

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 521

BY SENATOR RUCKER

[Introduced March 2, 2021; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §30-18-9 and §30-18-10 of the Code of West Virginia, 1931, as
2 amended, all relating to extending the licensure renewal term of a private investigator,
3 security guard, and private investigator or security guard firms from one to two years.

Be it enacted by the Legislature of West Virginia:

ARTICLE 18. PRIVATE INVESTIGATIVE AND SECURITY SERVICES.

§30-18-9. Renewal of license.

1 A license granted under the provisions of this article shall be in effect for two years from
2 the date the certificate of license is issued and may be renewed for a period of ~~one year~~ two years
3 by the Secretary of State upon application, in such form as the secretary may prescribe, and upon
4 payment of the fee and the filing of the surety bond or proof of liability insurance. At the time of
5 applying for renewal of a license, the Secretary of State may require any person to provide
6 additional information to reflect any changes in the original application or any previous renewal.
7 Any fee charged by the Secretary of State for renewal of a license shall not exceed \$50.

§30-18-10. Authority of Secretary of State.

1 (a) When the Secretary of State is satisfied as to the good character, competency, and
2 integrity of an applicant, of all employees or individuals conducting the private investigation
3 business or security guard services under a firm license and, if the applicant is a firm, of each
4 member, officer or partner, he or she shall issue and deliver to the applicant a certificate of license.
5 Each license issued shall be for a period of ~~one year~~ two years and is revocable at all times for
6 cause shown pursuant to subsection (b) of this section or any rules promulgated pursuant thereto.

7 (b) The Secretary of State may propose for promulgation in accordance with the provisions
8 of chapter 29A of this code legislative rules necessary for the administration and enforcement of
9 this article and for the issuance, suspension, and revocation of licenses issued under the
10 provisions of this article. The Secretary of State shall afford any applicant an opportunity to be
11 heard in person or by counsel when a determination is made to deny, revoke, or suspend an
12 applicant's license or application for license, including a renewal of a license. The applicant has

13 15 days from the date of receiving written notice of the Secretary of State's adverse determination
14 to request a hearing on the matter of denial, suspension, or revocation. The action of the Secretary
15 of State in granting, renewing, or in refusing to grant or to renew, a license is subject to review by
16 the circuit court of Kanawha County or other court of competent jurisdiction.

17 (c) At any hearing before the Secretary of State to challenge an adverse determination by
18 the Secretary of State on the matter of a denial, suspension, or revocation of a license, if the
19 adverse determination is based upon a conviction for a crime which would bar licensure under
20 the provisions of this article, the hearing shall be an identity hearing only and the sole issue which
21 may be contested is whether the person whose application is denied or whose license is
22 suspended or revoked is the same person convicted of the crime.

23 (d) The Secretary of State shall require each applicant to submit to a state and national
24 criminal history record check, as set forth in this subsection:

25 (1) The criminal history record check shall be based on fingerprints submitted to the West
26 Virginia State Police or its assigned agent for forwarding to the Federal Bureau of Investigation.

27 (2) The applicant shall meet all requirements necessary to accomplish the state and
28 national criminal history record check, including:

29 (A) Submitting fingerprints for the purposes set forth in this section, if required by the
30 Secretary of State, West Virginia State Police, or the Federal Bureau of Investigation; and

31 (B) Authorizing the Secretary of State, the West Virginia State Police, and the Federal
32 Bureau of Investigation to use all records submitted and produced for the purpose of screening
33 the applicant for a license.

34 (3) The results of the state and national criminal history record check may not be released
35 to or by a private entity except:

36 (A) To the individual who is the subject of the criminal history record check;

37 (B) With the written authorization of the individual who is the subject of the criminal history
38 record check; or

39 (C) Pursuant to a court order.

40 (4) The criminal history record check and related records are not public records for the
41 purposes of chapter 29B of this code.

42 (5) The applicant shall ensure that the criminal history record check is completed as soon
43 as possible after the date of the original application for registration.

44 (6) The applicant shall pay the actual costs of the fingerprinting and criminal history record
45 check.