

POLYGRAPH EXAMINERS

17-39-101. Title.

This subchapter and subchapter 2 shall be known and may be cited as the “Polygraph Examiners Licensing Act.”

HISTORY: Acts 1967, No. 413, § 1; 2013, No. 1216, § 1.

17-39-102. Definitions.

As used in this subchapter and subchapter 2:

- (1) “Intern” means a person who holds a valid intern polygraph examiner license issued by the Director of the Division of Arkansas State Police;
- (2) “Internship” means the study of polygraph examinations and of the administration of polygraph examinations by an intern under the personal supervision and control of a licensed polygraph examiner as authorized by the law or any rule issued by the director;
- (3) “Person” means a natural person, firm, association, copartnership, or corporation; and
- (4) “Polygraph examiner” means a person who uses any device or instrument to test or question individuals for the purpose of verifying the truth of statements.

HISTORY: Acts 1967, No. 413, § 2; 1977, No. 910, § 1; 2013, No. 1216, § 2; 2015, No. 393, § 3; 2019, No. 910, § 5929.

17-39-103. Penalties.

- (a) A person who violates this chapter or who falsely states or represents that he or she is a properly licensed polygraph examiner or intern upon conviction is guilty of a Class A misdemeanor.
- (b) It is unlawful for a person to conduct a polygraph examination in the State of Arkansas unless that person holds a valid license as a polygraph examiner or intern that is issued by the Director of the Division of Arkansas State Police.
- (c) For each violation of this chapter, the director may deny, suspend, or revoke a license and:
 - (1) Fine the licensee an amount not to exceed one thousand dollars (\$1,000);
 - (2) Reprimand the licensee; or
 - (3) Both issue a fine and reprimand the licensee.

HISTORY: Acts 1967, No. 413, § 25; 2013, No. 1216, § 3; 2015, No. 393, § 4; 2019, No. 910, § 5930.

17-39-104. Injunction.

- (a) If a person violates this chapter, the Director of the Division of Arkansas State Police, through the Attorney General, may apply in any circuit court of competent jurisdiction for an order enjoining the violation or for an order enforcing compliance with this chapter.
- (b) (1) Upon the filing of a verified petition in the court, the court, if satisfied by affidavit or otherwise that the person has violated this chapter, may issue a temporary injunction, without notice or bond, enjoining the continued violation.
(2) If it is established that the person has violated this chapter, the court may enter a decree perpetually enjoining the violation or enforcing compliance with this chapter.
- (c) In case of violation of any order or decree issued under the provisions of this section, the court may try and punish the offender for contempt of court.
- (d) Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this chapter.

HISTORY: Acts 1967, No. 413, § 24; 2013, No. 1216, § 4; 2015, No. 393, § 5; 2019, No. 910, § 5931.

17-39-105. Evidence.

This subchapter and subchapter 2 shall not be construed as permitting the results of a polygraph examination to be introduced or admitted as evidence in a criminal proceeding.

HISTORY: Acts 1967, No. 413, § 26; 2013, No. 1216, § 5; 2015, No. 393, § 6.

17-39-106. Director of the Division of Arkansas State Police — Powers and duties.

- (a) The Director of the Division of Arkansas State Police may perform the functions and duties enumerated in this chapter with respect to the licensing of polygraph examiners and interns and perform all other acts incidental and necessary to the proper performance of the functions and duties as prescribed in this chapter.
- (b) The director shall issue rules consistent with this chapter for the administration and enforcement of this chapter and shall prescribe and issue forms in connection with these rules.
- (c) The director shall perform duties prescribed by this chapter and shall have no financial, personal, or business interests, contingent or otherwise, in an entity within his or her licensing authority.

- (d) The director or his or her designee is the agent for service of process for all legal process and documents required by law to be served in conjunction with this chapter.

HISTORY: Acts 1967, No. 413, §§ 4, 5; 1977, No. 910, § 2; 2013, No. 1216, § 6; 2015, No. 393, § 7; 2019, No. 910, § 5932.

17-39-107. Disposition of funds.

- (a) All fees collected under this chapter shall be deposited into the State Treasury to the credit of the Department of Arkansas State Police Fund.
- (b) (1) All funds received by the Department of Arkansas State Police shall be deposited into the State Treasury as special revenues to the credit of the Department of Arkansas State Police Fund.
- (2) Money remaining at the end of the fiscal year shall not revert to any other fund but shall carry over to the next fiscal year.

HISTORY: Acts 1967, No. 413, § 5; 2013, No. 1216, § 7; 2015, No. 393, § 8.

Arkansas Code § 17-40-108 was repealed by Act 1216 of 2013.

17-39-109. Instrumentation.

- (a) Every polygraph examiner or intern shall use an instrument which records visually, permanently, and simultaneously a subject's:
 - (1) Cardiovascular pattern;
 - (2) Electrodermal activity; and
 - (3) Respiratory pattern.
- (b) Patterns of other physiological changes in addition to those described in this section may also be recorded.

HISTORY: Acts 1967, No. 413, § 3; 2013, No. 1216, § 9; 2015, No. 393, § 9.

17-39-110. Director of the Division of Arkansas State Police — Designee.

The Director of the Division of Arkansas State Police may designate a person on his or her staff to administer and carry out the provisions of this chapter.

HISTORY: Acts 2015, No. 393, § 10; 2019, No. 910, § 5933.

17-39-201. License required.

It is unlawful for a person, including a city, county, or state employee, to administer polygraph examinations or hold himself or herself out as a polygraph examiner or intern without a polygraph examiner license or intern polygraph examiner license approved and issued by the Director of the Division of Arkansas State Police.

HISTORY: Acts 1967, No. 413, §§ 6, 17; 2013, No. 1216, § 10; 2015, No. 393, § 11; 2019, No. 910, § 5934.

17-39-202. Qualifications.

A polygraph examiner license or an intern polygraph examiner license may be issued to an applicant who:

- (1) Is at least twenty-one (21) years of age at the time of application;
- (2) (A) Has successfully completed a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to one (1) or more of the following in any court in the State of Arkansas or a comparable offense in another state or in a military or federal court, for which a pardon has not been granted:
 - (i) Felony;
 - (ii) Class A misdemeanor;
 - (iii) Crime involving violence; or
 - (iv) Crime involving moral turpitude.(B) For the purposes of this subdivision (2), the criminal background check shall include a record of all offenses that have been previously sealed or expunged by any court;
- (3) Holds a baccalaureate degree from a college or university that is accredited by an accrediting agency approved by the United States Secretary of Education or has at least five (5) consecutive years of active law enforcement experience;
- (4) Is a graduate of a polygraph examiners course approved by the Director of the Division of Arkansas State Police and has satisfactorily completed an internship of not less than six (6) months;
- (5) Submits two (2) recent passport-style photographs of the applicant;
- (6) Is not required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12901 et seq.; and
- (7) (A) (i) Has furnished evidence of a surety bond or insurance policy to the director or proof that the applicant is covered by a business insurance policy.
 - (ii) The surety bond or insurance policy shall be in the sum of five thousand dollars (\$5,000).
 - (iii) The surety bond shall be conditioned that the obligor therein pay to the extent of the face amount of the surety bond or insurance policy all judgments recovered against the licensee by reason of any wrongful or

illegal acts committed by him or her in the course of conducting a polygraph examination.

(B) An applicant who is conducting a polygraph examination solely in the course of his or her employment with a law enforcement agency may submit a letter from the county sheriff, municipal chief of police, or director of a state agency that states that any liability incurred will be covered under that entity's membership in the Arkansas Fidelity Bond Trust Fund, a risk management pool, or liability coverage, if any, in order to meet the requirement under this subdivision (7).

HISTORY: Acts 1967, No. 413, § 7; 1993, No. 1219, § 7; 2013, No. 1216, § 11; 2015, No. 393, § 12; 2019, No. 910, § 5935.

17-39-203. Initial polygraph examiner license or intern polygraph examiner license application.

- (a) An application for an initial polygraph examiner license or intern polygraph examiner license shall be made to the Director of the Division of Arkansas State Police on forms prescribed by the director and shall be accompanied by the required fee as set out in § 17-39-207.
- (b) The burden is on the applicant to provide sufficient information to bring himself or herself within the licensing standards and allow the director to determine if the applicant is qualified to hold a license under this chapter.

HISTORY: Acts 1967, No. 413, § 9; 2013, No. 1216, § 12; 2015, No. 393, § 13; 2019, No. 910, § 5936.

17-39-204. Agent for service for nonresident interns and licensees.

- (a) In addition to other application requirements, a polygraph examiner licensee or an intern polygraph examiner licensee who does not maintain a place of business in Arkansas shall file with the Director of the Division Arkansas State Police an irrevocable consent that:
 - (1) Actions against the licensee may be filed in any appropriate court of any county or municipality of this state in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose; and
 - (2) Service of process of the action may be obtained on the licensee by leaving two (2) copies of the process with the director.
- (b) The consent shall stipulate and agree that the service of process upon the director shall be taken and held to be valid and binding for all purposes.
- (c) The director shall promptly forward one (1) copy of the process to the licensee at the address shown on the records of the director by certified mail, return receipt requested.

HISTORY: Acts 1967, No. 413, § 10; 2013, No. 1216, § 13; 2015, No. 393, § 14; 2019, No. 910, § 5937.

17-39-205. License in another state or territory.

An applicant who is a polygraph examiner licensed under the laws of another state or territory of the United States may be issued a two-year license by the Director of the Division of Arkansas State Police upon the production of satisfactory proof that the applicant:

- (1) (A) Meets the requirements of §§ 17-39-202 and § 17-39-204.
(B) The director may waive the requirements of § 17-39-202(3) and (4) for the licensing of polygraph examiners from a particular state or territory of the United States when, at the date of the applicant's licensing in that state, the license is substantially equivalent to the requirements now in force in this state;
- (2) Has paid the fee under § 17-39-207(a)(1); and
- (3) Had been actively and lawfully engaged in the administration of polygraph examinations under the laws of that state or territory for at least two (2) years before his or her application is submitted for a license under this chapter.

HISTORY: Acts 1967, No. 413, § 11; 1993, No. 1219, § 8; 2013, No. 1216, § 14; 2015, No. 393, § 15; 2019, No. 910, § 5938.

17-39-206. Intern polygraph examiner license.

- (a) (1) The Director of the Division of Arkansas State Police shall issue an intern polygraph examiner license to an applicant, provided that he or she submits a properly completed application, meets the licensing requirements, and pays the required fee under § 17-39-207.
(2) The application shall contain information required by the director.
- (b) A person is qualified to receive an intern polygraph examiner license if he or she:
 - (1) Is at least twenty-one (21) years of age at the time of application;
 - (2) (A) Has successfully completed a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to one (1) or more of the following in any court in the State of Arkansas or a comparable offense in another state or in a military or federal court, for which a pardon has not been granted:
 - (i) Felony;
 - (ii) Class A misdemeanor;
 - (iii) Crime involving violence; or
 - (iv) Crime involving moral turpitude.

- (B) For purposes of this subsection, the criminal background check shall include a record of all offenses that have been previously sealed or expunged by any court;
- (3) Holds a baccalaureate degree from a college or university that is accredited by an accrediting agency approved by the United States Secretary of Education or has at least five (5) consecutive years of active law enforcement experience;
- (4) Is a graduate of a polygraph examiners course approved by the director; and
- (5) Is not required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.
- (c) (1) An intern polygraph examiner license shall be valid for the term of twelve (12) months from the date of issue.
- (2) The intern polygraph examiner license may be renewed for one (1) six-month period.
- (d) (1) An intern polygraph examiner license that is not renewed is permanently expired.
- (2) A person whose intern polygraph examiner license expired under subdivision (d)(1) of this section and who subsequently wishes to obtain an intern polygraph examiner license shall make application as required by this section.

HISTORY: Acts 1967, No. 413, § 12; 2013, No. 1216, § 15; 2015, No. 393, § 16; 2019, No. 910, § 5939.

17-39-207. Examination — Fees.

- (a) The fees to be paid with an application for a license under this chapter are as follows:
- (1) For an initial two-year polygraph examiner license, one hundred twenty dollars (\$120);
- (2) For a one-year intern polygraph examiner license, thirty dollars (\$30.00);
- (3) For the issuance of a duplicate polygraph examiner license or intern polygraph examiner license, fifteen dollars (\$15.00);
- (4) For a polygraph examiner two-year renewal license, fifty dollars (\$50.00);
- (5) For the renewal of an intern polygraph examiner license for a period of six (6) months, twenty-five dollars (\$25.00);
- (6) For the issuance of an optional wallet-size polygraph licensee photo identification card or intern photo identification card, fifteen dollars (\$15.00); and
- (7) For the renewal of a polygraph examiner license that is expired less than six (6) months, a late fee of twenty dollars (\$20.00).
- (b) A certified law enforcement officer who is a full-time employee of a law enforcement agency and who is applying for a polygraph examiner license or

an intern polygraph examiner license for use solely in connection with his or her employment with the law enforcement agency is exempt from the licensing fee requirement under this section.

- (c) All fees under this section are nonrefundable.

HISTORY: Acts 1967, No. 413, § 13; 2013, No. 1216, § 16; 2015, No. 393, § 17.

17-39-208. Display of license and signature.

A polygraph examiner license, an intern polygraph examiner license, or the photo identification card issued by the Director of the Division of Arkansas State Police shall be prominently displayed at the place of business of the licensee or worn on his or her person.

HISTORY: Acts 1967, No. 413, § 14; 2013, No. 1216, § 17; 2015, No. 393, § 18; 2019, No. 910, § 5940.

17-39-209. Notification of address change.

Notice in writing shall be given to the Director of the Division of Arkansas State Police by the polygraph examiner licensee or the intern of any change of principal business location, telephone number, or email address within thirty (30) days of the time he or she changes location, telephone number, or email address.

HISTORY: Acts 1967, No. 413, § 15; 2013, No. 1216, § 18; 2015, No. 393, § 19; 2019, No. 910, § 5941.

17-39-210. Expiration and renewal.

- (a) Each polygraph examiner license shall be issued for the term of two (2) years and, unless suspended or revoked, may be renewed with documentation prescribed by the Director of the Division of Arkansas State Police.
- (b) (1) A polygraph examiner whose license has expired less than six (6) months may renew the license by making a renewal application and paying the renewal fee of fifty dollars (\$50.00) and a late fee of twenty dollars (\$20.00) required by § 17-39-207.
- (2) However, any polygraph examiner license that has been expired for more than six (6) months shall be deemed permanently expired, and the polygraph examiner shall begin the process again as a new applicant.
- (3) The calculation of the late fee or expiration time may be waived for a person who demonstrates that he or she was on active duty with the United States Armed Forces or the National Guard stationed outside of the State of Arkansas at the time of expiration.

(4) The requirements, as set out by the director, shall be met before renewal, including the submission of proof to the director of continuing polygraph examiner education of at least fourteen (14) hours successfully completed in the most recent two-year period in a training course approved by the director.

HISTORY: Acts 1967, No. 413, § 16; 2013, No. 1216, § 19; 2015, No. 393, § 20; 2019, No. 910, § 5942.

17-39-211. Denial, suspension, revocation — Grounds.

The Director of the Division of Arkansas State Police may deny, suspend, or revoke a polygraph examiner license or an intern polygraph examiner license on any one (1) or more of the following grounds:

- (1) Failure of a licensee before conducting a polygraph examination to inform a subject to be examined of the nature of the polygraph examination;
- (2) Failure of a licensee before conducting a polygraph examination to inform a subject to be examined that the subject's participation in the polygraph examination is voluntary;
- (3) Failure of a licensee to inform the subject of the polygraph examination of the results of the polygraph examination, if so requested;
- (4) Violation of law or the rules of the director or failure to meet the qualifications for licensure under this chapter by an applicant or a licensee;
- (5) Material misstatement in any application for license under this chapter;
- (6) Failure by an applicant or licensee to demonstrate the ability to act as a polygraph examiner or an intern polygraph examiner;
- (7) Allowance by a licensee of another person to use the license or the licensee photo identification card or the intern photo identification card issued under this chapter;
An applicant's or a licensee's knowingly aiding or abetting another person in the violation of this chapter or a rule issued under this chapter;
- (8) Failure by an applicant or licensee to provide within a reasonable time information requested by the director that would indicate a violation of this chapter or a rule issued under this chapter; or
- (9) Arrest or indictment of an applicant or a licensee for a felony, Class A misdemeanor, crime involving an act of violence, crime involving moral turpitude, including a sealed and expunged offense, or an offense of comparable level if the offense occurred in another state.

HISTORY: Acts 1967, No. 413, § 18; 2013, No. 1216, § 20; 2015, No. 393, § 21; 2019, No. 910, § 5943.

17-39-212. Criminal background check.

- (a) (1) Each first-time applicant and applicant for license renewal under this chapter shall apply to the Director of the Division of Arkansas State Police for a state and national criminal background check to be conducted by the Division of Arkansas State Police and the Federal Bureau of Investigation.
- (2) Criminal history records from the Arkansas Crime Information Center shall be available to the director for the review of an applicant's qualifications.
- (b) The state and national criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints.
- (c) The applicant shall sign a release of information to the Director of the Division of Arkansas State Police and shall be responsible for the payment of any fee associated with the state and national criminal background check.
- (d) Upon completion of the state and national criminal background check, all releasable information obtained concerning the applicant shall be forwarded to the director.
- (e) This section does not apply to a certified law enforcement officer who is a full-time employee of a law enforcement agency and who is applying for licensure as a polygraph examiner or intern polygraph examiner for the purpose of the full-time employment with the law enforcement agency.

HISTORY: Acts 1967, No. 413, § 19; 2013, No. 1216, § 22; 2015, No. 393, § 22; 2019, No. 910, §§ 5944, 5945.

17-39-213. Denial, suspension, revocation — Proceedings.

- (a) (1) (A) When the Director of the Division of Arkansas State Police seeks to deny an application or suspend or revoke a license issued under this chapter, the director shall notify the applicant or licensee in person or by certified mail, return receipt requested, at the last address supplied to the director by the applicant or licensee.
- (B) The notice under subdivision (a)(1)(A) of this section shall include notification of the denial, suspension, or revocation, the reasons for the denial, suspension, or revocation, and the applicant's or licensee's right to an administrative hearing for the purpose of determining whether or not the evidence is sufficient to warrant the denial, suspension, or revocation action proposed to be taken by the director.
- (2) Upon receipt by the director of the written request for a hearing from the applicant or the licensee, an opportunity for an administrative hearing shall be afforded as early as is practicable.
- (3) The administrative hearing in a case under this subsection shall be before an administrative hearing officer appointed by the director.
- (b) (1) The administrative hearing officer shall conduct the administrative hearing, and he or she may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books, papers, documents, or other relevant evidence.

- (2) The administrative hearing officer shall submit his or her recommendation to the director within sixty (60) days of the hearing.
- (c) (1) Upon the suspension or revocation of any license, the licensee shall immediately surrender the license or licenses to the director.
(2) Failure of a licensee to surrender the license or licenses is a violation of this chapter, and upon conviction the licensee shall be subject to the penalties set forth in § 17-39-103.
- (d) (1) The denial, suspension, or revocation of a license shall be governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.
(2) Venue for the appeal to circuit court under this section shall be in Pulaski County, Arkansas.

HISTORY: Acts 1967, No. 413, §§ 21, 23; 2013, No. 1216, § 23; 2015, No. 393, § 23; 2019, No. 910, § 5946.

17-39-214. Denial, suspension, revocation — Appeal.

- (a) An applicant or licensee dissatisfied with the action of the Director of the Division of Arkansas State Police in denying, suspending, or revoking a license may appeal the decision of the director under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.
- (b) The director may be represented in an appeal by the Attorney General or any of his or her assistants.

HISTORY: Acts 1967, No. 413, § 22; 2013, No. 1216, § 24; 2015, No. 393, § 24; 2019, No. 910, § 5947.

17-39-215. Rules.

The Director of the Division of Arkansas State Police may promulgate rules to permit the efficient administration of this chapter.

HISTORY: Acts 2013, No. 1216, § 25; 2015, No. 393, § 25; 2019, No. 910, § 5948.

VOICE STRESS ANALYSIS

17-39-301. Definitions.

As used in this subchapter:

- (1) “Voice stress analysis” means the procedure for analyzing the responses of an individual to a specific set of questions;
- (2) “Voice stress analysis examiner” means an individual who has been trained in the operation of a voice stress analysis machine and who maintains a current certificate from a recognized training facility; and
- (3) “Voice stress analysis machine” means a device that has the ability to electronically analyze the responses of an individual to a specific set of questions and to record the analysis, both digitally and on a graph.

HISTORY: Acts 1987, No. 858, § 1; 2013, No. 1472, § 1; 2015, No. 393, § 26.

17-39-302. Examinations not admissible in criminal proceedings.

This subchapter shall not be construed to permit the results of any voice stress analysis examination to be introduced or admitted in any criminal proceeding.

HISTORY: Acts 1987, No. 858, § 8; 2015, No. 393, § 27.

17-39-303. Applicant burden of proof.

An applicant who seeks licensure under this subchapter as a certified voice stress analysis examiner has the burden to provide sufficient information to bring himself or herself within the licensing standards that would allow the Director of the Division of Arkansas State Police to determine if the applicant is qualified to hold the license.

HISTORY: Acts 1987, No. 858, § 2; 2015, No. 393, § 28; 2019, No. 910, § 5949.

17-39-304. Application for license — Proof and fee.

A person who desires to be licensed as a certified voice stress analysis examiner and conduct voice stress analysis examinations within this state shall apply for licensure to the Director of the Division of Arkansas State Police and shall submit with the application documentation that the applicant:

- (1) Is at least twenty-one (21) years of age at the time of application;
- (2) Has paid the fees required under § 17-39-305;
- (3) Submits two (2) recent passport-style photographs of the applicant;

- (4) Is not required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12901 et seq.;
- (5) (A) Has successfully completed a state and national criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to one (1) or more of the following in any court in the State of Arkansas or a comparable offense in another state or in a military or federal court, for which a pardon has not been granted:
 - (i) Felony;
 - (ii) Class A misdemeanor;
 - (iii) Crime involving violence; or
 - (iv) Crime involving moral turpitude.
- (B) For purposes of this subdivision (5), the state and national criminal background check shall include a record of all offenses that have been previously sealed or expunged by any court;
- (6) Holds a baccalaureate degree from a college or university that is accredited by an accrediting agency approved by the United States Secretary of Education or has at least five (5) years of active law enforcement experience;
- (7) Has successfully completed a course of training that has been approved by the Director of the Division of Arkansas State Police offering a certification in the operation of the voice stress analysis machine and submits a copy of the certification with the application; and
- (8) (A) Has provided evidence of a surety bond or insurance policy to the director in the amount of five thousand dollars (\$5,000) or proof that the applicant is covered by a business insurance policy.
 - (B) The surety bond shall be issued on the condition that the obligor will pay to the extent of the face value of the surety bond or insurance policy all judgments which may be recovered against the applicant by reason of a wrongful or illegal act committed by him or her in the course of conducting voice stress analysis examinations.
 - (C) An applicant who is conducting voice stress analysis examinations in the course of his or her employment with a law enforcement agency, in lieu of a surety bond, may submit a letter from the county sheriff, chief of police, or director of the law enforcement agency that states that any liability incurred will be covered under that entity's membership in the Arkansas Fidelity Bond Trust Fund, a risk management pool, or liability coverage, if any, in order to meet the requirement under this subdivision (8).

HISTORY: Acts 1987, No. 858, § 3; 1989, No. 410, § 1; 1993, No. 1219, § 9; 2013, No. 1472, § 2; 2015, No. 393, § 29; 2019, No. 910, §§ 5950, 5951.

17-39-305. Fees.

- (a) (1) Except as provided under subdivision (a)(2) of this section, the applicant for licensure under this subchapter shall pay the following fees:

- (A) For an initial two-year voice stress analysis examiner's license, one hundred twenty dollars (\$120);
- (B) For a two-year renewal of a voice stress analysis examiner's license, fifty dollars (\$50.00);
- (C) For the issuance of an optional wallet-sized voice stress analysis examiner's license photo identification card, fifteen dollars (\$15.00);
- (D) For the issuance of a duplicate voice stress analysis examiner's license, ten dollars (\$10.00); and
- (E) For renewal of a license that is expired less than six (6) months, a late fee of twenty dollars (\$20.00).

(2) A certified law enforcement officer who is a full-time employee of a law enforcement agency and who is applying for his or her license as a certified voice stress analysis examiner to be used solely in conjunction with his or her employment is not required to pay the fee under subdivisions (a)(1)(A) and (B) of this section.

(b) (1) All fees received by the Director of the Division of Arkansas State Police under this subchapter are nonrefundable and shall be deposited into the State Treasury as special revenues to the credit of the Division of Arkansas State Police Fund.

(2) Money remaining at the end of the fiscal year shall not revert to any other fund but shall carry over to the next fiscal year.

HISTORY: Acts 1987, No. 858, §§ 3, 4; 2013, No. 1472, § 3; 2015, No. 393, § 30; 2019, No. 910, § 5952.

17-39-306. Grounds for denying, suspending, or revoking licenses.

The Director of the Division of Arkansas State Police may deny, suspend, or revoke a license of a certified voice stress analysis examiner on one (1) or more of the following grounds:

- (1) Failure of a certified voice stress analysis examiner before conducting a voice stress analysis examination to inform a subject to be examined of the nature of the voice stress analysis examination;
- (2) Failure of a certified voice stress analysis examiner before conducting a voice stress analysis examination to inform a subject to be examined that the subject's participation in the voice stress analysis examination is voluntary;
- (3) Failure of a certified voice stress analysis examiner to inform the subject of a voice stress analysis examination of the results of the examination, if so requested;
- (4) Failure to meet the qualifications for licensure under this subchapter;
- (5) Material misstatement in the application for licensure under this subchapter;
- (6) Failure by an applicant for licensure as a certified voice stress analysis examiner or by a licensed certified voice stress analysis examiner to demonstrate the ability to act as a certified voice stress analysis examiner;

- (7) Allowance of another person by a licensed certified voice stress analysis examiner to use the license or the license photo identification card issued under this subchapter;
- (8) An applicant's or a licensed certified voice stress analysis examiner's knowing disregard or violation of this subchapter or of any rule issued under this subchapter, including without limitation knowingly making a false report concerning the results of a voice stress analysis examination;
- (9) An applicant's or a licensed certified voice stress analysis examiner's knowingly aiding or abetting another person in the violation of this subchapter or a rule issued under this subchapter;
- (10) Failure by an applicant for licensure as a certified voice stress analysis examiner or by a licensed certified voice stress analysis examiner to provide within a reasonable time information requested by the director as the result of a formal complaint that may indicate a violation of this subchapter or a rule issued under this subchapter; or
- (11) Arrest or indictment of an applicant for licensure as a certified voice stress analysis examiner or of a licensed certified voice stress analysis examiner for a felony, Class A misdemeanor, crime involving an act of violence, a crime involving moral turpitude, or an offense of comparable level if the offense occurred in another state.

HISTORY: Acts 1987, No. 858, § 7; 2013, No. 1472, § 4; 2015, No. 393, § 31; 2019, No. 910, § 5953.

17-39-307. Rules.

The Director of the Division of Arkansas State Police may promulgate rules to permit the efficient administration of this subchapter.

HISTORY: Acts 1987, No. 858, § 5; 2013, No. 1472, § 5; 2015, No. 393, § 32; 2019, No. 910, § 5954.

17-39-308. Conduct of voice stress analysis examination.

- (a) Except as provided in subsection (d) of this section, a voice stress analysis examination shall be conducted only in person.
- (b) Before undergoing the voice stress analysis examination, the subject of the voice stress analysis examination shall provide his or her written permission.
- (c) The certified voice stress analysis examiner shall record and analyze the responses of the subject of the voice stress analysis examination.
- (d) (1) A certified law enforcement officer who is a full-time employee of a law enforcement agency and who is acting in the course of his or her employment for the law enforcement agency may conduct a voice stress analysis examination from a legally recorded conversation.
 (2) If the voice stress analysis examination is conducted under subdivision (d) (1) of this section:

- (A) The conversation may be recorded:
 - (i) In person; or
 - (ii) By telephone; and
- (B) The certified law enforcement officer shall ensure compliance with subsection (b) of this section.

HISTORY: Acts 1987, No. 858, § 6; 2013, No. 1472, § 6; 2015, No. 393, § 33.

17-39-309. Criminal background check.

- (a) (1) Each first-time applicant and each applicant for renewal of licensure as a certified voice stress analysis examiner shall apply to the Division of Arkansas State Police for a state and national criminal background check to be conducted by the department and the Federal Bureau of Investigation.
(2) Criminal history records from the Arkansas Crime Information Center shall be available to the Director of the Division of Arkansas State Police for the review of an applicant's qualifications.
- (b) The state and national criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints.
- (c) The applicant shall sign a release of information to the director and shall be responsible for the payment of any fee associated with the state and national criminal background check.
- (d) Upon completion of the state and national criminal background check, the department shall forward to the director all releasable information obtained concerning the applicant.
- (e) This section does not apply to a certified law enforcement officer who is a full-time employee of a law enforcement agency and who is applying for licensure as a certified voice stress analysis examiner for the purpose of the full-time employment with the law enforcement agency.

HISTORY: 2013, No. 1472, § 7; 2015, No. 393, § 34; 2019, No. 910, §§ 5955, 5956.

17-39-310. Prohibited acts — Penalties.

- (a) It is unlawful for a person to conduct a certified voice stress analysis examination unless that person holds a valid license as a voice stress analysis examiner issued by the Department of Arkansas State Police.
- (b) A person who knowingly violates this subchapter or a person who falsely states or misrepresents that he or she is a properly licensed certified voice stress analysis examiner shall upon conviction be guilty of a Class A misdemeanor.

HISTORY: 2013, No. 1472, § 7; 2015, No. 393, § 35.

17-39-311. Injunction.

- (a) If a person violates this subchapter, the Director of the Division of Arkansas State Police, through the Attorney General, may apply in the circuit court having jurisdiction for an order enjoining the violation or for an order enforcing compliance with this subchapter.
- (b) (1) Upon the filing of a verified petition in the court, the court, if satisfied by affidavit or otherwise that the person has violated this subchapter, may issue a temporary injunction without notice or bond enjoining the continued violation.
(2) If it is established that the person has violated or is violating this subchapter, the court may enter a decree perpetually enjoining the violation or enforcing compliance with this subchapter.
- (c) In case of violation of any order or decree issued under this section, the court may sentence the offender for contempt of court.
- (d) Punishment for a violation under this section shall be in addition to, but not in lieu of, all other remedies and penalties provided by this subchapter.

HISTORY: 2013, No. 1472, § 7; 2015, No. 393, § 26; 2019, No. 910, § 5957.

Arkansas Code § 17-39-312 was repealed by Act 393 of 2015.

17-39-313. Department of Arkansas State Police administration — Powers and duties.

- (a) The Director of the Division of Arkansas State Police may perform the functions and duties enumerated within this subchapter with respect to the licensing of certified voice stress analysis examiners and to perform all other acts incidental and necessary to the proper performance of the functions and duties as prescribed in this subchapter.
- (b) The director shall issue rules consistent with this subchapter for the administration and enforcement of this subchapter and shall prescribe and issue forms in connection with this subchapter.
- (c) The director shall have no financial, personal, or business interests, contingent or otherwise, in an entity licensed under this subchapter.
- (d) The director or his or her designee is the agent for service of process for all legal process and documents required by law to be served in conjunction with this subchapter.
- (e) The director may grant, deny, suspend, or revoke any license issued under this subchapter and levy fines for violation of the licensing provisions of this subchapter.

HISTORY: 2013, No. 1472, § 7; 2015, No. 1156, § 6; 2015, No. 393, § 38; 2019, No. 910, § 5958.

PRIVATE SECURITY AGENCY, PRIVATE INVESTIGATOR, AND SCHOOL SECURITY LICENSING

17-40-101. Title.

This chapter may be cited as the “Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act”.

HISTORY: 1977, No. 429, § 1; 2015, No. 393, § 39.

17-40-102. Definitions.

As used in this chapter:

- (1) “Alarm systems agent” means an individual employed by an alarm systems company who sells on site, performs a survey of the premises to be protected, or responds to alarm signal devices, burglar alarms, or cameras;
- (2) “Alarm systems apprentice” means an individual employed by an alarm systems company who installs, services, or repairs on site and who is supervised by an alarm systems technician, a supervisor of technicians, or a manager;
- (3) “Alarm systems company” means a person, firm, association, or corporation that for a fee or other valuable consideration installs, services, sells on site, performs a survey of the premises to be protected, monitors, or responds to electrical, electronic, or mechanical alarm signal devices, burglar alarms, television cameras, or still cameras used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;
- (4) “Alarm systems monitor” means an individual employed by an alarm systems company who monitors or responds to an electrical, electronic, or mechanical alarm signal device, burglar alarm, television camera, or still camera used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;
- (5) “Alarm systems technician” means an individual employed by an alarm systems company who installs, services, or repairs on site an electrical, electronic, or mechanical alarm signal device, burglar alarm, television camera, or still camera used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;
- (6) “Arkansas Fire Prevention Code” means the International Fire Code, the International Building Code, and the International Residential Code as published by the International Code Council, and the rules as amended and adopted by the State Fire Marshal;
- (7) “Armored car company” means a person that provides armed security transportation and protection of money, currency, coins, bullion, securities,

- bonds, jewelry, or other valuables from one place or point to another place or point;
- (8) (A) "Assistant training administrator" means a person employed by a licensed company who may assist the training administrator with conducting the training of security personnel.
(B) The assistant training administrator shall certify to the Director of the Division of Arkansas State Police that the required training has been completed;
 - (9) "Burglar alarm" means a system designed to detect intrusion or unauthorized entry into a building, premises, or area;
 - (10) "Commissioned school security officer" means a private security officer who:
 - (A) Provides security for the school; and
 - (B) Has received an authorization issued by the director to carry a firearm in the course of his or her employment;
 - (11) "Commissioned security officer" means a private security officer to whom an authorization to carry a firearm in the course of his or her employment has been issued by the director;
 - (12) "Consumer reporting agency" means a person that employs an individual who, for a monetary fee, dues, or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and who uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports;
 - (13) "Convicted" means that a person pleaded guilty or nolo contendere to or was found guilty of a criminal offense, including a conviction that has been sealed or expunged;
 - (14) "Credential" means an authorization granted by the Division of Arkansas State Police to an individual to perform the duties of a private investigator, alarm systems monitor, alarm systems apprentice, alarm systems technician, alarms systems agent, private security officer, commissioned security officer, commissioned school security officer, assistant training administrator, training administrator, training instructor, manager, or branch office manager;
 - (15) "ESA" means the Electronic Security Association;
 - (16) (A) "Firearm" means a device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use.
(B) "Firearm" includes:
 - (i) A device described in subdivision (16)(A) of this section that is not loaded or lacks a clip or another component to render it immediately operable; and
 - (ii) Components that can readily be assembled into a device described in subdivision (16)(A) of this section;
 - (17) "Guard company" means a person engaging in the business of providing or undertaking to provide services on a contractual basis for another person and performing one (1) or more of the following or similar functions:

- (A) Prevention of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property;
 - (B) Prevention, observation, or detection of any unauthorized activity on private property;
 - (C) Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property; or
 - (D) Protection of individuals from bodily harm;
- (18) (A) "Investigations company" means a person or entity that engages in the business or accepts employment to obtain or furnish information with reference to:
- (i) Crime or wrongs done or threatened against the United States or any state or territory of the United States;
 - (ii) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of a person;
 - (iii) The location, disposition, or recovery of lost or stolen property;
 - (iv) The cause or responsibility for fires, libels, losses, accidents, damages, or injuries to persons or to property; or
 - (v) The securing of evidence to be used before any court, board, officer, or investigating committee.
- (B) (i) A Class A investigations company may employ one (1) or more credentialed individuals.
- (ii) A Class D investigations company may not employ more than one (1) credentialed individual;
- (19) "License" means a permit granted by the director entitling a person to operate as a security services contractor, an investigations company, or an alarm systems company;
- (20) "Licensee" means a person to whom a license is granted under this chapter;
- (21) "Manager" means, in the case of a corporation, an officer or supervisor or, in the case of a partnership, a general or unlimited partner meeting the experience qualifications for managing a security services contractor, private business, or an investigations company;
- (22) "Monitoring" means to observe, watch, surveil, and make appropriate response to an electrical, electronic, or mechanical alarm signal device, burglar alarm, television camera, or still camera used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;
- (23) "NBFAA" means the National Burglar and Fire Alarm Association;
- (24) "NFPA" means the National Fire Protection Association;
- (25) "NICET" means the National Institute for Certification in Engineering Technologies;
- (26) "Person" means an individual, firm, association, company, partnership, corporation, nonprofit organization, institution, or similar entity;

- (27) “Private investigator” means a person who engages in the business or accepts employment to obtain or furnish information with reference to:
- (A) A crime or wrong done or threatened against the United States or any state or territory of the United States;
 - (B) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of a person;
 - (C) The location, disposition, or recovery of lost or stolen property;
 - (D) The cause or responsibility for fires, libels, losses, accidents, damages, or injuries to persons or to property; or
 - (E) The securing of evidence to be used before a court, board, officer, or investigating committee;
- (28) “Private school” means the property, grounds, or students of a private school for grades prekindergarten through twelve (preK-12), including a day-care program operated by the school;
- (29) “Private security officer” means an individual employed by a security services contractor or the security department of a private business or armored car company to perform at least one (1) of the following duties:
- (A) Prevention of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property;
 - (B) Prevention, observation, or detection of any unauthorized activity on private property;
 - (C) Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property;
 - (D) Protection of individuals from bodily harm; or
 - (E) Providing of armed security transportation and protection of money, currency, coins, bullion, securities, bonds, jewelry, or other valuable item from one place to another place;
- (30) “Public charter school” means a conversion public charter school, an open-enrollment public charter school, or a limited public charter school;
- (31) “School” means a school district, public charter school, or private school, including any day-care program operated by the school;
- (32) “School district” means the property, grounds, or students of a school for grades prekindergarten through twelve (preK-12), including any day-care program operated by the school;
- (33) “Security department of a private business or school” means the security department of a person or school if the general purpose of the security department is the protection and security of its own property, grounds, or students and if it does not offer or provide security services to any other person or school;
- (34) “Security services contractor” means a guard company or armored car company;
- (35) “Single-station alarm systems company” means a person that for a fee or other valuable consideration installs, services, or sells on site fire, smoke, or

heat detectors to be installed in a one-family or two-family dwelling or that performs a survey of the premises to be protected if the detectors are single-station installations and not a part of or connected to any other detection device or system;

- (36) “Supervisor of technicians” means an individual employed by an alarm systems company who supervises alarm systems technicians or alarm systems apprentices and who may install, service, or repair on site, or who performs a survey of the premises to be protected, monitors, or responds to electrical, electronic, or mechanical alarm signal devices, burglar alarms, television cameras, or still cameras used to manually or automatically signal or detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, holdup, or other illegal or unauthorized activity;
- (37) (A) “Training administrator” means a person employed by a licensed company designated by a Class B, Class C, or Class G company designation or by the security department of a private business to conduct training for the security personnel.
(B) The training administrator shall certify to the director that the required training has been completed;
- (38) (A) “Training instructor” means a person employed by a licensed company who may assist the training administrator with conducting the training of security personnel.
(B) However, a training instructor shall not certify that the required training has been completed; and
- (39) “Undercover agent” means an individual hired by another individual, partnership, corporation, or other business entity to perform a job for that individual, partnership, corporation, or other business entity and, while performing the job, to act as an undercover agent, employee, or independent contractor of a licensee, and supervised by a licensee.

HISTORY: 1977, No. 429, § 2; 1979, No. 907, §§ 1 to 3; 1983, No. 899, §§ 1, 2; 1985, No. 1004, §§ 13-15; 1989, No. 651, § 1; 1989, No. 926, § 1; 1999, No. 1493, § 1; 2001, No. 1474, § 1; 2015, No. 393, § 40; 2019, No. 910, §§ 5959, 5960.

17-40-103. Exemptions.

- (a) This chapter does not apply to:
- (1) A person employed exclusively and regularly by one (1) employer in connection with the affairs of that employer only and where there exists an employer-employee relationship;
 - (2) An officer or employee of the United States or of this state, or of a political subdivision of either, while the employee or officer is engaged in the performance of official duties;
 - (3) A person not in the employ of another law enforcement officer and who has part-time or fulltime employment as a law enforcement officer and who is certified by the Arkansas Commission on Law Enforcement Standards and

Training as a law enforcement officer and receives compensation for private employment on an individual or an independent contractor basis as a patrolman, guard, or watchman if the person is:

- (A) Employed in an employee-employer relationship; or
 - (B) Employed on an individual contractual basis;
- (4) A person engaged exclusively in the business of obtaining and furnishing information for purposes of credit worthiness or collecting debts or ascertaining the financial responsibility of applicants for property insurance and for indemnity or surety bonds, with respect to persons, firms, and corporations;
 - (5) Consumer reporting agencies;
 - (6) A licensed attorney in performing his or her duties, or an employee of an attorney only in connection with providing investigative services to the attorney and his or her practice;
 - (7) Admitted insurers, insurance adjusters, agents, and insurance brokers licensed by the state performing duties in connection with insurance transacted by them;
 - (8) An officer, employee, or agent of a communications common carrier, as defined in 47 U.S.C. § 153(11), while engaged in the normal course of business of the carrier or protecting the carrier or a user of the services of that carrier from fraudulent, unlawful, or abusive use of services;
 - (9) A professional engineer registered with the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors engaged in providing investigative services as outlined in this chapter;
 - (10) A person that sells or manufacturers alarm systems, unless such a person or business performs any service as an alarm systems company;
 - (11) Installation, servicing, or responding to fire alarm systems or any alarm device that is installed in a motor vehicle, aircraft, or boat;
 - (12) Installation of an alarm system on property owned by or leased to the installer;
 - (13) Installation of fixed fire extinguisher systems by persons licensed by the Arkansas Fire Protection Licensing Board;
 - (14) Installation of the raceway, conductors, and components of a fire alarm system by an entity holding a valid Arkansas contractor's license, electrical classification, when the systems are furnished by alarm systems companies licensed under this chapter, provided the alarm systems company:
 - (A) Furnishes a system designed to comply with applicable codes and standards;
 - (B) Furnishes the installing contractor with wiring diagrams and specifications for the required conductors;
 - (C) Provides periodic job site inspections of the installation in progress;
 - (D) Connects and installs the system components;
 - (E) Tests the completed installation in compliance with the Arkansas Fire Prevention Code and NFPA standard number 72: National Fire Alarm and Signaling Code, 2013 Edition, providing the owner's

representative and the local fire marshal with test documentation;
and

- (F) Instructs the system owner's representative and provides operator manuals for the installed system;
- (15) Alarm system agents, alarm system apprentices, and alarm system technicians for a class E-S license shall be exempt from the requirements for National Burglar and Fire Alarm Association Level 1 and 2 certification.
- (16) An agent, employee, or sales representative of an alarm systems company, if the agent, employee, or sales representative:
 - (A) Does not alter, install, maintain, move, repair, replace, service, or reconfigure an alarm system or any individual component connected to an alarm system at an end-user's premises; and
 - (B) Is not granted access to passwords or codes which can be used to arm or disarm the alarm system installed at a specific end-user premises; and
- (17) A certified public accountant licensed by the state performing his or her duties, only in connection with providing investigative services, and all employees, independent contractors, or agents acting under the supervision of a certified public accountant licensed by the state, only in connection with providing investigative services to the certified public accountant and his or her practice.
- (b) (1) If the security department of a private business or school that hires or employs an individual in the capacity of a commissioned security officer or commissioned school security officer, the security department of the private business or school is not required to make application to the Division of Arkansas State Police for any license under this chapter.
(2) However, the private business or school is required to be recognized by the Director of the Division of Arkansas State Police as a private business or school for the purposes of employing the commissioned security officer or commissioned school security officer.
- (c) Notwithstanding any other provision of this chapter, employees of a licensee who are employed exclusively as undercover agents are not required to register with the director under this chapter.

HISTORY: 1977, No. 429, §§ 3, 38; 1979, No. 907, § 4; 1983, No. 899, § 3; 1985, No. 756, § 1; 1987, No. 630, § 1; 1989, No. 651, § 2; 1989, No. 926, § 2; 1991, No. 709, § 1; 1999, No. 1493, § 2; 2001, No. 1474, § 4; 2013, No. 1475, § 1; 2015, No. 393, § 41; 2019, No. 910, § 5961.

17-40-104. Penalties.

- (a) A person who violates this chapter upon conviction is guilty of a Class A misdemeanor.
- (b) A person who violates this chapter within one (1) year of a previous violation upon conviction is guilty of a Class D felony.

HISTORY: 1977, No. 429, § 33; 1981, No. 792, § 16, 1983, No. 899, § 12; 1999, No. 1493, § 3; 2015, No. 393, § 42.

17-40-105. Notice of violation.

The Director of the Division of Arkansas State Police shall not deny, suspend, revoke, or fine any person required to be licensed, credentialed, or commissioned under this chapter unless the person has been notified of the alleged violation of this chapter within three hundred sixty-five (365) days after the occurrence of the alleged violation.

HISTORY: 1983, No. 899, § 11; 2015, No. 393, § 43; 2019, No. 910, § 5962.

17-40-106. Exclusive regulation — Authority of political subdivisions.

- (a) The regulation of investigation, security, and alarm systems companies is exclusive to the Director of the Division of Arkansas State Police.
- (b) Licensees and employees of licensees under the provisions of this chapter are not required to obtain any authorization, permit, franchise, or license from, or pay another fee or franchise tax to, or post bond in any city, county, or other political subdivision of this state to engage in the business or perform any service authorized under this chapter.
- (c) However, any city or county may require a company operating within its jurisdiction to register without fee and may adopt an ordinance to require users of alarm systems to obtain revocable permits without fee.

HISTORY: 1989, No. 926, § 15; 2015, No. 393, § 44; 2019, No. 910, § 5963.

Arkansas Code §§ 17-40-107 and 17-40-201 to 17-40-203 are repealed by Act 393 of 2015.

17-40-204. Administration.

- (a) The Director of the Division of Arkansas State Police shall perform such duties as may be prescribed by the director and shall have no financial, personal, or business interests in an entity licensed under this chapter.
- (b) All legal processes and all documents required by law shall be served upon the director or his or her designee or filed within the Division of the Arkansas State Police.

HISTORY: 1977, No. 429, § 4; 2015, No. 393, § 50; 2019, No. 910, § 5964.

Arkansas Code §§ 17-40-205 and 17-40-206 are repealed by Act 393 of 2015.

17-40-207. Powers and duties.

- (a) The Director of the Division of Arkansas State Police shall have the following powers and duties:
 - (1) To determine the qualifications of applicants as provided in this chapter;
 - (2) To investigate alleged violations of this chapter and of any rules adopted by the director;
 - (3) To grant, deny, suspend, or revoke any license, credential, or commission issued under this chapter and to levy fines for violation of the provisions of this chapter;
 - (4) To authorize a licensed or credentialed private investigator from another state the authority to operate in this state for up to ten (10) calendar days without being issued a credential under this chapter, under the rules promulgated by the director;
 - (5) To promulgate reasonable rules in the manner provided by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and
 - (6) To establish and enforce standards governing the safety and conduct of persons licensed, credentialed, or commissioned under this chapter.
- (b)
 - (1) In the conduct of any investigation performed under this chapter, the director may issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records, and documents.
 - (2)
 - (A) The administrative hearing officer shall conduct the administrative hearing, and he or she may administer oaths, require testimony, and issue subpoenas for the attendance of witnesses and the production of relevant books, papers, documents, or other relevant evidence.
 - (B) The administrative hearing officer shall submit his or her recommendation to the director within sixty (60) days of the hearing.
- (c) The director may designate a person on his or her staff to administer and carry out the provisions of this chapter.

HISTORY: 1977, No. 429, §§ 9, 10; 1981, No. 792, § 2; 2015, No. 393, § 53; 2019, No. 910, § 5965.

17-40-208. Training of personnel.

- (a) The Director of the Division of Arkansas State Police shall establish minimum training requirements under this chapter for a private security officer, a commissioned security officer, and a commissioned school security officer.
- (b) For a private security officer, the minimum training requirements under this chapter shall include without limitation the following topics:
 - (1) Legal limitations on the use of firearms and on the powers and authority of the private security officer;

- (2) Familiarity with this chapter;
 - (3) Field note taking and report writing; and
 - (4) Other topics that the director deems necessary.
- (c) For a commissioned security officer, the minimum training requirements under this chapter shall include without limitation the following topics:
- (1) Legal limitations on the use of firearms and on the powers and authority of the commissioned security officer;
 - (2) Familiarity with this chapter;
 - (3) Field note taking and report writing;
 - (4) Range firing and procedure and handgun safety and maintenance; and
 - (5) Other topics the director deems necessary.
- (d) For a commissioned school security officer, the minimum training requirements under this chapter shall include without limitation the following topics:
- (1) Legal limitations on the use of firearms and on the powers and authority of the commissioned school security officer;
 - (2) Familiarity with this chapter;
 - (3) Field note taking and report writing;
 - (4) Fundamental use of firearms, including firearm safety drills, tactics, and required qualification on an approved course of fire;
 - (5) Active shooter training;
 - (6) Active shooter simulation scenarios;
 - (7) Trauma care;
 - (8) Defensive tactics;
 - (9) Weapon retention;
 - (10) Handgun safety and maintenance; and
 - (11) Other topics the director deems necessary.
- (e) When an individual meets the training requirements approved by the director, that individual shall not be required to be retrained until two (2) years after the private security officer, commissioned security officer, or commissioned school security officer is commissioned.

HISTORY: 1977, No. 429, § 36; 1979, No. 907, § 20; 1981, No. 792, § 18; 1983, No. 899, § 10; 2005, No. 2237, § 7; 2015, No. 393, § 54; 2019, No. 910, § 5966.

17-40-209. Fees — Disposition of funds — Legislative intent.

- (a) It is the intent of the General Assembly that the cost of investigating and credentialing private investigators or licensing private security agencies as authorized by this chapter be borne by the individuals and agencies so credentialed or licensed.
- (b) To assure that the intent is carried out, the expenditure for personal services and operating expenses associated with investigating and licensing, credentialing, or commissioning of individuals and agencies required to be licensed, credentialed, or commissioned under this chapter shall be limited in

the aggregate to the amount deposited into the State Treasury to the credit of the Division of Arkansas State Police Fund from license, credential, and commission fees of the individuals and agencies.

- (c) In order to provide sufficient revenues to carry out the duties and functions prescribed by this chapter, the Director of the Division of Arkansas State Police shall levy fees for licenses, credentials, and commissions as authorized by this chapter as determined by the director.
- (d) A late fee or a fine may be levied by the director.
- (e) (1) All funds received by the director shall be deposited into the State Treasury as special revenues to the credit of the Division of Arkansas State Police Fund.
- (2) Money remaining at the end of the fiscal year shall carry over to the next fiscal year and shall not revert to any other fund.

HISTORY: 1977, No. 429, § 17; 1979, No. 907, § 11; 1981, No. 792, § 9; 1983, No. 537, § 8; 1989, No. 926, § 3; 1995, No. 430, § 1; 1999, No. 1493, § 4; 2005, No. 2237, § 8; 2015, No. 393, § 55; 2019, No. 910, §§ 5967, 5968.

17-40-301. Unlawful acts.

- (a) Except as provided under §17-40-325, it is unlawful for a person to knowingly:
 - (1) Perform any service as a private investigator unless the person has obtained a credential to perform the services of a private investigator under this chapter;
 - (2) Perform any service as or engage in the business or business activity of a security services contractor or alarm systems company unless the person has obtained a license as a securities services contractor or alarm systems company under this chapter; or
 - (3) Engage in an operation outside the scope of the person's license or credential.
 - (4) Perform any service that requires a license, credential, or commission under this subchapter without having first been issued that license, credential, or commission.
- (b) A credential holder or a licensee or an officer, director, partner, manager, or employee of a licensee shall not knowingly make a false report to his or her employer or client for whom information was being obtained.
- (c) (1) A credential holder, licensee, manager, or agent authorized by one (1) or both the licensee or manager shall have the sole responsibility of knowingly submitting a written investigative report to a client.
- (2) The person submitting the written investigative report shall exercise due diligence in ascertaining the truth and accuracy of the information in the report.
- (d) A credential holder, or a licensee or officer, director, partner, manager, or employee of a licensee, except a full-time police officer, shall not knowingly

use a title, wear a uniform, use an insignia, use an identification, or make any statement with the intent to give the impression that the person is connected in any way with the federal government, a state government, county government, city government, or any political subdivision of a state government.

- (e) It is unlawful for a person to misrepresent that he or she is employed by a credential holder or a licensee.
- (f) (1) It is unlawful for a state, county, or municipal government or political subdivision of a state, county, or municipal government to install, service, maintain, monitor, operate, sell, or lease as lessor a burglar alarm, fire alarm system, or other electronic security system on private property if a private contractor licensed to do business within the county or municipality offers such systems or services to the public within the county or municipality.
 - (2) This section does not prohibit a county or municipal government from installing, servicing, maintaining, or operating a burglar alarm or fire alarm system on property owned or leased by a county or municipal government.
 - (3) This subsection does not apply to an entity authorized to provide, directly or indirectly, voice, data, broadband, video, or wireless telecommunications services under § 23-17-409(b)(2).
- (g) A person shall not program an automatic dialing device to call a law enforcement agency, fire department, emergency health service, or a state, city, or county agency without the prior approval of the Director of the Division of Arkansas State Police.
- (h) A credential holder or a licensee shall not contract or subcontract with an unlicensed person or uncredentialed individual to perform a service that requires a credential or a license under this chapter.
- (i) A person licensed only as a security services contractor shall not engage in an investigation unless the investigation is incidental to the theft, loss, embezzlement, misappropriation, or concealment of property that the person has been hired or engaged to protect.
- (j) A person shall not employ an individual as a private security officer and knowingly authorize or permit him or her to carry a firearm during the course of performing his or her duties as a private security officer if the director has not issued the private security officer a security officer commission.
- (k) An individual employed as a private security officer shall not knowingly carry a firearm during the course of performing his or her duties as a private security officer if the director has not issued him or her a security officer commission.
- (l) A person shall not knowingly hire or employ an individual as a private security officer and an individual shall not accept employment as a private security officer if the employment requires the private security officer to carry a firearm in the course and scope of his or her duties, unless the private security officer is a commissioned security officer.

HISTORY: 1977, No. 429, §§ 13, 25; 1979, No. 907, § 15; 1981, No. 792, § 12; 1983, No. 899, § 7; 1991, No. 786, § 23; 1999, No. 1493, § 5; 2015, No. 393, § 57; 2016, No. 10, § 1, 2016, No. 11, § 1; 2019, No. 910, § 5969.

17-40-302. Fees.

- (a) The Director of the Division of Arkansas State Police may assess fees under this chapter as follows:
- (1) For an initial application:
 - (A) Alarm systems agent, alarm systems apprentice, alarm systems technician, or alarm systems monitor credential..... \$40.00;
 - (B) Class A license..... \$600;
 - (C) Class B license..... \$600;
 - (D) Class C license..... \$850;
 - (E) Class D license..... \$300;
 - (F) Class E-M license..... \$600;
 - (G) Class E Restricted license..... \$600;
 - (H) Class E-S license..... \$600;
 - (I) Class E Unrestricted license..... \$600;
 - (J) Class G license..... \$1,200;
 - (K) Security guard credential..... \$40.00; and
 - (L) Credentialed private investigator..... \$450;
 - (2) For a renewal application:
 - (A) Alarm systems agent, alarm systems apprentice, alarm systems technician, or alarm systems monitor credential..... \$40.00;
 - (B) Class A license..... \$300;
 - (C) Class B license..... \$300;
 - (D) Class C license..... \$500;
 - (E) Class D license..... \$150;
 - (F) Class E-M license..... \$300;
 - (G) Class E Restricted license..... \$300;
 - (H) Class E-S license..... \$300;
 - (I) Class E Unrestricted license..... \$300;
 - (J) Class G license..... \$600;
 - (K) Security guard credential..... \$40.00; and
 - (L) Credentialed private investigator..... \$150; and
 - (3) For the following:
 - (A) Replacement credential or commission photo identification card..... \$5.00;
 - (B) Duplicate wall mounted license..... \$10.00;
 - (C) Late renewal fee for a:
 - (i) Class A license..... \$150;
 - (ii) Class B license..... \$150;
 - (iii) Class C license..... \$250;
 - (iv) Class D license..... \$75.00;

- (v) Class E license, any version..... \$150; and
- (vi) Class G license..... \$300; and
- (D) Transfer fee for:
 - (i) A credentialed private investigator..... \$75.00; and
 - (ii) An alarm systems agent, alarm systems apprentice, alarm systems technician, or alarm systems monitor credential..... \$20.00.
- (b) Applicable state and national criminal background check fees are as set under the Arkansas State Criminal Records Act, § 12-12-1501 et seq., or by the Federal Bureau of Investigation.
- (c) All fees under this section are nonrefundable.

HISTORY: 2015, No. 393, § 58; 2019, No. 910, § 5970.

Arkansas Code §§ 17-40-303 and 17-40-304 are reserved.

Arkansas Code § 17-40-305 is repealed by Act 393 of 2015.

17-40-306. License or credential — Applicant qualifications.

- (a) A person applying for a license or credential other than that for a commissioned security officer or commissioned school security officer shall:
 - (1) Be at least eighteen (18) years of age at the time of application;
 - (2) Not be suffering from habitual drunkenness or from narcotics addiction or dependence;
 - (3) Not have been discharged from the United States Armed Forces under dishonorable conditions;
 - (4) Be in compliance with any other reasonable qualifications that the Director of the Division of Arkansas State Police may set by rule;
 - (5) Not have been adjudicated as mentally incompetent or have been involuntarily committed to a mental institution or mental health treatment facility; and
 - (6) Not be a registered sex offender or be required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.
- (b) An applicant who applies for a license to engage in the business of an investigations company or his or her manager shall have:
 - (1) Two (2) consecutive years' experience before the date of the application in the investigative field as an agent, employee, manager, or owner of an investigations company;
 - (2) Two (2) years' experience as a licensed bail bondsman and a baccalaureate degree from a four-year institution of higher education; or
 - (3) Satisfied other requirements as may be set by the director.

- (c) An applicant makes application to engage in the business of a security services contractor, private business, or his or her manager shall:
 - (1) Have two (2) consecutive years' experience before the date of application in the security services field as an agent, employee, manager, or owner of a security services contractor company; or
 - (2) Satisfy other requirements as may be set by the director.
- (d) (1) Except as provided in subdivision (d)(2) of this section, the director shall not issue a license or credential nor renew an existing license or credential of a person who has been found guilty of or pleaded guilty or nolo contendere to one (1) or more of the following in any court in the State of Arkansas or to a comparable offense in another state, or in a military or federal court for which a pardon has not been granted:
 - (A) A felony;
 - (B) A Class A misdemeanor involving theft, sexual offenses, violence, an element of dishonesty, or a crime against a person as determined by the division under subsection (e) of this section; or
 - (C) An attempted felony or solicitation or conspiracy to commit a felony that is classified as a Class A misdemeanor.
- (2) An individual shall not be denied issuance of a license or credential or renewal of an existing license or credential if the individual by any court has been found guilty of or pleaded guilty or nolo contendere to any misdemeanor if the person was found guilty of or pleaded guilty or nolo contendere to the misdemeanor ten (10) or more years before the date of the application for issuance or renewal.
- (3) For purposes of this subsection, the state and national criminal background check shall include a record of all offenses that have been previously sealed or expunged by any court.
- (e) The Division of Arkansas State Police shall promulgate rule within ninety (90) days of the effective date of this act that determine the offense under subdivision (d) (1) (B) of this section that constitute a Class A misdemeanor involving theft, sexual offenses, violence, an element of dishonesty, or a crime against a person.

HISTORY: 1977, No. 429, § 14; 1979, No. 907, § 9; 1981, No. 792, § 7; 1993, No. 1219, § 10; 1995, No. 953, § 1; 2005, No. 2237, § 1; 2015, No. 393, § 60; 2016, No. 10, §§ 2, 3, 2016, No. 11, §§ 2, 3; 2019, No. 910, §§ 5971 to 5973.

17-40-307. License or credential — Application and examination.

- (a) An application for a license or credential under this chapter shall be in the form prescribed by the Director of the Division of Arkansas State Police 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 and the business classification in which the applicant intends to engage;
 - (4) The full name and residence address of each of the applicant's partners, officers, directors, and managers, if the applicant is an entity other than an individual;
 - (5) Two (2) recent passport-style photographs of the applicant, if the applicant is an individual, or of each officer and of each partner or shareholder who owns an interest of twenty-five percent (25%) or greater in the applicant, if the applicant is an entity;
 - (6) Two (2) classifiable sets of fingerprints of the applicant, if the applicant is an individual, or of each officer and of each partner or shareholder who owns an interest of twenty-five percent (25%) or greater in the applicant, if the applicant is an entity;
 - (7) A verified statement of the applicant's experience qualifications;
 - (8) A verified statement disclosing any record of arrests, pending criminal charges, or convictions of the applicant of a felony, Class A misdemeanor, a crime involving an act of violence, or any crime involving moral turpitude, including those that have been sealed or expunged; and
 - (9) Information that may be required by the director that would show that the applicant is honest, trustworthy, and of good character, if the applicant is an individual.
- (b) An application for a license or credential under this chapter shall include the Social Security number of the applicant.
- (c) The director may require an applicant or his or her manager to demonstrate qualifications determined by the director by an examination or show proof of other qualifications as may be determined by the director.
- (d) (1) Payment of the application fee prescribed by this chapter entitles the applicant or his or her manager to one (1) examination without further charge.
- (2) If the person fails to pass the examination, he or she shall not be eligible for any subsequent examination except upon payment of the reexamination fee which shall be set by the director.
- (e) (1) (A) Each first-time applicant and applicant for license or credential renewal shall apply to the Division of Arkansas State Police for a state and national criminal background check to be conducted by the department and the Federal Bureau of Investigation.
- (B) Criminal history records from the Arkansas Crime Information Center shall be available to the director for the review of applicant qualification.
- (2) The state and national criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints as required in subdivision (a)(6) of this section.
- (3) The applicant shall sign a release of information to the director and shall be responsible for the payment of any fee associated with the state and national criminal background check.

- (4) Upon completion of the state and national criminal background check, the division shall forward to the director all releasable information obtained concerning the applicant.
- (f) The burden is on the applicant to provide information sufficient to allow the director to determine if the applicant is qualified to hold the license or credential.

HISTORY: 1977, No. 429, § 15; 1979, No. 907, § 10; 1999, No. 1493, § 6; 2005, No. 2237, § 2; 2015, No. 393, § 61; 2019, No. 910, §§ 5974 to 5976.

17-40-308. License or credential — Insurance prerequisite.

- (a) A Class B, Class C, or Class G license shall not be issued to an applicant under this chapter unless the applicant files with the Director of the Division of Arkansas State Police proof of a policy of continuing public liability insurance in a sum not less than five hundred thousand dollars (\$500,000), conditioned to compensate any person for damages, including, but not limited to, bodily injury caused by wrongful acts of the principal or its servants, officers, agents, and employees in the conduct of any business licensed by this chapter.
- (b) A Class B or Class C license shall not be issued to an armored car company unless the applicant files with the director proof of a valid and continuing policy of armored car cargo insurance protecting customers' valuables in a sum not less than five hundred thousand dollars (\$500,000).
- (c) (1) All Class E licensees shall maintain in force at all times while licensed a public liability insurance policy, with minimum limits of liability of three hundred thousand dollars (\$300,000).
- (2) All alarm systems companies that issue Underwriters Laboratories certificates for local mercantile, central station, or police connected alarms shall maintain in force at all times a public liability insurance policy in an amount of at least three hundred thousand dollars (\$300,000).
- (3) Proof of public liability insurance shall be provided to the director at the time of application or renewal or upon request.
- (4) This section does not pertain to alarm systems companies that do not sell, install, or service alarm systems.

HISTORY: 1977, No. 429, § 32; 1981, No. 792, § 15; 1983, No. 766, § 1; 1989, No. 926, §§ 7, 8; 1991, No. 57, § 1; 1999, No. 1493, § 7; 2015, No. 393, § 62; 2019, No. 910, § 5977; 2019, No. 386, § 21.

17-40-309. License and credential — Classifications.

For the purpose of defining the scope of licenses under this chapter, the following license classifications are established:

- (1) "Class A" means a license issued to an investigations company employing one (1) or more individuals;
- (2) "Class B" means a security services contractor license;
- (3) "Class C" means a license that includes the operations within a Class A license and a Class B license;
- (4) "Class D" means a license for a single individual operating as an investigations company with no other employees who are required to be licensed or credentialed under this chapter;
- (5) "Class E Restricted" means a license for an alarm systems company the work of which is limited to structures that are not required by the Arkansas Fire Prevention Code to have a fire alarm system;
- (6) "Class E Unrestricted" means a license for an alarm systems company that installs fire alarm systems that are required by the Arkansas Fire Prevention Code;
- (7) "Class E-M" means an alarm systems company license covering only monitoring;
- (8) "Class E-S" means a single-station alarm systems company license restricted to one-family and two-family dwellings; and
- (9) "Class G" means a general license for operations included within Class A, Class B, Class E Restricted, and Class E Unrestricted licenses.

HISTORY: 1977, No. 429, § 16; 1981, No. 792, § 8; 1989, No. 926, § 9; 1999, No. 1493, § 8; 2001, No. 1474, § 2; 2015, No. 393, § 63.

17-40-310. License and credential — Form.

A license or credential when issued shall be in the form prescribed by the Director of the Division of Arkansas State Police and shall include the:

- (a) Name of the licensee or credential holder;
- (b) Name under which the licensee or credential holder is to operate; and
- (c) License or credential number and date of expiration.

HISTORY: 1977, No. 429, § 20; 2015, No. 393, § 64; 2019, No. 910, § 5978.

17-40-311. License and credential — Assignability.

A license or credential issued under this chapter is not assignable.

HISTORY: 1977, No. 429, § 22; 2015, No. 393, § 65.

17-40-312. License and credential — Termination.

The Director of the Division of Arkansas State Police shall prescribe by rule the procedure under which a license or credential issued under this chapter may be terminated by the licensee or credential holder.

HISTORY: 1977, No. 429, § 23; 2015, No. 393, § 66; 2019, No. 910, § 5979.

17-40-313. License and credential — Expiration and renewal.

- (a) (1) A license or credential issued under this chapter shall expire two (2) years from the date of issuance.
(2) To renew an unexpired license or credential, the licensee or the credential holder shall apply for renewal on a form prescribed by the Director of the Division of Arkansas State Police and pay the renewal fee prescribed by this chapter.
(3) Upon approval of the application by the director, a renewal license or credential shall be issued.
- (b) (1) A suspended license or credential is subject to expiration and may be renewed as provided in this chapter.
(2) However, renewal does not entitle the licensee or the credential holder, while the license or credential remains suspended and until it is reinstated, to engage in the licensed or credentialed activity.
- (c) It is unlawful for a suspended licensee or credential holder or an employee of the suspended licensee or credential holder to operate while the license or credential is suspended.
- (d) A license or credential that is not renewed within six (6) months after its expiration shall not be renewed thereafter.
- (e) The holder of the license or credential that has been expired for more than six (6) months may obtain a new license or credential only on compliance with all of the provisions of this chapter relating to the issuance of an initial license or credential.

HISTORY: 1977, No. 429, §§ 34, 35, 37; 1981, No. 792, §§ 17, 19; 2015, No. 393, § 67; 2019, No. 910, § 5980.

17-40-314. Managers.

- (a) The business of each licensee shall be operated under the direction and control of at least one (1) manager.
- (b) A person shall not act as a manager of a licensee or private business until the person has:
 - (1) Demonstrated the person's qualifications by a written examination; and

- (2) Made a satisfactory showing to the Director of the Division of Arkansas State Police that the person has the qualifications prescribed by this chapter.
- (c) It is unlawful for an individual to make application to the director as manager or to serve as manager of an investigations company, security services contractor, private business, or alarm systems company unless the individual intends to maintain a supervisory position on a daily basis for the investigations company, security services contractor, private business, or alarm systems company.
- (d)
 - (1) If a manager who has qualified as provided in this section ceases to be manager for any reason, the licensee shall notify the director in writing within fourteen (14) days from the cessation of the manager.
 - (2) If notice under subdivision (d)(1) of this section is given, the license shall remain in force for a reasonable length of time to be determined by the rules of the director and pending the qualification of another manager.
 - (3) If the licensee fails to provide the notice under subdivision (d)(1) of this section to the director within the fourteen-day period, the licensee's license may be subject to suspension, a fine, or revocation.

HISTORY: 1977, No. 429, §§ 13, 18; 1981, No. 792, § 10; 1983, No. 899, § 7; 1989, No. 926, § 10; 2015, No. 393, § 68; 2019, No. 910, § 5981; 2019, No. 386, § 22.

17-40-315. Duties of licensee or credential holder.

- (a) Each licensee or credential holder shall maintain a record containing the information relative to his or her employees as may be prescribed by the Director of the Division of Arkansas State Police.
- (b) At all times a licensee or credential holder shall be legally responsible for the good conduct in the business of each employee, including the licensee's manager.
- (c) A licensee or credential holder finding a violation of this chapter shall report the violation to the local authority and to the director.

HISTORY: 1977, No. 429, §§ 24, 26; 1999, No. 1493, § 9; 2015, No. 393, § 69; 2019, No. 910, § 5982.

17-40-316. Licenses and credentials — Change of address, telephone number, email address, name, or officers or partners.

- (a) A licensee or credential holder shall notify the Director of the Division of Arkansas State Police within fourteen (14) days after a change of the licensee's or credential holder's name, address, telephone number, email address, or officer or partner.

- (b) A licensee or manager shall notify the director within fourteen (14) days after a change in the credentialed person's name, address, telephone number, or email address.

HISTORY: 1977, No. 429, § 21; 2015, No. 393, § 70; 2019, No. 910, § 5983.

17-40-317. Licensees and credential holders — Windup period.

When the individual on the basis of whose qualifications a license or credential under this chapter has been obtained ceases to be connected with the business for which a license or credential under this chapter is required, the business may be carried on for a temporary period under such terms and conditions as the Director of the Division of Arkansas State Police shall provide by rule.

HISTORY: 1977, No. 429, § 18; 2015, No. 393, § 71; 2019, No. 910, § 5984.

17-40-318. Training requirements for alarm systems company.

The Director of the Division of Arkansas State Police shall promulgate rules regarding the training requirements for alarm systems companies, alarm systems apprentices, alarm systems monitors, alarm systems technicians, and alarm systems agents.

HISTORY: 1989, No. 926, § 6; 1999, No. 1493, § 10; 2001, No. 1474, § 3; 2015, No. 393, § 72; 2019, No. 910, § 5985.

Arkansas Code §§ 17-40-319 to 17-40-324 are reserved.

17-40-325. License or Credential application.

- (a) A person who is employed as a private investigator, a manager, a private security officer, an alarm systems technician, an alarm systems monitor, an alarm systems apprentice, or an alarm systems agent and who is required to be licensed or credentialed under this chapter shall submit a properly completed application for the license or credential to the Director of the Division of Arkansas State Police within fourteen (14) calendar days after the commencement of employment.
- (b) While the application for the license or credential is pending, an applicant may perform the services of a private investigator, a manager, a private security officer, an alarm systems technician, an alarm systems monitor, an alarm systems apprentice, or an alarm systems agent if the applicant is under

the supervision of a person who holds a license or credential for which the applicant applied.

HISTORY: 1977, No. 429, § 27; 1979, No. 907, § 16; 1983, No. 899, § 8; 1989, No. 926, §§ 11, 14; 2005, No. 2237, § 9; 2015, No. 393, § 73; 2016, No. 10, § 4; 2016, No. 11, § 4; 2019, No. 910, § 5986.

Arkansas Code §§ 17-40-326 to 17-40-328 were repealed by Act 393 of 2015.

17-40-329. Issuance of credential photo identification card — Transfer and fee — Cancellation.

- (a) (1) A credential photo identification card of a size, a design, and content as may be determined by the Director of the Division of Arkansas State Police shall be issued by the Division of Arkansas State Police under this chapter.
- (2) The credential photo identification card shall display:
 - (A) The name of the credential holder;
 - (B) A photograph of the credential holder;
 - (C) A credential number and date of expiration; and
 - (D) The name of the entity by whom the credential holder is employed.
- (b) The credential of each person, private security officer, alarm systems technician, alarm systems monitor, alarm systems apprentice, credentialed private investigator, or alarm systems agent expires two (2) years from the date of issuance and is valid irrespective of the credential holder's employer.
- (c) When an individual to whom a credential has been issued terminates his or her position, he or she shall return the credential photo identification card to the licensee immediately upon termination.
- (d) When an individual to whom a credential has been issued changes employment from one licensee to another licensee, the new manager shall notify the director immediately in writing and pay a transfer fee.
- (e) Within seven (7) days after the licensee has received the identification card of a credentialed employee who has terminated his or her position, the licensee shall mail or deliver the credential photo identification card to the director for cancellation, along with a letter from the licensee stating:
 - (1) The date the credentialed employee terminated his or her position;
 - (2) That the licensee received the credential photo identification card of the credentialed employee who has terminated his or her position; and
 - (3) The cause for which or the conditions under which the credentialed employee terminated his or her position.

HISTORY: 1977, No. 429, §§ 29, 30; 1979, No. 907, § 18; 1981, No. 792, § 13; 1983, No. 899, § 9; 1989, No. 926, § 14; 1995, No. 430, § 3; 1999, No. 1493, § 13; 2005, No. 2237, § 10; 2015, No. 393, § 77; 2019, No. 910, § 5987.

17-40-330. Authority to issue commission to carry a firearm.

The Director of the Division of Arkansas State Police may determine the qualifications for and issue an authorization to carry a firearm in the form of a commission to a qualified security officer or qualified school security officer that shall be held during the course of his or her employment.

HISTORY: 2015, No. 393, § 78; 2019, No. 910, § 5988.

17-40-331. Previously issued license, credential, or commission.

All previously licensed, credentialed, commissioned, or registered persons who were approved before September 1, 2015, shall meet all of the requirements of this chapter upon renewal.

HISTORY: 2015, No. 393, § 78.

17-40-332. Time limit on civil liability.

The Department of Arkansas State Police and its employees are not liable for any civil damages resulting from a license, credential, or commission issued before September 1, 2015.

HISTORY: 2015, No. 393, § 78.

Arkansas Code §§ 17-40-333 and 17-40-334 are reserved.

Arkansas Code §§ 17-40-335 and 17-40-336 were repealed by Act 393 of 2015.

17-40-337. Commission — Applicant qualifications.

- (a) A commission as a commissioned security officer or a commissioned school security officer shall not be issued under this chapter to an individual who:
 - (1) Is under twenty-one (21) years of age;
 - (2) Has been found guilty of or who has pleaded guilty or nolo contendere to any of the following offenses, whether or not those offenses have been sealed or expunged;
 - (A) An offense listed under §17-40-306(d);
 - (B) A crime involving the use of a firearm; or
 - (C) A crime involving the use of alcohol while in possession of a firearm;

- (3) Has committed an act which would be grounds for suspension or revocation under this chapter;
 - (4) Does not meet the qualifications for a commission as determined by the Director of the Division of Arkansas State Police;
 - (5) May not lawfully possess a firearm;
 - (6) (A) Has not successfully completed a state and national criminal background check to be conducted by the Division of Arkansas State Police and the Federal Bureau of Investigation.
 - (B) Criminal history records from the Arkansas Crime Information Center shall be available to the director for review of the applicant's qualifications.
 - (C) The state and national criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints.
 - (D) The individual applicant shall sign a release of information to the director and shall make payment of any fee associated with the state and national criminal background check;
 - (7) Has been adjudicated as mentally incompetent, or has been involuntarily committed to a mental institution or mental health treatment facility;
 - (8) Is a registered sex offender or required to be registered as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.;
 - (9) Is suffering from habitual drunkenness or from narcotics addiction or dependence;
 - (10) Has been discharged from the United States Armed Forces under dishonorable conditions;
 - (11) Is not in compliance with any other reasonable qualification that the director may set by rule.
- (b) The director shall not issue a commission as a commissioned security officer or as a commissioned school security officer to an applicant employed by a licensee or the security department of a private business unless the applicant submits evidence satisfactory to the director that he or she meets all qualifications established by this chapter and by the rules of the director.

HISTORY: 1977, No. 429, §§ 19, 36; 2005, No. 2237, § 4; 2015, No. 393, § 81; 2016, No. 10, § 5; 2016, No. 11, § 5; 2019, No. 910, §§ 5989, 5990

Arkansas Code § 17-40-338 was repealed by Act 393 of 2015.

17-40-339. Commission —Notice to law enforcement.

- (a) The Director of the Division of Arkansas State Police shall notify the sheriff of the county and the chief of police of the city, if applicable, in which the

applicant resides of the application for a commission to be a commissioned security officer or a commissioned school security officer.

- (b) A sheriff or chief of police who wishes to object to the issuance of a commission as a commissioned security officer or a commissioned school security officer to a particular applicant may do so by notifying the director of his or her objection with specific reasons within thirty (30) days after the date of receipt of notification under this section.
- (c) If a sheriff or chief of police who is given notice under this section files an objection and the director finds good cause to consider the objection to have merit, the director may deny the application for the commission.

HISTORY: 1977, No. 429, § 19; 2015, No. 393, § 83; 2019, No. 910, § 5991.

17-40-340. Commission — Issuance of identification card.

Each commission as a commissioned security officer or a commissioned school security officer issued under this chapter shall be in the form of a commission photo identification card designed by the Director of the Division of Arkansas State Police that shall identify:

- (1) The commission holder;
- (2) The security department of a private business or school by whom the commission holder is employed;
- (3) A photograph of the credential holder; and
- (4) A credential number and date of expiration.

HISTORY: 1977, No. 429, § 19; 1979, No. 907, § 13; 1981, No. 792, § 11; 1999, No. 1493, § 14; 2015, No. 393, § 84; 2019, No. 910, § 5992.

Arkansas Code § 17-40-341 was repealed by Act 393 of 2015.

17-40-342. Commission — Termination.

If the holder of a commission terminates his or her employment with the licensee or the security department of a private business or school, he or she shall return the commission photo identification card to the Director of the Division of Arkansas State Police within seven (7) days of the date of termination of the employment.

HISTORY: 1977, No. 429, § 19; 1981, No. 792, § 11; 1999, No. 1493, § 16; 2015, No. 393, § 85; 2019, No. 910, § 5993.

17-40-343. Commission — Expiration.

A commission as a commissioned security officer or a commission as a commissioned school security officer expires two (2) years after the date it is issued.

HISTORY: 1977, No. 429, § 19; 1979, No. 907, § 13; 2005, No. 2237, § 11; 2015, No. 393, § 86.

17-40-344. Commission — Denial, suspension, or revocation.

The Director of the Division of Arkansas State Police may deny, suspend, or revoke a commission as a commissioned school security officer or a commission as a commissioned security officer if the applicant for a commission or the commission holder is indicted or arrested for one (1) of the following offenses or a comparable offense in another state:

- (1) A felony;
- (2) A class A misdemeanor;
- (3) A crime involving an act of violence;
- (4) A crime involving the use of a firearm;
- (5) A crime involving the use of alcohol or drugs while in possession of a firearm;
- (6) A crime that results in the person's disqualifying himself or herself from legally possessing a firearm under state or federal law; or
- (7) A crime involving moral turpitude.

HISTORY: 1977, No. 429, § 19; 1979, No. 907, § 14; 1999, No. 1493, § 17; 2005, No. 2237, § 5; 2015, No. 393, § 87; 2019, No. 910, § 5994.

Arkansas Code §§ 17-40-345 to 17-40-348 are reserved.

17-40-349. Suspension for nonpayment of child support.

- (a) The Director of the Division of Arkansas State Police shall suspend a license, credential, or commission issued under this chapter if the Division of Arkansas State Police is notified by the Office of Child Support Enforcement that the licensee, credential holder, or commission holder has not paid his or her required child support.
- (b) The licensee, credential holder, or commission holder shall be sent notice of the suspension under this section.
- (c) The licensee, credential holder, or commission holder may be reinstated after:
 - (1) Full payment of the amount due through the office; and
 - (2) Notification from the office to the division.

HISTORY: 2015, No. 393, § 88; 2019, No. 910, §§ 5995, 5996.

17-40-350. Grounds for disciplinary action.

- (a) The Director of the Division of Arkansas State Police may suspend or revoke a license, credential, or commission or issue a fine in an amount not to exceed one thousand dollars (\$1,000) for each violation of this chapter, or both, or the director may deny an application for a license, credential, or commission, or renewal thereof, on proof that the applicant, licensee, commission holder, or credential holder:
 - (1) Violated a provision of this chapter or violated a rule promulgated under this chapter;
 - (2) No longer meets the qualifications for the license, credential, or commission under this chapter; or
 - (3) Has been arrested for an offense that if convicted would result in disqualification for the license, credential, or commission under this chapter.
- (b) The director may summarily suspend for no more than sixty (60) days a license, credential, or commission if it is shown that the health, safety, or welfare of the public is endangered.
- (c)
 - (1) The director may suspend a license, credential, or commission of a person who is found guilty of or pleaded guilty or nolo contendere to a felony, a Class A misdemeanor, a crime involving an act of violence, or a crime involving an act of moral turpitude in this state or a comparable offense in another state or territory of the United States or in any foreign country.
 - (2) If the licensee is a corporation, proof of actual participation or actual knowledge on the part of the licensee or on the part of an employee of the licensee who is also a credential holder or commission holder is required.
 - (3) If the hearing on a license, credential, or commission that has been summarily suspended is adjourned at the request of the licensee, credential holder, or commission holder, the suspension may be continued for the additional period of the adjournment.

HISTORY: 1977, No. 429, § 11; 1979, No. 907, §§ 5 to 8; 1981, No. 792, §§ 4 to 6; 1983, No. 899, §§ 5,6; 2005, No. 2237, §§ 6, 12; 2015, No. 393, § 89; 2019, No. 910, § 5997.

17-40-351. Procedure for denial.

- (a) The Director of the Division of Arkansas State Police may deny the issuance of a license, credential, or commission under this chapter.
- (b) The director shall notify the applicant of the director's decision in writing.
- (c) The applicant may appeal the decision to the director, provided he or she perfects the appeal within ten (10) days of the receipt of his or her notice of denial.

HISTORY: 1977, No. 429, § 11; 1979, No. 907, §§ 5 to 8; 1981, No. 792, § 6; 2015, No. 393, § 90; 2019, No. 910, § 5998.

17-40-352. License, credential, or commission — Record of denial, revocation, or suspension.

- (a) In the event that the Director of the Division of Arkansas State Police denies the application or suspends or revokes a license, credential, or commission, or if a fine is imposed, the director's decision shall be in writing.
- (b) The notice of the decision shall be mailed to the applicant, licensee, credential holder, or commission holder within sixty (60) days of the director's decision.

HISTORY: 1977, No. 429, § 11; 1979, No. 907, §§ 5 to 8; 2015, No. 393, § 91; 2019, No. 910, § 5999.

17-40-353. Reciprocity — Private investigator.

A person who is licensed or credentialed under the laws of another state or territory of the United States as a private investigator may apply for a credential as a private investigator in this state upon production of satisfactory proof that:

- (1) The other state or territory grants similar reciprocity to credential holders of this state that coincides with the records on private investigator credential reciprocity maintained by the Division of Arkansas State Police;
- (2) The requirements for licensing or credentialing in the particular state or territory were at the date of the applicant's most recent licensing or credentialing substantially equivalent to the requirements now in effect in this state;
- (3) The applicant meets all the qualifications for the credential as set out in this chapter, including the successful completion of a state and national criminal background check; and
- (4) The applicant meets other reasonable qualifications as may be adopted by the Director of the Division of Arkansas State Police.

HISTORY: 1993, No. 940, § 1; 2015, No. 393, § 92; 2016, 2019, No. 910, §§ 6000 and 6001.

17-40-354. Fingerprint cards.

- (a) The Identification Bureau of the Division of Arkansas State Police and the Federal Bureau of Investigation may retain the fingerprints collected for each individual who is fingerprinted under this chapter.
- (b) The Director of the Division of Arkansas State Police may enroll a person issued a license, credential, or commission under this chapter in a program that electronically notifies law enforcement if the person has been arrested.

HISTORY: 2005, No. 2237, § 13; 2015, No. 393, § 93; 2016, 2019, No. 910, § 6002.

17-40-355. Appeal of denial, suspension, or revocation — Venue.

- (a) The denial, suspension, or revocation of a license, credential, or commission under this chapter by the Director of the Department of Arkansas State Police may be appealed to circuit court and shall be governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.
- (b) Venue for the appeal to circuit court under this section shall be in Pulaski County, Arkansas.

HISTORY: 2015, No. 393, § 94.