

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 597

BY SENATORS GAUNCH, BOSO, AND CLINE

[Introduced February 19, 2018; Referred
to the Committee on Government Organization; and then
to the Committee on the Judiciary]

1 A BILL to amend and reenact §30-18-2 of the Code of West Virginia, 1931, as amended, relating
 2 to prohibiting individuals who have been convicted of a misdemeanor crime of domestic
 3 violence or a misdemeanor offense of assault or battery against a family member from
 4 being eligible for any license to conduct a private investigation business; and setting forth
 5 who are to be included as family members.

Be it enacted by the Legislature of West Virginia:

ARTICLE 18. PRIVATE INVESTIGATIVE AND SECURITY SERVICES.

§30-18-2. Eligibility requirements for license to conduct the private investigation business.

1 (a) In order to be eligible for any license to conduct the private investigation business, an
 2 applicant shall:

3 (1) Be at least 18 years of age;

4 (2) Be a citizen of the United States or an alien who is legally residing within the United
 5 States;

6 (3) Not have had any previous license to conduct a private investigation business or to
 7 conduct a security guard business revoked or any application for any such licenses or
 8 registrations denied by the appropriate governmental authority in this or any other state or
 9 territory;

10 (4) Not have been declared incompetent by reason of mental defect or disease by any
 11 court of competent jurisdiction unless a court has subsequently determined that the applicant's
 12 competency has been restored;

13 (5) Not suffer from habitual drunkenness or from narcotics addiction or dependence;

14 (6) Be of good moral character;

15 (7) Have a minimum of two years of experience, education, or training in any one of the
 16 following areas, or some combination thereof:

17 (A) Course work that is relevant to the private investigation business at an accredited
 18 college or university;

19 (B) Employment as a member of any United States government investigative agency,
20 employment as a member of a state or local law-enforcement agency or service as a sheriff;

21 (C) Employment by a licensed private investigative or detective agency for the purpose of
22 conducting the private investigation business;

23 (D) Service as a magistrate in this state; or

24 (E) Any other substantially equivalent training or experience;

25 (8) Not have been convicted of a felony in this state or any other state or territory;

26 (9) Not have been convicted of any of the following:

27 (A) Illegally using, carrying, or possessing a pistol or other dangerous weapon;

28 (B) Making or possessing burglar's instruments;

29 (C) Buying or receiving stolen property;

30 (D) Entering a building unlawfully;

31 (E) Aiding an inmate's escape from prison;

32 (F) Possessing or distributing illicit drugs;

33 (G) Any misdemeanor crime of domestic violence as defined in 18 U.S.C. §921(a)(33), or
34 a misdemeanor offense of assault or battery under §61-2-9(b), §61-2-9(c), or §61-2-28 of this
35 code in which the victim was a current or former spouse, current or former sexual or intimate
36 partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the
37 defendant's child or ward, or a member of the defendant's household at the time of the offense,
38 or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;
39 and

40 ~~(G)~~ (H) Any misdemeanor involving moral turpitude or for which dishonesty of character
41 is a necessary element; and

42 (10) Not have violated any provision of §30-18-8 of this code.

43 The provisions of this section shall not prevent the issuance of a license to any person
44 who, subsequent to his or her conviction, shall have received an executive pardon therefor,

45 removing this disability.

46 (b) Any person who qualifies for a private investigator's license shall also be qualified to
47 conduct security guard business upon notifying the Secretary of State in writing that the person
48 will be conducting such business.

49 (c) No person may be employed as a licensed private investigator while serving as
50 magistrate.

NOTE: The purpose of this bill is to prohibit individuals who have been convicted of a misdemeanor crime of domestic violence or a misdemeanor offense of assault or battery against a family member from being eligible for any license to conduct a private investigation business. The bill sets forth who are to be included as family members.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.