

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2770

By Delegates Foster and Brooks

[Introduced January 18, 2023; 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 registrations
 8 denied by the appropriate governmental authority in this or any other state or territory;

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

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

13 ~~(6) Be of good moral character~~

14 ~~(7)~~ (6) Have a minimum of one year of experience, education, or training in any one of the
 15 following areas, or some combination thereof:

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

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

20 (C) Employment by a licensed private investigative or detective agency for the purpose of

- 21 conducting the private investigation business;
 - 22 (D) Service as a magistrate in this state; or
 - 23 (E) Any other substantially equivalent training or experience; or
 - 24 (F) Military service.
 - 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; and
 - 33 ~~(G) Any misdemeanor involving moral turpitude or for which dishonesty of character is a~~
 - 34 ~~necessary element and~~
 - 35 (10) Not have violated any provision of §30-18-8 of this code.
- 36 The provisions of this section shall not prevent the issuance of a license to any person
- 37 who, subsequent to his or her conviction, shall have received an executive pardon therefor,
- 38 removing this disability.
- 39 (b) Any person who qualifies for a private investigator’s license shall also be qualified to
- 40 conduct security guard business upon notifying the Secretary of State in writing that the person will
- 41 be conducting such business.
- 42 (c) No person may be employed as a licensed private investigator while serving as
- 43 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.