

Reported Recommending
Ind. Postponed
Passed Senate
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Passed House
Failed to Pass House

House File 431

February 27, 1947.
Passed on File.

By JUDICIARY 2.

A BILL FOR

An Act relating to the licensing and regulation of private detectives and private detective agencies and making the provisions hereof applicable to special charter cities.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Definitions. The following words and phrases
2 when used in this act shall for the purposes of this act have
3 the meanings respectively ascribed to them, the singular to
4 include the plural and the masculine gender to include the
5 feminine gender:

6 (a) "Private detective business or profession" shall mean
7 and include the business of making for hire, reward or gratis
8 an investigation or investigations for the purpose of obtaining
9 information with reference to any of the following matters:
10 Crimes against a commonwealth or wrongs done or threatened; the
11 habits, conduct, movement, whereabouts, associations, transactions,
12 reputation or character of any person, firm or corporation; the
13 creditability of witnesses or other persons; the location or
14 recovery of lost or stolen property; the causes, origin of or
15 responsibility for fires or accidents or injuries or damages to
16 persons or to real or personal property; or concerning the truth

17 or falsity of any statement or representation; or the business
18 of securing for hire, reward, or gratis evidence to be used
19 before investigation committees, boards of award or arbitration,
20 or in the trial of civil or criminal cases, or the business of
21 furnishing for hire, reward, or gratis guards or other persons
22 to protect persons or property; or to prevent the theft or the
23 unlawful taking or use of real or personal property, or the
24 business of performing the services of such guard or other
25 person for any of said purposes.

26 (b) "Detective agency" shall mean and include any person,
27 firm or corporation engaged in the private detective business
28 who advertises as such or employs one or more detective agents
29 in conducting such business.

30 (c) "Private detective" shall mean and include any person
31 who advertises himself as such or who singly conducts a private
32 detective business without the assistance of any other detective
33 agents other than those employed as such on a part time basis
34 only and who do not make such an occupation their principal
35 business or means of livelihood.

36 (d) "Detective Agent" shall mean any person or operative
37 employed by a detective agency or private detective and engaging
38 in any of the activities of the private detective business or
39 profession as defined in this section.

40 (e) "Commissioner" or "commissioner of public safety" shall
41 mean the commissioner of public safety of the state of Iowa.

1 Sec. 2. The provisions of this act shall not apply to any

2 detective or officer belonging to and on the payroll of the
3 police force of the United States, or of any state, or of any
4 county, city, town or village thereof, appointed or elected by
5 due authority of law; nor to any person in the employ of the
6 police force or police department or law enforcement agency of
7 any state, or of any county, city, town or village thereof in
8 the performance of his official duties; nor to any county
9 attorney; nor to any attorneys-at-law in the regular practice
10 of their profession; nor to any person, firm or corporation
11 whose business is the furnishing of information with respect
12 to the business and financial standing and credit of persons,
13 firms or corporations; nor to any person making any investigation
14 of any matter in which such person or the person, firm or
15 corporation by whom such person is solely employed is interested
16 or involved, nor to any person making any investigation for any
17 person, firm or corporation engaged in the business of transport-
18 ing persons or property in interstate commerce.

1 Sec. 3. It shall be unlawful for any person to engage in
2 or attempt to engage in business as a private detective without
3 first obtaining a license therefor issued by the commissioner
4 of public safety.

1 Sec. 4. It shall be unlawful for any person, firm or
2 corporation to conduct or engage in business as a detective
3 agency or to employ persons to act as detective agents in the
4 conduct of such business without first obtaining a license
5 therefor issued by the commissioner of public safety, which

6 license shall include authority for the detective agency to
7 employ detective agents.

1 Sec. 5. Every application for a private detective or
2 detective agency license, as required by this act shall be made
3 to the commissioner of public safety and shall be in such form
4 as the commissioner may prescribe and shall contain a showing
5 that the applicant has qualified under the following conditions:

6 (a) That the applicant is at least twenty-one years of age.

7 (b) That the applicant is a citizen of the United States of
8 America.

9 (c) That the applicant is of good moral character and has
10 not been convicted of a felony.

11 (d) That the applicant for a period of not less than three
12 years:

13 (1) Has been lawfully engaged in the private detective
14 business on his account; or

15 (2) Has been lawfully engaged as a detective agent; or

16 (3) Has been engaged in the detective business or
17 profession as an employee of the United States, or as a member of
18 the military services of the United States of America, in its
19 intelligence service, military police or shore patrol service; or

20 (4) Has been a sheriff or deputy sheriff; or

21 (5) Has been a member of a paid state, city, town or
22 village police department or law enforcement agency.

23 Each applicant shall submit to the commissioner of public
24 safety with his application such pictures and fingerprints of

25 himself and such description of his physical characteristics
26 and appearance as and in the manner and upon such forms as the
27 commissioner of public safety may prescribe. In the event that
28 the applicant is a partnership, all of the members thereof
29 actively engaged in the detective business in this state shall
30 have such qualifications as are prescribed in paragraphs (a),
31 (b), (c), and (d), of this section, and shall submit such pictures,
32 fingerprints and descriptions of his physical characteristics and
33 appearance as are hereby required to be submitted by individual
34 applicants; and in the event that the applicant is a corporation,
35 the articles of incorporation shall authorize the corporation to
36 engage in the business of conducting a detective agency and at
37 least one officer or executive officers and every corporate officer
38 actively participating in the detective business in this state
39 shall have such qualifications as are required by paragraphs (a),
40 (b), (c), and (d) of this section; and shall submit such pictures,
41 fingerprints and descriptions of his physical characteristics and
42 appearance as are required by this section to be submitted by
43 individual applicants. Upon approval of the applications, the
44 commissioner of public safety shall issue a license to such
45 applicant as a private detective or as a detective agency, as
46 the case may be, upon the filing with said commissioner or public
47 safety by such applicant of a surety bond which, in the case of
48 a detective agency, shall be in an amount not less than two
49 thousand dollars and which, in the case of a private detective,
50 shall be in an amount of not less than one thousand dollars,

51 issued by a corporate surety company authorized to do business
52 in the state of Iowa and approved by the commissioner of public
53 safety, conditioned for the faithful, lawful and honest conduct
54 of such applicant and those employed by such applicant in carrying
55 on the private detective business, which bond shall be in such
56 form as the commissioner of public safety may prescribe and shall
57 be taken in the name of the people of the state of Iowa and shall
58 provide that any person, firm or corporation injured by a breach
59 of the conditions of such bond may bring an action on the said bond
60 in the name of the people of the state of Iowa for the use of
61 such person, firm or corporation so injured to recover legal damages
62 suffered by reason of such breach.

1 Sec. 6. Licenses issued under the provisions of this Act
2 shall expire on the last day of December each year. Applicants
3 for licenses shall deposit with each application a fee equal to
4 the fee herein prescribed for such license and if the application
5 be approved, said amount shall be applied on the license fee, but
6 if such application is disapproved, the same shall not be return-
7 able or refunded. The annual license fee for a private detective
8 shall be ten dollars. The annual license fee for a private
9 detective agency shall be twenty-five dollars. When a license
10 is issued in the month of February or in succeeding months,
11 the fee therefor shall be computed on the basis of one-twelfth
12 of the annual license fee, as provided herein, multiplied by
13 the number of unexpired months of the year, including the month
14 in such said license is issued. Whenever any such fee so computed

15 contains a fractional part of a dollar, it shall be computed as
16 of the nearest fractional quarter-dollar thereto.

1 Sec. 7. There shall be conspicuously displayed in the place
2 or places of business or office or offices of every private
3 detective or detective agency, the license issued to said private
4 detective or detective agency, pursuant to this act, or a full
5 size facsimile reproduction of said license.

1 Sec. 8. Every private detective agency and private detective
2 shall issue to each of its officers and detective agents an
3 identification card which shall include a physical description
4 and the fingerprints of and a picture of said officer or detective
5 agent. Such identification cards shall be in such form as ap-
6 proved by the commissioner of public safety and there shall be
7 imprinted upon or attached to said identification card a facsimile
8 reproduction of the license issued to said detective agency
9 pursuant to this act. It shall be unlawful for any detective
10 agency or private detective to employ any person as a detective
11 agent unless at the time of such employment there is issued to
12 such detective agent an identification card as provided in this
13 section. It shall be unlawful for any person to act as a
14 detective agent unless he has in his immediate possession an
15 identification card as provided in this section.

1 Sec. 9. A duplicate license shall be issued by the com-
2 missioner of public safety upon the payment of a fee therefor
3 in the amount of one dollar and the filing with him in such form
4 as he shall prescribe, a statement under oath that the original

5 license has been lost or destroyed and that, if the original
6 license is recovered, such original or the duplicate issued will
7 be returned immediately to the commissioner of public safety for
8 cancellation.

1 Sec. 10. The commissioner of public safety may either
2 refuse to issue or may suspend or may revoke a license issued
3 by him, pursuant to this act for any one or any combination of
4 the following reasons:

5 (a) Fraud in obtaining a license.

6 (b) Violation of any of the terms and provisions of this
7 act.

8 (c) If the holder of any license or a member of any partnership
9 or an officer of any corporation licensed by the commissioner of
10 public safety, pursuant to the provisions of this act, has been
11 adjudged guilty of the commission of a crime involving moral
12 turpitude.

13 (d) If the holder of any license is found guilty of willful
14 betrayal of any information obtained by the licensee in the course
15 of the conduct of the private detective business.

16 (e) Upon the disqualification or insolvency of the surety
17 on the licensee's bond, unless such licensee files a new bond
18 with sufficient surety within fifteen days of the receipt of
19 notice from the Commissioner.

20 (f) If the licensee or applicant for a license shall fail
21 to have any of the qualifications as provided in Section 5 hereof.

1 Sec. 11. Unless otherwise authorized by law, no person,

2 while engaged in any activity of the private detective business
3 or profession, as defined by this act, shall wear, carry or
4 display any distinctive or identifying badge or insignia
5 pertaining to said business or profession other than that
6 prescribed or approved by the Commissioner and, in the event
7 that a private detective or any officer or employee of a
8 detective agency shall wear a uniform while engaged in any
9 activity of the private detective business or profession as
10 defined in this act, there shall be conspicuously displayed
11 thereon such distinctive identifying badges or insignia as the
12 Commissioner may prescribe or approve and the manner of
13 displaying such badges or insignia shall be subject to the
14 approval of the commissioner. "Uniform" as used in this section
15 shall mean any manner of dress of a particular style and
16 distinctive appearance as distinguished from ordinary clothing
17 customarily used and worn by the general public.

1 Sec. 12. Any person, firm or corporation who violates any
2 of the provisions of this act or who makes any false statement
3 or representation in any application or statement filed with the
4 commissioner of public safety, as required by this act, or any
5 person who falsely states or represents that he has been or is a
6 private detective or advertises himself as such, or any person,
7 firm or corporation who engages in the private detective business
8 or profession as defined in this act, without being possessed of
9 a current, valid license therefor, as provided by this act, shall
10 be guilty of a misdemeanor and upon conviction thereof shall be

11 punished by a fine of not less than one hundred dollars, nor more
12 than five hundred dollars, or by imprisonment in the county jail
13 not to exceed six months, or by both such fine and imprisonment.

1 Sec. 13. The provisions of this act shall apply to special
2 charter cities.

EXPLANATION OF H. F. 431

The purpose of this act is to provide for the correlation of the supervision of private detectives and private detective agencies by the Department of Public Safety. In the many states having similar laws, such legislation has resulted in a general improvement in the conduct and ethics of the private detective business to the benefit of the public as a whole.