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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998



ENROLLED

Committee Substitute for
SENATE BILL NO. 382

(By Senator SCHOONOVER)



PASSED MARCH 14, 1998

In Effect NINETY Days From Passage

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SENATE OF WEST VIRGINIA

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COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 382

(SENATOR SCHOONOVER, *original sponsor*)

[Passed March 14, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article eighteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to allowing an applicant to count experience and service as a magistrate towards eligibility for a private investigator's license; and prohibiting one serving as a magistrate from being employed as a private investigator.

Be it enacted by the Legislature of West Virginia:

That section two, article eighteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 18. PRIVATE INVESTIGATIVE AND SECURITY SERVICES.

§30-18-2. Eligibility requirements for license to conduct the private investigation business.

- 1 (a) In order to be eligible for any license to conduct the
2 private investigation business, an applicant shall:
 - 3 (1) Be at least eighteen years of age;
 - 4 (2) Be a citizen of the United States or an alien who is
5 legally residing within the United States;
 - 6 (3) Not have had any previous license to conduct a
7 private investigation business or to conduct a security
8 guard business revoked or any application for any such
9 licenses or registrations denied by the appropriate govern-
10 mental authority in this or any other state or territory;
 - 11 (4) Not have been declared incompetent by reason of
12 mental defect or disease by any court of competent
13 jurisdiction unless a court has subsequently determined
14 that the applicant's competency has been restored;
 - 15 (5) Not suffer from habitual drunkenness or from
16 narcotics addiction or dependence;
 - 17 (6) Be of good moral character;
 - 18 (7) Have a minimum of two years of experience, educa-
19 tion or training in any one of the following areas, or some
20 combination thereof:
 - 21 (A) Course work that is relevant to the private investiga-
22 tion business at an accredited college or university;
 - 23 (B) Employment as a member of any United States
24 government investigative agency, employment as a
25 member of a state or local law-enforcement agency or
26 service as a sheriff;
 - 27 (C) Employment by a licensed private investigative or
28 detective agency for the purpose of conducting the private
29 investigation business;

30 (D) Service as a magistrate in this state; or

31 (E) Any other substantially equivalent training or
32 experience;

33 (8) Not have been convicted of a felony in this state or
34 any other state or territory;

35 (9) Not have been convicted of any of the following:

36 (A) Illegally using, carrying or possessing a pistol or
37 other dangerous weapon;

38 (B) Making or possessing burglar's instruments;

39 (C) Buying or receiving stolen property;

40 (D) Entering a building unlawfully;

41 (E) Aiding an inmate's escape from prison;

42 (F) Possessing or distributing illicit drugs;

43 (G) Any misdemeanor involving moral turpitude or for
44 which dishonesty of character is a necessary element; and

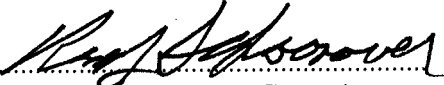
45 (10) Not have violated any provision of section eight of
46 this article.

47 The provisions of this section shall not prevent the
48 issuance of a license to any person who, subsequent to his
49 or her conviction, shall have received an executive pardon
50 therefor, removing this disability.

51 (b) Any person who qualifies for a private investigator's
52 license shall also be qualified to conduct security guard
53 business upon notifying the secretary of state in writing
54 that the person will be conducting such business.

55 (c) No person may be employed as a licensed private
56 investigator while serving as magistrate.

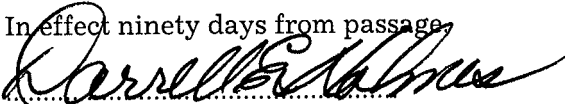
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

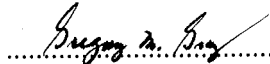

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Chairman Senate Committee.

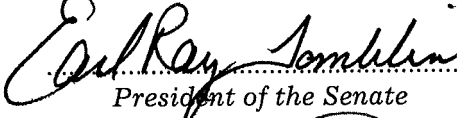

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Chairman House Committee


Originated in the Senate.

In effect ninety days from passage.

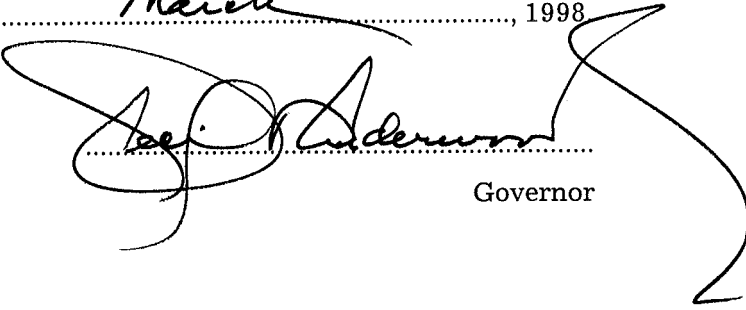

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within approved this the 23rd
day of March, 1998


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Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/98

Time 10:32 am