

2007 DRAFTING REQUEST

Bill

Received: **10/02/2006**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Dombrowski**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

DOA:.....Dombrowski, BB0072 -

Topic:

Fingerprints for private security permits and private detective licenses

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 10/06/2006	kfollett 10/10/2006		_____			State
/1			pgreensl 10/11/2006	_____	sbasford 10/11/2006		

FE Sent For:

<END>

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/?	csundber	11/10/06 kjf	10/10/06 pg	10/10/06 self			

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Issuance of Temporary Permits - Private Security Persons
- Tracking Code: B B0072
- SBO team: General Govt & Justice
- SBO analyst: Cindy Dombrowski CD
 - Phone: 266-5878
 - Email: cynthia.dombrowski@wisconsin.gov

- Agency acronym: DRL
- Agency number: 165
- Priority (Low, Medium, High): Medium

The agency sent this over prior to Sept 15 -- please now consider it a budget draft.

REQUESTED STATUTORY LANGUAGE CHANGES

1. Digital Fingerprints and Issuance of Temporary Permits to Private Security persons:*Requested Change:*

440.03(13)(c)

(c) The department shall require an applicant for a private detective license or a private security permit under s. 440.26, and a person for whom the department conducts an investigation under par. (b), to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints by a procedure acceptable to the department. The department of justice may submit the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

440.26(5)(c) An employee of any agency that is licensed as a private detective agency under this section and that is doing business in this state as a supplier of uniformed private security personnel to patrol exclusively on the private property of industrial plants, business establishments, schools, colleges, hospitals, sports stadiums, exhibits and similar activities is exempt from the license requirements of this section while engaged in such employment, if all of the following apply:

1. The employee obtains a private security permit under this sub. (5m).
2. The private detective agency furnishes an up-to-date written record of its employees to the department. The record shall include the name, residence address, date of birth and a physical description of each employee together with a recent photograph and 2 fingerprints cards bearing a complete set of fingerprints of each employee by a procedure acceptable to the department.

~~440.26 (5r) TEMPORARY PRIVATE SECURITY PERMIT. (a) The department shall issue a temporary private security permit to an individual at the request of the individual if all of the following apply:~~

- ~~1. The individual has completed and application and provided information required under sub.(5m) (a).~~
- ~~2. The department is not yet able to grant or deny the individual's application because a background check of the individual is not complete.~~

~~(b) 1. Except as provided in subd. 2., an individual who has been issued a temporary private security permit under par. (a) may act as a private security person in the same manner as an individual issued a private security permit under sub. (5m).~~

~~2. An individual may not carry a dangerous weapon while acting as a private security person under a temporary private security permit issued under par. (a).~~

*2007-09 Statutory Language Request
Department of Regulation and Licensing*

- ~~(c) 1. Except as provided in subd., 2., a temporary private security permit issued under par. (a) is valid for 30 days.~~
- ~~2. A temporary private security permit issued under par. (a) shall expire on the date that the individual receives written notice from the department that a background check of the individual has been completed and that the department is granting or denying the individual's application for a private security permit, if that date occurs before the end of the period specified in subd. 1.~~
- ~~3. A temporary private security permit issued under par. (a) may not be renewed.~~

Justification:

As part of the application process for a permit, the department currently asks for two sets of fingerprint cards to perform national background checks on private detective and private security persons. The fingerprint cards are then sent to the Department of Justice (DOJ) to be scanned. The department is informed via a website, that DOJ maintains, 3 – 4 days later if an applicant has been convicted of a felony in the state or elsewhere. By approximately January, 2007, the department plans to begin utilizing the digital fingerprint process now employed by DOJ. This new technology will remove the need for applicants to bring two sets of paper copies to the department. Prospective applicants will need to go to a department chosen vendor to get their fingerprints digitally copied. DOJ will then be able to conduct a full background check in 2 – 3 hours.

If a private security person needs a 30-day temporary permit, the current process is to perform a name search check. The name search check is done by the department using the Department of Justice, Crime Information Bureau's, Wisconsin Criminal History Record Check. This portion of the background check can only review felony convictions in the state. There are public safety issues that come into effect because a national check is not completed at this time. By utilizing the digital fingerprint method, that provides a national background check within a 2 – 3 hour timeframe, the department will be able to eliminate the need for temporary permits.



In: 10/6/06
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-042676 RMR
CTS... KGF

DOA:.....Dombrowski, BB0072 - Fingerprints for private security permits
and private detective licenses

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Current law requires DRL to obtain two fingerprint cards from an applicant for a private detective license or private security permit and from an applicant for a credential for which DRL conducts criminal background checks. Also under current law, an employee of certain licensed private detective agencies is not required to obtain a private detective license if the agency furnishes to DRL certain information about its employees, including two fingerprint cards.

Currently, DRL is required to grant a temporary private security permit to an applicant for a private security permit if the applicant requests a temporary permit and DRL is not able to grant or deny a permanent permit because the applicant's background check is not complete. A temporary permit is valid for 30 days or until DRL grants or denies a permanent permit. A temporary permit holder may act in the same manner as a permanent permit holder, except that a temporary permit holder may not carry a dangerous weapon while acting as a private security person.

This bill deletes the requirement that fingerprints be submitted to DRL on two fingerprint cards. Instead, fingerprints must be submitted using a procedure specified by DRL. The bill also deletes the requirement that DRL issue temporary private security permits.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 440.03 (13) (c) of the statutes is amended to read:

2 440.03 (13) (c) The department shall require an applicant for a private
3 detective license or a private security permit under s. 440.26, and a person for whom
4 the department conducts an investigation under par. (b), to be photographed and
5 fingerprinted ~~on 2 fingerprint cards, each bearing a complete set of the person's~~
6 fingerprints using a fingerprint procedure specified by the department. The
7 department of justice may submit the ~~fingerprint cards~~ applicant's fingerprints to
8 the federal bureau of investigation for the purpose of verifying the identity of the
9 persons fingerprinted and obtaining records of their criminal arrests and
10 convictions.

History: 1977 c. 418 ss. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 a. 29, 340; 1989 a. 31, 340; 1991 a. 39; 1993 a. 16, 102, 107, 443, 445, 490, 491; 1995 a. 27 ss. 6472g, 6472j, 9126 (19); 1995 a. 233; 1997 a. 27, 75, 79; 1997 a. 191 ss. 312, 313, 318; 1997 a. 231, 237; 1997 a. 261 ss. 1 to 4, 7, 10, 13; 1997 a. 311; 1999 a. 9, 32; 2001 a. 16, 66, 80; 2003 a. 151; 2005 a. 25.

11 **SECTION 2.** 440.26 (5) (c) 2. of the statutes is amended to read:

12 440.26 (5) (c) 2. The private detective agency furnishes an up-to-date written
13 record of its employees to the department. The record shall include the name,
14 residence address, date of birth, and a physical description of each employee together
15 with a recent photograph and ~~2 fingerprint cards bearing a complete set of~~
16 fingerprints of each employee using a fingerprint procedure specified by the
17 department.

History: 1971 c. 213 s. 5; 1977 c. 29, 125, 418; 1979 c. 102 ss. 45, 236 (3); 1981 c. 334 s. 25 (1); 1981 c. 380, 391; 1983 a. 189 s. 329 (31); 1983 a. 273; 1985 a. 128, 135; 1991 a. 39, 269; 1993 a. 112, 213; 1995 a. 461; 1997 a. 27; 1999 a. 32.

18 **SECTION 3.** 440.26 (5r) of the statutes is repealed.

19 **SECTION 9340. Initial applicability; Regulation and Licensing.**

1

(1) FINGERPRINTS; PRIVATE DETECTIVE LICENSES AND PRIVATE SECURITY PERMITS. The

2

treatment of sections 440.03 (13) (c) and 440.26 (5) (c) and (5r) of the statutes first

3

applies to applications received by the department of regulation and licensing on the

4

effective date of this subsection.

5

(END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0426/1
CTS:kjf:pg

DOA:.....Dombrowski, BB0072 - Fingerprints for private security permits
and private detective licenses

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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21 treatment of sections 440.03 (13) (c) and 440.26 (5) (c) 2. and (5r) of the statutes first

1 applies to applications received by the department of regulation and licensing on the
2 effective date of this subsection.

3 (END)