individual signing a license application shall
283 submit with the license application classifiable impressions of
284 his fingerprints on a form approved by the board.

285 (4) Every person covered by this act within the state on
286 July 1, 2005, shall have one hundred eighty (180) days after the
287 board is duly constituted to apply to the board for a license to
288 operate. Any such person filing a timely application may continue
289 to engage in business pending a final determination of his
290 application.

291 **SECTION 37.** (1) As used in this section the following terms
292 shall have the following meaning:

293 (a) "Bureau" means the Mississippi Bureau of Criminal
294 Identification and Information of the office of state police
295 within the Department of Public Safety and Corrections.

296 (b) "Criminal history record information" means
297 information collected by state and federal criminal justice
298 agencies on individuals consisting of identifiable descriptions
299 and notations of arrests, detentions, indictments, bills of
300 information or any formal criminal charges, and any disposition
301 arising therefrom, including sentencing and criminal correctional
302 supervision and release, but does not include intelligence for
303 investigatory purposes, nor does it include any identification

304 information which does not indicate involvement of the individual
305 in the criminal justice system.

306 (c) "FBI" means the Federal Bureau of Investigation of
307 the United States Department of Justice.

308 (d) "Licensure" means any license or registration which
309 the board is authorized to issue.

310 (2) In addition to any other requirements established by law
311 or board rules, the board shall require an applicant, as a
312 condition for eligibility for licensure, to submit two (2) full
313 sets of fingerprints, on a form and in a manner prescribed by the
314 board, to permit the board to request and obtain state and
315 national criminal history record information on the applicant and
316 to charge and collect from the applicant, in addition to all other
317 applicable fees and costs, such amount as may be incurred by the
318 board in requesting and obtaining state and national criminal
319 history record information on the applicant.

320 (3) In accordance with the provisions and procedures
321 prescribed by this section, the board shall request and obtain
322 state and national criminal history record information from the
323 bureau within the FBI relative to any applicant for licensure
324 whose fingerprints the board has obtained pursuant to this section
325 for the purpose of determining the applicant's suitability and
326 eligibility for licensure.

327 (4) Upon request by the board and upon the board's
328 submission of an applicant's fingerprints, and such other
329 identifying information as may be required, the bureau shall
330 conduct a search of its criminal history record information
331 relative to the applicant and report the results of its search to
332 the board within sixty (60) days after receipt of any such
333 request. The bureau may charge the board a reasonable processing
334 fee for conducting and reporting the results of any such search.

335 (5) The board shall also forward the applicant's
336 fingerprints and such other identifying information as may be
337 required to the FBI with a request for a search of national
338 criminal history record information relative to the applicant.

339 (6) Any and all state or national criminal history record
340 information obtained by the board from the bureau or FBI which is
341 not already a matter of public record shall be deemed nonpublic
342 and confidential information restricted to the exclusive use of
343 the board, its members, officers, investigators, agents and
344 attorneys in evaluating the applicant's eligibility or
345 disqualification for licensure. No such information or records
346 related thereto shall, except with the written consent of the
347 applicant or by order of a court of competent jurisdiction, be
348 released or otherwise disclosed by the board to any other person
349 or agency.

350 **SECTION 38.** (1) The board is authorized to issue the
351 following types of licenses to qualified applicants:

352 (a) (i) "Private investigation agency license" issued
353 to any person or entity, where the individual seeking license or
354 the partner of the partnership seeking license or the principal
355 corporate officer of the corporation seeking license:

356 1. Has at least three (3) years experience
357 within the last ten (10) years either working as a private
358 investigator or in an investigative capacity; and

359 2. Satisfies all other requirements for
360 licensing.

361 (ii) The provisions of this paragraph requiring
362 investigative experience for licensing as a private investigator
363 agency shall not apply to any person or entity licensed as a
364 private investigator agency on July 1, 2005.

365 (b) "Private investigator license" issued to any
366 person, who satisfies the requirements for licensing and is
367 employed by a licensed private investigator agency.

368 (c) "Apprentice license" issued to any person who
369 satisfies the minimum requirements for licensing as an apprentice,
370 as established by rules and regulations promulgated by the board.

371 (2) The individual or the partner of the partnership or the
372 principal corporate officer of the corporation with the requisite
373 experience licensed to operate as a "private investigator agency"
374 may operate as a private investigator and hire others licensed as
375 a "private investigator."

376 (3) The individual licensed as a "private investigator" may
377 only operate as a private investigator if employed by a licensed
378 private investigator agency.

379 **SECTION 39.** (1) After receipt of an application for a
380 license, the board shall conduct an investigation to determine
381 whether the facts set forth in the application are true.

382 (2) Within sixty (60) days after receipt of an application,
383 the board shall either issue a license to the applicant or notify
384 him or her of a denial of the license application.

385 (3) If the board requires additional information from the
386 applicant to complete its investigation or otherwise to satisfy
387 the requirements of this act, or if the applicant has not
388 submitted all required information, the sixty-day period for
389 action by the board shall commence when the board has received all
390 such information.

391 (4) The board shall deny the application for a license if it
392 finds that the applicant, or the qualifying agent, or any of the
393 applicant's owners, partners or principal corporate officers have
394 committed any of the following:

395 (a) Violated any of the provisions of this act or the
396 rules and regulations promulgated by the board.

397 (b) Practiced fraud, deceit or misrepresentation.

398 (c) Knowingly made a material misstatement in the
399 application for a license.

400 (d) Failed to meet the qualifications of this act.

401 (e) Been convicted of a felony.

402 (5) The board may refuse to issue a license for good cause
403 shown.

404 **SECTION 40.** (1) The board shall determine the scope, form
405 and content of the examinations for licensure. The examination,
406 which shall be written, shall test the applicant's knowledge of
407 the private investigator business and his or her ability to apply
408 that knowledge and to assume responsible charge in the practice of
409 private investigator.

410 (2) The examination shall include such subject areas as
411 general federal and state constitutional principles and court
412 decisions related to activities which could result in liability
413 for invasion of privacy or other activities, search and seizure
414 laws in general, state criminal laws and related procedures, and
415 general weapons use and concealed weapons laws. The board shall
416 review and make use of nationally accepted and appropriate
417 examinations to the extent practical.

418 (3) The board shall conduct or contract for the conduct of a
419 forty-hour training class covering the subject areas of the
420 licensing examination and shall require completion of an approved
421 training class for a licensed applicant prior to the taking of the
422 examination.

423 **SECTION 41.** (1) The procedure of the board in approving or
424 denying an application shall be as follows:

425 (a) If the application is approved, the board shall
426 notify the applicant in writing that a license shall be issued.

427 (b) If the application is denied, the board shall
428 notify the applicant in writing and shall set forth the grounds
429 for denial.

430 (c) (i) If the grounds for denial are subject to
431 correction by the applicant, the notice of denial shall so state
432 and the applicant shall be given ten (10) days after receipt of
433 such notice, or, upon application, a reasonable additional period
434 of time within which to make the required correction.

435 (ii) If the application is denied, the applicant,
436 within thirty (30) days after receipt of notice of denial from the
437 board, may request a hearing on the denial. Within ten (10) days
438 after the filing of such request for hearing by the applicant, the
439 board shall schedule a hearing to be held after due notice to the
440 applicant. The hearing shall be conducted in accordance with the
441 Administrative Procedures Act.

442 (2) The board shall issue a license as a private
443 investigator to each applicant who meets the requirements of this
444 act, passes satisfactorily the examination administered by the
445 board and pays the required fee.

446 (3) Any applicant who fails an examination may be reexamined
447 upon expiration of at least thirty (30) days and upon filing a new
448 application and payment of the reexamination fee.

449 (4) A qualified agency or company in existence on July 1,
450 2005, may be licensed without an examination, upon approval of the
451 board, if application is made to the board before January 1, 2006.
452 In determining the qualifications of an applicant for licensing
453 under this subsection, an affirmative vote of at least four (4)
454 members of the board is required.

455 (5) Upon satisfactorily passing the examination administered
456 by the board and paying the required fee the following persons, if
457 otherwise qualified, may be licensed without the necessity of
458 taking the training course:

459 (a) Any person who was a commissioned law enforcement
460 officer in this state as of July 1, 2005, and who has a valid
461 certificate from a law enforcement training center accredited by
462 the Council on Peace Officer Standards and Training.

463 (b) Any person who was a commissioned law enforcement
464 officer prior to July 1, 2005, and who was certified under the
465 provisions of Section 45-6-11.

466 (c) Any person who was a commissioned law enforcement
467 officer in another state as of July 1, 2005, and who holds a
468 certificate from a law enforcement training center in that state
469 which meets the requirements that are comparable to that of
470 Mississippi.

471 **SECTION 42.** (1) The license, when issued, shall be in a
472 form prescribed by the board and shall include the following:

473 (a) Name of licensee.

474 (b) Business name under which the licensee is to
475 operate.

476 (c) Addresses of the locations where the licensee is
477 operating or will operate.

478 (d) Number and date of the license and its date of
479 expiration.

480 (2) No license shall be assigned or transferred either by
481 operation of law or otherwise.

482 (3) If a sale, assignment, transfer, merger or consolidation
483 of a business licensed under this act is completed, the purchaser,
484 assignee, transferee or surviving or new corporation, who is not
485 already a licensee, shall immediately apply for a license on a
486 form prescribed by the board which shall include the general
487 information required by this act.

488 (4) The purchaser, assignee, transferee or surviving or new
489 corporation shall be subject to the same general requirements and
490 procedures set forth in this act to the extent such sections are

491 applicable, and may continue the operation of that licensed
492 business until notified by the board of its final decision on the
493 new application for a license.

494 (5) For good cause shown, the board may extend the period
495 of time for filing the application required.

496 **SECTION 43.** (1) (a) Within seventy-two (72) hours after
497 receipt of the license certificate, the licensee shall cause the
498 license certificate to be posted and to be displayed at all times
499 in a conspicuous place in the principal office of the licensee
500 within the state.

501 (b) Copies of the license certificate shall be
502 displayed at all times in any other office within the state where
503 the licensee transacts business.

504 (c) Such license certificates, or copies thereof, shall
505 be subject to inspection at all reasonable times by the board.

506 (2) It shall be unlawful for any person holding such a
507 license certificate knowingly and willfully to post or to permit
508 the posting of the license certificate upon premises other than
509 those described in the license certificate, or knowingly and
510 willfully to alter such license certificate.

511 (3) (a) Each license certificate shall be surrendered to
512 the board within seventy-two (72) hours after it has been revoked
513 or after the licensee ceases to do business.

514 (b) If the board or a court of competent jurisdiction
515 has pending before it any matter relating to the renewal,
516 revocation or transfer of a license, the licensee shall not be
517 required to surrender the license certificate until the matter has
518 been adjudicated and all appeals have been exhausted.

519 (c) When the licensee receives final notice that its
520 license has been revoked, a copy of such notice shall be displayed
521 and posted in close proximity to the license certificate until the
522 licensee terminates operations.

523 **SECTION 44.** The licensee shall notify the board within
524 thirty (30) days of any changes in its officers, directors or
525 material change in the information previously furnished or
526 required to be furnished to the board, or of any occurrence which
527 could reasonably be expected to affect the licensee's right to a
528 license under this act.

529 **SECTION 45.** (1) (a) Each person who in performing the
530 functions and duties of a private investigator in this state on
531 July 1, 2005, shall have one hundred eighty (180) days after the
532 board is duly constituted to apply to the board for a registration
533 card.

534 (b) A registration card may be issued to an apprentice
535 by the board pending issuance of a permanent registration card.
536 The registration card for the apprentice shall be valid for not
537 more than one (1) year.

538 (c) Individuals required to obtain a registration card
539 under the provisions of this act shall request an application form
540 from this board and upon completion thereof shall immediately
541 forward the sworn application to the board.

542 (d) (i) The board shall prescribe by rule the form for
543 such applications and procedures for their submission,
544 consideration and disposition, including the fee to accompany the
545 application.

546 (ii) To be eligible to apply for a registration
547 card, an individual shall have the same qualifications required of
548 an applicant listed under Section 7 of this act.

549 (2) Each investigator shall carry his or her registration
550 card whenever he or she is performing the duties of a private
551 investigator, and it shall be exhibited upon request. The
552 registration card shall entitle the registrant to perform the
553 duties of a private investigator as long as the registrant
554 maintains his or her eligibility under the provisions of this act.

555 (3) The registration card shall bear the name of the
556 employer, an identifying number, photograph and any other
557 identifying data required by the board.

558 (4) After receipt of an application for a registration card,
559 the board shall conduct an investigation to determine whether the
560 facts set forth in the application are true. Actions by the board
561 to approve or deny an application for a registration card shall be
562 the same as that action taken to deny or approve an application
563 for license as provided under Section 12 of this act.

564 (5) (a) In the event that the board denies, suspends or
565 revokes a registration card, the cardholder, upon receipt of the
566 notice of denial, suspension or revocation, shall immediately
567 cease to perform the duties of a private investigator, unless
568 specifically authorized to continue work by order of the board or
569 by a court of competent jurisdiction within the state.

570 (b) Both the cardholder and the employer shall be
571 notified by the board of its final action to deny, suspend or
572 revoke a registration card.

573 (6) (a) Registration cards issued by the board shall be
574 valid for one (1) year. The registrant shall be required to
575 advise the board of any changes in his or her status or permanent
576 address during that period. The cardholder shall file a
577 registration card renewal form with the board not less than thirty
578 (30) days prior to the expiration of the card, together with the
579 fee for renewal. The renewal application shall include a
580 statement by the registrant that he or she continues to meet the
581 qualifications for a private investigator as set forth by the
582 board. The renewal application shall be accompanied by a
583 statement from the licensee that the registrant has satisfactorily
584 completed the required training as prescribed by the board.

585 (b) The board may refuse to renew a registration card
586 and shall promptly notify the cardholder of its intent to refuse.

587 The cardholder, within fifteen (15) days after receipt of such
588 notice, may request a hearing on the refusal, in the same manner
589 and in accordance with the same procedure as that provided in
590 Section 56 of this act.

591 (c) A licensee or employer shall notify the board
592 within ten (10) days after the death or termination of employment
593 of any of its employees who are registrants. Licensees or
594 employers subject to this act shall notify the board within ten
595 (10) days upon receipt of information relating to a registrant's
596 loss of eligibility to hold such a card.

597 (7) (a) Any individual who changes his or her permanent
598 residence to this state from any other state which the board
599 determines has selection, training and similar requirements at
600 least equal to those required under this act, and who holds a
601 valid registration, commission, identification or similar card
602 issued by the other state through the licensee, may apply for a
603 registration card on a form prescribed by the board upon the
604 payment of a transfer fee. Upon certification by the licensee
605 that the individual has completed the training prescribed by the
606 other state, the board shall issue the individual a registration
607 card.

608 (b) In the event that a person who holds a registration
609 card terminates employment with one (1) employer and is reemployed
610 within five (5) calendar days as an investigator with another
611 employer, the new employer, within seventy-two (72) hours of such
612 reemployment, shall submit to the board a notice of the change on
613 a form prescribed by the board, together with a transfer fee. The
614 board shall then issue a new registration card reflecting the name
615 of the new employer.

616 (c) Upon receipt of that new card, the cardholder shall
617 immediately return the old card to the board. The holder may
618 continue to work as an investigator for the new employer while the

619 board is processing the change in application. The holder of a
620 registration card who terminates employment and who is not
621 reemployed as an investigator within five (5) calendar days, shall
622 surrender, within twenty-four (24) hours of the fifth calendar
623 day, the registration card to the former employer. The employer
624 shall return the cancelled registration card to the board within
625 five (5) business days after receiving it.

626 (8) A registration card shall be subject to expiration and
627 renewal during the period in which the holder of the card is
628 subject to an order of suspension.

629 **SECTION 46.** (1) The board shall approve all training
630 programs.

631 (2) All training required by this act shall be administered
632 by a licensee who:

633 (a) Is approved by the board.

634 (b) Meets the qualifications of an applicant required
635 by Sections 7 and 8 of this act.

636 (c) Has a minimum of three (3) years supervisory
637 experience with a contract investigator company or proprietary
638 investigator organization.

639 **SECTION 47.** (1) The board shall assess the following
640 schedule of fees which shall not be refundable:

641 (a) Private investigator agency:

642 (i) Application fee..... \$ 25.00

643 (ii) Examination fee..... \$ 50.00

644 (iii) Reexamination fee..... \$ 25.00

645 (iv) Initial license fee..... \$200.00

646 (v) Annual renewal license fee..... \$200.00

647 (vi) Replacement fee for a lost, destroyed or
648 mutilated license..... \$ 25.00

649 (b) Private investigator or apprentice investigator:

650 (i) Application fee..... \$ 25.00

- 651 (ii) Examination fee..... \$ 50.00
- 652 (iii) Reexamination fee..... \$ 25.00
- 653 (iv) Initial license fee per investigator or
- 654 apprentice..... \$ 50.00
- 655 (v) Annual renewal license fee..... \$ 50.00

656 (c) The board shall assess a reasonable training class
657 fee not greater than an amount necessary to cover the actual costs
658 for the conduct of the training class.

659 (2) All fees shall be paid by check or money order made
660 payable to the board.

661 (3) Any fees payable by a registrant under this act, or paid
662 by a licensee on the registrant's behalf, or any deposits which
663 may be required by a licensee from a registrant under this act,
664 may be deducted from any wages payable to the registrant by the
665 licensee. However, no such deduction shall reduce the hourly wage
666 of the registrant below that required by the applicable minimum
667 wage law.

668 **SECTION 48.** (1) A license shall expire annually on the date
669 of issuance unless renewed by payment of the required renewal fee
670 at least thirty (30) days prior to its expiration. The board
671 shall notify the licensee of the renewal at his or her last known
672 address at least sixty (60) days in advance of the expiration and
673 on the expiration date. If a license is not renewed within thirty
674 (30) days after the expiration date, it shall be deemed to have
675 lapsed and to be invalid. The delinquent private investigator
676 business or the private investigator shall apply again for initial
677 licensure. If the license renewal is made prior to the thirty-day
678 grace period but after the expiration date, the private
679 investigator business shall pay a fine of Thirty-five Dollars
680 (\$35.00) and an additional Twenty Dollars (\$20.00) per
681 investigator.

682 (2) The board shall use the same license number when issuing
683 a renewed license as that issued for the original license or shall
684 deny renewal within thirty (30) days. The board shall promptly
685 notify the licensee if it refuses to renew the license.

686 (3) The licensee, within fifteen (15) days after receipt of
687 the board's notice of refusal, shall cease engaging in the private
688 investigator business.

689 **SECTION 49.** (1) A person holding a license to engage in the
690 private investigator business issued to him or her by a proper
691 authority of any state, territory or possession of the United
692 States, or the District of Columbia, which has licensing
693 requirements comparable to Mississippi, and who in the opinion of
694 the board otherwise meets the requirements of this act, upon
695 application, may be licensed without further examination.

696 (2) The board shall have the power to enter into an
697 agreement with other states or territories or possessions of the
698 United States or with the District of Columbia for reciprocity or
699 recognition of private investigators duly licensed by such states,
700 territories or possessions or the District of Columbia. The
701 agreements shall allow those investigators to provide and perform
702 private investigative work in Mississippi upon such terms as set
703 forth in the agreement.

704 **SECTION 50.** (1) The board may refuse to issue or may
705 suspend, revoke or impose probationary or other restrictions on
706 any license issued under this act for good cause shown which shall
707 include the following:

708 (a) Conviction of a felony or entry of a plea of guilty
709 or nolo contendere to a felony charge under the laws of the United
710 States or of any state.

711 (b) Deceit or perjury in obtaining any certificate or
712 license issued under this act.

713 (c) Providing false testimony before the board.

714 (d) Efforts to deceive or defraud the public.

715 (e) Professional incompetency or gross negligence.

716 (f) Rendering, submitting, subscribing or verifying
717 false, deceptive, misleading or unfounded opinions or reports.

718 (g) The refusal of the licensing authority of another
719 state to issue or renew a license, permit or certificate to
720 practice in that state, or the revocation of, suspension of, or
721 other restriction imposed on a license, permit or certificate
722 issued by such licensing authority.

723 (h) Aiding or abetting a person to evade the provisions
724 of this act or knowingly combining or conspiring with an
725 unlicensed person, or acting as an agent, partner, associate or
726 otherwise, of an unlicensed person with intent to evade provisions
727 of this act.

728 (i) Violation of any provision of this act or any rules
729 and regulations of the board or rules of professional conduct
730 promulgated by the board.

731 (2) The board, as a probationary condition or as a condition
732 of the reinstatement of any license suspended or revoked
733 hereunder, may require the holder to pay all costs of the board
734 proceedings, including investigators', stenographers' and
735 attorneys' fees.

736 (3) A majority vote of the board shall be required for the
737 revocation of any license. A majority vote of the board shall be
738 required for suspension of any license or the imposition of costs
739 or fines in excess of Five Hundred Dollars (\$500.00).

740 (4) Any license certificate suspended, revoked or otherwise
741 restricted by the board may be reinstated by majority vote of the
742 board.

743 **SECTION 51.** (1) It shall be unlawful for any person
744 knowingly to commit any of the following acts:

745 (a) Provide contract or private investigator service
746 without possessing a valid license.

747 (b) Employ an individual to perform the duties of a
748 private investigator who is not the holder of a valid registration
749 card.

750 (c) Designate an individual other than a private
751 investigator to circumvent the requirements of this act.

752 (d) Knowingly make any false statement or material
753 omission in any application filed with the board.

754 (e) Falsely represent that a person is the holder of a
755 valid license or registration.

756 (f) Violate any provision of this act or any rule or
757 regulation of the board.

758 (2) It shall be unlawful for any private investigator
759 knowingly to commit any of the following:

760 (a) Make any statement which would reasonably cause
761 another person to believe that the private investigator functions
762 as a sworn peace officer, or other official of the state or of any
763 of its political subdivisions, or an agency of the federal
764 government.

765 (b) Fail to comply with the regulations issued by the
766 board or with any other requirements under the provisions of the
767 act.

768 (c) Divulge to anyone, other than his or her employer,
769 or to such persons as his or her employer may direct, or as may be
770 required by law, any information acquired during such employment
771 that may compromise the employer or assignment to which he or she
772 has been assigned by such employer.

773 (d) Possess a license or registration card issued to
774 another person.

775 **SECTION 52.** (1) No person shall engage in the business of
776 providing private investigators except in accordance with the

777 provisions of this act and the rules and regulations adopted by
778 the board hereunder.

779 (2) Whoever willfully violates any provisions of this act
780 shall be fined not less than One Thousand Dollars (\$1,000.00), nor
781 more than Five Thousand Dollars (\$5,000.00) or imprisoned for not
782 less than three (3) months nor more than one (1) year, or both.

783 **SECTION 53.** (1) In addition to or in lieu of the criminal
784 penalties and administrative sanctions provided in this act, the
785 board is empowered to issue an order to any person or firm engaged
786 in any activity, conduct or practice constituting a violation of
787 any provision of this act, directing such person or firm to
788 forthwith cease and desist from such activity, conduct or
789 practice. Such order shall be issued in the name of the State of
790 Mississippi under the official seal of the board.

791 (2) If the person or firm to whom the board directs a cease
792 and desist order does not cease and desist the prohibited
793 activity, conduct or practice within two (2) days from service of
794 such cease and desist order by certified mail, the board may seek,
795 in any court of competent jurisdiction and proper venue, a writ of
796 injunction enjoining such person or firm from engaging in the
797 activity, conduct or practice.

798 (3) (a) Upon proper showing of the board that such person
799 or firm has engaged in any activity, conduct or practice
800 prohibited by this act, the court shall issue a temporary
801 restraining order restraining the person or firm from engaging in
802 unlawful activity, conduct or practices pending the hearing on a
803 preliminary injunction, and in due course a permanent injunction
804 shall be issued after a hearing, commanding the cessation of the
805 unlawful activity, conduct, practices complained of, all without
806 the necessity of the board having to give bond as usually required
807 in such cases.

808 (b) A temporary restraining order, preliminary
809 injunction or permanent injunction issued hereunder shall not be
810 subject to being released upon bond.

811 **SECTION 54.** (1) All fees and funds collected by the board
812 from every source shall be paid into the State Treasury and shall
813 be credited to a special fund hereby created in the State Treasury
814 and designated as the fund for the Mississippi State Board of
815 Private Investigator Examiners.

816 (2) The monies in the fund shall be used solely to
817 effectuate the provisions of this act and only in the amounts
818 appropriated each year by the Legislature to the board.

819 (3) All unexpended and unencumbered monies in the fund at
820 the end of the fiscal year shall remain in the fund. The monies
821 in the fund shall be invested by the Treasurer in the same manner
822 as monies in the State General Fund. All interest earned on
823 monies invested by the Treasurer shall be deposited in the fund.

824 **SECTION 55.** The adoption of any rule or regulation,
825 guideline, substantive procedure or code of conduct by the board
826 shall be subject to the provisions of the Administrative
827 Procedures Act; however, such rules shall be subject to
828 legislative oversight by the House Judiciary B Committee and
829 Senate Business and Financial Institution Committee.

830 **SECTION 56.** The chairperson (chair) of the Board of Private
831 Investigator Examiners (board) shall exercise general supervision
832 of the board's affairs, shall preside at all meetings when
833 present, shall appoint the committees within the board and shall
834 perform all other duties pertaining to the office as deemed
835 necessary and appropriate.

836 The vice chairperson shall perform the duties of the chair in
837 his or her absence or such other duties as may be assigned by the
838 chair.

839 **SECTION 57.** (1) The executive director shall be the chief
840 administrative officer and shall serve at the pleasure of the
841 board.

842 (2) Subject to the supervision of and direction of the
843 board, the executive director shall:

844 (a) Act as the board's recording and corresponding
845 secretary and shall have custody and maintain the records of the
846 board;

847 (b) Cause written minutes of every meeting to be taken
848 and maintained;

849 (c) Arrange the order of business of all meetings and
850 notify all persons who are to appear at such meeting;

851 (d) Act as treasurer and receive and deposit all funds,
852 and keep the records and books of account of the board's financial
853 affairs;

854 (e) Attest all itemized vouchers for payment of
855 expenses of the board;

856 (f) Prepare such reports to the Governor and
857 Legislature as required by law or as requested by same;

858 (g) Keep the board's seal and affix it to such
859 instruments and matters that require attest and approval of the
860 board; and

861 (h) Perform such other duties as directed by the board.

862 (3) The executive director may spend up to Five Hundred
863 Dollars (\$500.00) for board purchases without prior approval by
864 the board or the chair.

865 **SECTION 58.** (1) Meetings shall be announced and held in
866 accordance with the Administrative Procedures Act. A quorum to
867 transact any business of the board shall not be less than four (4)
868 of its members.

869 (2) The executive director shall give a written notice to
870 all interested members of the public who make a timely written
871 request for notice of any board meeting.

872 (3) Minutes of meetings will be made available upon written
873 request to the board and a monetary fee will be assessed in
874 accordance with the Division of Administration rules and
875 regulations governing public records of any individual or company
876 requesting such minutes.

877 (4) Each board member shall have one (1) vote on all matters
878 before the board. Proxy voting is not allowed. A majority vote
879 of the members at any meeting shall be required for any board
880 actions.

881 **SECTION 59.** (1) The official seal of the board consists of
882 the Mississippi state seal with the title of the board in the
883 outer circle.

884 (2) No person or licensee shall use any facsimile
885 reproduction or pictorial portion of the seal of the State of
886 Mississippi on any badge, credentials, identification card or
887 other means of identification used in connection with any activity
888 regulated under this act.

889 **SECTION 60.** (1) Standing committees of the board are:

890 (a) General committee, whose duties include special
891 projects as authorized by the chair;

892 (b) Finance committee, whose duties include periodic
893 review of the budget, recommendations regarding the establishment
894 of fees charged by the board and recommendations to the board
895 regarding all expenditures in excess of Five Hundred Dollars
896 (\$500.00); and

897 (2) The chair shall appoint members to any committees as
898 needed to fulfill the duties of the board.

899 **SECTION 61.** Any complaint to the board must be in writing,
900 signed by the individual making said complaint and include an

901 appropriate means by which to contact said individual for
902 investigative purposes.

903 **SECTION 62.** A public comment period shall be held at or near
904 the beginning of each board meeting. Persons desiring to present
905 public comments shall notify the board chairman or the executive
906 director no later than the beginning of the meeting. However, to
907 assure that an opportunity is afforded all persons who desire to
908 make public comments, the chairman shall inquire at the beginning
909 of the meeting if there are additional persons who wish to
910 comment. The chairman shall allot the time available for the
911 public comments in an equitable manner among those persons
912 desiring to comment, limiting each person to a maximum of three
913 (3) minutes, with the total comment period not to exceed thirty
914 (30) minutes. Each person making public comments shall identify
915 himself or herself and the group, organization or company he or
916 she represents, if any.

917 **SECTION 63.** In addition to the definitions set forth in
918 Section 3 of this act, the following terms shall have the meanings
919 ascribed unless the context clearly requires otherwise:

920 (a) "Branch office" means a separate office which is
921 part of a company licensed by the Board of Private Investigator
922 Examiners.

923 (b) "Branch manager" means the individual having prima
924 facie responsibility and liability for a branch office.

925 (c) "Personal service" means process served on any
926 person, when required, may be made by the board mailing, by
927 certified or registered mail, to the person's last known address.

928 (d) "Qualifying agent" means a responsible officer or
929 executive employee of an investigative company.

930 (e) "Rule" means any agency statement of general
931 applicability that implements, interprets or prescribes law or
932 policy, or describes the procedure or practice requirements of the

933 board. It does not include statements concerning only the
934 internal management or organization and not affecting private
935 rights or procedures.

936 **SECTION 64.** (1) The board shall issue a two-part
937 application:

938 (a) Part I shall be designated for investigative
939 agencies; and

940 (b) Part II shall be designated for individual
941 investigators.

942 (2) Application shall be sent to all persons requesting
943 application for licensing in the State of Mississippi.

944 (3) The application shall contain the following information:

945 (a) Minimum statutory requirements for obtaining a
946 license in the State of Mississippi;

947 (b) Instructions explaining requirements of the
948 application; and

949 (c) A schedule of licensing fees for an agency and
950 individual.

951 (4) Information requested on the application shall include
952 the following:

953 (a) Company, partnership or corporation history;

954 (b) Personal history;

955 (c) Marital status;

956 (d) Education;

957 (e) Military service;

958 (f) Employment history;

959 (g) Character references;

960 (h) Investigative history;

961 (i) Miscellaneous questions regarding:

962 (i) Involvement of overthrow by force of our
963 government;

964 (ii) Crimes involving moral turpitude;

965 (iii) Felony convictions;
966 (iv) Any unfavorable background incidents the
967 applicant should share with the board;
968 (j) Consent for service of process (out-of-state
969 licensees only); and
970 (k) Notarized statement confirming the accuracy of the
971 information contained in the application.

972 (5) If the applicant is a sole proprietor, he or she must
973 furnish a copy of his or her occupational license with the
974 application.

975 (6) Applicants must submit appropriate fees along with the
976 application. An administration fee of Twenty-five Dollars
977 (\$25.00) made payable to the board will be assessed on all checks
978 returned from the bank and deemed nonsufficient funds.

979 (7) No person shall make an application to the board as
980 qualifying agent unless that person intends to maintain and does
981 maintain that supervisory position on a regular, full-time basis.

982 **SECTION 65.** In addition to the requirements for licensing
983 renewal set forth in Section 19 of this act, applicants for
984 licensing renewal shall be required to submit a certification to
985 the board that the applicant for license renewal has not been
986 convicted of a felony during the past year. The fee notice sent
987 out for licensing renewal shall contain this certification.

988 **SECTION 66.** (1) A qualified school may be approved to
989 conduct forty-hour training classes required for licensing by
990 submitting a letter of request for approval by the board. The
991 request shall include the following:

992 (a) Name and location of school;
993 (b) Owner of school;
994 (c) Copy of occupational license;
995 (d) List of course of study;

996 (e) Name, address, profession and educational and
997 investigative experience of each instructor teaching a private
998 investigation course; and

999 (f) Notarized statement that each instructor has a
1000 minimum of three (3) years supervisory experience with a contract
1001 investigator company or proprietary investigator organization.

1002 (2) Course instructors may invite a licensed attorney at law
1003 or licensed Mississippi private investigator to supplement lesson
1004 plans regarding the course taught by the instructor.

1005 (3) Course instructors, whether full or part time, shall
1006 apply for a license and take the written examination prior to
1007 conducting any private investigation classes.

1008 **SECTION 67.** (1) To be licensed, an applicant must pass a
1009 written examination, unless exempt by the grandfather clause,
1010 state statute or board resolution. The passing grade of the
1011 examination shall be as established by the board.

1012 (2) A person who has not successfully passed the examination
1013 can reapply to take the examination twice within a twelve-month
1014 period. If, after two (2) attempts, the individual has not
1015 successfully passed the examination as required, appropriate board
1016 action will be taken.

1017 **SECTION 68.** (1) Licenses, when issued, shall be in the form
1018 of a wall certificate no larger than eight and one-half (8-1/2)
1019 inches by eleven (11) inches in size. The certificate shall
1020 contain the following information:

1021 (a) Name of licensee and/or agency name under whose
1022 authority the license is granted;

1023 (b) Addresses of the agency location(s) (main office
1024 and branch offices) responsible for licensee;

1025 (c) Number of license;

1026 (d) Date of issue;

1027 (e) Date of expiration (to be issued every year and may
1028 be affixed to certificate in lieu of issuing a new certificate);
1029 (f) The official state insignia;
1030 (g) Agency and qualifying agent if licensee;
1031 (h) Private investigator and agency under whose
1032 authority he or she is assigned;
1033 (i) Signature of executive director;
1034 (j) Signature of chairman of the board; and
1035 (k) The official Board of Private Investigator
1036 Examiners seal.

1037 (2) The license certificate shall remain the property of the
1038 board and will be surrendered upon written request from the board.

1039 (3) Licenses issued by the board shall be valid for a
1040 one-year period to begin from the date application was approved by
1041 the board.

1042 **SECTION 69.** (1) Companies wishing to do business in
1043 Mississippi must either incorporate here or be duly qualified to
1044 do business within this state with a valid certificate of
1045 authority issued by the Secretary of State, and shall have an
1046 agent for service of process designated as required by law.

1047 (2) Out-of-state companies, or individuals wishing to do
1048 business in Mississippi, who satisfied all the licensing
1049 requirements outlined by Sections 7 and 8, may do so without
1050 examination if the state under which it holds a valid license has
1051 licensing requirements comparable to those of Mississippi.
1052 Verification of satisfactory completion of such other state's
1053 examination must be submitted to the board. If the out-of-state
1054 company or individual is licensed by a state that does not have
1055 licensing requirements comparable to those of Mississippi, then
1056 the company or individual must satisfy all the licensing
1057 requirements outlined in Sections 7 and 8.

1058 (3) Fees for out-of-state companies are the same as for
1059 in-state companies except that an out-of-state company shall be
1060 required to pay the board for the cost of transportation, lodging
1061 and meals at the Mississippi state rate when an examination of
1062 records is performed if those records are kept out of state.

1063 SECTION 70. (1) A licensed agency with its principal place
1064 of business in the State of Mississippi and a previously
1065 unlicensed individual domiciled and residing in the State of
1066 Mississippi may apply for the licensing of the previously
1067 unlicensed individual as an apprentice as follows:

1068 (a) A letter of intent to sponsor shall be sent to the
1069 board by the licensed agency, along with the apprentice
1070 application, indicating the agency's intent to accept the
1071 sponsorship and responsibility for the apprentice applicant.

1072 (b) Upon receipt of a letter of intent to sponsor and
1073 the completed application from the apprentice candidate, the
1074 chairman of the board shall issue a letter acknowledging the
1075 receipt of same, provided the apprentice license applicant
1076 satisfies the requirements promulgated by the board and all fees
1077 required by law have been paid. The letter shall serve as a
1078 temporary apprentice registration card until the board meets to
1079 consider the application and the issuance of the official
1080 apprentice registration card.

1081 (c) No agency may sponsor any more than six (6)
1082 apprentice investigators at any one time, and no person shall be
1083 licensed as an apprentice if he or she has been licensed as an
1084 apprentice before.

1085 (2) An apprentice license shall be effective for one (1)
1086 year only; and the apprentice shall operate as a private
1087 investigator only under the immediate direction, control and
1088 supervision of the sponsoring agency during that time.

1089 (3) (a) The sponsoring agency shall be directly responsible
1090 for the supervising and training of the apprentice.

1091 (b) In addition, the sponsoring agency shall be
1092 responsible for educating the apprentice in the following areas:

1093 (i) Knowledge of the private investigator business
1094 and the laws regulating same and the rules and regulations
1095 regulating the practice as a private investigator in this state;

1096 (ii) General federal and state constitutional
1097 principles;

1098 (iii) General information regarding invasion of
1099 privacy laws, search and seizure laws and related procedures and
1100 state concealed weapons law;

1101 (iv) Surveillance techniques;

1102 (v) Photograph principles: video and still; and

1103 (vi) General information regarding the assembling
1104 of public information from clerk of court offices and court
1105 records.

1106 (4) (a) The apprentice registration card shall remain valid
1107 for only one (1) year from the date of the letter serving as the
1108 temporary registration card or issuance of the official apprentice
1109 registration card, whichever is first, and only so long as the
1110 apprentice is working under the supervision of a licensed sponsor
1111 agency.

1112 (b) During the apprenticeship period, the apprentice
1113 must attend the forty-hour training course approved by the board.

1114 (c) An apprentice license may be transferred to another
1115 agency provided the other agency meets all the requirements of law
1116 and this section of the rules and regulations, particularly the
1117 filing of the letters of intent, regarding sponsorship.

1118 **SECTION 71.** Notification required by Section 15 of this act
1119 of changes in information to be furnished by a licensee shall
1120 include:

- 1121 (a) Termination of a branch manager;
- 1122 (b) Change of agency name;
- 1123 (c) Change of agency address;
- 1124 (d) Change of agency telephone number; and
- 1125 (e) Change of ownership if agency is sole
- 1126 proprietorship.

1127 **SECTION 72.** The registration card shall be no larger than
 1128 two and one-fourth (2-1/4) inches by four (4) inches in size. The
 1129 registration card shall contain the following information:

- 1130 (a) Name of investigator;
- 1131 (b) Name of agency under whose authority license is
- 1132 issued;
- 1133 (c) Date of expiration;
- 1134 (d) Current two (2) inches by two (2) inches color
- 1135 photograph;
- 1136 (e) Driver's license number;
- 1137 (f) Company name;
- 1138 (g) Company address (city and state);
- 1139 (h) License number;
- 1140 (i) Signature of executive director;
- 1141 (j) Signature of license holder;
- 1142 (k) State insignia; and
- 1143 (l) Board seal.

1144 **SECTION 73.** In addition to the fees provided by Section 18
 1145 of this act, the following schedule of fees shall be assessed:

- 1146 (a) For licensee or any business entity employing more
- 1147 than one (1) investigator:
- 1148 (i) Renewal within thirty (30) days after
- 1149 expiration of license..... \$200.00
- 1150 (ii) Late fee..... \$ 35.00
- 1151 (iii) Per investigator..... \$ 20.00
- 1152 (iv) Transfer of agent..... \$ 25.00

1153 (b) For private investigator employed by a company or
1154 corporation, or apprentice investigator:
1155 (i) Annual renewal license fee..... \$ 50.00
1156 (ii) Replacement fee for a lost, destroyed or
1157 mutilated license..... \$ 25.00
1158 (iii) Renewal within thirty (30) days after
1159 expiration of license..... \$ 50.00
1160 (iv) Late fee..... \$ 35.00
1161 (v) Transfer of agency..... \$ 25.00
1162 (c) Any individual, partnership or corporation actively
1163 operating in the private investigation business since July 1,
1164 2005, who did not apply to the board for a license, will be
1165 assessed an administrative fee in the amount of the yearly renewal
1166 fee as prescribed by law, per year for each year past July 1,
1167 2005.

1168 **SECTION 74.** (1) Each licensed private investigator is
1169 required to complete a minimum of eight (8) hours of approved
1170 investigative educational instruction within the one-year period
1171 immediately prior to renewal in order to qualify for a renewal
1172 license.

1173 (2) Each licensed private investigator is required to
1174 complete and return the Mississippi State Board of Private
1175 Investigative Examiners (MSBPIE) continuing educational compliance
1176 form with the request for license renewal each year. The form
1177 shall be signed under penalty of perjury and shall include
1178 documentation of each hour of approved investigation educational
1179 instruction completed.

1180 (3) Any licensee who wishes to apply for an extension of
1181 time to complete educational instruction requirements must submit
1182 a letter of request setting forth reasons for the extension
1183 request to the Executive Director of the Mississippi State Board
1184 of Private Investigative Examiners (MSBPIE) thirty (30) days prior

1185 to license renewal. The training committee shall rule on each
1186 request. If an extension is granted, the investigator shall be
1187 granted thirty (30) days to complete the required hours. Hours
1188 completed during a thirty-day extension shall only apply to the
1189 previous year.

1190 **SECTION 75.** An investigator shall provide competent
1191 representation to a client. Competent representation requires the
1192 legal knowledge, skill, thoroughness and preparation reasonably
1193 necessary for the investigation.

1194 **SECTION 76.** (1) Both investigator and client have authority
1195 and responsibility in the objectives of the investigation. The
1196 client has ultimate authority to determine the purposes to be
1197 served by the investigation, within the limits imposed by law and
1198 the investigator's professional obligations.

1199 (2) An investigator may limit the objectives of the
1200 representation if the client consents after consultation.

1201 (3) An investigator shall not encourage a client to engage
1202 or assist a client, in conduct that the investigator knows is
1203 criminal or fraudulent. An investigator, however, may discuss the
1204 legal consequences of any proposed course of conduct with a client
1205 and may advise a client to seek legal counsel for assistance in
1206 making a good faith effort to determine the validity, scope,
1207 meaning or application of the law.

1208 (4) When an investigator knows that a client expects
1209 assistance prohibited by the Rules of Professional Conduct or
1210 other law, the investigator shall consult with the client
1211 regarding the relevant limitations of the investigator's lawful
1212 conduct.

1213 **SECTION 77.** An investigator shall act with reasonable
1214 diligence and promptness in representing a client.

1215 **SECTION 78.** (1) An investigator shall keep a client
1216 reasonably informed about the status of a matter and promptly
1217 comply with a reasonable request for information.

1218 (2) The investigator shall give the client sufficient
1219 information to participate intelligently in decisions concerning
1220 the objectives or the representation and the means by which they
1221 are to be pursued, to the extent the client is willing and able to
1222 do so.

1223 **SECTION 79.** (1) An investigator shall not reveal
1224 information relating to representation of a client unless the
1225 client consents after consultation, except for disclosures that
1226 are impliedly authorized in order to carry out the representation,
1227 and except as stated in subsection (2).

1228 (2) An investigator may reveal such information to the
1229 extent the investigator reasonably believes necessary:

1230 (a) To prevent the client from committing a criminal
1231 act that the investigator believes is likely to result in imminent
1232 death or substantial bodily harm; or

1233 (b) To establish a claim or defense on behalf of the
1234 investigator in a controversy between the investigator and the
1235 client, to establish a defense to a criminal charge or civil claim
1236 against the investigator based upon conduct in which the client
1237 was involved, or to respond to allegations in any proceeding
1238 concerning the investigator's representation of the client.

1239 **SECTION 80.** Loyalty is an essential element in the
1240 investigator's relationship to a client. Therefore:

1241 (a) An investigator shall not represent a client if the
1242 representation of that client will be directly adverse to the
1243 representations of another client, unless:

1244 (i) The investigator reasonably believes the
1245 representation will not adversely affect the relationship with the
1246 other client; and

1247 (ii) Each client consents after consultation.

1248 (b) An investigator shall not represent a client if the
1249 representation of that client may be materially limited by the
1250 investigator's responsibilities to another client or to a third
1251 person, or by the investigator's own interest, unless:

1252 (i) The investigator reasonably believes the
1253 representation will not be adversely affected; and

1254 (ii) The client consents after consultation. When
1255 representation of multiple clients in a single matter is
1256 undertaken, the consultation shall include explanation of the
1257 implications of the common representation and the disadvantages
1258 and risks involved.

1259 **SECTION 81.** As a general principle, all transactions between
1260 client and investigators should be fair and reasonable to the
1261 client. Furthermore, an investigator may not exploit the
1262 representation of a client or information relating to the
1263 representation to the client's disadvantage. Examples of
1264 violations include, but are not limited to, the following:

1265 (a) An investigator shall not enter into a business
1266 transaction with a client or knowingly acquire an ownership,
1267 possessory, security or other pecuniary interest adverse to a
1268 client unless:

1269 (i) The transaction and terms on which the
1270 investigator acquires the interest are fair and reasonable to the
1271 client and are fully disclosed and transmitted in writing to the
1272 client in a manner which can be reasonably understood by the
1273 client;

1274 (ii) The client is given a reasonable opportunity
1275 to seek the advice of independent counsel in the transactions; and

1276 (iii) The client consents in writing thereto;

1277 (b) An investigator shall not use information relating
1278 to representation of a client to the disadvantage of the client
1279 unless the client consents after consultation.

1280 **SECTION 82.** An investigator who has formerly represented a
1281 client in a matter shall not thereafter:

1282 (a) Represent another person in the same or a
1283 substantially related matter in which that person's interests are
1284 materially adverse to the interests of the former client unless
1285 the former client consents after consultation; or

1286 (b) Use information relating to the representation to
1287 the disadvantage of the former client except when the information
1288 derived from independent sources has become generally known.

1289 **SECTION 83.** (1) Upon initial contact from a private
1290 citizen, a contract may be offered on all matters.

1291 (2) The contract shall contain, but may not be limited to,
1292 the following information:

1293 (a) Name, address and phone number of investigative
1294 agency;

1295 (b) Name, address and phone number of private
1296 investigator responsible for case work;

1297 (c) Schedule of fees to be charged;

1298 (d) Purpose and scope of investigation;

1299 (e) Limitations of responsibility to investigative
1300 agency;

1301 (f) Limitations of responsibility to client;

1302 (g) Signature of client;

1303 (h) Signature of two (2) witnesses;