

HOUSE BILL No. 2163

By Committee on Federal and State Affairs

2-3

AN ACT concerning regulation and licensure of detective business; amending K.S.A. 2002 Supp. 75-7b07 and 75-7b13 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2002 Supp. 75-7b07 is hereby amended to read as follows: 75-7b07. (a) ~~Any license issued under this act shall expire on December 31 of the year of its issuance. On and after January 1, 1999,~~ Any license issued under this act shall expire on December 31 of the year following the year when issued and may be renewed every two years thereafter. Renewal of any such license shall be made in the manner prescribed for obtaining an original license, including payment of the appropriate fee required by K.S.A. 75-7b05, and amendments thereto, except that:

(1) The signing of the application by five or more citizens as required by K.S.A. 75-7b04, and amendments thereto, shall not be required if such application for renewal is verified and acknowledged by the applicant before an officer authorized to administer oaths;

(2) the application for renewal shall provide the information required of original applicants if the information shown on the original application or any renewal thereof on file with the attorney general is no longer accurate;

(3) a new photograph shall be submitted with the application for renewal only if the photograph on file with the attorney general has been on file more than two years; ~~and~~

(4) *the application for renewal shall be accompanied by proof, satisfactory to the attorney general, that the applicant has complied with the continuing education requirement of subsection (b); and*

(5) additional information may be required by rules and regulations adopted by the attorney general.

(b) *An individual licensee, as a condition of license renewal, shall be required to attend not less than 24 hours of continuing education programs approved by the attorney general. The attorney general shall adopt rules and regulations establishing requirements for such programs. In establishing such requirements the attorney general shall consider existing*

1 *programs of continuing education being offered by professional associa-*
2 *tions of private detectives, private detective agencies or private patrol*
3 *operators. The attorney general may enter into contracts for the admin-*
4 *istration of the provisions of this subsection. Any contractor under such*
5 *contract may charge licensees fees to cover the costs of administering the*
6 *provisions of this subsection.*

7 (c) A license issued under this act shall not be assignable.

8 Sec. 2. K.S.A. 2002 Supp. 75-7b13 is hereby amended to read as
9 follows: 75-7b13. (a) The attorney general may censure, limit, condition,
10 suspend or revoke a license issued under this act if, after notice and
11 opportunity for hearing in accordance with the provisions of the Kansas
12 administrative procedure act, the attorney general determines that the
13 licensee or, if the licensee is an organization, any of its officers, directors,
14 partners or associates has:

15 (1) Made any false statement or given any false information in con-
16 nection with an application for a license or a renewal or reinstatement
17 thereof;

18 (2) violated any provisions of this act;

19 (3) violated any rules and regulations of the attorney general adopted
20 pursuant to the authority contained in this act;

21 (4) been convicted of a felony, vehicular homicide, assault, battery,
22 assault of a law enforcement officer, misdemeanor battery against a law
23 enforcement officer, criminal restraint, sexual battery, endangering a
24 child, intimidation of a witness or victim or any crime involving moral
25 turpitude or illegally using, carrying, or possessing a dangerous weapon
26 subsequent to the issuance of the license;

27 (5) impersonated, or permitted or aided and abetted an employee to
28 impersonate, a law enforcement officer or employee of the United States
29 of America, or of any state or political subdivision thereof;

30 (6) committed or permitted any employee to commit any act, while
31 the license was expired, which would be cause for the suspension or
32 revocation of a license, or grounds for the denial of an application for a
33 license;

34 (7) willfully failed or refused to render to a client services or a report
35 as agreed between the parties, and for which compensation has been paid
36 or tendered in accordance with the agreement of the parties;

37 (8) committed assault, battery or kidnapping or used force or violence
38 on any person without proper justification;

39 (9) knowingly violated or advised, encouraged or assisted the violation
40 of, any court order or injunction in the course of business as a licensee;

41 (10) acted as a runner or capper for any attorney;

42 (11) used any letterhead, advertisement or other printed matter, or
43 in any manner whatever represented that such person is an instrumen-

1 tality of the federal government, a state or any political subdivision
2 thereof;

3 (12) used false, misleading or deceptive information in any advertise-
4 ment, solicitation or contract for business;

5 (13) has committed any act in the course of the licensee's business
6 constituting dishonesty or fraud;

7 (14) *failed to obtain continuing education as required by this act;*

8 (15) misused a firearm permit badge; or

9 ~~(15)~~ (16) committed any act which is a ground for denial of an ap-
10 plication for a license under this act.

11 (b) The record of conviction, or a certified copy thereof, shall be
12 conclusive evidence of such conviction as that term is used in this section
13 or in K.S.A. 75-7b04, and amendments thereto, and a plea or verdict of
14 guilty or a conviction following a plea of *nolo contendere* is deemed to be
15 a conviction within the meaning thereof.

16 (c) Upon final disposition of the proceedings for a violation relating
17 to the misuse of a firearm permit badge, the attorney general may bring
18 an action for violation of K.S.A. 21-3824 or ~~K.S.A.~~ 21-3825, and amend-
19 ments thereto.

20 Sec. 3. K.S.A. 2002 Supp. 75-7b07 and 75-7b13 are hereby repealed.

21 Sec. 4. This act shall take effect and be in force from and after its
22 publication in the statute book.

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