

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2491**

BY DELEGATES FOSTER AND D. JEFFRIES

[Introduced February 15, 2021; Referred to the  
Committee on Government Organization]

1 A BILL to amend and reenact §30-18-2 of the Code of West Virginia, 1931, as amended, all  
 2 relating to the eligibility and application requirements for private investigator and security  
 3 guard licensure.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 18. PRIVATE INVESTIGATIVE AND SECURITY SERVICE.**

**§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)~~ (6) Have a minimum of one year 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; or

25 (F) Military service.

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

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

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

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

30 (C) Buying or receiving stolen property;

31 (D) Entering a building unlawfully;

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

33 (F) Possessing or distributing illicit drugs;

34 ~~(G) Any misdemeanor involving moral turpitude or for which dishonesty of character is a~~  
35 ~~necessary element and~~

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

37 The provisions of this section shall not prevent the issuance of a license to any person  
38 who, subsequent to his or her conviction, shall have received an executive pardon therefor,  
39 removing this disability.

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

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

NOTE: The purpose of this bill is to expand the eligibility requirements for private

investigator and security guard licensure.

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