

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HOUSE BILL 2430

AN ACT

AMENDING SECTIONS 32-2412, 32-2422, 32-2441, 32-2609, 32-2612 AND 32-2622,
ARIZONA REVISED STATUTES; RELATING TO PRIVATE INVESTIGATORS AND SECURITY
GUARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-2412, Arizona Revised Statutes, is amended to
3 read:
4 32-2412. Good cause exceptions for felony offenses
5 A. ~~The board may grant a good cause exception for a felony offense if~~
6 ~~ten or more years have passed since the person completed all terms of~~
7 ~~sentencing and~~ If ~~the~~ A person shows at a hearing to the board's satisfaction
8 that the person is not awaiting trial on or has not been convicted of
9 committing any of the offenses listed in section 41-1758.03, subsection B, ~~—~~
10 THE BOARD MAY GRANT A GOOD CAUSE EXCEPTION FOR THE FOLLOWING:
11 1. A MISDEMEANOR OFFENSE IF THE PERSON COMPLETED ALL TERMS OF
12 SENTENCING.
13 2. A FELONY OFFENSE IF TEN OF MORE YEARS HAVE PASSED SINCE THE PERSON
14 COMPLETED ALL TERMS OF SENTENCING.
15 B. Before granting a good cause exception at a hearing the board shall
16 consider all of the following in accordance with board rule:
17 1. The extent of the person's criminal record.
18 2. The length of time that has elapsed since the offense was
19 committed.
20 3. The nature of the offense.
21 4. Evidence supporting any applicable mitigating circumstances.
22 5. Evidence supporting the degree to which the person participated in
23 the offense.
24 6. Evidence supporting the extent of the person's rehabilitation,
25 including:
26 (a) Completion of probation, parole or community supervision.
27 (b) Whether the person paid restitution or other compensation for the
28 offense.
29 (c) Evidence of positive action to change criminal behavior, such as
30 completion of a drug treatment program or counseling.
31 (d) Personal references attesting to the person's rehabilitation.
32 ~~B-~~ C. If seeking a good cause exception, at least five days before
33 the hearing the applicant shall submit to the department any evidence the
34 applicant will be presenting at the hearing.
35 Sec. 2. Section 32-2422, Arizona Revised Statutes, is amended to read:
36 32-2422. Qualification of applicant for agency license;
37 substantiation of work experience
38 A. An applicant as a qualifying party for an agency license under this
39 chapter shall:
40 1. Be at least twenty-one years of age.
41 2. Be a citizen or legal resident of the United States who is
42 authorized to seek employment in the United States.
43 3. Not have been convicted of any felony or currently be under
44 indictment for a felony.

- 1 4. Within the five years immediately preceding the application for an
2 agency license, not have been convicted of any misdemeanor act involving:
3 (a) Personal violence or force against another person or threatening
4 to commit any act of personal violence or force against another person.
5 (b) Misconduct involving a deadly weapon as provided in section
6 13-3102.
7 (c) Dishonesty or fraud.
8 (d) Arson.
9 (e) Theft.
10 (f) Domestic violence.
11 (g) A violation of title 13, chapter 34 or 34.1 or an offense that has
12 the same elements as an offense listed in title 13, chapter 34 or 34.1.
13 (h) Sexual misconduct.
- 14 5. Not be on parole, on community supervision, on work furlough, on
15 home arrest, on release on any other basis or named in an outstanding arrest
16 warrant.
- 17 6. Not be serving a term of probation pursuant to a conviction for any
18 act of personal violence or domestic violence, as defined in section 13-3601,
19 or an offense that has the same elements as an offense listed in section
20 13-3601.
- 21 7. Not be either of the following:
22 (a) Adjudicated mentally incompetent.
23 (b) Found to constitute a danger to self or others pursuant to section
24 36-540.
- 25 8. Not have a disability as defined in section 41-1461, unless that
26 person is a qualified individual as defined in section 41-1461.
- 27 9. Not have been convicted of acting or attempting to act as a private
28 investigation agency or a private investigator without a license if a license
29 was required.
- 30 10. Have had a minimum of three years of full-time investigative
31 experience or the equivalent of three years of full-time investigative
32 experience that consists of actual work performed as an investigator for a
33 private concern, for the federal government or for a state, county or
34 municipal government.
- 35 **11. NOT BE A REGISTERED SEX OFFENDER.**
- 36 B. If the applicant for an agency license is a firm, partnership,
37 association or corporation, the qualifications required by subsection A of
38 this section are required of the individual in active management who shall be
39 the qualifying party of the firm, partnership, association or corporation.
- 40 C. Applicants for an agency license shall substantiate investigative
41 work experience claimed as years of qualifying experience and provide the
42 exact details as to the character and nature of the experience on a form
43 prescribed by the department and certified by the employers. On written
44 request, an employer shall submit to the employee a written certification of
45 prior work experience within thirty days. The written certification is

1 subject to independent verification by the director. If an employer goes out
2 of business, the employer shall provide all employees with a complete and
3 accurate record of their work history. If applicants are unable to supply
4 written certification from an employer in whole or in part, applicants may
5 offer written certification from persons other than an employer covering the
6 same subject matter for consideration by the department. The burden of
7 proving the minimum years of experience is on the applicant.

8 D. The department may deny an agency license if the department
9 determines that the applicant does not meet the requirements of this section.

10 Sec. 3. Section 32-2441, Arizona Revised Statutes, is amended to read:

11 32-2441. Qualification of applicant for associate or employee
12 registration

13 An applicant for an associate or employee registration certificate
14 shall:

- 15 1. Be at least eighteen years of age.
- 16 2. Be a citizen or legal resident of the United States who is
17 authorized to seek employment in the United States.
- 18 3. Not have been convicted of any felony or currently be under
19 indictment for a felony.
- 20 4. Within the five years immediately preceding the application for an
21 associate or employee registration certificate, not have been convicted of
22 any misdemeanor act involving:
 - 23 (a) Personal violence or force against another person or threatening
24 to commit any act of personal violence or force against another person.
 - 25 (b) Misconduct involving a deadly weapon as provided in section
26 13-3102.
 - 27 (c) Dishonesty or fraud.
 - 28 (d) Arson.
 - 29 (e) Theft.
 - 30 (f) Domestic violence.
 - 31 (g) A violation of title 13, chapter 34 or 34.1 or an offense that has
32 the same elements as an offense listed in title 13, chapter 34 or 34.1.
 - 33 (h) Sexual misconduct.
- 34 5. Not be on parole, on community supervision, on work furlough, on
35 home arrest, on release on any other basis or named in an outstanding arrest
36 warrant.
- 37 6. Not be serving a term of probation pursuant to a conviction for any
38 act of personal violence or domestic violence, as defined in section 13-3601,
39 or an offense that has the same elements as an offense listed in section
40 13-3601.
- 41 7. Not be either of the following:
 - 42 (a) Adjudicated mentally incompetent.
 - 43 (b) Found to constitute a danger to self or others pursuant to section
44 36-540.

1 8. Not have a disability as defined in section 41-1461, unless that
2 person is a qualified individual as defined in section 41-1461.

3 9. Not have been convicted of acting or attempting to act as a private
4 investigator without a license if a license was required.

5 **10. NOT BE A REGISTERED SEX OFFENDER.**

6 Sec. 4. Section 32-2609, Arizona Revised Statutes, is amended to read:
7 32-2609. Good cause exceptions for felony offenses

8 ~~A. The board may grant a good cause exception for a felony offense if~~
9 ~~ten or more years have passed since the person completed all terms of~~
10 ~~sentencing and~~ If the A person shows at a hearing to the board's satisfaction
11 that the person is not awaiting trial on or has not been convicted of
12 committing any of the offenses listed in section 41-1758.03, subsection B, ~~—~~

13 **THE BOARD MAY GRANT A GOOD CAUSE EXCEPTION FOR THE FOLLOWING:**

14 1. A MISDEMEANOR OFFENSE IF THE PERSON COMPLETED ALL TERMS OF
15 SENTENCING.

16 2. A FELONY OFFENSE IF TEN OF MORE YEARS HAVE PASSED SINCE THE PERSON
17 COMPLETED ALL TERMS OF SENTENCING.

18 B. Before granting a good cause exception at a hearing the board shall
19 consider all of the following in accordance with board rule:

20 1. The extent of the person's criminal record.

21 2. The length of time that has elapsed since the offense was
22 committed.

23 3. The nature of the offense.

24 4. Evidence supporting any applicable mitigating circumstances.

25 5. Evidence supporting the degree to which the person participated in
26 the offense.

27 6. Evidence supporting the extent of the person's rehabilitation,
28 including:

29 (a) Completion of probation, parole or community supervision.

30 (b) Whether the person paid restitution or other compensation for the
31 offense.

32 (c) Evidence of positive action to change criminal behavior, such as
33 completion of a drug treatment program or counseling.

34 (d) Personal references attesting to the person's rehabilitation.

35 ~~B-~~ C. If seeking a good cause exception, at least five days before
36 the hearing the applicant shall submit to the department any evidence the
37 applicant will be presenting at the hearing.

38 Sec. 5. Section 32-2612, Arizona Revised Statutes, is amended to read:

39 32-2612. Qualifications of applicant for agency license;
40 substantiation of work experience

41 A. Each applicant, if an individual, or each associate, director or
42 manager, if the applicant is other than an individual, for an agency license
43 to be issued pursuant to this chapter shall:

44 1. Be at least twenty-one years of age.

- 1 2. Be a citizen or a legal resident of the United States who is
2 authorized to seek employment in the United States.
- 3 3. Not have been convicted of any felony or currently be under
4 indictment for a felony.
- 5 4. Within the five years immediately preceding the application for an
6 agency license, not have been convicted of any misdemeanor act involving:
7 (a) Personal violence or force against another person or threatening
8 to commit any act of personal violence or force against another person.
9 (b) Misconduct involving a deadly weapon as provided in section
10 13-3102.
11 (c) Dishonesty or fraud.
12 (d) Arson.
13 (e) Theft.
14 (f) Domestic violence.
15 (g) A violation of title 13, chapter 34 or 34.1 or an offense that has
16 the same elements as an offense listed in title 13, chapter 34 or 34.1.
17 (h) Sexual misconduct.
- 18 5. Not be on parole, on community supervision, on work furlough, on
19 home arrest, on release on any other basis or named in an outstanding arrest
20 warrant.
- 21 6. Not be serving a term of probation pursuant to a conviction for any
22 act of personal violence or domestic violence, as defined in section 13-3601,
23 or an offense that has the same elements as an offense listed in section
24 13-3601.
- 25 7. Not be either of the following:
26 (a) Adjudicated mentally incompetent.
27 (b) Found to constitute a danger to self or others or to be
28 persistently or acutely disabled or gravely disabled pursuant to section
29 36-540.
- 30 8. Not have a disability as defined in section 41-1461, unless that
31 person is a qualified individual as defined in section 41-1461.
- 32 9. Not have been convicted of acting or attempting to act as a
33 security guard or a security guard agency without a license if a license was
34 required.
- 35 **10. NOT BE A REGISTERED SEX OFFENDER.**
- 36 B. The qualifying party for an agency license and the resident
37 manager, if a resident manager is required pursuant to section 32-2616, shall
38 have at least three years of full-time experience as a manager, supervisor or
39 administrator of a security guard agency or three years of full-time
40 supervisory experience with any federal, United States military, state,
41 county or municipal law enforcement agency. The qualifying party for an
42 agency license and the resident manager, if a resident manager is required
43 pursuant to section 32-2616, must substantiate managerial work experience
44 claimed as years of qualifying experience and provide the exact details as to
45 the character and nature of the experience on a form prescribed by the

1 department and certified by the employer. On written request, an employer
2 shall submit to the employee a written certification of prior work experience
3 within thirty calendar days. The written certification is subject to
4 independent verification by the department. If an employer goes out of
5 business, the employer shall provide registered employees with a complete and
6 accurate record of their work history. If an applicant is unable to supply
7 written certification from an employer in whole or in part, the applicant may
8 offer written certification from persons other than an employer covering the
9 same subject matter for consideration by the department. The burden of
10 proving the minimum years of experience is on the applicant.

11 C. The department may deny an agency license if the department
12 determines that the applicant is unfit based on a conviction, citation or
13 encounter with law enforcement for a statutory violation.

14 Sec. 6. Section 32-2622, Arizona Revised Statutes, is amended to read:
15 32-2622. Qualifications of applicant for associate, security
16 guard or armed security guard registration
17 certificate

18 A. An applicant for an associate or a security guard registration
19 certificate issued pursuant to this article shall:

20 1. Be at least eighteen years of age.

21 2. Be a citizen or legal resident of the United States who is
22 authorized to seek employment in the United States.

23 3. Not have been convicted of any felony or currently be under
24 indictment for a felony.

25 4. Within the five years immediately preceding the application for an
26 associate, security guard or armed security guard registration certificate,
27 not have been convicted of any misdemeanor act involving:

28 (a) Personal violence or force against another person or threatening
29 to commit any act of personal violence or force against another person.

30 (b) Misconduct involving a deadly weapon as provided in section
31 13-3102.

32 (c) Dishonesty or fraud.

33 (d) Arson.

34 (e) Theft.

35 (f) Domestic violence.

36 (g) A violation of title 13, chapter 34 or 34.1 or an offense that has
37 the same elements as an offense listed in title 13, chapter 34 or 34.1.

38 (h) Sexual misconduct.

39 5. Not be on parole, on community supervision, on work furlough, on
40 home arrest, on release on any other basis or named in an outstanding arrest
41 warrant.

42 6. Not be serving a term of probation pursuant to a conviction for any
43 act of personal violence or domestic violence, as defined in section 13-3601,
44 or an offense that has the same elements as an offense listed in section
45 13-3601.

1 7. Not be either of the following:

2 (a) Adjudicated mentally incompetent.

3 (b) Found to constitute a danger to self or others pursuant to section
4 36-540.

5 8. Not have a disability as defined in section 41-1461, unless that
6 person is a qualified individual as defined in section 41-1461.

7 9. Not have been convicted of acting or attempting to act as an
8 associate security guard or armed security guard without a license if a
9 license was required.

10 10. NOT BE A REGISTERED SEX OFFENDER.

11 B. An applicant for an armed security guard registration certificate
12 issued pursuant to this chapter shall:

13 1. Meet the requirements of subsection A of this section.

14 2. Successfully complete all background screening and training
15 requirements.

16 3. Not be a prohibited possessor as defined in section 13-3101 or as
17 described in 18 United States Code section 922.

18 4. Not have been discharged from the armed services of the United
19 States under other than honorable conditions.

20 5. Not have been convicted of any crime involving domestic violence as
21 defined in section 13-3601.