



## 1995 SENATE BILL 597

March 5, 1996 - Introduced by Senators DRZEWIECKI, COWLES, DARLING, WEEDEN, PANZER, FITZGERALD, BUETTNER, RUDE and SCHULTZ, cosponsored by Representatives GARD, MUSSER, SCHNEIDERS, KAUFERT, SERATTI, KELSO, AINSWORTH, JENSEN, GREEN, DUFF, GOETSCH, LEHMAN, FREESE, LADWIG and ALBERS. Referred to Committee on Business, Economic Development and Urban Affairs.

1     **AN ACT to repeal** 111.335 (1) (cm), 134.59 (title), (1) and (3) and 440.26 (7) (title);  
2     **to renumber and amend** 134.59 (2), 440.26 (1), 440.26 (1m), 440.26 (2) (c),  
3     440.26 (5), 440.26 (6) and 440.26 (7) (a); **to amend** 114.103 (1) (c), subchapter  
4     II (title) of chapter 440 [precedes 440.26], 440.26 (2) (a) 1., 440.26 (2) (a) 2.,  
5     440.26 (4), 440.26 (5) (title), 440.26 (8), 940.34 (2) (c) 1. and 941.237 (1) (em); **to**  
6     **repeal and recreate** 440.26 (2) (a) (intro.); and **to create** 111.335 (1) (cg),  
7     440.08 (2) (a) 14d., 440.08 (2) (a) 41m., 440.08 (2) (a) 60m., 440.08 (2) (a) 63g.,  
8     440.26 (1) (e), (em) and (f), 440.26 (1m) (a), (b), (br) and (c), 440.26 (2) (a) 3., 3m.  
9     and 4., 440.26 (2) (c) 3., 440.26 (3m), 440.26 (4g), 440.26 (4r), 440.26 (5m),  
10    440.26 (6) (a) 4., 440.26 (6) (b) and 440.26 (7m) of the statutes; **relating to:** the  
11    regulation of armored transport services, locksmiths and private alarm con-  
12    tractors; the requirements that a person must satisfy to be eligible for a private  
13    detective license, a private detective agency license, a private security permit  
14    or a license to supply private security personnel; transferring the authority to  
15    issue private security permits for private security persons from local law

1 enforcement authorities to the department of regulation and licensing; grant-  
2 ing rule-making authority; and providing a penalty.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, a person must be licensed by the department of regulation and licensing (DORL) to operate a private detective agency, act as a private detective or private security person, or act as a supplier of private security personnel. DORL issues 2 kinds of licenses to cover these activities: 1) a private detective agency license; and 2) a private detective license. A person who owns or operates an agency is not required to have a private detective license to be eligible for a private detective agency license unless he or she is actually engaged in private detective work. Current law prohibits DORL from issuing a private detective agency license or private detective license to a person who has been convicted of a felony within the 5-year period following the conviction if the circumstances of the conviction are substantially related to the licensed activity.

Current law also exempts the following private security persons from the private detective agency and private detective licensing requirements: 1) a private security person who is employed by the state, a municipality, a railroad company or a commercial establishment, if the person operates exclusively on the employer's premises; 2) a person who is engaged in his or her duties as an employe of a licensed detective or security agency that is in the business of supplying uniformed security personnel to patrol exclusively on the private property of industrial plants, businesses, schools, colleges, hospitals, sports stadiums, exhibits or similar places, if he or she gets a private security permit from the chief of police or other designated law enforcement official of the municipality in which his or her employment activities take place. A private security permit may not be issued to a person who has been convicted of a felony in this state or elsewhere within the 5-year period following the conviction if the circumstances of the conviction are substantially related to the activity allowed by the permit.

Finally, current law does not require locksmiths, persons providing armored transport services or persons selling, installing, servicing, monitoring or responding to private alarms, such as burglar alarms, to be licensed. However, current law does prohibit any person from intentionally hiring as a burglar alarm installer a person who has been convicted of a felony and who has not been pardoned. Current law also prohibits a person engaged in the business of installing burglar alarms from intentionally allowing a person who has been convicted of a felony, and who has not been pardoned, to have access to individual burglar alarm installation records. Any person who violates these prohibitions may be required to forfeit not more than \$1,000.

This bill makes the following changes to the regulation of private detectives, private detective agencies, private security persons, armored transport services, locksmiths and private alarm contractors:

1. The bill requires any person who acts or solicits business as an armored transport service, a locksmith or a private alarm contractor to be licensed by DORL.

To be eligible for a license, an armored transport service, locksmith or private alarm contractor must meet qualifications specified by DORL by rule and the qualifications specified in item 5, below. A person who violates the bill's requirement that armored transport services, locksmiths and private alarm contractors be licensed may be fined not less than \$100 nor more than \$500 and imprisoned for not less than 3 months nor more than 6 months. In addition, any licensed armored transport service, locksmith or private alarm contractor who violates a law, engages in conduct reflecting adversely on his or her professional qualifications or makes a false statement in applying for a license may have his or her license revoked, suspended or limited or may be subject to a reprimand by DORL.

2. The bill requires a person who owns or operates a private detective agency to be licensed as a private detective.

3. The bill retains the current exemption from licensing for a private security person who is employed by the state, a municipality, a railroad company or a commercial establishment, but the bill changes the scope of the exemption by providing that it applies to the person whenever and wherever he or she is acting within the scope of his or her employment, and not, as under current law, only if he or she operates exclusively on the employer's premises.

4. The bill transfers the responsibility for issuing a private security permit from local law enforcement officials to DORL. The bill requires DORL to collect the same information and to maintain records of applications for and the issuance of private security permits. The bill provides that a permit issued by DORL authorizes the permit holder to act as a private security person anywhere in this state while engaged in his or her duties as an employe of a licensed agency that supplies personnel to patrol exclusively on specified types of private property. The bill also provides for DORL to set appropriate fees and to discipline a permit holder for just cause.

5. The bill prohibits DORL from issuing a private detective license, a private detective agency license, an armored transport service license, a locksmith license, a private alarm contractor license or a private security permit to a person who has been convicted of a felony in this state or elsewhere and who has not been pardoned, regardless of when the person was convicted or whether the circumstances of the conviction are substantially related to the licensed activity. In addition, the bill prohibits any licensed private detective, private detective agency, armored transport service, locksmith or private alarm contractor from employing or being managed by a person who has been convicted of a felony and has not been pardoned, regardless of when the person was convicted or whether the circumstances of the conviction are substantially related to the person's employment. Finally, the bill prohibits the state, a municipality, a railroad company or a commercial establishment from employing as a private security person a person who has been convicted of a felony and has not been pardoned, regardless of when the person was convicted or whether the circumstances of the conviction are substantially related to the person's employment.

6. The bill requires a person who is licensed as a private detective, private detective agency, armored transport company, locksmith or private alarm contractor and a person who has been issued a private security permit to notify DORL if he or

she is convicted of a crime or found to have violated a state or local law which is punishable by a forfeiture.

7. The bill requires DORL to promulgate rules relating to the carrying of dangerous weapons by private detectives, private security persons and persons licensed as or employed by armored transport services, private alarm contractors, locksmiths or private detective agencies. The rules promulgated by DORL under the bill must meet the minimum requirements specified under federal law relating to the armored car industry.

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

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

1           **SECTION 1.** 111.335 (1) (cg) of the statutes is created to read:

2           111.335 (1) (cg) 1. Notwithstanding s. 111.322, it is not employment discrimina-  
3           tion because of conviction record to deny or refuse to renew a license or permit under  
4           s. 440.26 to a person who has been convicted of a felony and has not been pardoned.

5           2. Notwithstanding s. 111.322, it is not employment discrimination because of  
6           conviction record to refuse to employ a person who has been convicted of a felony and  
7           has not been pardoned in a business licensed under s. 440.26 or as an employe speci-  
8           fied in s. 440.26 (5) (b).

9           **SECTION 2.** 111.335 (1) (cm) of the statutes is repealed.

10          **SECTION 3.** 114.103 (1) (c) of the statutes is amended to read:

11          114.103 (1) (c) "Private security person" has the meaning given in s. 440.26  
12          (1m) (d), but does not include any law enforcement officer.

13          **SECTION 4.** 134.59 (title), (1) and (3) of the statutes are repealed.

14          **SECTION 5.** 134.59 (2) of the statutes is renumbered 440.26 (4g) (c) and amended  
15          to read:

16          440.26 (4g) (c) ~~No person engaged in the business of installing burglar alarms~~  
17          private alarm contractor or employe of a private alarm contractor may intentionally

1 allow a felon who has not been pardoned to have access to individual burglar alarm  
2 system installation records.

3 **SECTION 6.** 440.08 (2) (a) 14d. of the statutes is created to read:

4 440.08 (2) (a) 14d. Armored transport service: September 1 of each even-num-  
5 bered year; \$41.

6 **SECTION 7.** 440.08 (2) (a) 41m. of the statutes is created to read:

7 440.08 (2) (a) 41m. Locksmith: September 1 of each even-numbered year; \$41.

8 **SECTION 8.** 440.08 (2) (a) 60m. of the statutes is created to read:

9 440.08 (2) (a) 60m. Private alarm contractor: September 1 of each even-num-  
10 bered year; \$41.

11 **SECTION 9.** 440.08 (2) (a) 63g. of the statutes is created to read:

12 440.08 (2) (a) 63g. Private security person: September 1 of each even-num-  
13 bered year; \$41.

14 **SECTION 10.** Subchapter II (title) of chapter 440 [precedes 440.26] of the stat-  
15 utes is amended to read:

16 **CHAPTER 440**

17 **SUBCHAPTER II**

18 **PRIVATE DETECTIVES,**

19 **PRIVATE SECURITY PERSONS,**

20 **ARMORED TRANSPORT SERVICES, LOCKSMITHS AND**

21 **PRIVATE ALARM CONTRACTORS**

22 **SECTION 11.** 440.26 (1) of the statutes is renumbered 440.26 (1) (intro.) and  
23 amended to read:

24 440.26 (1) LICENSE OR PERMIT REQUIRED. (intro.) No person may advertise do  
25 any of the following unless he or she has a license or permit issued under this section:

1           (a) Advertise, solicit or engage in the business of operating a private detective  
2 agency, ~~or act.~~

3           (b) Act as a private detective, investigator, special investigator or private secu-  
4 rity person, ~~or act.~~

5           (c) Act as a supplier of private security personnel, ~~or solicit.~~

6           (d) Solicit business or perform any other type of service or investigation as a  
7 private detective or private security person, ~~or receive.~~

8           (g) Receive any fees or compensation for acting as such, ~~without first filing an~~  
9 ~~application and the necessary bond or liability policy with the department and being~~  
10 ~~issued a license or a permit under this section. No person may be so licensed unless~~  
11 ~~the person is over 18 years of age~~ any person, engaging in any business or performing  
12 any service specified in pars. (a) to (f).

13           **SECTION 12.** 440.26 (1) (e), (em) and (f) of the statutes are created to read:

14           440.26 (1) (e) Act as an armored transport service or solicit business or perform  
15 any type of service as an armored transport service.

16           (em) Act as a locksmith or solicit business or perform any type of service as a  
17 locksmith.

18           (f) Act as a private alarm contractor or solicit business or perform any type of  
19 service as a private alarm contractor.

20           **SECTION 13.** 440.26 (1m) of the statutes is renumbered 440.26 (1m) (intro.) and  
21 amended to read:

22           440.26 (1m) (title) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, ~~“private;~~

23           (d) “Private security person” or “private security personnel” means any private  
24 police, guard or any person who stands watch for security purposes.

25           **SECTION 14.** 440.26 (1m) (a), (b), (br) and (c) of the statutes are created to read:

1           440.26 **(1m)** (a) “Armored transport service” means a person engaged in the  
2 business of transporting valuables, including currency, documents, papers, maps,  
3 negotiable instruments, securities, jewelry or works of art in a manner that provides  
4 or that is primarily intended or designed to provide a high degree of security to the  
5 valuables being transported.

6           (b) “Burglar alarm system” means a system, including an electronic access sys-  
7 tem or other electronic security system, that activates an audible, visible or remote  
8 signal that requires a response and that is designed for the prevention or detection  
9 of intrusion, entry, theft, vandalism or trespass.

10          (br) “Locksmith” means a person engaged in the business of servicing, instal-  
11 ling, receding, recombining, manipulating, bypassing or originating first keys for  
12 any mechanical or electronic locking device that is used to control access to or exit  
13 from premises, vehicles, vaults, safe deposit boxes, automatic teller machines or oth-  
14 er areas to which access is intended to be limited.

15          (c) “Private alarm contractor” means a person engaged in the business of sel-  
16 ling, installing, monitoring, maintaining, altering, repairing, replacing, servicing or  
17 responding to security alarm systems, including burglar alarm systems, that are  
18 installed at a premises protected on an emergency basis. “Private alarm contractor”  
19 does not include a person engaged solely in the manufacture or sale of security alarm  
20 systems at his or her place of business or a person engaged solely in supplying private  
21 security personnel to patrol a protected premises.

22           **SECTION 15.** 440.26 (2) (a) (intro.) of the statutes is repealed and recreated to  
23 read:

24           440.26 **(2)** (a) *Types of licenses.* (intro.) The department may do any of the fol-  
25 lowing:

1           **SECTION 16.** 440.26 (2) (a) 1. of the statutes is amended to read:

2           440.26 (2) (a) 1. ~~A Issue a private detective agency license may be issued to~~  
3           ~~an individual, partnership, limited liability company or corporation. An that meets~~  
4           ~~the qualifications specified under par. (c) if the individual, the members of a the part-~~  
5           ~~nership or limited liability company and or the officers or directors of a the corpora-~~  
6           ~~tion, having have a private detective agency license, are not required to have a pri-~~  
7           ~~ivate detective license unless actually engaged in the work of a private detective.~~

8           **SECTION 17.** 440.26 (2) (a) 2. of the statutes is amended to read:

9           440.26 (2) (a) 2. ~~A Issue a private detective license may only be issued to an~~  
10           ~~individual who meets the qualifications specified under par. (c) if the individual is~~  
11           ~~an owner, coowner or employe of a licensed private detective agency.~~

12           **SECTION 18.** 440.26 (2) (a) 3., 3m. and 4. of the statutes are created to read:

13           440.26 (2) (a) 3. Issue an armored transport service license to an individual,  
14           partnership, limited liability company or corporation that meets the qualifications  
15           specified under par. (c).

16           3m. Issue a locksmith license to an individual, partnership, limited liability  
17           company or corporation that meets the qualifications specified under par. (c).

18           4. Issue a private alarm contractor license to an individual, partnership, lim-  
19           ited liability company or corporation that meets the qualifications specified under  
20           par. (c).

21           **SECTION 19.** 440.26 (2) (c) of the statutes is renumbered 440.26 (2) (c) 1. and  
22           amended to read:

23           440.26 (2) (c) 1. ~~The Subject to subds. 2. and 3., the~~ department shall prescribe,  
24           by rule, such qualifications as it deems appropriate, with due regard to investigative



1 experience, special professional education and training and other factors bearing on  
2 professional competence. Subject to ~~ss. 111.321, 111.322 and 111.335~~, no person

3 2. An individual who has been convicted in this state or elsewhere of a felony  
4 and who has not been pardoned is not eligible for a license for 5 years thereafter un-  
5 der this section.

6 4. The department, in considering applicants for license, shall seek the advice  
7 of the appropriate local law enforcement agency or governmental official, and con-  
8 duct such further investigation, as it deems proper to determine the competence of  
9 the applicant.

10 **SECTION 20.** 440.26 (2) (c) 3. of the statutes is created to read:

11 440.26 (2) (c) 3. The department may not issue a license under this section to  
12 an individual unless the individual is over 18 years of age.

13 **SECTION 21.** 440.26 (3m) of the statutes is created to read:

14 440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. The department shall  
15 promulgate rules relating to the carrying of dangerous weapons by a person who  
16 holds a license or permit issued under this section or who is employed by a person  
17 licensed under this section. The rules shall meet the minimum requirements speci-  
18 fied in 15 USC 5902 (b).

19 **SECTION 22.** 440.26 (4) of the statutes is amended to read:

20 440.26 (4) BONDS OR LIABILITY POLICIES REQUIRED. No license may be issued un-  
21 der this section until a bond or liability policy, approved by the department, in the  
22 amount of \$10,000 if the applicant for the license is ~~an agency~~ a private detective  
23 agency, an armored transport service, a locksmith or a private alarm contractor and  
24 includes all principals, partners, members or corporate officers, or in the amount of  
25 \$2,000 if the applicant is a private detective, has been executed and filed with the

1 department. Such bonds or liability policies shall be furnished by an insurer autho-  
2 rized to do a surety business in this state in a form approved by the department.

3 **SECTION 23.** 440.26 (4g) of the statutes is created to read:

4 440.26 (4g) RESTRICTIONS CONCERNING UNPARDONED FELONS. (a) No person who  
5 holds a license issued under this section may employ a person who has been convicted  
6 in this state or elsewhere of a felony and who has not been pardoned.

7 (am) No partnership, limited liability company or corporation may have its  
8 business in this state managed by a person who has been convicted in this state or  
9 elsewhere of a felony and who has not been pardoned.

10 (b) No person may employ a person who has been convicted in this state or else-  
11 where of a felony and has not been pardoned as an employe specified in sub. (5) (b).

12 **SECTION 24.** 440.26 (4r) of the statutes is created to read:

13 440.26 (4r) REPORTING VIOLATIONS OF LAW. (a) *Definition.* In this subsection,  
14 “violation” means a violation of any state or local law that is punishable by a forfei-  
15 ture.

16 (b) *Reporting requirement.* A person who holds a license or permit issued under  
17 this section and who is convicted of a felony or misdemeanor or is found to have com-  
18 mitted a violation shall notify the department in writing of the date, place and nature  
19 of the conviction or finding within 30 days after the entry of the judgment of convic-  
20 tion or the judgment finding that the person committed a violation. The written no-  
21 tice to the department under this paragraph shall include a copy of the complaint,  
22 citation or other information that describes the nature of the crime or violation and  
23 a copy of the judgment of conviction or the judgment finding that the person com-  
24 mitted a violation.

25 **SECTION 25.** 440.26 (5) (title) of the statutes is amended to read:

1           440.26 (5) (title) ~~EXEMPTIONS; PRIVATE SECURITY PERMIT.~~

2           **SECTION 26.** 440.26 (5) of the statutes is renumbered 440.26 (5) (b) and  
3 amended to read:

4           440.26 (5) (b) ~~This~~ Subject to sub. (4g) (b), the license requirements of this sec-  
5 tion does do not apply to any person employed, directly or indirectly by the state or  
6 by a municipality, as defined in s. 345.05 (1) (c), or to any employe of a railroad compa-  
7 ny under s. 192.47, or employes to any employe of a commercial establishments, who  
8 operate exclusively on their establishment, while the person is acting within the  
9 scope of his or her employment and whether or not he or she is on the employer's  
10 premises.

11           (c) An employe of any ~~licensed~~ agency that is licensed as a private detective  
12 agency under this section and that is doing business in this state as a supplier of uni-  
13 formed private security personnel to patrol exclusively on the private property of in-  
14 dustrial plants, business establishments, schools, colleges, hospitals, sports sta-  
15 diums, exhibits and similar activities are is exempt from the license requirements  
16 of ~~this section subs. (1m) to (4)~~ while engaged in such employment, if the person all  
17 of the following apply:

18           1. The employe obtains a private security permit under this section sub. (5m).

19           2. The private detective agency ~~shall furnish upon request~~ furnishes an up-to-  
20 date written record of its employes to the chief of police or other local law enforcement  
21 official designated by the department for the municipality wherein such activities  
22 ~~take place.~~ Such. The record shall include the name, residence address, date of birth  
23 and a physical description of each ~~such~~ employe together with a recent photograph  
24 and 2 fingerprint cards bearing a complete set of fingerprints of the each employe,  
25 and, subject to ss. 111.321, 111.322 and 111.335, no person shall be eligible for a pri-

1 ~~vate security permit who has been convicted in this state or elsewhere of a felony~~  
2 ~~within 5 years preceding application.~~

3 ~~3. The private detective agency shall ~~notify~~ notifies the chief of police or other~~  
4 ~~designated official department in writing within 5 days of any change of the resi-~~  
5 ~~dence address or of the termination of employment of such person. A private security~~  
6 ~~permit shall be issued or denied within 48 hours of application by the chief of police~~  
7 ~~or other designated official. The permit shall remain valid unless for just cause re-~~  
8 ~~voked by the chief of police or other designated official issuing the permit for just~~  
9 ~~cause. Upon denial or revocation of a permit, appeal may be taken to the department.~~  
10 ~~The chief of police or other designated official may charge the agency a fee of not more~~  
11 ~~than \$10 for issuing the permit in the information under subd. 2.~~

12 **SECTION 27.** 440.26 (5m) of the statutes is created to read:

13 440.26 **(5m)** PRIVATE SECURITY PERMIT. (a) The department shall issue a private  
14 security permit to an individual if all of the following apply:

15 1. The individual submits an application for a private security permit to the  
16 department on a form provided by the department.

17 2. The individual has not been convicted in this state or elsewhere of a felony,  
18 unless he or she has been pardoned for that felony.

19 3. The individual provides evidence satisfactory to the department that he or  
20 she is an employe of a private detective agency described in sub. (5) (c).

21 4. The individual pays to the department the fee specified in s. 440.05 (1).

22 (b) A private security permit issued under this subsection remains valid unless  
23 revoked, suspended or limited by the department for just cause.

1 (c) A private security permit issued under this subsection authorizes the holder  
2 of the permit to engage in private security activities described in sub. (5) (c) for an  
3 employer described in sub. (5) (c) anywhere in this state.

4 (d) The department shall maintain a record pertaining to each applicant for a  
5 permit under this subsection and each holder of a permit issued by the department  
6 under this subsection. The record shall include all information received by the de-  
7 partment that is relevant to the approval or denial of the application, the issuance  
8 of the permit and any limitations, suspensions or revocations of the permit.

9 **SECTION 28.** 440.26 (6) of the statutes is renumbered 440.26 (6) (a) (intro.) and  
10 amended to read:

11 440.26 (6) (a) (intro.) Subject to the rules adopted under s. 440.03 (1), the de-  
12 partment may reprimand the holder of a license or permit issued under this section  
13 or revoke, suspend or limit the license or permit of any person who has ~~been~~ done any  
14 of the following:

15 1. Been convicted of a crime misdemeanor or found to have violated any state  
16 or local law that is punishable by a forfeiture, subject to ss. 111.321, 111.322 and  
17 111.335, ~~or has engaged.~~

18 2. Engaged in conduct reflecting adversely on his or her professional qualifica-  
19 tion, ~~or has made.~~

20 3. Made a false statement in connection with any application for a license or  
21 permit under this section.

22 **SECTION 29.** 440.26 (6) (a) 4. of the statutes is created to read:

23 440.26 (6) (a) 4. Violated this section or any rule promulgated or order issued  
24 under this section.

25 **SECTION 30.** 440.26 (6) (b) of the statutes is created to read:

1           440.26 (6) (b) Subject to the rules promulgated under s. 440.03 (1), the depart-  
2           ment shall revoke the license or permit of any person who has been convicted of a  
3           felony and who has not been pardoned.

4           **SECTION 31.** 440.26 (7) (title) of the statutes is repealed.

5           **SECTION 32.** 440.26 (7) (a) of the statutes is renumbered 440.26 (5) (a) and  
6           amended to read:

7           440.26 (5) (a) ~~“Private detective” does not include~~ The requirement that a per-  
8           son acting as a private detective, investigator or special investigator be licensed un-  
9           der this section does not apply to attorneys, law students or law school graduates  
10          employed by an attorney or persons directly employed by an attorney or firm of attor-  
11          neys whose work as private detective is limited to such attorney or firm or to persons  
12          directly employed by an insurer or a retail credit rating establishment. A person who  
13          accepts employment with more than one law firm shall be subject to the licensing  
14          provisions of this section.

15          **SECTION 33.** 440.26 (7m) of the statutes is created to read:

16          440.26 (7m) IDENTIFICATION CARD. (a) The department shall issue an identifica-  
17          tion card to every individual who is issued a private detective license or a private se-  
18          curity permit under this subchapter.

19          (b) An identification card issued under par. (a) shall contain all of the following:

- 20           1. The individual’s name.
- 21           2. Identification information of the individual, including height, weight and  
22           hair and eye color.
- 23           3. A recent photograph of the individual.
- 24           4. The signature of the individual.

1           5. The name and license number of the private detective agency employing the  
2 individual, if applicable.

3           6. The number of the identification card.

4           (c) An individual who terminates his or her employment with a private detec-  
5 tive agency shall notify the department and return his or her identification card to  
6 the department for updating and reissuance.

7           (d) The department may charge a fee for issuing an identification card under  
8 this subsection.

9           (e) The department may promulgate any rules necessary to administer this  
10 subsection.

11           **SECTION 34.** 440.26 (8) of the statutes is amended to read:

12           440.26 (8) PENALTIES. Any person, acting as a private alarm contractor, lock-  
13 smith, armored transport service, private detective, investigator or private security  
14 person, or who employs any person who solicits, advertises or performs services in  
15 this state as a private alarm contractor, locksmith, armored transport service, pri-  
16 vate detective or private security person, or investigator or special investigator, with-  
17 out having procured the license or permit required by this section, may be fined not  
18 less than \$100 nor more than \$500 or imprisoned not less than 3 months nor more  
19 than 6 months or both. Any agency having an employe, owner, officer or agent con-  
20 victed of the above offense may have its agency license revoked or suspended by the  
21 department. Any person convicted of the above offense shall be ineligible for a license  
22 for one year.

23           **SECTION 35.** 940.34 (2) (c) 1. of the statutes is amended to read:

1           940.34 (2) (c) 1. In this paragraph, “unlicensed private security person” means  
2 a private security person, as defined in s. 440.26 (1m) (d), who is exempt from the  
3 permit and licensure requirements of s. 440.26.

4           **SECTION 36.** 941.237 (1) (em) of the statutes is amended to read:

5           941.237 (1) (em) “Private security person” has the meaning given in s. 440.26  
6 (1m) (d).

7           **SECTION 37. Nonstatutory provisions.**

8           (1) No later than the first day of the 2nd month beginning after the effective  
9 date of this subsection, the chiefs of police or other designated officials who issued  
10 private security permits shall transfer to the department of regulation and licensing  
11 copies of all records pertaining to applications for or issuance of private security per-  
12 mits. Permits issued by chiefs of police or other designated officials prior to the effec-  
13 tive date of this subsection shall be treated as if they were issued by the department  
14 of regulation and licensing on the effective date of this subsection. Any permit re-  
15 vocation proceeding pending on the effective date of this subsection is transferred to  
16 the department of regulation and licensing on the effective date of this subsection.

17           **SECTION 38. Initial applicability.**

18           (1) The treatment of section 440.26 (2) (a) 1. and 2. and (c), (5) and (5m) of the  
19 statutes first applies to applications for an initial license or permit under section  
20 440.26 of the statutes that are received on the effective date of this subsection by the  
21 department of regulation and licensing.

22           (2) The treatment of section 440.26 (4g) of the statutes first applies to a person  
23 who is offered employment or management authority on the effective date of this sub-  
24 section.



