

AMENDED PRIVATE DETECTIVE ACT STATUTES

The implementation of the Security Officer Registration Act required the revision of 3 existing statutes from the Private Detective Act of 1939:

45:19-9 Definitions

45:19-12.1 Employees, Fees and Penalties

45: 19-19 Badges, Shields and Violations

13. Section 2 of P.L.1939, c.369 (C.45:19-9) is amended to read as follows:

C.45:19-9 Definitions.

2. Definitions:

(a) The term "private detective business" shall mean the business of conducting a private detective agency or for the purpose of making for hire or reward any investigation or investigations for the purpose of obtaining information with reference to any of the following matters, notwithstanding the fact that other functions and services may also be performed by the same person, firm, association or corporation for fee, hire or reward, to wit:

(1) crime or wrong done or threatened or assumed to have been done or threatened against the Government of the United States of America, or any State, Territory or Possession of the United States of America;

(2) the identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation or character of any person, association, organization, society or groups of persons, firms or corporations;

(3) the credibility of witnesses or other persons;

(4) the whereabouts of missing persons;

(5) the location or recovery of lost or stolen property;

(6) the causes and origin of, or responsibility for, fires, libels, accidents, damage, injuries or losses to persons, firms, associations or corporations, or to real or personal property;

(7) the affiliation, connection or relation of any person, firm or corporation with any organization, society, association, or with any official member or representative thereof;

(8) with reference to the conduct, honesty, efficiency, loyalty or activities of employees, agents, contractors and subcontractors;

(9) the securing of evidence to be used before any investigating committee, board of award, board of arbitration, or in the trial of any civil or criminal cause; provided, however, that the term shall not include a person, firm, association or corporation engaged exclusively in the business of making investigations and reports as to the financial standing, credit and financial responsibility of persons, firms, associations or corporations nor to electrically controlled burglar or fire alarm system with a central unit, nor to any person, firm, association or corporation engaged in the business of making reports for insurance or credit purposes.

The term shall not include and nothing in this act shall apply to any lawful activity of any board, body, commission or agency of the United States of America or of any State, Territory or Possession of the United States of America, or any county, municipality, school district, or any officer or employee solely, exclusively and regularly employed by any of the foregoing; nor to any attorney or counselor-at-law in connection with the regular practice of his profession, nor to any person employed by any such attorney or counsellor-at-law when engaged upon his employer's business; nor to any employee, investigator or investigators solely, exclusively and regularly employed by any person, firm, association or corporation which is not engaged in any of the businesses hereinbefore described in items numbered one to nine, both inclusive, of this subsection in so far as their acts may relate solely to the business of the respective employers; nor to any person, firm, association or corporation licensed to do a business of insurance of any nature under the insurance laws of this State, nor to any employee or licensed agent thereof; nor to any person, firm, association or corporation conducting any investigation solely for its own account.

(b) The terms "the business of detective agency" and "the business of investigator" shall mean any person, firm, association or corporation engaged in the private detective business as defined in subsection (a) of this section, who employs one or more persons in conducting such business, but shall not include the business of watch, guard or patrol agency.

(c) The terms "private detective" or "investigator" shall mean and include any person who singly and for his own account and profit conducts a private detective business without the aid or assistance of any employees or associates.

(d) The masculine shall include the feminine and the neuter genders.

(e) The term "superintendent" means the Superintendent of State Police.

(f) The terms "firm" and "association" shall include partnerships, but shall not include corporations.

14. Section 3 of P.L.1971, c.342 (C.45:19-12.1) is amended to read as follows:

C.45:19-12.1 Employees of licensee; fees payable, violations, penalties.

3. a. Subsequent to the effective date of this act, every licensee shall pay to the Superintendent an additional fee of \$15.00 for each person in its employ engaged in said employment in this State as a private detective or investigator. Any licensee who shall employ any person in the aforementioned categories subsequent to its securing a license or renewal thereof and for whom the fee of \$15.00 has not been paid shall pay the fee of \$15.00 for each of said persons prior to the commencement of said employment with the licensee. Thereafter any licensee at the time of any renewal if its license hereunder shall pay a renewal fee of \$5.00 for each of said employees in the aforementioned categories for whom an initial fee of \$15.00 has been paid by said licensee.

b. Any licensee who shall employ any person in the aforementioned categories in subsection a. above without having paid the fees in accordance with said subsection a. shall be a disorderly person.

15. Section 12 of P.L.1939, c.369 (C.45:19-19) is amended to read as follows:

C.45:19-19 Badge, shield, certain; prohibited, violations deemed misdemeanor.

12. No person licensed under the provisions of this act, or the officers, directors, employees, operators or agents thereof, shall wear, carry or accept any badge or shield purporting to indicate that such person is a private detective or investigator or connected with the private detective business. Any person violating the provisions of this section shall be guilty of a misdemeanor.

16. This act shall take effect on the 365th day after enactment, except that the Superintendent may take, prior to the effective date, such anticipatory administrative action as shall be necessary for the implementation of this act

Approved August 31, 2004.