

# PRIVATE DETECTIVE LICENSING ACT

## KANSAS STATUTES ANNOTATED (K.S.A.)

**K.S.A.75-7b01. Definitions.** As used in this act: (a) "Detective business" means the furnishing of, making of or agreeing to make any investigation for the purpose of obtaining information with reference to:

(1) Crime or wrongs done or threatened against the United States or any state or territory of the United States, or any political subdivision thereof when furnished or made by persons other than law enforcement officers;

(2) the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

(3) the location, disposition or recovery of lost or stolen property;

(4) the cause or responsibility for fires, libels, losses, frauds, accidents or damage or injury to persons or to property; or

(5) securing evidence to be used before any court, board, officer or investigating committee.

(b) "Private detective" means any person who, for any consideration whatsoever, engages in detective business.

(c) "Private detective agency" means a person who regularly employs any other person, other than an organization, to engage in detective business.

(d) "Private patrol operator" means a person who, for any consideration whatsoever, agrees to furnish or furnishes a watchman, guard, patrolman or other person to protect persons or property or to prevent the theft, unlawful taking, loss, embezzlement, misappropriation or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers or property of any kind, or performs the service of such watchman, guard, patrolman or other person for any such purposes.

(e) "Law enforcement officer" means a law enforcement officer as defined by K.S.A. 21-3110, and amendments thereto.

(f) "Organization" means a corporation, trust, estate, partnership, cooperative or association.

(g) "Person" means an individual or organization.

(h) "Firearm permit" means a permit for the limited authority to carry a firearm concealed on or about the person by one licensed as a private detective.

(i) "Firearm" means:

(1) A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition; or

(2) any other weapon which will or is designed to expel a projectile by the action of an explosive and which is designed to be fired by the use of a single hand.

(j) "Client" means any person who engages the services of a private detective.

(k) "Dishonesty or fraud" means, in addition to other acts not specifically enumerated herein:

(1) Knowingly making a false statement relating to evidence or information obtained in the course of employment, or knowingly publishing a slander or a libel in the course of business;

(2) using illegal means in the collection or attempted collection of a debt or obligation;

(3) manufacturing or producing any false evidence; and

(4) acceptance of employment adverse to a client or former client relating to a matter with respect to which the licensee has obtained confidential information by reason of or in the course of the licensee's employment by such client or former client.

**History:** L. 1972, ch. 315, § 1; L. 1981, ch. 326, § 1; L. 1998, ch. 183, § 1; July 1.

**K.S.A.75-7b02. Licensure required; law enforcement officers ineligible for license.** Unless expressly exempted from the provisions of this act: (a) It shall be unlawful for any person to engage in detective business in this state unless such person is licensed as a private detective under this act.

(b) It shall be unlawful for any person to engage in business in this state as a private detective agency unless such person is licensed therefor.

(c) No law enforcement officer or any person who holds a special commission from any law enforcement agency of the federal government or of the state or any political subdivision thereof may be licensed as a private detective or private detective agency.

**History:** L. 1972, ch. 315, § 2; L. 1981, ch. 326, § 2; July 1.

**K.S.A.75-7b03. Exemptions from licensure.** The following persons shall not be deemed to be engaging in detective business: (a) A person employed exclusively and regularly by one employer in connection only with the internal affairs or investigations of such employer and where there exists an employer-employee relationship;

(b) any officer or employee of the United States, or of this state or a political subdivision thereof while engaged in the performance of the officer's or employee's official duties;

- (c) a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons except that this exemption does not include a person preparing an investigative consumer report as defined by K.S.A. 50-702, and amendments thereto;
- (d) a charitable philanthropic society or association duly incorporated under the laws of this state which is organized and maintained for the public good and not for private profit;
- (e) an attorney performing duties as an attorney or a person employed exclusively and regularly by an attorney or law firm performing duties exclusively on behalf of the attorney or law firm;
- (f) a licensed collection agency or an employee thereof while acting within the scope of employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's property where the contract with an assignor creditor is for the collection of claims owed or due or asserted to be owed or due or the equivalent thereof;
- (g) admitted insurers, agents and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them;
- (h) the legal owner of personal property which has been sold under a conditional sales agreement or a mortgagee under the terms of a chattel mortgage in connection with the recovery of such personal property;
- (i) any bank subject to the jurisdiction of the state bank commissioner of the state of Kansas or the comptroller of currency of the United States;
- (j) a person engaged solely in the business of securing information about persons or property from public records;
- (k) an insurance adjuster which, for the purpose of this act, means any person who, for any consideration whatsoever, adjusts or otherwise participates in the disposal of any claim under or in connection with a policy of insurance or engages in soliciting insurance adjustment business;
- (l) a private patrol operator while actually engaged in providing private patrol services on the property to which private patrol services are being provided; or
- (m) a person engaged in market research.

**History:** L. 1972, ch. 315, § 3; L. 1981, ch. 326, § 3; L. 1998, ch. 183, § 2; July 1.

**K.S.A.75-7b04. Licensure; application; references; qualifications; summary proceedings; grounds for denial of license.** (a) Every person desiring to be licensed in Kansas as a private detective or private detective agency shall make application therefor to the attorney general. An application for a license under this act shall be on a form prescribed by the attorney general and accompanied by the required application fee. An application shall be verified and shall include:

- (1) The full name and business address of the applicant;
- (2) the name under which the applicant intends to do business;
- (3) a statement as to the general nature of the business in which the applicant intends to engage;
- (4) a statement as to the classification or classifications under which the applicant desires to be qualified;
- (5) if the applicant is an organization, the full name and residence address of each of its partners, officers, directors or associates;
- (6) two photographs of the applicant taken within 30 days before the date of application, of a type prescribed by the attorney general, and two classifiable sets of the applicant's fingerprints one of which shall be submitted to the federal bureau of investigation for a fingerprint check for any criminal history of the applicant;
- (7) a statement of the applicant's employment history; and
- (8) such other information, evidence, statements or documents as may be required by the attorney general.

(b) The application shall be accompanied by a certificate of reference signed by five or more reputable persons who have known the applicant for a period of at least 5 years. The certificate of reference shall be verified and acknowledged by such persons before an officer authorized to take oaths and acknowledgment of deeds.

Each person signing the certificate of reference shall subscribe and affirm as true, under the penalties of perjury, that:

- (1) The person has known the applicant personally for a period of at least five years prior to the filing of the application. The attorney general may lessen such period if the applicant has been discharged honorably from the military service of the United States within the six-year period immediately preceding the date the application is submitted;
- (2) the person has read such application and believes each of the statements made therein to be true;
- (3) the applicant is honest, of good character and competent and not related or connected by blood or marriage to such person.

(c) Before an application for a license may be granted, the applicant or, if the applicant is an organization, all of the officers, directors, partners or associates shall:

- (1) Be at least 21 years of age;
- (2) be a citizen of the United States;
- (3) be of good moral character; and
- (4) comply with such other qualifications as the attorney general adopts by rules and regulations.

(d) In accordance with the summary proceedings provisions of the Kansas administrative procedure act, the attorney general may deny a license if the applicant has:

(1) Committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license under this act;

(2) committed any act constituting dishonesty or fraud;

(3) a bad moral character or a bad reputation for truth, honesty, and integrity;

(4) been convicted of a felony or, within 10 years immediately prior to the date of application, been convicted of any crime involving moral turpitude, dishonesty, vehicular homicide, assault, battery, assault of a law enforcement officer, misdemeanor battery against a law enforcement officer, criminal restraint, sexual battery, endangering a child, intimidation of a witness or victim or illegally using, carrying, or possessing a dangerous weapon;

(5) been refused a license under this act or had a license suspended or revoked in this state or in any other jurisdiction or had a license censured, limited or conditioned two or more times in this state or in any other jurisdiction;

(6) been an officer, director, partner or associate of any person who has been refused a license under this act or whose license has been suspended or revoked in this state or in any other jurisdiction or had a license censured, limited or conditioned two or more times in this state or in any other jurisdiction;

(7) while unlicensed, committed or aided and abetted the commission of any act for which a license is required by this act; or

(8) knowingly made any false statement in the application.

(e) The attorney general may charge a fee for initial application forms and materials in an amount fixed by the attorney general pursuant to K.S.A. 2000 Supp. 75-7b22, and amendments thereto. Such fee shall be credited against the application fee of any person who subsequently submits an application.

**History:** L. 1972, ch. 315, § 4; L. 1981, ch. 326, § 4; L. 1988, ch. 356, § 296; L. 1998, ch. 183, § 3; July 1.

**K.S.A.75-7b05. License, initial or renewal; fee set by attorney general.** (a) Every application for an initial or a renewal license shall be accompanied by a fee in an amount fixed by the attorney general pursuant to K.S.A. 2004 Supp. 75-7b22, and amendments thereto.

(b) In addition to the application fee imposed pursuant to subsection (a), if the applicant is an organization and any of its officers, directors, partners or associates intends to engage in the business of such organization as a private detective, such officer, director, partner or associate shall make a separate application for a license and pay a fee in an amount fixed by the attorney general pursuant to K.S.A. 2004 Supp. 75-7b22, and amendments thereto.

**History:** L. 1972, ch 315, § 5; L. 1981, ch. 326, § 6; L. 1998, ch. 183, § 4; L. 2004, ch. 139, § 1; July 1.

**K.S.A.75-7b06. License; form; display; pocket card; new officer or partner, licensure.** (a) The license, when issued, shall be in such form as may be determined by the attorney general and shall include the:

- (1) Name of the licensee;
- (2) name under which the licensee is to operate; and
- (3) number and date of the license.

(b) The license at all times shall be posted in a conspicuous place in the principal place of business of the licensee. Upon the issuance of a license, a pocket card of such size, design and content as determined by the attorney general shall be issued without charge to each licensee or, if the licensee is an organization, to each of its officers, directors, partners or associates. Such card shall be evidence that the licensee is duly licensed pursuant to this act. When any licensee terminates such licensee's activities as a private detective, or such licensee's license has been suspended or revoked, the card shall be surrendered , within five days after such termination, suspension or revocation, to the attorney general for cancellation. Within 30 days after any change of address or of any change in its officers, directors, partners or associates, a licensee shall notify the attorney general thereof. The principal place of business may be at a residence or at a business address, but it shall be the place at which the licensee maintains a permanent office.

(c) Applications, on forms prescribed by the attorney general, shall be submitted by all new officers or partners. The attorney general may suspend or revoke a license issued under this act if the attorney general determines that, at the time such person became an officer or partner of a licensee, such person did not meet the requirements of K.S.A. 75-7b04 and amendments thereto.

**History:** L. 1972, ch. 315, § 6; L. 1981, ch. 326, § 7; L. 1998, ch. 183, § 5; July 1.

**K.S.A.75-7b07. License renewal; license not assignable; continuing education.** (a) Except as provided by this section, any license issued under this act shall expire on December 31 of the year of its issuance and may be renewed every two years thereafter. On and after July 1, 2004, any license issued under this act shall expire two years from the date of issuance and may be renewed every two years thereafter. Renewal of any such license shall be made in the manner prescribed for obtaining an original license, including payment of the appropriate fee required by K.S.A. 75-7b05, and amendments thereto, except that:

(1) The signing of the application by five or more citizens as required by K.S.A. 75-7b04, and amendments thereto, shall not be required if such application for renewal is verified and acknowledged by the applicant before an officer authorized to administer oaths;

(2) the application for renewal shall provide the information required of original applicants if the information shown on the original application or any renewal thereof on file with the attorney general is no longer accurate;

(3) a new photograph shall be submitted with the application for renewal only if the photograph on file with the attorney general has been on file more than two years;

(4) the application for a renewal shall be accompanied by proof, satisfactory to the attorney general, that the applicant has complied with the continuing education requirement of subsection (b); and

(5) additional information may be required by rules and regulations adopted by the attorney general.

(b) An individual licensee, as a condition of license renewal, shall be required to attend not less than eight hours of continuing education programs approved by the attorney general. The attorney general shall adopt rules and regulations establishing requirements for such programs. In establishing such requirements the attorney general may consider existing programs of continuing education being offered by professional associations of private detectives, private detective agencies or private patrol operators. The attorney general may enter into contracts for the administration of the provisions of this subsection.

(c) A license issued under this act shall not be assignable.

**History:** L. 1972, ch. 315, § 7; L. 1973, ch. 336, § 1; L. 1977, ch. 289, § 1; L. 1981, ch. 326, § 8; L. 1998, ch. 183, § 6; L. 2004, ch. 139, § 2; July 1.

**K.S.A.75-7b08. Information confidential, exceptions; prohibited acts.** (a) Any licensee or individual who is an officer, director, partner or associate thereof shall notify the appropriate law enforcement agency with jurisdiction over the matter of any information the licensee or individual may acquire as to any criminal offense. The licensee or individual shall not disclose to any other person, except as the licensee or individual may be required by law so to do, any information acquired by the licensee or individual except at the direction of the employer or client for whom the information was obtained.

(b) No licensee or individual who is an officer, director, partner, associate or employee thereof shall:

(1) Knowingly make any false report to the licensee's or individual's employer or client for whom information was being obtained;

(2) cause any written report to be submitted to a client except by the licensee or a designee of the licensee, and the person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in such report are true and correct;

(3) furnish or perform any services on a contingent or percentage basis, or make or enter into any agreement for furnishing services of any kind or character, by the terms or conditions of which agreement the compensation to be paid for such services to the licensee is partially or wholly contingent, or based upon a percentage of the amount of money or property recovered, or dependent in any way upon the result achieved;

(4) use a badge in connection with the activities of the licensee's business other than a firearm permit badge authorized by this act;

(5) use a title, wear a uniform, use an insignia or an identification card or make any statement with the intent to give an impression that the licensee or individual is connected in any way with the federal government, a state government or any political subdivision of a state government;

(6) use an alias in connection with the activities of the licensee's business;

(7) enter any private building or portion thereof without the consent of the owner or of the person in legal possession thereof;

(8) appear as an assignee party in any proceeding involving claim and delivery, replevin or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien;

(9) permit an unlicensed employee or agent in the employee's or agent's own name to advertise, engage clients, furnish reports or present bills to clients, or in any manner whatever conduct business for which a license is required under this act or conduct business of the licensee other than in the name of and under the control of the licensee; or

(10) manufacture or produce any false evidence.

**History:** L. 1972, ch. 315, § 8; L. 1998, ch. 183, § 7; July 1.

**K.S.A.75-7b09. Record of employees; address of principal place of business to be filed.** Each licensee shall maintain a record containing such information relative to his or her employees as may be prescribed by the attorney general. Such licensee shall file with the attorney general the complete address of his or her principal place of business including the name and number of the street, or, if the street where the business is located is not numbered, the number of the post-office box. The attorney general may require the filing of other information for the purpose of identifying such principal place of business.

**History:** L. 1972, ch. 315, § 9; July 1.

**K.S.A.75-7b10. Soliciting or advertising for business, contents; advertising or conducting business except at principal or branch office prohibited; closing or changing branch office.** An advertisement



by a licensee soliciting or advertising business shall not contain any false, misleading or deceptive information. A licensee shall not advertise or conduct business from any location other than that shown on the records of the attorney general as the licensee's principal place of business unless the licensee has received a branch office certificate for such location after compliance with the provisions of this act and such additional requirements necessary for the protection of the public as the attorney general may prescribe by rules and regulations. A licensee shall notify the attorney general in writing within 10 days after closing or changing the location of a branch office.

**History:** L. 1972, ch. 315, § 10; L. 1998, ch. 183, § 8; July 1.

**K.S.A.75-7b11. Surety bond, liability insurance or deposit with treasurer; requirements.** (a) Except as provided in subsection (b), no license shall be issued under this act unless the applicant:

(1) Files with the attorney general a corporate surety bond executed by a company authorized to do business in this state in an amount of \$100,000 or more;

(2) files with the attorney general a certificate of insurance showing that the applicant has general liability insurance providing coverage in an amount of \$100,000 or more for bodily injury or property damage caused by negligence and errors or omissions; or

(3) deposits \$100,000 or more in cash with the state treasurer. The bond or return of the deposit shall be conditioned on the faithful and honest conduct of business by the applicant.

(b) No applicant who is or will be employed by a licensee to engage in the business of the licensee shall be required to obtain the bond or certificate of insurance or make the deposit provided for by this section.

(c) The attorney general shall approve each bond filed under this section as to form, execution and sufficiency of the sureties. Such bond shall be taken in the name of the people of this state and may be continuing in nature. The attorney general shall approve any certificate of insurance filed under this section as to form, execution and sufficiency of coverage evidenced thereby.

(d) Any person injured by any unlawful act of an applicant or an applicant's employees or agents, whether licensed or not, may bring an action on the applicant's bond or deposit in such person's own name to recover damages suffered by reason of such unlawful act.

**History:** L. 1972, ch. 315, § 11; L. 1981, ch. 326, § 9; L. 1998, ch. 183, § 9; July 1.

**K.S.A.75-7b12. Same; failure to maintain on file; term of bond.** (a) Every licensee at all times shall maintain on file the surety bond, in full force and effect, or a valid certificate of insurance evidencing sufficient insurance in force or the deposit with the state treasurer, as required by K.S.A. 75-7b11 and amendments thereto. Upon failure to do so, the license of such licensee shall be suspended forthwith and

shall not be reinstated until an application therefor, in the form prescribed by the attorney general, is filed together with the bond or certificate of insurance or deposit required by this act.

(b) Bonds executed and filed with the attorney general pursuant to this act shall remain in force and effect until the surety has terminated future liability by 30 days' notice to the attorney general.

**History:** L. 1972, ch. 315, § 12; L. 1981, ch. 326, § 10; July 1.

**K.S.A.75-7b13. Suspension or revocation of license; grounds; hearing; conviction defined, evidence; misuse of a firearm permit badge.** (a) The attorney general may censure, limit, condition, suspend or revoke a license issued under this act if, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the attorney general determines that the licensee or, if the licensee is an organization, any of its officers, directors, partners or associates has:

(1) Made any false statement or given any false information in connection with an application for a license or a renewal or reinstatement thereof;

(2) violated any provisions of this act;

(3) violated any rules and regulations of the attorney general adopted pursuant to the authority contained in this act;

(4) been convicted of a felony, vehicular homicide, assault, battery, assault of a law enforcement officer, misdemeanor battery against a law enforcement officer, criminal restraint, sexual battery, endangering a child, intimidation of a witness or victim or any crime involving moral turpitude or illegally using, carrying, or possessing a dangerous weapon subsequent to the issuance of the license;

(5) impersonated, or permitted or aided and abetted an employee to impersonate, a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof;

(6) committed or permitted any employee to commit any act, while the license was expired, which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license;

(7) willfully failed or refused to render to a client services or a report as agreed between the parties, and for which compensation has been paid or tendered in accordance with the agreement of the parties;

(8) committed assault, battery or kidnapping or used force or violence on any person without proper justification;

(9) knowingly violated or advised, encouraged or assisted the violation of, any court order or injunction in the course of business as a licensee;

(10) acted as a runner or capper for any attorney;

(11) used any letterhead, advertisement or other printed matter, or in any manner whatever represented that such person is an instrumentality of the federal government, a state or any political subdivision thereof;

(12) used false, misleading or deceptive information in any advertisement, solicitation or contract for business;

(13) has committed any act in the course of the licensee's business constituting dishonesty or fraud;

(14) failed to obtain continuing education as required by this act;

(15) misused a firearm permit badge; or

(16) committed any act which is a ground for denial of an application for a license under this act.

(b) The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction as that term is used in this section or in K.S.A. 75-7b04, and amendments thereto, and a plea or verdict of guilty or a conviction following a plea of *nolo contendere* is deemed to be a conviction within the meaning thereof.

(c) Upon final disposition of the proceedings for a violation relating to the misuse of a firearm permit badge, the attorney general may bring an action for violation of K.S.A. 21-3824 or K.S.A. 21-3825, and amendments thereto.

**History:** L. 1972, ch. 315, § 13; L. 1984, ch. 313, § 143; L. 1998, ch. 183, § 10; L. 2004, ch. 139, § 3; July 1.

#### **K.S.A.75-7b14.**

**History:** L. 1972, ch. 315, § 14; L. 1984, ch. 313, § 144; **Repealed, L. 1998**, ch. 183, § 16; July 1.

#### **K.S.A.75-7b15. Records and reports; inspection, enforcement and investigation by attorney**

**general; subpoena; unlawful acts; misdemeanor.** (a) Each private detective or detective agency operating as provided in this act, shall be required to keep a complete record of the business transactions of such detective or detective agency, and shall retain such records for at least three years.

(b) Upon the service of a subpoena issued by the attorney general or court order of a court of competent jurisdiction which is based on the complaint, supported by oath or affirmation and particularly describing the records and reports, any licensed private detective who is the owner, partner, director, corporate officer or custodian of records of business transactions shall give free and full opportunity to inspect the same and to inspect reports made. Any information obtained by the attorney general shall be kept confidential, except as may be necessary to commence and prosecute any legal proceedings. The subpoenas issued by the attorney general to private detective licensees shall comply with any

confidentiality standards or legal limitations imposed by privacy acts, fair credit reporting acts, polygraph acts, judicially-recognized privileged communications and the bill of rights of both the United States and Kansas constitutions.

(c) For the purpose of enforcing the provisions of this act, and in making investigations relating to any violation thereof or to the character, competency and integrity of the applicants or licensees hereunder, and for the purpose of investigating the business, business practices and business methods of any applicant or licensee, the attorney general shall have limited power to subpoena as heretofore defined, and bring before the attorney general any person in this state and require the production of any books, records or papers which the attorney general deems relevant to the inquiry.

(d) The attorney general also may administer an oath to and take the testimony of any person, or cause such person's deposition to be taken.

(e) A subpoena issued under this section shall be governed by the code of civil procedure. Any person duly subpoenaed, who fails to obey such subpoena without reasonable cause or objection or without such cause refuses to be examined or to answer any legal or pertinent question as to the character or qualification of such applicant or licensee or such applicant's or licensee's business, business practices and methods or such violations, upon conviction by a court of competent jurisdiction shall be guilty of a class A nonperson misdemeanor.

(f) The testimony of witnesses in any investigative proceeding shall be under oath, and willful false swearing in any such proceeding shall be perjury.

**History:** L. 1972, ch. 315, § 15; L. 1998, ch. 183, § 11; July 1.

#### **K.S.A.75-7b16.**

**History:** L. 1972, ch. 315, § 16; **Repealed, L. 1998,** ch. 183, § 16; July 1.

#### **K.S.A.75-7b17. Firearms permit; expiration of; qualifications; application; discharge of firearm, report; suspension or revocation of permit; liability of licensee; firearm permit badge.**

(a) No licensee may carry a firearm concealed on or about the licensee's person unless the licensee obtains a permit therefor, upon application to the attorney general. No permit shall be issued to any licensee unless such licensee:

(1) Demonstrates to the attorney general the need to carry a firearm in order to protect the licensee's life or property or to protect the life or property of a client of licensee and submits such proof as required by the attorney general to establish the necessity for the issuance of a firearm permit; and

(2) (A) within 24 months before the date of submission of the original application for a firearm permit, has successfully completed the law training requirements of subsection (a) of K.S.A.

74-5607a, and amendments thereto, or, within 12 months before the date of submission of the original application for a rpermit, has successfully completed the law enforcement training requirements of subsection (b) of K.S.A. 74-5607a, and amendments thereto, and submits such proof as required by the attorney general to show satisfactory completion of such training or (B) within six months before the date of submission of the original application for a firearm permit, has received training in the handling of firearms and the lawful use of force from a trainer certified pursuant to K.S.A. 75-7b21, and amendments thereto, and submits such proof as required by the attorney general to show satisfactory completion of such training.

(b) An application for a firearm permit by a licensee shall be made in the manner and form prescribed by the attorney general and shall be accompanied by a fee in an amount fixed by the attorney general pursuant to K.S.A. 2004 Supp. 75-7b22, and amendments thereto. Such application shall be made a part of and supplemental to such licensee's application for a license under this act. The application shall contain:

(1) The applicant's name and business and residence addresses;

(2) the make or manufacturer's name, model, serial number, caliber, gauge and any other identifying information concerning the firearm or firearms to be carried by the applicant;

(3) a full set of the applicant's fingerprints;

(4) a color photograph of the applicant taken within 30 days prior to date of application and suitable for identification purposes;

(5) such other information as deemed necessary by the attorney general.

(c) (1) If the attorney general is satisfied that it is necessary for an applicant under this section to carry a firearm, the attorney general shall issue to such licensee a firearm permit identification card, the form of which shall be approved by the attorney general. Such card shall bear the licensee's color photograph, thumb prints and signature and a description of the firearm or firearms to be carried. The licensee shall have such permit in the licensee's possession when carrying a firearm. Identification cards and firearm permits shall be numbered consecutively, and the attorney general shall maintain a current file of all valid firearm permits.

(2) For the purpose of safety and emergency identification, licensees issued a firearm permit under this act to carry a concealed firearm may carry a firearm permit badge. The badge shall be carried in such a manner that at all times when the badge is visible the private detective's firearm permit identification card issued pursuant to paragraph (1) of this subsection also shall be visible. The attorney general shall

determine the size, design and other specifications of the badge. The words "licensed private detective" shall be stated clearly on the face of the badge. The cost of the badge shall be borne by the licensee. Whenever any licensee terminates such licensee's activities as a private detective, or such licensee's license has been suspended or revoked, such badge shall be surrendered within five days following such termination, suspension or revocation to the attorney general for cancellation. Every licensee possessing a valid firearm permit badge shall report to the attorney general any loss of the badge within 72 hours of the discovery of the loss.

(d) Any licensee granted a firearm permit shall present the permit identification card and firearm permit badge upon request by a law enforcement officer acting within the officer's jurisdictional authority, or by a private person upon private property if the person owns or has legal control of the private property, to demonstrate the licensee's permit to carry a firearm. Every licensee possessing a valid firearm permit shall report to the attorney general any change of employment status, change of firearm or firearms to be carried, loss of identification card or change of personal or business address. Every licensee who discharges a firearm for any reason other than test firing, firearm training or target practice shall report the discharge to the attorney general within 24 hours, together with a written report giving full particulars and reason for such discharge.

(e) The attorney general shall revoke any firearm permit if the licensee's private detective license has been suspended or revoked. The attorney general may suspend or revoke any firearm permit if the licensee has used a firearm in a manner inconsistent with the lawful use of force or if the licensee can no longer demonstrate a need to carry a firearm, pursuant to subsection (a)(1). An order of suspension or revocation, and hearing thereon, shall be subject to the provisions of the Kansas administrative procedure act. The attorney general shall recall any suspended or revoked firearm permit identification card.

(f) A licensee to whom a firearm permit is granted under this section shall be deemed to have no greater justification in the use of force than a private person as prescribed by the Kansas criminal code. Nothing in this act shall be construed as limiting the civil liability of any such licensee with respect to the use of force.

(g) No firearm permit shall be issued to any:

(1) Organization;

(2) individual who has been declared, by any court of competent jurisdiction, to be incapacitated or mentally ill and has not been restored to capacity or mental health; or

(3) individual who suffers from alcohol or narcotics addiction or dependence.

(h) A firearm permit issued under this act shall expire on December 31 of the year of its issuance, except that on and after July 1, 2004, a firearm permit issued under this act shall expire on on the date of

expiration of the licensee's private detective license. Renewal of any such firearm permit shall be made in a form and manner prescribed by the attorney general and subject to such conditions as required by rules and regulations adopted by the attorney general. Renewal of a firearm permit shall be based on a demonstrated continuing need to carry a firearm in accordance with subsection (a)(1).

**History:** L. 1972, ch. 315, § 17; L. 1981, ch. 326, § 11; L. 1988, ch. 356, § 297; L. 1998, ch. 183, § 12; L. 2004, ch. 139, § 4; July 1.

**K.S.A.75-7b18. Attorney general granted exclusive jurisdiction over licensing and regulation of detectives and agencies; cities prohibited from licensing or regulation; rules and regulations.** (a)

The licensing and regulation of private detectives and private detective agencies shall be under the exclusive jurisdiction and control of the attorney general, as provided by this act, and no city may adopt any ordinance which provides for the licensing or regulation of private detectives or private detective agencies. Any such ordinance which is so adopted, or which has been adopted on or before the effective date of this act, is hereby declared null and void.

(b) The attorney general shall adopt such rules and regulations as may be necessary to carry out the provisions of this act.

**History:** L. 1972, ch. 315, § 18; July 1.

**K.S.A.75-7b19. Falsification of fingerprints or photographs; violation of act; penalties.** Any person who knowingly falsifies the fingerprints or photographs required to be submitted under this act shall be guilty of a class E felony; and any person who violates any of the other provisions of this act shall be guilty of a class A misdemeanor.

**History:** L. 1972, ch. 315, § 19; July 1.

**K.S.A.75-7b20. Licensure; examination; interview; investigation.** (a) The attorney general shall require as a condition of licensure as a private detective that the applicant or, if the applicant is an organization, any of its officers, directors, partners or associates:

- (1) Pass a written examination as evidence of knowledge of detective business; and
- (2) submit to an oral interview with the attorney general or the attorney general's designee.

(b) The attorney general shall conduct a complete investigation of the background of each applicant for licensure as a private detective or, if the applicant is an organization, of each of the applicant's officers, directors, partners or associates, to determine whether the applicant is qualified for licensure under K.S.A. 75-7b04 and amendments thereto.

**History:** L. 1981, ch. 326, § 5; July 1.

**K.S.A.75-7b21. Trainers, firearm handling and use of force; certification; qualifications; fee;**

**renewal.** (a) The attorney general shall certify persons who are qualified to train private detectives in the handling of firearms and the lawful use of force.

(b) In order to be certified as a trainer under this section, an applicant shall:

(1) Be 21 or more years of age;

(2) have a minimum of one-year supervisory experience with a private detective agency, a private patrol operator, a proprietary investigative or security organization or any federal, United States military, state, county or city law enforcement agency;

(3) be personally qualified to train private detectives in the handling of firearms and the lawful use of force; and

(4) not have been convicted of a felony or, within 10 years immediately prior to the date of application, been convicted of a misdemeanor. If the applicant is not licensed as a private detective, the applicant shall submit two classifiable sets of the applicant's fingerprints one of which shall be submitted to the federal bureau of investigation for a fingerprint check for any criminal history of the applicant.

(c) Persons wishing to become certified trainers shall make application to the attorney general on a form prescribed by the attorney general. Applications for a firearm training certificate shall be accompanied by a fee in an amount fixed by the attorney general pursuant to K.S.A. 2004 Supp. 75-7b22, and amendments thereto. The application shall contain a statement of the plan of operation for the training offered by the applicant and the materials and aids to be used and any other information required by the attorney general.

(d) A certificate shall be granted to a trainer if the attorney general finds that the applicant:

(1) Meets the requirements of subsection (b);

(2) is a person of good character and reputation;

(3) has sufficient knowledge of private detective business, firearms training and the lawful use of force to be a suitable person to train private detectives in the handling of firearms and the lawful use of force;

(4) has supplied all required information to the attorney general; and

(5) has paid the required fee.

(e) The certificate issued pursuant to this section shall expire on December 31 of the year following the year when issued except that, on and after July 1, 2004, a certificate issued pursuant to this section shall expire two years from the date of issuance. A certificate may be renewed on a biennial basis upon application and payment of a fee in an amount fixed by the attorney general pursuant to K.S.A. 2004 Supp. 75-7b22, and amendments thereto.



**History:** L. 1981, ch. 326, § 12; L. 1998, ch. 183, § 13; L. 2004, ch. 139, § 5; July 1.

**K.S.A.75-7b22. Fees for regulation of private detectives; maximum limitations established; set by attorney general.** (a) In each fiscal year, the attorney general shall determine the amount of funds which will be required during the next ensuing fiscal year to properly administer the laws which the attorney general is directed to enforce and administer relating to the licensure and regulation of private detectives and private detective agencies. The attorney general, by the adoption of rules and regulations, shall fix fees in accordance with this section in such reasonable sums as may be necessary for such purposes.

(b) After fixing such fees, the attorney general may charge and collect the fees, in advance for the following purposes, subject to the following limitations:

- For initial application forms and materials, not to exceed .....\$15.00
- For application for licensure, not to exceed .....\$250.00
- For application by an officer, director, partner or associate of an organization, if required to be licensed pursuant to K.S.A. 75-7b05, and amendments thereto, not to exceed .....\$100.00
- For renewal of license, not to exceed .....\$175.00
- For renewal of license of an officer, director, partner or associate of an organization, if required to be licensed by K.S.A. 75-7b05, and amendments thereto, not to exceed .....\$100.00
- For application for a firearm permit, not to exceed .....\$50.00
- For renewal of a firearm permit, not to exceed .....\$50.00
- For application for a firearm trainers permit, not to exceed .....\$100.00
- For renewal of a firearm trainers permit, not to exceed .....\$100.00

(c) A duplicate license shall be issued upon the filing of a statement covering the loss of the license and the payment of a fee of \$5 for the issuance of a duplicate license. Each duplicate license shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the original.

**History:** L. 1998, ch. 183, § 14; July 1.

**K.S.A.75-7b23. Private detective fee fund; receipts and expenditures.** The attorney general shall remit all moneys received from fees or charges imposed pursuant to this act to the state treasurer at least monthly. Upon receipt, the entire amount shall be deposited in the state treasury and credited to the private detective fee fund, which is hereby created. Moneys in the private detective fee fund shall be used solely for the purpose of administering and implementing K.S.A. 75-7b01 through 75-7b23, and amendments thereto, and any other law relating to the licensure and regulation of private detectives and private detective agencies. All expenditures from such fund shall be made in accordance with

appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons designated by the attorney general.

**History:** L. 1998, ch. 183, § 15; July 1.