



**SENATE SUBSTITUTE AMENDMENT 2,
TO 1995 SENATE BILL 597**

May 8, 1996 - Offered by JOINT COMMITTEE ON FINANCE.

1 **AN ACT to repeal** 111.335 (1) (cm), 134.59 (title), (1) and (3) and 440.26 (7) (title);
2 **to renumber** 440.26 (2) (b); **to renumber and amend** 134.59 (2), 440.26 (1),
3 440.26 (1m), 440.26 (2) (c), 440.26 (5), 440.26 (6), 440.26 (7) (a) and 440.26 (8);
4 **to amend** 114.103 (1) (c), subchapter II (title) of chapter 440 [precedes 440.26],
5 440.26 (2) (a) 1., 440.26 (2) (a) 2., 440.26 (3), 440.26 (4), 440.26 (5) (title), 940.34
6 (2) (c) 1. and 941.237 (1) (em); **to repeal and recreate** 440.26 (2) (a) (intro.);
7 and **to create** 20.165 (1) (gm), 111.335 (1) (cg), 440.08 (2) (a) 14c. and 14e.,
8 440.08 (2) (a) 41L. and 41p., 440.08 (2) (a) 60L. and 60p., 440.08 (2) (a) 63g.,
9 440.26 (1) (a) 5. to 10., 440.26 (1) (b), 440.26 (1m) (a) to (g), 440.26 (2) (a) 3. to
10 8., 440.26 (2) (b) 2., 440.26 (2) (c) 3., 440.26 (3m), 440.26 (4e), 440.26 (4m), 440.26
11 (4s), 440.26 (5m) and (5r), 440.26 (6) (a) 4., 440.26 (6) (b), 440.26 (7m) and 440.26
12 (8) (b) of the statutes; **relating to:** the regulation of armored transport services,
13 armored transport service persons, locksmith agencies, locksmiths, private
14 alarm contractor agencies and private alarm contractors; the requirements
15 that a person must satisfy to be eligible for a private detective license, a private
16 detective agency license, a private security permit or a license to supply private

1 security personnel; transferring the authority to issue private security permits
2 for private security persons from local law enforcement authorities to the
3 department of regulation and licensing; granting rule-making authority;
4 making an appropriation; and providing a penalty.

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

5 **SECTION 1.** 20.165 (1) (gm) of the statutes is created to read:

6 20.165 (1) (gm) *Criminal record search fee reimbursement.* All moneys received
7 from applicants for licenses or permits under subch. II of ch. 440 as reimbursement
8 to the department of regulation and licensing for fees or other expenses relating to
9 criminal record searches, for the purpose of conducting criminal record searches.

10 **SECTION 2.** 111.335 (1) (cg) of the statutes is created to read:

11 111.335 (1) (cg) 1. Notwithstanding s. 111.322, it is not employment
12 discrimination because of conviction record to deny or refuse to renew a license or
13 permit under s. 440.26 to a person who has been convicted of a felony and has not
14 been pardoned for that felony.

15 2. Notwithstanding s. 111.322, it is not employment discrimination because of
16 conviction record to revoke a license or permit under s. 440.26 (6) (b) if the person
17 holding the license or permit has been convicted of a felony and has not been
18 pardoned for that felony.

19 3. Notwithstanding s. 111.322, it is not employment discrimination because of
20 conviction record to refuse to employ a person in a business licensed under s. 440.26
21 or as an employe specified in s. 440.26 (5) (b) if the person has been convicted of a
22 felony and has not been pardoned for that felony.

23 **SECTION 3.** 111.335 (1) (cm) of the statutes is repealed.

1 **SECTION 4.** 114.103 (1) (c) of the statutes is amended to read:

2 114.103 (1) (c) “Private security person” has the meaning given in s. 440.26
3 (1m) (h), but does not include any law enforcement officer.

4 **SECTION 5.** 134.59 (title), (1) and (3) of the statutes are repealed.

5 **SECTION 6.** 134.59 (2) of the statutes is renumbered 440.26 (4e) (c) and amended
6 to read:

7 440.26 (4e) (c) ~~No person engaged in the business of installing burglar alarms~~
8 private alarm contractor agency, private alarm contractor or employe of a private
9 alarm contractor agency or private alarm contractor may intentionally allow a felon
10 who has not been pardoned to have access to individual ~~burglar alarm~~ system
11 installation records.

12 **SECTION 7.** 440.08 (2) (a) 14c. and 14e. of the statutes are created to read:

13 440.08 (2) (a) 14c. Armored transport service: September 1 of each
14 even-numbered year; \$41.

15 14e. Armored transport service person: September 1 of each even-numbered
16 year; \$41.

17 **SECTION 8.** 440.08 (2) (a) 41L. and 41p. of the statutes are created to read:

18 440.08 (2) (a) 41L. Locksmith: September 1 of each even-numbered year; \$41.

19 41p. Locksmith agency: September 1 of each even-numbered year; \$41.

20 **SECTION 9.** 440.08 (2) (a) 60L. and 60p. of the statutes are created to read:

21 440.08 (2) (a) 60L. Private alarm contractor: September 1 of each
22 even-numbered year; \$41.

23 60p. Private alarm contractor agency: September 1 of each even-numbered
24 year; \$41.

25 **SECTION 10.** 440.08 (2) (a) 63g. of the statutes is created to read:

1 ~~the person is over 18 years of age~~ any person, engaging in any business or performing
2 any service specified in subds. 1. to 10.

3 **SECTION 13.** 440.26 (1) (a) 5. to 10. of the statutes are created to read:

4 440.26 (1) (a) 5. Advertise, solicit or engage in the business of operating an
5 armored transport service.

6 6. Act as an armored transport service person.

7 7. Advertise, solicit or engage in the business of operating a locksmith agency.

8 8. Act as a locksmith.

9 9. Advertise, solicit or engage in the business of operating a private alarm
10 contractor agency.

11 10. Act as a private alarm contractor.

12 **SECTION 14.** 440.26 (1) (b) of the statutes is created to read:

13 440.26 (1) (b) The department may promulgate rules specifying activities in
14 which a person may engage without obtaining a license or permit under this section.

15 **SECTION 15.** 440.26 (1m) of the statutes is renumbered 440.26 (1m) (intro.) and
16 amended to read:

17 440.26 (1m) (title) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, ~~“private;~~
18 (h) “Private security person” or “private security personnel” means any private
19 police, guard or any person who stands watch for security purposes.

20 **SECTION 16.** 440.26 (1m) (a) to (g) of the statutes are created to read:

21 440.26 (1m) (a) “Armored transport service” means an individual, partnership,
22 limited liability company or corporation that acts as or employs an armored
23 transport service person.

24 (b) “Armored transport service person” means a person engaged in the business
25 of transporting valuables, including currency, documents, papers, maps, negotiable

1 instruments, securities, jewelry or works of art, in a manner that provides or that is
2 primarily intended or designed to provide a high degree of security to the valuables
3 being transported.

4 (c) "Burglar alarm system" means a system, including an electronic access
5 system or other electronic security system, that activates an audible, visible or
6 remote signal that requires a response and that is designed for the prevention or
7 detection of intrusion, entry, theft, vandalism or trespass.

8 (d) "Locksmith" means a person engaged in the business of servicing,
9 installing, originating first keys, recoding, recombining, manipulating or
10 bypassing any of the following:

11 1. A mechanical or electronic security device that is used to control access to
12 or exit from premises, motor vehicles, safes, vaults, safe deposit boxes, automatic
13 teller machines or other areas to which access is intended to be limited.

14 2. A detection device, including burglar and motor vehicle alarms and closed
15 circuit television.

16 (e) "Locksmith agency" means an individual, partnership, limited liability
17 company or corporation that acts as or employs a locksmith.

18 (f) "Private alarm contractor" means a person engaged in the business of
19 selling, installing, monitoring, maintaining, altering, repairing, replacing, servicing
20 or responding to security alarm systems, including burglar alarm systems, that are
21 installed at a premises protected on an emergency basis. "Private alarm contractor"
22 does not include a person engaged solely in the manufacture or sale of security alarm
23 systems at his or her place of business or a person engaged solely in supplying private
24 security personnel to patrol a protected premises.

1 (g) "Private alarm contractor agency" means an individual, partnership,
2 limited liability company or corporation that acts as or employs a private alarm
3 contractor.

4 **SECTION 17.** 440.26 (2) (a) (intro.) of the statutes is repealed and recreated to
5 read:

6 440.26 (2) (a) *Types of licenses.* (intro.) The department may do any of the
7 following:

8 **SECTION 18.** 440.26 (2) (a) 1. of the statutes is amended to read:

9 440.26 (2) (a) 1. ~~A Issue a private detective agency license may be issued to~~
10 ~~an individual, partnership, limited liability company or corporation. An that meets~~
11 ~~the qualifications specified under par. (c). The department may not issue a license~~
12 ~~under this subdivision unless the individual, the members or each member of a the~~
13 ~~partnership or limited liability company and the officers or officer or directors~~
14 ~~director of a the corporation, having a private detective agency license, are not~~
15 ~~required to have a private detective license unless who is actually engaged in the~~
16 ~~work of a private detective is issued a private detective license under this section.~~

17 **SECTION 19.** 440.26 (2) (a) 2. of the statutes is amended to read:

18 440.26 (2) (a) 2. ~~A Issue a private detective license may only be issued to an~~
19 ~~individual who meets the qualifications specified under par. (c) if the individual is~~
20 ~~an owner, coowner or employe of a licensed private detective agency required to be~~
21 ~~licensed under this section.~~

22 **SECTION 20.** 440.26 (2) (a) 3. to 8. of the statutes are created to read:

23 440.26 (2) (a) 3. Issue an armored transport service license to an individual,
24 partnership, limited liability company or corporation that meets the qualifications
25 specified under par. (c). The department may not issue a license under this

1 subdivision unless the individual or each member of the partnership or limited
2 liability company or officer or director of the corporation who is actually engaged in
3 the work of an armored transport service person is issued an armored transport
4 service person license under this section.

5 4. Issue an armored transport service person license to an individual who meets
6 the qualifications specified under par. (c) if the individual is an owner, coowner or
7 employe of an armored transport service required to be licensed under this section.

8 5. Issue a locksmith agency license to an individual, partnership, limited
9 liability company or corporation that meets the qualifications specified under par.
10 (c). The department may not issue a license under this subdivision unless the
11 individual or each member of the partnership or limited liability company or officer
12 or director of the corporation who is actually engaged in the work of a locksmith is
13 issued a locksmith license under this section.

14 6. Issue a locksmith license to an individual who meets the qualifications
15 specified under par. (c) if the individual is an owner, coowner or employe of a
16 locksmith agency required to be licensed under this section.

17 7. Issue a private alarm contractor agency license to an individual,
18 partnership, limited liability company or corporation that meets the qualifications
19 specified under par. (c). The department may not issue a license under this
20 subdivision unless the individual or each member of the partnership or limited
21 liability company or officer or director of the corporation who is actually engaged in
22 the work of a private alarm contractor is issued a private alarm contractor license
23 under this section.

24 8. Issue a private alarm contractor license to an individual who meets the
25 qualifications specified under par. (c) if the individual is an owner, coowner or

1 employe of a private alarm contractor agency required to be licensed under this
2 section.

3 **SECTION 21.** 440.26 (2) (b) of the statutes is renumbered 440.26 (2) (b) 1.

4 **SECTION 22.** 440.26 (2) (b) 2. of the statutes is created to read:

5 440.26 (2) (b) 2. The department may require that an applicant provide any
6 information which the department determines is reasonably necessary to determine
7 whether the applicant meets the requirements of this section and rules promulgated
8 under this section or to establish the truth of the facts set forth in the application.
9 The department may also require under this subdivision that an applicant complete
10 forms provided by the department of justice and the federal bureau of investigation.

11 **SECTION 23.** 440.26 (2) (c) of the statutes is renumbered 440.26 (2) (c) 1. and
12 amended to read:

13 440.26 (2) (c) 1. ~~The Subject to subds. 2. and 3., the department shall prescribe,~~
14 ~~by rule, such qualifications as it deems appropriate, with due regard to investigative~~
15 ~~experience, special professional education and training and other factors bearing on~~
16 ~~professional competence. Subject to ss. 111.321, 111.322 and 111.335, no person~~

17 2. An individual who has been convicted in this state or elsewhere of a felony
18 and who has not been pardoned for that felony is not eligible for a license for 5 years
19 thereafter under this section. A private detective agency, armored transport service,
20 locksmith agency or private alarm contractor agency that is a partnership, limited
21 liability company or corporation is not eligible for a license under this section if any
22 member of the partnership or limited liability company or any officer or director of
23 the corporation has been convicted in this state or elsewhere of a felony and has not
24 been pardoned for that felony.

1 4. The department, in considering applicants for license, shall seek the advice
2 of the appropriate local law enforcement agency or governmental official, and
3 conduct such further investigation, as it deems proper to determine the competence
4 of the applicant.

5 **SECTION 24.** 440.26 (2) (c) 3. of the statutes is created to read:

6 440.26 (2) (c) 3. The department may not issue a license under this section to
7 an individual unless the individual is over 18 years of age.

8 **SECTION 25.** 440.26 (3) of the statutes is amended to read:

9 440.26 (3) ISSUANCE OF LICENSES; FEES. Upon receipt and examination of an
10 application executed under sub. (2), and after any investigation that it considers
11 necessary, the department shall, if it determines that the applicant is qualified, grant
12 the proper license upon payment of the fee specified in s. 440.05 (1) and the costs,
13 including the costs of record searches, incurred by the department in obtaining
14 information related to the eligibility and qualifications of the applicant. No license
15 shall be issued for a longer period than 2 years, and the license of a private detective,
16 armored transport service person, locksmith or private alarm contractor shall expire
17 on the renewal date of the agency's license of the private detective agency, armored
18 transport service, locksmith agency or private alarm contractor agency even though
19 if the private detective's license may of the private detective, armored transport
20 service person, locksmith or private alarm contractor has not have been in effect for
21 a full 2 years. Renewals of the original licenses issued under this section shall be
22 issued in accordance with renewal forms prescribed by the department and shall be
23 accompanied by the fees specified in s. 440.08. The department may not renew a
24 license unless the applicant provides evidence that the applicant has in force at the
25 time of renewal the bond or liability policy specified in this section.

1 **SECTION 26.** 440.26 (3m) of the statutes is created to read:

2 440.26 **(3m)** RULES CONCERNING DANGEROUS WEAPONS. The department shall
3 promulgate rules relating to the carrying of dangerous weapons by a person who
4 holds a license or permit issued under this section or who is employed by a person
5 licensed under this section. The rules shall meet the minimum requirements
6 specified in 15 USC 5902 (b).

7 **SECTION 27.** 440.26 (4) of the statutes is amended to read:

8 440.26 **(4)** BONDS OR LIABILITY POLICIES REQUIRED. No license may be issued
9 under this section until a bond or liability policy, approved by the department, in the
10 amount of ~~\$10,000~~ \$100,000 if the applicant for the license is ~~an agency~~ a private
11 detective agency, an armored transport service, a locksmith agency or a private
12 alarm contractor agency and includes all principals, partners, members or corporate
13 officers, or in the amount of \$2,000 if the applicant is a private detective, an armored
14 transport service person, a locksmith or a private alarm contractor, has been
15 executed and filed with the department. Such bonds or liability policies shall be
16 furnished by an insurer authorized to do a surety business in this state in a form
17 approved by the department.

18 **SECTION 28.** 440.26 (4e) of the statutes is created to read:

19 440.26 **(4e)** RESTRICTIONS CONCERNING UNPARDONED FELONS. (a) No person who
20 holds a license issued under this section may employ a person who has been convicted
21 in this state or elsewhere of a felony and who has not been pardoned for that felony.

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

1 (b) No person may employ another person as an employe specified in sub. (5)
2 (b) if the other person has been convicted in this state or elsewhere of a felony and
3 has not been pardoned for that felony.

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

5 440.26 (4m) REPORTING VIOLATIONS OF LAW. (a) *Definition.* In this subsection,
6 “violation” means a violation of any state or local law that is punishable by a
7 forfeiture.

8 (b) *Reporting requirement.* A person who holds a license or permit issued under
9 this section and who is convicted of a felony or misdemeanor, or is found to have
10 committed a violation, in this state or elsewhere, shall notify the department in
11 writing of the date, place and nature of the conviction or finding within 48 hours after
12 the entry of the judgment of conviction or the judgment finding that the person
13 committed the violation. Notice may be made by mail and may be proven by showing
14 proof of the date of mailing the notice.

15 **SECTION 30.** 440.26 (4s) of the statutes is created to read:

16 440.26 (4s) LOCKSMITH TOOLS AND EQUIPMENT. (a) No person may own or
17 possess, or attempt to own or possess, locksmithing tools specifically designed to
18 compromise or bypass locks, safe-opening tools or code books unless he or she is
19 licensed as a locksmith under this section or is exempt from the locksmith license
20 requirement under rules promulgated by the department under sub. (1) (b).

21 (b) This subsection does not apply to tools designed exclusively to open motor
22 vehicle locks and that are owned or possessed by a towing service, a motor club or a
23 person authorized to repossess motor vehicles or, if he or she is acting within the
24 scope of his or her employment, by an employe of a towing service, motor club or
25 person authorized to repossess motor vehicles.

1 **SECTION 31.** 440.26 (5) (title) of the statutes is amended to read:

2 440.26 (5) (title) ~~EXEMPTIONS; PRIVATE SECURITY PERMIT.~~

3 **SECTION 32.** 440.26 (5) of the statutes is renumbered 440.26 (5) (b) and
4 amended to read:

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

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

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

20 2. The private detective agency shall furnish upon request furnishes an
21 up-to-date written record of its employes to the chief of police or other local law
22 enforcement official designated by the department for the municipality wherein such
23 activities take place. Such. The record shall include the name, residence address,
24 date of birth and a physical description of each such employe together with a recent
25 photograph and 2 fingerprint cards bearing a complete set of fingerprints of the each

1 employe, and, subject to ss. 111.321, 111.322 and 111.335, no person shall be eligible
2 for a private security permit who has been convicted in this state or elsewhere of a
3 felony within 5 years preceding application.

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

14 **SECTION 33.** 440.26 (5m) and (5r) of the statutes are created to read:

15 440.26 **(5m)** PRIVATE SECURITY PERMIT. (a) The department shall issue a private
16 security permit to an individual if all of the following apply:

17 1. The individual submits an application for a private security permit to the
18 department on a form provided by the department. The department may require
19 that an individual provide any information which the department determines is
20 reasonably necessary to determine whether the individual meets the requirements
21 of this section and rules promulgated under this section or to establish the truth of
22 the facts set forth in the application. The department may also require under this
23 subdivision that an applicant complete forms provided by the department of justice
24 and the federal bureau of investigation.

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

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

5 4. The individual pays to the department the fee specified in s. 440.05 (1) and
6 the costs, including the costs of record searches, incurred by the department in
7 obtaining information related to the eligibility and qualifications of the individual.

8 (b) The renewal dates for permits issued under this subsection are specified
9 under s. 440.08 (2) (a). Renewal applications shall be submitted to the department
10 on a form provided by the department and shall include the renewal fee specified in
11 s. 440.08 (2) (a).

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

15 (d) The department shall maintain a record pertaining to each applicant for a
16 permit under this subsection and each holder of a permit issued under this
17 subsection. The record shall include all information received by the department that
18 is relevant to the approval or denial of the application, the issuance of the permit and
19 any limitations, suspensions or revocations of the permit.

20 **(5r) TEMPORARY PRIVATE SECURITY PERMIT.** (a) The department shall issue a
21 temporary private security permit to an individual at the request of the individual
22 if all of the following apply:

23 1. The individual has completed an application and provided information
24 required under sub. (5m) (a).

1 2. The department is not yet able to grant or deny the individual's application
2 because a background check of the individual is not complete.

3 (b) 1. Except as provided in subd. 2., an individual who has been issued a
4 temporary private security permit under par. (a) may act as a private security person
5 in the same manner as an individual issued a private security permit under sub.
6 (5m).

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

9 (c) 1. Except as provided in subd. 2., a temporary private security permit issued
10 under par. (a) is valid for 30 days.

11 2. A temporary private security permit issued under par. (a) shall expire on the
12 date that the individual receives written notice from the department that a
13 background check of the individual has been completed and that the department is
14 granting or denying the individual's application for a private security permit, if that
15 date occurs before the end of the period specified in subd. 1.

16 3. A temporary private security permit issued under par. (a) may not be
17 renewed.

18 **SECTION 34.** 440.26 (6) of the statutes is renumbered 440.26 (6) (a) (intro.) and
19 amended to read:

20 440.26 **(6)** (a) (intro.) Subject to the rules adopted under s. 440.03 (1), the
21 department may reprimand the holder of a license or permit issued under this
22 section or revoke, suspend or limit the license or permit of any person who has been
23 done any of the following:

1 1. Been convicted of a crime misdemeanor or found to have violated any state
2 or local law that is punishable by a forfeiture, subject to ss. 111.321, 111.322 and
3 111.335, or has engaged.

4 2. Engaged in conduct reflecting adversely on his or her professional
5 qualification, or has made.

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

8 **SECTION 35.** 440.26 (6) (a) 4. of the statutes is created to read:

9 440.26 **(6)** (a) 4. Violated this section or any rule promulgated or order issued
10 under this section.

11 **SECTION 36.** 440.26 (6) (b) of the statutes is created to read:

12 440.26 **(6)** (b) Subject to the rules promulgated under s. 440.03 (1), the
13 department shall revoke the license or permit of any person who has been convicted
14 of a felony in this state or elsewhere and who has not been pardoned for that felony.
15 A person whose license or permit is revoked under this paragraph is eligible to apply
16 for a license or permit under this section 10 years after the date of conviction for the
17 felony.

18 **SECTION 37.** 440.26 (7) (title) of the statutes is repealed.

19 **SECTION 38.** 440.26 (7) (a) of the statutes is renumbered 440.26 (5) (a) and
20 amended to read:

21 440.26 **(5)** (a) ~~“Private detective” does not include~~ The requirement that a
22 person acting as a private detective, investigator or special investigator be licensed
23 under this section does not apply to attorneys, law students or law school graduates
24 employed by an attorney or persons directly employed by an attorney or firm of
25 attorneys whose work as private detective, investigator or special investigator is

1 limited to such attorney or firm or to persons directly employed by an insurer or a
2 retail credit rating establishment. A person who accepts employment with more
3 than one law firm shall be subject to the licensing provisions of this section.

4 **SECTION 39.** 440.26 (7m) of the statutes is created to read:

5 440.26 **(7m)** IDENTIFICATION CARD. (a) The department shall issue an
6 identification card to every individual who is issued a license or permit under this
7 subchapter.

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

- 9 1. The individual's name.
- 10 2. Identification information of the individual, including height, weight and
11 hair and eye color.
- 12 3. A recent photograph of the individual.
- 13 4. The signature of the individual.
- 14 5. The name and license number of the private detective agency, armored
15 transport service, locksmith agency or private alarm contractor agency employing
16 the individual, if applicable.

17 6. The number of the identification card.

18 (c) An individual who terminates his or her employment with a private
19 detective agency, armored transport service, locksmith agency or private alarm
20 contractor agency shall notify the department and return his or her identification
21 card to the department.

22 (d) The department may charge a fee for issuing or reissuing an identification
23 card under this subsection.

24 (e) The department may promulgate any rules necessary to administer this
25 subsection.

1 **SECTION 40.** 440.26 (8) of the statutes is renumbered 440.26 (8) (a) and
2 amended to read:

3 440.26 (8) (a) Any person, acting as a private alarm contractor, locksmith,
4 armored transport service person, private detective, investigator or private security
5 person, or who employs any person who solicits, advertises or performs services in
6 this state as a private alarm contractor, locksmith, armored transport service person,
7 private detective or private security person, or investigator or special investigator,
8 without having procured the license or permit required by this section, may be fined
9 not less than \$100 nor more than \$500 or imprisoned not less than 3 months nor more
10 than 6 months or both. Any agency or service having an employe, owner, officer or
11 agent convicted of the above offense may have its agency or service license revoked
12 or suspended by the department. Any person convicted of the above offense shall be
13 ineligible for a license for one year.

14 **SECTION 41.** 440.26 (8) (b) of the statutes is created to read:

15 440.26 (8) (b) Any person who violates sub. (4s) may be required to forfeit not
16 less than \$100 nor more than \$500 or imprisoned for not less than 3 months nor more
17 than 6 months or both.

18 **SECTION 42.** 940.34 (2) (c) 1. of the statutes is amended to read:

19 940.34 (2) (c) 1. In this paragraph, “unlicensed private security person” means
20 a private security person, as defined in s. 440.26 (1m) (h), who is exempt from the
21 permit and licensure requirements of s. 440.26.

22 **SECTION 43.** 941.237 (1) (em) of the statutes is amended to read:

23 941.237 (1) (em) “Private security person” has the meaning given in s. 440.26
24 (1m) (h).

25 **SECTION 44. Nonstatutory provisions.**

1 (1) No later than the first day of the 2nd month beginning after the effective
2 date of this subsection, the chiefs of police or other designated officials who issued
3 private security permits under section 440.26 (5) of the statutes shall transfer to the
4 department of regulation and licensing copies of all records pertaining to private
5 security permits. Permits issued by chiefs of police or other designated officials prior
6 to the effective date of this subsection shall be treated as if they were issued by the
7 department of regulation and licensing under section 440.26 (5m) of the statutes, as
8 created by this act, on the effective date of this subsection. Any permit denial or
9 revocation proceeding pending on the effective date of this subsection is transferred
10 to the department of regulation and licensing on the effective date of this subsection.

11 **SECTION 45. Initial applicability.**

12 (1) The treatment of section 440.26 (2) (a) 1. and 2. and (c), (5) and (5m) of the
13 statutes first applies to applications for an initial license or permit under section
14 440.26 of the statutes, as affected by this act, that are submitted on the effective date
15 of this subsection.

16 (2) The treatment of section 440.26 (4e) of the statutes first applies to a person
17 who is offered employment or management authority on the effective date of this
18 subsection.

19 (3) The treatment of section 440.26 (4m) of the statutes first applies to
20 judgments of conviction or judgments finding that a person committed a violation
21 that are entered on the effective date of this subsection.

22 (4) The treatment of section 440.26 (6) (b) of the statutes first applies to a person
23 holding a license or permit under section 440.26 of the statutes who is convicted of
24 a felony on the effective date of this subsection.

25 **SECTION 46. Effective date.**

