WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998

ENROLLED

COMMITEE SUBSTITUTE FOR

SENATE BILL NO. 382

(By Senator Schoonover)

PASSED March 16, 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 private investigation business, an applicant shall:
2
3 (1) Be at least eighteen years of age;

4 (2) Be a citizen of the United States or an alien who is legally residing within the United States;

5 (3) Not have had any previous license to conduct a private investigation business or to conduct a security guard business revoked or any application for any such licenses or registrations denied by the appropriate governmental authority in this or any other state or territory;

6 (4) Not have been declared incompetent by reason of mental defect or disease by any court of competent jurisdiction unless a court has subsequently determined that the applicant's competency has been restored;

7 (5) Not suffer from habitual drunkenness or from narcotics addiction or dependence;

8 (6) Be of good moral character;

9 (7) Have a minimum of two years of experience, education or training in any one of the following areas, or some combination thereof:

10 (A) Course work that is relevant to the private investigation business at an accredited college or university;

11 (B) Employment as a member of any United States government investigative agency, employment as a member of a state or local law-enforcement agency or service as a sheriff;

12 (C) Employment by a licensed private investigative or detective agency for the purpose of conducting the private investigation business;
30. (D) Service as a magistrate in this state; or
31. (E) Any other substantially equivalent training or experience;
32. (8) Not have been convicted of a felony in this state or any other state or territory;
33. (9) Not have been convicted of any of the following:
34. (A) Illegally using, carrying or possessing a pistol or other dangerous weapon;
35. (B) Making or possessing burglar's instruments;
36. (C) Buying or receiving stolen property;
37. (D) Entering a building unlawfully;
38. (E) Aiding an inmate's escape from prison;
39. (F) Possessing or distributing illicit drugs;
40. (G) Any misdemeanor involving moral turpitude or for which dishonesty of character is a necessary element; and
41. (10) Not have violated any provision of section eight of this article.

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

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

(c) No person may be employed as a licensed private investigator while serving as magistrate.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee.

Chairman House Committee

Originated in the Senate.
In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor