

SUBJECT: Continuing education for private investigators and security agencies

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 8 ayes — Oakley, Bailey, Allen, Carter, Driver, Luna, Madden,  
McCoulskey

0 nays

1 absent — Edwards

WITNESSES: None

DIGEST: CSHB 713 would make continuing education mandatory for persons regulated by the Texas Board of Private Investigators and Private Security Agencies. The board would have to set the minimum number of hours and the programs that may be offered by March 1, 1996. The bill would require regulated persons to submit evidence of compliance with the board's continuing education requirements.

To knowingly employ or contract with a person who did not have the required registration, certificate, license or commission under the Private Investigators and Private Security Agencies Act would be a Class A misdemeanor (maximum penalty of one year in jail and a \$4,000 fine). Second and subsequent violations for Class A misdemeanors under the act would be third-degree felonies (maximum penalty of 10 years in prison facility and a \$10,000 fine).

The bill would take effect September 1, 1995.

SUPPORTERS SAY: As evidence from other professions shows, mandating continuing education is necessary to fully protect the public and the credibility of a profession. Voluntary continuing education often appeals only to the most knowledgeable and conscientious members of a profession.

Regulated security agencies include guard and patrol, burglar alarm, armored car, courier and guard dog agencies. A few of these are already subject to some mandatory requirements, but CSHB 713 would give the

board more flexibility in determining appropriate programs and mandatory hours for each. Continuing education programs are not currently being administered by the board for private investigators, so the bill is needed to assure the public that investigators are fully aware of developments in their field.

For instance, investigators could take classes on wiretapping law, investigative technique, photography or federal law, as well as many other informative topics. A number of investigators are convicted each year because they did not know the wiretapping law. In addition, private investigators working primarily for people involved in custody or divorce disputes could take classes on finding court records through computer searches or classes on updated custody law. Estimates of cost are reasonable, ranging from \$75 to \$100 for a two-day seminar.

In addition, CSHB 713 would impose harsher penalties on repeat violators of the regulatory act. Problems have arisen with repeat offenders investigating without a license who know that they will only pay a \$500 fine. CSHB 713 would provide the proper deterrent to these flagrant offenders. CSHB 713 would also deter investigation companies from hiring people they know are unlicensed and appropriately punish those that do.

**OPPONENTS  
SAY:**

Although voluntary continuing education programs could be implemented under current law for private investigators, the board has not developed any programs. Voluntary programs should first be implemented to see how well they improve the profession before making expensive continuing education programs mandatory. Moreover, when programs are voluntary, the operators have an incentive to keep costs down, encouraging participation. Mandatory programs might cost too much for some investigators to afford.

People already familiar with the latest laws and investigative techniques might lose valuable time from work taking classes they do not need, just to fulfill a bureaucratic requirement at a time when government regulation is being scaled back in other areas.

**NOTES:**

The committee substitute deleted a provision to exclude practicing attorneys and their employees from regulation under the act.