

PRIVATE DETECTIVES

(22 P.S. §11 et seq., "The Private Detective Act of 1953" (current through Act 1992-132))

A. General Notes

1. Licenses

- a. It is unlawful to act as a private detective for hire or reward without first obtaining a license. (22 P.S. §13)**

2. Application for Licenses

- a. Any person, partnership, association or corporation shall file, in Office of the Clerk of Courts of the county where the principal office of such business is located, a written application, duly signed and verified. (See 22 P.S. §§3 and 14 for all types of businesses and enterprises that fall under this requirement.)**
- b. Each person or individual signing such application shall, together with such application, submit to the court two photographs, in duplicate, in passport size, and also fingerprints of his two hands, recorded in such manner as may be specified by the court.**
 - (1) Applicable filing fee.**
 - (2) The blank fingerprint cards shall be provided by the Clerk of Courts and shall be imprinted with the Clerk of Court's ORI number. These are available through the Pennsylvania State Police.**
 - (3) The Pennsylvania State Police has received authorization to collect a fee of \$17.50 for processing fingerprint cards for private detective license applicants and those individuals applying for employment with a private detective/security agency. Therefore, effective July 1, 1992 the required fee must be attached to the fingerprint cards in the form of a check/money order payable to the Commonwealth of Pennsylvania and submitted in the envelope provided by the Pennsylvania State Police. Questions concerning this matter may be directed to Pennsylvania State Police (717-783-5592).**

- c. **Before approving such application, it shall be the duty of the court to compare such fingerprints with fingerprints of criminals now or hereafter filed in the records of the Pennsylvania State Police.**
 - (1) **One copy of fingerprints shall be forwarded to the Pennsylvania State Police Records and Identification Division by the Clerk of Courts and on copy retained with the file.**
 - d. **Every applicant shall establish, to the satisfaction of the court and by at least two duly acknowledged certificates that such applicant, if he be a person, or, in the case of a partnership, association, or corporation, at least one member of such partnership, association or corporation, has been regularly employed as a detective, or has been a member of the United States government investigative service, a sheriff, a member of the Pennsylvania State Police, or a member of a city police department of a rank or grade higher than that of patrolman, for a period of not less than three years.**
 - e. **The application shall be approved as to each person or individual so signing the same by not less than five reputable citizens of the community in which such applicant resides or transacts business, or in which it is proposed to own, conduct, manage, or maintain the bureau, agency, sub-agency, office or branch office for which the license is desired. The certificate of approval shall be signed by such reputable citizens and duly verified and acknowledged by them before a notary public.**
- 3. Issuance of Licenses; Fee; Bonds**
- a. **When the application has been approved by the court, the court shall grant and cause to be delivered to such applicant, a certificate of license to conduct such business on the premises stated in the application, upon the applicant complying with the following:**
 - (1) **Executing and filing in the Office of the Clerk of Courts a corporate bond in the sum of ten thousand dollars (\$10,000.00) (approval by the court may be required according to local practice),**
 - (2) **Payment of license fee**
 - a. **Two hundred dollars (\$200.00) if applicant is an individual, or**
 - b. **Three hundred dollars (\$300.00), if a partnership, association or corporation.**
- NOTE: These fees do not fall under Act 36-2000 and cannot be increased under Clerk of Courts Fee Schedule.**
- b. **The license granted pursuant to this act shall last for a period of two years but shall be revocable at all times by the court for cause shown.**

- c. In the event of such revocation or of a surrender of such license, no refund shall be made in respect to any license fee paid under the provisions of this act.
- d. The license certificate shall be in a form to be prescribed by the court, and shall contain the necessary information as specified in 22 P.S. §16(a).
- e. There shall be kept in the Office of the Clerk of Court, a bulletin board, in a place accessible to the general public, on which shall be posted, at noon on Friday of each week, the following: a statement of all pending applications for licenses under this act, giving the name of the applicant, and whether individual, partnership, association, and the proposed business address, a similar statement of all such licenses issued during the preceding week, a similar statement of all such licenses revoked during the preceding week.
- f. In the event of the filing in the Office of the Clerk of Courts of a verified statement of objections to the issuance of a license, no license shall be issued to such applicant until all objections have been heard in a hearing and a determination made by the court.

4. Refund of Fees

- a. Under special circumstances (as specified in 22 P.S. §17) monies may be refunded to the person entitled thereto upon approval by the court.

5. Renewal of Licenses

- a. A license granted under the provisions of this act may be renewed by the Clerk of Courts upon application therefore by the holder thereof upon payment of fee and filing of surety bond, each in amounts equivalent to those specified in Section 3 pertaining to original license.
- b. A brief renewal application form shall be prescribed by the Attorney General. Fingerprints and references shall not be required with a renewal application. The Clerk of Courts shall reissue the license for a period of up to five years, without a mandatory waiting period, unless the Clerk perceives a problem, which requires submission of the renewal application to the court.
- c. A renewal period, within the meaning of this act, is considered as being six months from the date of expiration of a previously issued license.

6. License, Certificates, Pocket Cards, Shields or Badges

- a. Upon the issuing of a license as hereinbefore provided, the court shall issue to each person, individual member of a partnership or association, or officer of a corporation making and filing a statement required above, a pocket card of such size and design as such court may prescribe, which card shall contain a photograph of the licensee, the name and business address of the licensee, and the imprint or impress of the seal of the court, and also a metal shield or badge, of such shape and description and bearing such inscription as the court may designate.

7. Employees

- a. The holder of any license certificate issued pursuant to this act may employ others to assist him in his work of private detective or investigator as described in the act and in the conduct of such business.

(1) The license holder shall obtain two sets of fingerprints of the two hands of such person. One set shall be attached to the verified statement and the other shall be filed with the court of common pleas.

(a) Within five (5) days the fingerprint card shall be forwarded to the Pennsylvania State Police Records and Identification Division by the Clerk of Courts.

(b) If a record is found, the Clerk of Courts shall notify the district attorney and the holder of such license.

(c) The fingerprint cards shall be processed by the Clerk of Courts Office where the main "security" office is located.

(2) Proof of the employee's current and valid certification under the "Lethal Weapons Training Act" must also be submitted to the court if the employee will carry a lethal weapon as an incidence to employment.

8. Roster of Licenses

- a. The Clerk of Courts shall publish, at least once in each year, a roster of the names and addresses of all persons, partnerships, associations and corporations licensed by such court under the provisions of this act. The Clerk of Courts shall mail a copy of each roster published to any licensee upon request and without charge, and also mail a copy of each such roster to the Pennsylvania State Police Commissioner.

B. Procedures

1. Upon receipt of an Application for Private Detective License, the Clerk of Court shall file the same. (See Filing/Docketing/Service)
2. The Clerk of Courts creates a Miscellaneous Docket number into the CPCMS, if the application is new, or docket the renewal application under the original Miscellaneous Docket number.
3. If a corporation license has been issued, all employees should be filed and docketed within the licensee's file.
4. The responsibilities of the Clerk of Courts after the filing of the application will vary according to local practice.

C. Retention and Disposition Schedule

1. In County Records Manual, refer to Chapter 4 – Office of the Clerk of Courts.
 - a. Criminal Docket, Books and Indices
 - b. Private Detective Licensing Records