

Legislative Change, Enacted by The Legislature of Alabama 2024

The Alabama Private Investigation Board

"§34-25B-2

(4) PRIVATE INVESTIGATION AGENCY. A corporation, firm, partnership, or other business entity that, for compensation, practices private investigation in this state and employs licensed private investigators. The term includes a business entity that practices private investigation through licensed private investigators who are solely independent contractors rather than employees.

(6) PRIVATE INVESTIGATOR APPRENTICE. An individual who is engaged in private investigation under the supervision of a licensed private investigator and who is licensed in accordance with this article.

"§34-25B-10 -- Disciplinary

(a) Except as otherwise provided in this chapter, it shall be unlawful for any individual to act as a private investigator or private investigator apprentice without first obtaining a license from the board. For prosecution purposes, a violation of this chapter is classified as a Class A misdemeanor, punishable by a fine of not more than six thousand dollars (\$6,000) and imprisonment for up to one year.

"§34-25B-18 -- Disciplinary

(d) Any entity or individual who operates, provides services, or advertises the provision of private investigator services without a license as required by this chapter shall be subject to an administrative fine of up to one thousand dollars (\$1,000) per day that those services are provided or advertised and may be administratively enjoined by the board from providing services or advertising until in compliance with this chapter."

"§34-25B-12 – Requirement for Alabama License

Each individual applicant for a license as a private investigator shall meet all of the following criteria is at least 21 years of age.

(2) Has successfully completed a criminal history background check based on criteria established by the board.

(3) Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease unless a court of competent jurisdiction has subsequently declared the applicant competent.

(4) Has not been convicted of a crime of moral turpitude, with the board having the final determination on the interpretation of moral turpitude.

(5) Has not been convicted of a felony crime.

(6) Has passed an examination administered by the board designed to measure knowledge and competence in the investigation field and in state civil and criminal privacy laws.

(7) Has a minimum of two years' experience, education, or training, or a combination thereof, including 120 hours of practical field experience directly related to private investigation, in any of the following areas:

a. Special investigations, consisting of special investigative experience in insurance, fire or arson, banking, legal, or similar setting, or other special investigatory experience as determined suitable by the board.

b. Law enforcement, consisting of experience as a sworn law enforcement officer, investigative experience as a detective or investigator at the federal, state, or local level, or other investigative experience as determined suitable by the board.

c. Education, consisting of a minimum of a two-year degree in a field of study directly related to private investigation including, but not limited to, criminal justice, political science, criminology, or law enforcement.

d. Internship, consisting of successful completion of private investigator apprenticeship pursuant to Section 34-25B-12.1."

"§34-25B-13 -- Advertising

(c) A private investigator licensee shall include his or her license number on all advertisements, brochures, stationery, letterhead, case reports, and business cards distributed or used by the private investigator."

§34-25B-52

(c) The private investigation agency shall display the agency license number on all advertisements, brochures, stationery, letterhead, case reports, and business cards, distributed or used by the private investigation agency. Any invoice generated for professional services performed by the private investigation agency or a private investigator licensee, contractor, or employee of the private investigation agency shall include the license number for each licensee whose services are being compensated for by a consumer and the time being charged by the private investigator licensee, contractor, or employee of the private investigation agency.

"§34-25B-13 -- Inactive

(e) A licensee may request, in writing for the Board to place his or her license on inactive status. The fees for issuing and renewing an inactive status certificate shall be established by rule of the board. The board shall also provide, by rule, for the activities an inactive status certificate holder may engage in, and for the procedure and fees required to reinstate an inactive status license. Any holder of an inactive status certificate who violates the limitations of the certificate shall be subject to fines and disciplinary action established by rule of the board."

§34-25B-50 -- Agency

(a)(1) A business entity and its agents, officers, and employees, whether domiciled within or outside of this state, which employ or subcontract with private investigators, may not

practice, advertise, or hold themselves out to the public as a private investigation agency without first being licensed by the board. A violation of this subsection by an applicant or a licensee shall be punishable as a Class A misdemeanor.

(2) This subsection does not prevent a business entity domiciled outside of this state from contracting with a private investigation agency domiciled within this state but requires any private investigator doing contract work as a business entity domiciled outside of the state, that is not licensed in this state, to register as a private investigation agency.

(b) Commencing on January 1, 2023, no business entity that conducts private investigations for compensation in this state, and employs private investigators in this state, may operate without a license.

§34-25B-12.1 -- Apprentice

(a) An individual may obtain a license as a private investigator apprentice and work under the supervision of a private investigator.

(b) An applicant for a private investigator apprentice license shall meet all of the following criteria to obtain a license:

(1) Be at least 18 years of age.

(2) Be a high school graduate, have earned a GED certification, have completed other equivalent education as have earned a GED certification, or have completed other equivalent education as determined suitable by the board.

(3) Meet the replacements of subdivisions (2) to (5), inclusive, of Section 34-25B-12.

(c) An individual issued a private investigator apprentice license shall successfully pass an examination required by the Board, which shall be taken during a time period designated by rule of the board, not sooner than 45 days after initial licensure. Before taking the examination, a private investigator apprentice licensee may begin working as an intern. If the examination is not successfully passed by the deadline set by rule of the board, the private investigator apprentice license may be suspended until such time that a passing grade has been achieved.

(d)(1) A private investigator apprentice shall be trained under the supervision of a sponsor private investigator who has at least two years' experience as a licensed private investigator in this state and who is certified by the board as a sponsor. The board may charge a one-time certification fee per sponsor, not exceeding fifty dollars (\$50), and may, by rule, establish standards for certification, refusing certification, reporting of apprentices sponsored, and documentation required for sponsorships.

(2) Supervision of a private investigator apprentice may be in person, by telephone, or by other form of electronic communication and oversight. A sponsor may not act as a sponsor for more than five private investigator apprentices at one time. A sponsor shall maintain records of training activities as required by the board, by rule, and shall make those records available to the board upon request. Failure of a sponsor to maintain adequate records may result in the revocation of his or her sponsor certification.

(e) A private investigator apprentice shall have three years to complete his or her internship. An internship shall consist of both of the following.

(1) The successful completion of a minimum number of hours of experience in the field and classroom training, not exceeding 300 hours, as established by board rule. Classroom instruction shall be provided by a certified trainer and shall include instruction in administrative functions, including report writing and research.

(2) The successful completion of a minimum of eight hours per year of continuing education credit, as administered by the Alabama Private Investigators Association, or other certified provider of continuing education approved by the board. The coursework shall include instruction in investigations and a minimum of two hours of ethics training annually and may include business operations training.

(f) To qualify for a license as a private investigator, a private investigator apprentice licensee shall submit proof of successful completion of an internship pursuant to this section and shall pay the applicable license fee to the board.

(g) A private investigator apprentice licensee who does not complete an internship within three years after being issued a private investigator apprentice license shall be required to reapply for a new private investigator apprentice license. A private investigator apprentice license shall be renewed annually during an internship. Any education and training experience completed during a previous internship shall be credited toward completing a new internship. A private investigator apprentice licensee may obtain a copy of his or her training records from the sponsoring private investigator. A sponsor who fails to provide training records, as requested, may have his or her sponsor certification revoked or be fined by the board, or both.

(h) A private investigator apprentice licensee may only perform work under the supervision of a certified sponsor and may not advertise or perform any private investigation services for the general public outside of that supervision.

(i) If a private investigator apprentice is instructed by a sponsor to perform any action that violates this chapter, both the private investigator apprentice and the sponsor may be held responsible by the board. The private investigator apprentice licensee shall be responsible for identifying any conflicts of interest on assigned case work and notifying the sponsor of any conflict.

741-X-4.01.01 – Apprentice Rules

Investigator Apprentice – 24-25B-12.1

An individual may obtain a license as a private investigator apprentice and work under the supervision of a licensed private investigator.

An apprentice license must be 18 years of age.

A high school graduate earned a GED certificate or has completed other equivalent education as determined suitable by the board.

Meet all requirements of subdivision (2) through (5), inclusive, of Section 34-25B-12.

Once the application is received by the Board from the apprentice, a thirty-day waiting period will begin before the apprentice is eligible to sit for the Alabama Private Investigators Apprentice Examination.

The Board will require the apprentice to take the apprentice examination not less than 120 days after the initial application, but not mandate to take it before the first 45 days. The application for an apprentice license can be taken anytime, however, it must be done in the first 120 days to complete the apprentice examination.

The apprentice will complete **40** hours of classroom training fundamentals determined by the Board, and 260 field hours to be qualified for licensure.

Statutory Authority: Code of Ala. 1975 34-B-1 through 34-25B-29