

2001 DRAFTING REQUEST

Bill

Received: 11/01/2000

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Dombrowski

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Alt. Drafters:

Subject: Occupational Reg. - prof lic

Extra Copies:

Pre Topic:

DOA:.....Dombrowski -

Topic:

Private security person agency license

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>
/?	kunkemd 11/02/2000	chanaman 11/02/2000					State
/1	kunkemd 02/06/2001	jdye 02/06/2001	kfollet 11/03/2000		lrb_docadmin 11/03/2000		State
/2			rschluet 02/07/2001		lrb_docadmin 02/07/2001		

FE Sent For:

<END>

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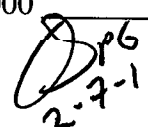
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/?	kunkemd 11/02/2000	chanaman 11/02/2000					State
/1		1/2 3/6 jld	kfollet 11/03/2000		lrb_docadmin 11/03/2000		
FE Sent For:			 27-1	 27-1			<END>

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/?	kunkemd		<i>kyj</i> 11/3	<i>kyj/SE</i> 11/3			

FE Sent For:

<END>

2001 DRAFTING REQUEST

CANCEL -
REPLACE
w/
905

Bill

Received: 10/25/2000

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Dombrowski

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Alt. Drafters:

Subject: Occupational Reg. - prof lic

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/?	kunkemd 10/26/2000	jdye 10/26/2000					State
/1			martykr 10/26/2000		gretskl 10/26/2000		

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<END>

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17	kunkemd	1 10/20 jld	km 12/25	Pg 10 km 26			

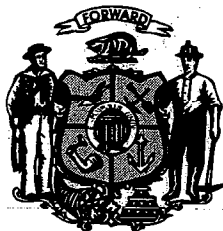
FE Sent For:

<END>

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY



Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: October 18, 2000
To: Steve Miller, LRB
From: Cynthia Dombrowski, DOA
267-5878
Subject: Regulation and Licensing Statutory Language

Please convert the following drafts to Budget Drafts and note that I should be the primary contact:

- ✓1. LRB-2559/1 Continuing Education Rules — 01-0100/1
- ✓2. LRB-0026/1 Continuing Education and Good Standing Certificates for Funeral Directors
- ✓3. LRB-0154/1 Notice of Credential Renewal by Mail or Electronic Transmission
- ✓4. LRB-0155/1 Examination Fee Revenue
- ✓5. LRB-0064/1 Temporary Permits for Private Security Persons
- ✓6. LRB-0157/1 Renewal Dates for Private Detective Agency Licenses
- ✓7. LRB-0159/1 Private Security Person Agency License
- ✓8. LRB-2558/1 Draft of Changes to Make Disciplinary Process Enhancements

Your help is appreciated. Please let me know if you have any questions. *- 01-0153 (with changes based on DOA instructions)*

Thanks.

Cc: Dan Caucutt

2001 DRAFTING REQUEST

Bill

Received: 09/07/2000

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Regulation and Licensing 6-0011

By/Representing: Bill Dusso

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Alt. Drafters:

Subject: Occupational Reg. - prof lic

Extra Copies:

Pre Topic:

No specific pre topic given

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Private security person agency license

Instructions:

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/1	kunkemd 09/12/2000	jdyer 09/13/2000	jfrantze 09/13/2000	_____	lrb_docadmin 09/13/2000		State

FE Sent For:

<END>

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1?	kunkemd	1/9/13 JLS	7/9/13	7/9/13 KM			

FE Sent For:

<END>

State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CORRESPONDENCE/MEMORANDUM

Date: August 31, 2000
Memo to: Mark Kunkel
From: William Dusso
Subject: Budget Draft ID#s from last session

I believe the following are the drafts from last session that correspond to some of the requests for this budget:

Department Item	LRB DRAFT No.
A. Renewal Fee Changes Required by Statute	Last budget = LRB-0635
B. Disciplinary Process Enhancements	You may have - I could not find
C. Uniform Procedures for Administration of Continuing Education Programs	You may have - I could not find
D. Streamline Funeral Director Renewal and Eliminate Good Standing Certificate	1999 Assembly Bill 869 LRB-0736/4
E. Tailor Statutes to Accommodate Internet and E-Commerce Initiatives	new
F. Define the Term Revenue for the Purpose of Administering Revenue and Appropriation Provisions for the Department	new
G. Wall Certificate Fee	new
H. Revise Temporary Permits for Private Security Persons	LRB-0643
I. Revise Renewal Requirements For Private Detectives And Private Security Personnel	LRB-0644
J. Revise renewal dates - private security personnel and private detective agencies	You may have - I could not find

Bill Dusso - 9/1

① private security persons
 - initial \$ (renewal is too

agency
 ② agent license for private security persons
 - check JEO dept 95-0636/2
 (so similar to private detective agency)
 Same as private detective agency lic. - for initial
 - but renewal is too
 ③ (motor) renewal goes into budget

④ revenue issue



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0159/1

MDK:.....

D-NOTE

JLD

By Friday
9/15

2001 BILL

gen

- 1 AN ACT ...; relating to: creating private detective agency licenses, changing the
- 2 requirements for private security permits, and granting rule-making
- 3 authority.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person may not act as a private security person unless he or she is issued a private detective license by the department of regulation and licensing (DORL). A "private security person" is defined as a private police, guard, or other person who stands watch for security purposes. One of the exceptions to this prohibition applies to persons who are issued private security permits by DORL. To qualify for a private security permit, a person must satisfy certain requirements, including being employed by a private detective agency licensed by DORL. In addition, the private detective agency must do each of the following: 1) supply uniformed private security personnel that patrol exclusively on private property; and 2) provide an up-to-date written record of its employees to DORL.

This bill creates a private security agency license and allows a person to qualify for a private security permit by being employed by either a private detective agency licensed under current law or a private security agency licensed under the bill that does each of the following: 1) supplies uniformed private security personnel that patrol exclusively on private property; and 2) provides an up-to-date written record of its employees to DORL.

Under the bill, DORL may issue a private security agency license to an individual, partnership, limited liability company, or corporation that does each of

2

BILL

the following: 1) satisfies any qualification requirements established by DORL by rule; and 2) executes and files a bond or liability policy with DORL in an amount established by DORL by rule. In addition, if the applicant is an individual, he or she must be over 18 years of age and may not have been convicted of a felony for which he or she has not been pardoned. A private security agency license is renewable ^{two} every 2 years upon payment of a \$20 renewal fee.

In addition, the bill prohibits a person from advertising, soliciting or engaging in the business of a private security agency unless the person is issued a private security agency license under the bill. Finally, the bill allows DORL to revoke, suspend, or limit a private security agency license if the licensee engages in certain specified conduct, including the following: 1) is convicted of a misdemeanor or violates a state or local law punishable by a forfeiture if the circumstances of the conviction or violation are substantially related to acting as a private security agency; 2) is convicted of a felony and is not pardoned for that felony; 3) makes a false statement in connection with an application for the license; and 4) engages in conduct reflecting adversely on the person's professional qualification.

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.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

2 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. [✓]440.26 (3), 440.51,
3 442.04, 442.06, 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18 and
4 459.46, the renewal dates and renewal fees for credentials are as follows:

History: 1991 a. 39 ss. 3305, 3313; 1991 a. 78, 160, 167, 269, 278, 315; 1993 a. 3, 16, 102, 105, 107, 443, 463, 465; 1993 a. 490 ss. 228 to 230, 274, 275; 1995 a. 27, 233, 321, 322, 461; 1997 a. 27, 75, 81, 96, 156, 191, 237, 261, 300; 1999 a. 9, 32.

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

6 440.26 (1) (a) 1. Advertise, solicit or engage in the business of operating a
7 private detective agency or private security agency.

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.

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

9 440.26 (2) (a) 3. Issue a private security agency license to an individual,
10 partnership, limited liability company ³ or corporation that meets the qualifications
11 specified under par. (c).

BILL

1 SECTION 4. 440.26 (3) of the statutes is amended to read:

2 440.26 (3) ISSUANCE OF LICENSES; FEES. Upon receipt and examination of an
3 application executed under sub. (2), and after any investigation that it considers
4 necessary, the department shall, if it determines that the applicant is qualified, grant
5 the proper license upon payment of the fee specified in s. 440.05 (1). No license shall
6 be issued for a longer period than 2 years, and the license of a private detective shall
7 expire on the renewal date of the license of the private detective agency, even if the
8 license of the private detective has not been in effect for a full 2 years. Renewals of
9 the original licenses issued under this section shall be issued in accordance with
10 renewal forms prescribed by the department and, except for renewals of private
11 security agency licenses, shall be accompanied by the fees specified in s. 440.08.
12 Private security agency licenses may be renewed upon payment of a \$20[✓] renewal fee.
13 The department may not renew a license unless the applicant provides evidence that
14 the applicant has in force at the time of renewal the bond or liability policy specified
15 in this section.

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.

16 SECTION 5. 440.26 (4) of the statutes is renumbered 440.26 (4) (a) ^(intro.) and amended

17 to read:

18 440.26 (4) ~~Bonds or liability policies required.~~ (a) ^(intro.) No license may be
19 issued under this section until a bond or liability policy, approved by the department,
20 in the amount of \$100,000 if the applicant for the license is a private detective agency
21 and includes all principals, partners, members or corporate officers, or in the amount
22 of \$2,000 if the applicant is a private detective, following amounts has been executed
23 and filed with the department. ~~Such bonds or:~~ ✓

BILL

SECTION 5

1 (b) Bonds and liability policies under par. (a) shall be furnished by an insurer
 2 authorized to do a surety business in this state in a form approved by the department
 3 and, if the applicant is a private detective agency or private security agency, shall
 4 include all principals, partners, members² or corporate officers of the agency.

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.

5 SECTION 6. 440.26 (4) (a) 1., 2. and 3. of the statutes are created to read:

6 440.26 (4) (a) 1. \$100,000 if the applicant for the license is a private detective
 7 agency. more

8 2. An amount established by the department by rule, if the applicant for the
 9 license is a private security agency.

10 3. \$2,000 if the applicant is a private detective.

11 SECTION 7. 440.26 (5) (c) (intro.) of the statutes is amended to read:

12 440.26 (5) (c) (intro.) An employee of any agency that is licensed as a private
 13 detective agency or private security agency under this section and that is doing
 14 business in this state as a supplier of uniformed private security personnel to patrol
 15 exclusively on the private property of industrial plants, business establishments,
 16 schools, colleges, hospitals, sports stadiums, exhibits and similar activities is exempt
 17 from the license requirements of this section while engaged in such employment, if
 18 all of the following apply:

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.

19 SECTION 8. 440.26 (5) (c) 2. of the statutes is amended to read:

20 440.26 (5) (c) 2. The private detective agency or private security agency
 21 furnishes an up-to-date written record of its employees to the department. The
 22 record shall include the name, residence address, date of birth and a physical

BILL

1 description of each employee together with a recent photograph and 2 fingerprint
2 cards bearing a complete set of fingerprints of each employee.

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.

3 **SECTION 9.** 440.26 (5) (c) 3. of the statutes is amended to read:

4 440.26 (5) (c) 3. The private detective agency [✓]or private security agency notifies
5 the department in writing within 5 days of any change in the information under
6 subd. 2. regarding its employees, including the termination of employment of any
7 person.

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.

8 **SECTION 10.** 440.26 (5m) (a) 3. of the statutes is amended to read:

9 440.26 (5m) (a) 3. The individual provides evidence satisfactory to the
10 department that he or she is an employee of a private detective agency or private
11 security agency [✓]described in sub. (5) (c).

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.

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

13 440.26 (8) PENALTIES. Any person, acting as a private detective, investigator
14 or private security person, or who employs any person who solicits, advertises or
15 performs services in this state as a private detective or private security person, or
16 investigator or special investigator, without having procured the license or permit
17 required by this section, may be fined not less than \$100 nor more than \$500 or
18 imprisoned not less than 3 months nor more than 6 months or both. Any private
19 detective agency or private security agency having an employee, owner, officer or
20 agent convicted of the above offense may have its agency license revoked or

BILL

1 suspended by the department. Any person convicted of the above offense shall be
2 ineligible for a license for one year.

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.

3

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0159/1dn

MDK:.....

JD

Bill Dusso:

Please review this bill very carefully to make sure that it achieves your intent. In particular, please note the following:

1. I'm not sure how the bill should distinguish between private detective agencies and private security agencies. In general, the bill provides similar treatment to the 2 types of agencies. Please advise whether any changes are necessary.

2. The bill prohibits a person from advertising, soliciting² or engaging in the business of a private security agency without a license. This prohibition is consistent with the prohibition for private detective agencies. Note, however, that "private security agency", like "private detective agency", is not defined. I'm not sure whether the lack of a definition creates a problem. Reading the bill as a whole, I think it's clear that a private security agency is an agency that is in the business of supplying private security personnel. Please contact me if you think the bill should be revised to supply a definition for "private security agency" or "private detective agency".

3. I assume that you want private security agencies to file bonds or liability policies. However, I wasn't sure about the amount, so the bill requires DORL to establish the amount by rule. See proposed s. 440.26 (4) (a) 2. Is this okay? (Also note that all principals, partners, members, or corporate officers of the agency must be included in the bond or liability policy.)

4. Unlike s. 440.26 (2) (a) 1., stats., proposed s. 440.26 (2) (a) 3. does not require require certain persons associated with a private security agency to have private security permits as a prerequisite for a private security agency license. Such a requirement would be logically inconsistent with s. 440.26 (5m) (a) 3., as amended by the bill, which provides that only employees of licensed private detective agencies or private security agencies may qualify for a private security permit. Is this okay?

5. Are there any provisions of 1995 LRB-0655/2 that you want to incorporate into the bill?

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.statc.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0159/1dn
MDK:jld:jf

September 13, 2000

Bill Dusso:

Please review this bill very carefully to make sure that it achieves your intent. In particular, please note the following:

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5. Are there any provisions of 1995 LRB-0655/2 that you want to incorporate into the bill?

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

D-NOTE

Stays

-0794/1

-0905/1

2001 BILL

OCCUPATIONAL REGULATION

Don't Gen

1 AN ACT to renumber and amend 440.26 (4); to amend 440.08 (2) (a) (intro.),
 2 440.26 (1) (a) 1., 440.26 (3), 440.26 (5) (c) (intro.), 440.26 (5) (c) 2., 440.26 (5) (c)
 3 3., 440.26 (5m) (a) 3. and 440.26 (8); and to create 440.26 (2) (a) 3. and 440.26
 4 (4) (a) 1., 2. and 3. of the statutes; relating to: ~~creating private detective agency~~
 5 licenses, ~~changing the requirements for private security permits, and granting~~
 6 ~~rule-making authority.~~ the budget

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person may not act as a private security person unless he or she is issued a private detective license by ~~the~~ department of regulation and licensing (DORL). A "private security person" is defined as a private police, guard, or other person who stands watch for security purposes. One of the exceptions to this prohibition applies to persons who are issued private security permits by DORL. To qualify for a private security permit, a person must satisfy certain requirements, including being employed by a private detective agency licensed by DORL. In addition, the private detective agency must do each of the following: 1) supply uniformed private security personnel that patrol exclusively on private property; and 2) provide an up-to-date written record of its employees to DORL.

This bill creates a private security agency license and allows a person to qualify for a private security permit by being employed by either a private detective agency

BILL

licensed under current law or a private security agency licensed under the bill that does each of the following: 1) supplies uniformed private security personnel that patrol exclusively on private property; and 2) provides an up-to-date written record of its employees to DORL.

Under the bill, DORL may issue a private security agency license to an individual, partnership, limited liability company, or corporation that does each of the following: 1) satisfies any qualification requirements established by DORL by rule; and 2) executes and files a bond or liability policy with DORL in an amount established by DORL by rule. In addition, if the applicant is an individual, he or she must be over 18 years of age and may not have been convicted of a felony for which he or she has not been pardoned. A private security agency license is renewable every two years upon payment of a \$20 renewal fee.

In addition, the bill prohibits a person from advertising, soliciting, or engaging in the business of a private security agency unless the person is issued a private security agency license under the bill. Finally, the bill allows DORL to revoke, suspend, or limit a private security agency license if the licensee engages in certain specified conduct, including the following: 1) is convicted of a misdemeanor or violates a state or local law punishable by a forfeiture if the circumstances of the conviction or violation are substantially related to acting as a private security agency; 2) is convicted of a felony and is not pardoned for that felony; 3) makes a false statement in connection with an application for the license; and 4) engages in conduct reflecting adversely on the person's professional qualification.

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.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

2 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.26 (3), 440.51,
3 442.04, 442.06, 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18 and
4 459.46, the renewal dates and renewal fees for credentials are as follows:

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

6 440.26 (1) (a) 1. Advertise, solicit or engage in the business of operating a
7 private detective agency or private security agency.

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

BILL

1 440.26 (2) (a) 3. Issue a private security agency license to an individual,
2 partnership, limited liability company, or corporation that meets the qualifications
3 specified under par. (c).

4 **SECTION 4.** 440.26 (3) of the statutes is amended to read:

5 440.26 (3) ISSUANCE OF LICENSES; FEES. Upon receipt and examination of an
6 application executed under sub. (2), and after any investigation that it considers
7 necessary, the department shall, if it determines that the applicant is qualified, grant
8 the proper license upon payment of the fee specified in s. 440.05 (1). No license shall
9 be issued for a longer period than 2 years, and the license of a private detective shall
10 expire on the renewal date of the license of the private detective agency, even if the
11 license of the private detective has not been in effect for a full 2 years. Renewals of
12 the original licenses issued under this section shall be issued in accordance with
13 renewal forms prescribed by the department and, except for renewals of private
14 security agency licenses, shall be accompanied by the fees specified in s. 440.08.
15 Private security agency licenses may be renewed upon payment of a \$20 renewal fee.
16 The department may not renew a license unless the applicant provides evidence that
17 the applicant has in force at the time of renewal the bond or liability policy specified
18 in this section.

19 **SECTION 5.** 440.26 (4) of the statutes is renumbered 440.26 (4) (a) (intro.) and
20 amended to read:

21 440.26 (4) (a) (intro.) No license may be issued under this section until a bond
22 or liability policy, approved by the department, in the amount of \$100,000 if the
23 ~~applicant for the license is a private detective agency and includes all principals,~~
24 ~~partners, members or corporate officers, or in the amount of \$2,000 if the applicant~~

BILL

1 ~~is a private detective, following amounts~~ has been executed and filed with the
2 department. ~~Such bonds or:~~

3 (b) Bonds and liability policies under par. (a) shall be furnished by an insurer
4 authorized to do a surety business in this state in a form approved by the department
5 and, if the applicant is a private detective agency or private security agency, shall
6 include all principals, partners, members, or corporate officers of the agency.

7 **SECTION 6.** 440.26 (4) (a) 1., 2. and 3. of the statutes are created to read:

8 440.26 (4) (a) 1. If the applicant for the license is a private detective agency,
9 \$100,000.

10 2. An amount established by the department by rule, if the applicant for the
11 license is a private security agency.

12 3. If the applicant is a private detective, \$2,000.

13 **SECTION 7.** 440.26 (5) (c) (intro.) of the statutes is amended to read:

14 440.26 (5) (c) (intro.) An employee of any agency that is licensed as a private
15 detective agency or private security agency under this section and that is doing
16 business in this state as a supplier of uniformed private security personnel to patrol
17 exclusively on the private property of industrial plants, business establishments,
18 schools, colleges, hospitals, sports stadiums, exhibits and similar activities is exempt
19 from the license requirements of this section while engaged in such employment, if
20 all of the following apply:

21 **SECTION 8.** 440.26 (5) (c) 2. of the statutes is amended to read:

22 440.26 (5) (c) 2. The private detective agency or private security agency
23 furnishes an up-to-date written record of its employees to the department. The
24 record shall include the name, residence address, date of birth and a physical

BILL

1 description of each employee together with a recent photograph and 2 fingerprint
2 cards bearing a complete set of fingerprints of each employee.

3 **SECTION 9.** 440.26 (5) (c) 3. of the statutes is amended to read:

4 440.26 (5) (c) 3. The private detective agency or private security agency notifies
5 the department in writing within 5 days of any change in the information under
6 subd. 2. regarding its employees, including the termination of employment of any
7 person.

8 **SECTION 10.** 440.26 (5m) (a) 3. of the statutes is amended to read:

9 440.26 (5m) (a) 3. The individual provides evidence satisfactory to the
10 department that he or she is an employee of a private detective agency or private
11 security agency described in sub. (5) (c).

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

13 440.26 (8) PENALTIES. Any person, acting as a private detective, investigator
14 or private security person, or who employs any person who solicits, advertises or
15 performs services in this state as a private detective or private security person, or
16 investigator or special investigator, without having procured the license or permit
17 required by this section, may be fined not less than \$100 nor more than \$500 or
18 imprisoned not less than 3 months nor more than 6 months or both. Any private
19 detective agency or private security agency having an employee, owner, officer or
20 agent convicted of the above offense may have its agency license revoked or
21 suspended by the department. Any person convicted of the above offense shall be
22 ineligible for a license for one year.

23 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0159/Idn
MDK/jld,jf

new date September 13, 2000

stays

-0794/Idn

Cynthia Dombrowski
Bill Dussq:
which is identical to CRB-0159/11 ✓

Please review this bill very carefully to make sure that it achieves your intent. In particular, please note the following:

1. I'm not sure how the bill should distinguish between private detective agencies and private security agencies. In general, the bill provides similar treatment to the 2 types of agencies. Please advise whether any changes are necessary.

2. The bill prohibits a person from advertising, soliciting, or engaging in the business of a private security agency without a license. This prohibition is consistent with the prohibition for private detective agencies. Note, however, that "private security agency", like "private detective agency", is not defined. I'm not sure whether the lack of a definition creates a problem. Reading the bill as a whole, I think it's clear that a private security agency is an agency that is in the business of supplying private security personnel. Please contact me if you think the bill should be revised to supply a definition for "private security agency" or "private detective agency".

3. I assume that you want private security agencies to file bonds or liability policies. However, I wasn't sure about the amount, so the bill requires DORL to establish the amount by rule. See proposed s. 440.26 (4) (a) 2. Is this okay? (Also note that all principals, partners, members, or corporate officers of the agency must be included in the bond or liability policy.)

4. Unlike s. 440.26 (2) (a) 1., stats., proposed s. 440.26 (2) (a) 3. does not require certain persons associated with a private security agency to have private security permits as a prerequisite for a private security agency license. Such a requirement would be logically inconsistent with s. 440.26 (5m) (a) 3., as amended by the bill, which provides that only employees of licensed private detective agencies or private security agencies may qualify for a private security permit. Is this okay?

5. Are there any provisions of 1995 LRB-0655/2 that you want to incorporate into the bill?

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0794/1dn
MDK:jld:km

October 26, 2000

Cynthia Dombrowski::

Please review this bill, which is identical to LRB-0159/1, very carefully to make sure that it achieves your intent. In particular, please note the following:

1. I'm not sure how the bill should distinguish between private detective agencies and private security agencies. In general, the bill provides similar treatment to the 2 types of agencies. Please advise whether any changes are necessary.

2. The bill prohibits a person from advertising, soliciting, or engaging in the business of a private security agency without a license. This prohibition is consistent with the prohibition for private detective agencies. Note, however, that "private security agency", like "private detective agency", is not defined. I'm not sure whether the lack of a definition creates a problem. Reading the bill as a whole, I think it's clear that a private security agency is an agency that is in the business of supplying private security personnel. Please contact me if you think the bill should be revised to supply a definition for "private security agency" or "private detective agency".

3. I assume that you want private security agencies to file bonds or liability policies. However, I wasn't sure about the amount, so the bill requires DORL to establish the amount by rule. See proposed s. 440.26 (4) (a) 2. Is this okay? (Also note that all principals, partners, members, or corporate officers of the agency must be included in the bond or liability policy.)

4. Unlike s. 440.26 (2) (a) 1., stats., proposed s. 440.26 (2) (a) 3. does not require certain persons associated with a private security agency to have private security permits as a prerequisite for a private security agency license. Such a requirement would be logically inconsistent with s. 440.26 (5m) (a) 3., as amended by the bill, which provides that only employees of licensed private detective agencies or private security agencies may qualify for a private security permit. Is this okay?

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0905/~~dn~~ ldn

.....
mk/jld

November 2, 2000

This bill, LRB-0905, replaces LRB-0794. A computer system error irreparably damaged LRB-0794. As a result we ask that you please destroy LRB-0794. We apologize for any inconvenience this computer system error may have caused.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0905/1dn
MDK:jld:kjf

November 3, 2000

This bill, LRB-0905, replaces LRB-0794. A computer system error irreparably damaged LRB-0794. As a result we ask that you please destroy LRB-0794. We apologize for any inconvenience this computer system error may have caused.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

D-NOTE

2

DOA:.....Dombrowski - Private security person agency license

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

*RM
NOT
RUN*

Do not gen

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

Analysis by the Legislative Reference Bureau

OCCUPATIONAL REGULATION

Under current law, with certain exceptions, a person may not act as a private security person unless he or she is issued a private detective license by DORL. A "private security person" is defined as a private police, guard, or other person who stands watch for security purposes. One of the exceptions to this prohibition applies to persons who are issued private security permits by DORL. To qualify for a private security permit, a person must satisfy certain requirements, including being employed by a private detective agency licensed by DORL. In addition, the private detective agency must do each of the following: 1) supply uniformed private security personnel that patrol exclusively on private property; and 2) provide an up-to-date written record of its employees to DORL.

This bill creates a private security agency license and allows a person to qualify for a private security permit by being employed by either a private detective agency licensed under current law or a private security agency licensed under the bill that does each of the following: 1) supplies uniformed private security personnel that patrol exclusively on private property; and 2) provides an up-to-date written record of its employees to DORL.

Under the bill, DORL may issue a private security agency license to an individual, partnership, limited liability company, or corporation that does each of the following: 1) satisfies any qualification requirements established by DORL by

INSERT 1-A ✓

rule; and 2) executes and files a bond or liability policy with DORL in an amount established by DORL by rule. In addition, if the applicant is an individual, he or she must be over 18 years of age and may not have been convicted of a felony for which he or she has not been pardoned. A private security agency license is renewable every two years upon payment of a \$20 renewal fee.

In addition, the bill prohibits a person from advertising, soliciting, or engaging in the business of a private security agency unless the person is issued a private security agency license under the bill. Finally, the bill allows DORL to revoke, suspend, or limit a private security agency license if the licensee engages in certain specified conduct, including the following: 1) is convicted of a misdemeanor or violates a state or local law punishable by a forfeiture if the circumstances of the conviction or violation are substantially related to acting as a private security agency; 2) is convicted of a felony and is not pardoned for that felony; 3) makes a false statement in connection with an application for the license; and 4) engages in conduct reflecting adversely on the person's professional qualification.

¹ 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. 440.08 (2) (a) (intro.) of the statutes is amended to read:

2 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.26 (3), 440.51,
3 442.04, 442.06, 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18 and
4 459.46, the renewal dates and renewal fees for credentials are as follows:

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

6 440.26 (1) (a) 1. Advertise, solicit or engage in the business of operating a
7 private detective agency or private security agency.

8 SECTION 3. 440.26 (2) (a) 3. of the statutes is created to read:

9 440.26 (2) (a) 3. Issue a private security agency license to an individual,
10 partnership, limited liability company, or corporation that meets the qualifications
11 specified under par. (c).

12 SECTION 4. 440.26 (3) of the statutes is amended to read:

1 440.26 (3) ISSUANCE OF LICENSES; FEES. Upon receipt and examination of an
 2 application executed under sub. (2), and after any investigation that it considers
 3 necessary, the department shall, if it determines that the applicant is qualified, grant
 4 the proper license upon payment of the fee specified in s. 440.05 (1). No license shall
 5 be issued for a longer period than 2 years, and the license of a private detective shall
 6 ~~expire on the renewal date of the license of the private detective agency, even if the~~
 7 ~~license of the private detective has not been in effect for a full 2 years.~~ Renewals of
 8 the original licenses issued under this section shall be issued in accordance with
 9 renewal forms prescribed by the department and, except for renewals of private
 10 security agency licenses, shall be accompanied by the fees specified in s. 440.08.

11 Private security agency licenses may be renewed upon payment of a \$20 renewal fee.
 12 The department may not renew a license unless the applicant provides evidence that
 13 the applicant has in force at the time of renewal the bond or liability policy specified
 14 in this section.

NOTE: this is reconciled s. 440.26 (3) ✓
This section has been affected by the drafts with LRB # 0904/1
LRB 0905/1
and LEGIS 0905/1

15 SECTION 5. 440.26 (4) of the statutes is renumbered 440.26 (4) (a) (intro.) and
 16 amended to read:

17 440.26 (4) (a) (intro.) No license may be issued under this section until a bond
 18 or liability policy, approved by the department, in the amount of \$100,000 if the
 19 applicant for the license is a private detective agency and includes all principals,
 20 partners, members or corporate officers, or in the amount of \$2,000 if the applicant
 21 is a private detective, following amounts has been executed and filed with the
 22 department. Such bonds or:

23 **(b) Bonds and liability policies under par. (a)** shall be furnished by an insurer
 24 authorized to do a surety business in this state in a form approved by the department

1 and, if the applicant is a private detective agency or private security agency, shall
2 include all principals, partners, members, or corporate officers of the agency.

3 SECTION 6. 440.26 (4) (a) 1., 2. and 3. of the statutes are created to read:

4 440.26 (4) (a) 1. If the applicant for the license is a private detective agency,
5 \$100,000.

6 2. An amount established by the department by rule, if the applicant for the
7 license is a private security agency.

8 3. If the applicant is a private detective, \$2,000.

9 SECTION 7. 440.26 (5) (c) (intro.) of the statutes is amended to read:

10 440.26 (5) (c) (intro.) An employee of any agency that is licensed as a private
11 detective agency or private security agency under this section and that is doing
12 business in this state as a supplier of uniformed private security personnel to patrol
13 exclusively on the private property of industrial plants, business establishments,
14 schools, colleges, hospitals, sports stadiums, exhibits and similar activities is exempt
15 from the license requirements of this section while engaged in such employment, if
16 all of the following apply:

17 SECTION 8. 440.26 (5) (c) 2. of the statutes is amended to read:

18 440.26 (5) (c) 2. The private detective agency or private security agency
19 furnishes an up to date written record of its employees to the department. The
20 record shall include the name, residence address, date of birth and a physical
21 description of each employee together with a recent photograph and 2 fingerprint
22 cards bearing a complete set of fingerprints of each employee.

23 SECTION 9. 440.26 (5) (c) 3. of the statutes is amended to read:

24 440.26 (5) (c) 3. The private detective agency or private security agency notifies
25 the department in writing within 5 days of any change in the information under

1 subd. 2. regarding its employees, including the termination of employment of any
2 person.

3 SECTION 10. 440.26 (5m) (a) 3. of the statutes is amended to read:

4 440.26 (5m) (a) 3. The individual provides evidence satisfactory to the
5 department that he or she is an employee of a private detective agency or private
6 security agency described in sub. (5) (c).

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

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

18 (END)

INSEAT 5-17 ✓

DOA:.....Dombrowski - Renewal dates for private detective agency licenses
FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

INSERT 1-A ✓

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

Analysis by the Legislative Reference Bureau

OCCUPATIONAL REGULATION

Also

Under current law, a person who is issued a private detective agency license must renew the license by September 1 of each even-numbered year and pay a license renewal fee. This bill requires instead that a person renew a private detective agency license by September 1 of each odd-numbered year.

END OF INSERT 1-A

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

2 SECTION 1. 440.08 (2) (a) 62. of the statutes is amended to read:
3 440.08 (2) (a) 62. Private detective agency. September 1 of each
4 even-numbered odd-numbered year; \$47.

5 SECTION 2. 440.26 (3) of the statutes is amended to read:
6 440.26 (3) ISSUANCE OF LICENSES; FEES. Upon receipt and examination of an
7 application executed under sub. (2), and after any investigation that it considers

INSERT 5-17

1 necessary, the department shall, if it determines that the applicant is qualified, grant
 2 the proper license upon payment of the fee specified in s. 440.05 (1). No license shall
 3 be issued for a longer period than 2 years, and the license of a private detective shall
 4 expire on the renewal date of the license of the private detective agency, even if the
 5 license of the private detective has not been in effect for a full 2 years. Renewals of
 6 the original licenses issued under this section shall be issued in accordance with
 7 renewal forms prescribed by the department and shall be accompanied by the fees
 8 specified in s. 440.08. The department may not renew a license unless the applicant
 9 provides evidence that the applicant has in force at the time of renewal the bond or
 10 liability policy specified in this section.

11 **SECTION 9143. Nonstatutory provisions; regulation and licensing.**

12 (1) PRIVATE DETECTIVE AGENCIES. Notwithstanding sections 440.08 (2) (a) 62.
 13 and 440.26 (3) of the statutes, as affected by this act, a person that applies to renew
 14 a private detective license that expires on September 1, 2001, is required to pay a
 15 renewal fee of 50% of the amount specified in section 440.08 (2) (a) 62. of the statutes,
 16 as affected by this act.

END of INSERT 5-17

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0905/2dn

MDK.↑....

JD

Cynthia Dombrowski:

This draft reconciles LRB-0904 and LRB-0905. LRB-0905 should continue to appear in the compiled bill, but LRB-0904 should be dropped from the compile.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0905/2dn
MDK:jld:rs

February 7, 2001

Cynthia Dombrowski:

This draft reconciles LRB-0904 and LRB-0905. LRB-0905 should continue to appear in the compiled bill, but LRB-0904 should be dropped from the compile.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0905/2

MDK:jld:rs

DOA:.....Dombrowski - Private security person agency license

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

OCCUPATIONAL REGULATION

Under current law, with certain exceptions, a person may not act as a private security person unless he or she is issued a private detective license by DORL. A "private security person" is defined as a private police, guard, or other person who stands watch for security purposes. One of the exceptions to this prohibition applies to persons who are issued private security permits by DORL. To qualify for a private security permit, a person must satisfy certain requirements, including being employed by a private detective agency licensed by DORL. In addition, the private detective agency must do each of the following: 1) supply uniformed private security personnel that patrol exclusively on private property; and 2) provide an up-to-date written record of its employees to DORL.

This bill creates a private security agency license and allows a person to qualify for a private security permit by being employed by either a private detective agency licensed under current law or a private security agency licensed under the bill that does each of the following: 1) supplies uniformed private security personnel that patrol exclusively on private property; and 2) provides an up-to-date written record of its employees to DORL.

Under the bill, DORL may issue a private security agency license to an individual, partnership, limited liability company, or corporation that does each of the following: 1) satisfies any qualification requirements established by DORL by

rule; and 2) executes and files a bond or liability policy with DORL in an amount established by DORL by rule. In addition, if the applicant is an individual, he or she must be over 18 years of age and may not have been convicted of a felony for which he or she has not been pardoned. A private security agency license is renewable every two years upon payment of a \$20 renewal fee.

In addition, the bill prohibits a person from advertising, soliciting, or engaging in the business of a private security agency unless the person is issued a private security agency license under the bill. Finally, the bill allows DORL to revoke, suspend, or limit a private security agency license if the licensee engages in certain specified conduct, including the following: 1) is convicted of a misdemeanor or violates a state or local law punishable by a forfeiture if the circumstances of the conviction or violation are substantially related to acting as a private security agency; 2) is convicted of a felony and is not pardoned for that felony; 3) makes a false statement in connection with an application for the license; and 4) engages in conduct reflecting adversely on the person's professional qualification.

Also under current law, a person who is issued a private detective agency license must renew the license by September 1 of each even-numbered year and pay a license renewal fee. This bill requires instead that a person renew a private detective agency license by September 1 of each odd-numbered year.

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.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

2 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.26 (3), 440.51,
3 442.04, 442.06, 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18 and
4 459.46, the renewal dates and renewal fees for credentials are as follows:

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

6 440.26 (1) (a) 1. Advertise, solicit or engage in the business of operating a
7 private detective agency or private security agency.

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

9 440.26 (2) (a) 3. Issue a private security agency license to an individual,
10 partnership, limited liability company, or corporation that meets the qualifications
11 specified under par. (c).

1 **SECTION 4.** 440.26 (3) of the statutes is amended to read:

2 **440.26 (3) ISSUANCE OF LICENSES; FEES.** Upon receipt and examination of an
3 application executed under sub. (2), and after any investigation that it considers
4 necessary, the department shall, if it determines that the applicant is qualified, grant
5 the proper license upon payment of the fee specified in s. 440.05 (1). No license shall
6 be issued for a longer period than 2 years, ~~and the license of a private detective shall~~
7 ~~expire on the renewal date of the license of the private detective agency, even if the~~
8 ~~license of the private detective has not been in effect for a full 2 years.~~ Renewals of
9 the original licenses issued under this section shall be issued in accordance with
10 renewal forms prescribed by the department and, except for renewals of private
11 security agency licenses, shall be accompanied by the fees specified in s. 440.08.
12 Private security agency licenses may be renewed upon payment of a \$20 renewal fee.
13 The department may not renew a license unless the applicant provides evidence that
14 the applicant has in force at the time of renewal the bond or liability policy specified
15 in this section.

 ****NOTE: This is reconciled s. 440.26 (3). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0904/1 and LRB-0905/1.

16 **SECTION 5.** 440.26 (4) of the statutes is renumbered 440.26 (4) (a) (intro.) and
17 amended to read:

18 **440.26 (4) (a) (intro.)** No license may be issued under this section until a bond
19 or liability policy, approved by the department, in the amount of \$100,000 if the
20 applicant for the license is a private detective agency and includes all principals,
21 partners, members or corporate officers, or in the amount of \$2,000 if the applicant
22 is a private detective, following amounts has been executed and filed with the
23 department. ~~Such bonds or;~~

1 **(b) Bonds and liability policies under par. (a)** shall be furnished by an insurer
2 authorized to do a surety business in this state in a form approved by the department
3 **and, if the applicant is a private detective agency or private security agency, shall**
4 **include all principals, partners, members, or corporate officers of the agency.**

5 **SECTION 6.** 440.26 (4) (a) 1., 2. and 3. of the statutes are created to read:

6 440.26 (4) (a) 1. If the applicant for the license is a private detective agency,
7 \$100,000.

8 2. An amount established by the department by rule, if the applicant for the
9 license is a private security agency.

10 3. If the applicant is a private detective, \$2,000.

11 **SECTION 7.** 440.26 (5) (c) (intro.) of the statutes is amended to read:

12 440.26 (5) (c) (intro.) An employee of any agency that is licensed as a private
13 detective agency **or private security agency** under this section and that is doing
14 business in this state as a supplier of uniformed private security personnel to patrol
15 exclusively on the private property of industrial plants, business establishments,
16 schools, colleges, hospitals, sports stadiums, exhibits and similar activities is exempt
17 from the license requirements of this section while engaged in such employment, if
18 all of the following apply:

19 **SECTION 8.** 440.26 (5) (c) 2. of the statutes is amended to read:

20 440.26 (5) (c) 2. The private detective agency **or private security agency**
21 furnishes an up-to-date written record of its employees to the department. The
22 record shall include the name, residence address, date of birth and a physical
23 description of each employee together with a recent photograph and 2 fingerprint
24 cards bearing a complete set of fingerprints of each employee.

25 **SECTION 9.** 440.26 (5) (c) 3. of the statutes is amended to read:

1 440.26 (5) (c) 3. The private detective agency or private security agency notifies
2 the department in writing within 5 days of any change in the information under
3 subd. 2. regarding its employees, including the termination of employment of any
4 person.

5 **SECTION 10.** 440.26 (5m) (a) 3. of the statutes is amended to read:

6 440.26 (5m) (a) 3. The individual provides evidence satisfactory to the
7 department that he or she is an employee of a private detective agency or private
8 security agency described in sub. (5) (c).

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

10 440.26 (8) PENALTIES. Any person, acting as a private detective, investigator
11 or private security person, or who employs any person who solicits, advertises or
12 performs services in this state as a private detective or private security person, or
13 investigator or special investigator, without having procured the license or permit
14 required by this section, may be fined not less than \$100 nor more than \$500 or
15 imprisoned not less than 3 months nor more than 6 months or both. Any private
16 detective agency or private security agency having an employee, owner, officer or
17 agent convicted of the above offense may have its ~~agency~~ license revoked or
18 suspended by the department. Any person convicted of the above offense shall be
19 ineligible for a license for one year.

20 **SECTION 9143. Nonstatutory provisions; regulation and licensing.**

21 (1) PRIVATE DETECTIVE AGENCIES. Notwithstanding sections 440.08 (2) (a) 62.
22 and 440.26 (3) of the statutes, as affected by this act, a person that applies to renew
23 a private detective license that expires on September 1, 2001, is required to pay a

1 renewal fee of 50% of the amount specified in section 440.08 (2) (a) 62. of the statutes,
2 as affected by this act.

3 (END)