

## Nebraska Private Detective Statutes

**Neb. Rev. Stat. § 71-3201. Terms, defined.** As used in sections 71-3201 to 71-3213, unless the context otherwise requires:

- (1) Applicant shall mean any person who makes application for a license under such sections;
- (2) License shall mean a license to engage in the private detective business as a private detective, as a private detective agency, or as a plain clothes investigator in the State of Nebraska;
- (3) Licensee shall mean any person licensed under such sections;
- (4) Person shall mean and include any individual, firm, partnership, limited liability company, association, company, corporation, or other legal entity;
- (5) Plain clothes investigator shall mean and include any individual, other than a private detective, who as an employee and on behalf of a private detective agency without any identifying uniform performs services consisting wholly or partially of detective or investigative activity within the scope of the private detective business;
- (6) Private detective shall mean any individual who as a sole proprietor engages in the private detective business without the assistance of any employee;
- (7) Private detective agency shall mean any person who as other than a private detective or a plain clothes investigator engages in the private detective business;
- (8) Private detective business shall mean and include any private business engaged in by any person defined in subdivision (4) of this section who advertises or holds himself or herself out to the public, in any manner, as being engaged in the secret service or private policing business; and
- (9) Secretary shall mean the Secretary of State.

**Neb. Rev. Stat. § 71-3202. License required; false representation of employment by licensee.** No person shall, in the State of Nebraska after July 1, 1959, by any direct or indirect means, engage in the private detective business, as a private detective, as a private detective agency, or as a plain clothes investigator, act or assume to act as a licensee, or represent himself to be a licensee unless such person is duly licensed and holds a valid license under the provisions of sections 71-3201 to 71-3213; and no person shall in the State of Nebraska falsely represent that he is employed by or represents a licensee.

**Neb. Rev. Stat. § 71-3203. Applicability of sections.** The provisions of sections 71-3201 to 71-3213 shall not prevent the proper local authorities of any city or village, by ordinance or other proper manner within the exercise of the police power of such city or village, from appointing special policemen for such purposes and subject to such proper and reasonable restrictions, terms, and conditions as such local authorities may prescribe; but such police power shall not be so exercised as to infringe upon or nullify any license duly issued and held under the provisions of sections 71-3201 to 71-3213.

**Neb. Rev. Stat. § 71-3204. Secretary of State; rules and regulations; fees.**

- (1) The secretary shall have power and authority to adopt and promulgate and to alter from time to time rules and regulations relating to the administration of, but not inconsistent with, the provisions of sections 71-3201 to 71-3213.

(2) The secretary shall establish fees for initial and renewal applications for applicants at rates sufficient to cover the costs of administering sections 71-3201 to 71-3213.

**Neb. Rev. Stat. § 71-3205. License; application; criminal history record check; investigation; qualifications; fee.**

(1) Any person desiring to engage in the private detective business in the State of Nebraska and desiring to be licensed under sections 71-3201 to 71-3213 shall file with the secretary an application for a license. The application shall be made on a suitable form prescribed by the secretary; shall include the applicant's social security number if the applicant is an individual; shall be accompanied when filed by an application fee established pursuant to section 71-3204; shall be signed and verified by each individual connected with the applicant to whom the requirements of subsection (2) of this section apply; and may contain such information as may be required by the secretary. The applicant shall also submit two legible sets of fingerprints to the Nebraska State Patrol for a national criminal history record check through the Federal Bureau of Investigation.

(2) The secretary shall issue to the person if qualified therefore a nontransferable license to engage in the private detective business as a private detective, as a private detective agency, or as a plain clothes investigator in the State of Nebraska as follows: If the applicant is an individual, the individual; if the applicant is a corporation, each of its individual officers performing the duties of the president, the secretary, and the treasurer of the corporation and the duties of the manager of the business of the corporation in the State of Nebraska; or if the applicant is any person other than an individual or a corporation, each of the individual partners, members, managers, officers, or other individuals having a right to participate in the management of the applicant's business in the State of Nebraska.

(3) The applicant shall be at least twenty-one years of age, a citizen of the United States, and of good moral character, temperate habits, and good reputation for truth, honesty, and integrity and shall have such experience and competence in the detective business or otherwise as the secretary may determine to be reasonably necessary for the individual to perform the duties of his or her position in a manner consistent with the public interest and welfare.

(4) No license issued under sections 71-3201 to 71-3213 shall be issued or renewed to any person who in any manner engages in the business of debt collection in the State of Nebraska as licensee or employee of a licensee as provided in the Collection Agency Act. If any collection agency, or any person in the employ of such agency with knowledge of the owner or operator of such agency, engages in the business of a private detective or represents to others that he or she is engaged in such business, it shall be cause for suspension or revocation of such agency's license as a collection agency.

(5) Prior to the issuance of the license, the secretary shall notify the Nebraska State Patrol, and the patrol shall investigate the character and reputation of the applicant respecting his or her fitness to engage in the business of a private detective. Upon completion of the investigation, the patrol shall notify the secretary of the results of the investigation within ninety days after the date of the application. The license shall be issued by the secretary unless he or she has received within ninety days after the application is made for the license a report of investigation from the patrol stating that the applicant is not of the proper character and reputation to engage in the business of a private detective.

**Neb. Rev. Stat. § 71-3206. Applicant for license; disqualification.** No license shall be issued to any individual applicant, or to any applicant other than an individual, if such individual

applicant or if any one or more of those individuals participating or intending to participate directly in the management of such other applicant's business in the State of Nebraska has been convicted in the State of Nebraska or in any other state or territory of the United States of any felony or any misdemeanor involving a sex offense or involving moral turpitude; PROVIDED, this section shall not apply when a full pardon has been given.

**Neb. Rev. Stat. § 71-3207. License; bond; conditions.** Before the license may be issued or renewed, the applicant shall file and the licensee shall continuously maintain with the secretary a surety bond executed by a surety company authorized to do business in the State of Nebraska in the sum of ten thousand dollars conditioned for the faithful and honest conduct and compliance with the provisions of sections 71-3201 to 71-3213 upon the part of such applicant or licensee and upon the part of any plain clothes investigator employed by such applicant or licensee; and any person injured by the willful, malicious, or wrongful act of such applicant or licensee or any employee thereof within the scope of the license may bring an action on such bond in his own name to recover his damages; PROVIDED, that the aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, exceed the sum of said bond. The surety on such bond shall have a right to cancel such bond upon giving thirty days' notice to the secretary; PROVIDED, that such cancellation shall not affect any liability on the bond which accrued prior thereto.

**Neb. Rev. Stat. § 71-3208. License; renewal; form and content; posting.** The license when issued or renewed shall be of such form and content as the secretary may prescribe, shall be posted and prominently displayed in the licensee's principal place of engaging in the private detective business in the State of Nebraska, and shall include the name of the licensee, the name or names under which the licensee is licensed to engage in the private detective business in the State of Nebraska, and the number, date of issue or reissue and expiration date of the license.

**Neb. Rev. Stat. § 71-3209. License; renewal; term; renewal fee; renewal application.** Each license issued or renewed by the secretary shall expire on June 30 of the first even-numbered year following its issuance and may be renewed by the secretary upon the payment by the licensee, not later than the expiration date, of the license renewal fee established pursuant to section 71-3204 and upon the submission by such licensee of such a license renewal application as the secretary may prescribe as reasonably necessary to ascertain such licensee's continued compliance with the provisions of sections 71-3201 to 71-3213.

**Neb. Rev. Stat. § 71-3210. Secretary of State; denial, suspension, or revocation of license; grounds.** The secretary may from time to time, upon first giving the applicant or licensee an opportunity for a hearing on the matter, (1) deny any application for a license, (2) refuse to renew any license, (3) suspend any license for a time or upon a condition having a reasonable relation to the administration of the provisions of sections 71-3201 to 71-3213, or (4) revoke any license issued or renewed under the provisions of sections 71-3201 to 71-3213 (a) upon a determination that there has been a significant change in those individuals participating directly in the management of the applicant's or licensee's business in the State of Nebraska or that, (b) by reason of such applicant's or licensee's failure to comply with the provisions of sections 71-3201 to 71-3213, insolvency, bankruptcy or other bad or improper conduct upon the part of such applicant or licensee or upon the part of any officer, agent, or employee of such applicant or licensee within the scope of the office, authority, or employment of such

officer, agent or employee, or (c) when for any other suitable reason the granting of a license to such applicant or the continuation of such licensee's license is not consistent with the public interest and welfare.

**Neb. Rev. Stat. § 71-3211. Appeal; procedure.** Any applicant, licensee, or other person directly and adversely affected by any order of the secretary may appeal such order, and the appeal shall be in accordance with the Administrative Procedure Act.

**Neb. Rev. Stat. § 71-3212. Licensee; agents and employees; compliance required.** It shall be the duty of every licensee and, so far as applicable, of every officer, agent, and employee of every licensee to comply with the provisions of sections 71-3201 to 71-3213 and with every applicable rule and regulation made and adopted by the secretary.

**Neb. Rev. Stat. § 71-3213. Violations; penalty.** Any person who violates any provision of sections 71-3201 to 71-3213 or fails to perform any duty imposed upon such person by the provisions of sections 71-3201 to 71-3213 shall be guilty of a Class II misdemeanor.