

TITLE 435 – PRIVATE DETECTIVE LICENSING ACT

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Chapter 1 – DEFINITIONS

001. Private Detective Licensing Act shall mean Neb. Rev. Stat. §§71-3201 through 71-3213.

002. Secret service or private policing business shall mean and include: general investigative work; non-uniformed security services; surveillance services; location of missing persons; and background checks.

002.01 The following activities shall constitute general investigative work:

- (1) investigating the identity, habits, conduct, movements, whereabouts, transactions, reputation, or character of any individual or organization;
- (2) investigating the credibility of witnesses or other individuals;
- (3) investigating the location or recovery of lost or stolen property;
- (4) investigating the origin of and responsibility for libels, losses, accidents, or damage or injuries to individuals or property;
- (5) investigating the affiliation, connection, or relationship of any individual, firm, or corporation with any organization, society, or association, or with any official, representative, or member thereof;
- (6) investigating the conduct, honesty, efficiency, loyalty, or activities of employees, individuals seeking employment, agents, or contractors and subcontractors;

The list of activities in subsection 002.01 shall not be construed as exhaustive.

002.02 Background checks shall mean the act of reviewing both confidential and public information to investigate an individual or entity's history, credit standing, general reputation, personal characteristics, or mode of living.

003. Secretary shall mean the Secretary of State

004. Sole proprietor shall mean an individual owning his own private detective business with no other agents or employees engaged in the private detective work, and shall not include any private detective business owned or operated in whole or in part by a partnership, limited partnership, firm, association, corporation, limited liability company or other legal entity.

005. Plain Clothes Investigator shall mean and include any individual, other than a private detective, who is an employee and on behalf of a private detective agency without any identifying uniform performs services consisting wholly or investigative activity within the scope of the private detective business.

006. Private Detective shall mean any individual who as a sole proprietor engages in the private detective business without the assistance of any employee.

007. 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.

Annotation: Neb. Rev. Stat. § 71-3201

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Chapter 2 - PRIVATE DETECTIVE BUSINESS

001. For purposes of the Act advertising or holding oneself out as being engaged in the private detective business shall mean and include:

001.01 Placing advertisements offering private detective, secret service or private policing services.

001.02 Distributing business cards using stationary or letterhead indicating the individual or entity offers private detective, secret service or private policing services.

001.03 Soliciting clients for the purpose of performing private detective, secret service, or private policing services.

002. Advertising in state and local publication must be the same as identified on the application form.

002.01 Private detective agency advertising must have a private detective agency license.

002.02 Private detective advertising must be advertising as an individual performing private detective work.

002.03 Plain clothes investigators may only advertise as employees of a private detective agency that they are employed.

Annotation: Neb. Rev. Stat. Sec. 71-3201 and 71-3202

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Chapter 3 - APPLICATIONS AND OTHER FORMS

001. The following forms are required for licensing under the Act:

(Example)

- 001.01. Application for plain clothes or private detective license (A)
- 001.02. Voucher for plain clothes investigator (B)
- 001.03. Application for private detective agency license (C)
- 001.04. Release of information form (D)
- 001.05. Supplemental Instructions (E)
- 001.06. Fingerprint card (F)
- 001.07. Bond Form (G)
- 001.08. Plain clothes or private detective license renewal form (H)
- 001.09. Private detective agency renewal form (I)

The forms listed in this section and attached hereto shall be made available to all applicants for license under the Act and shall be incorporated by reference into these rules and regulations.

Annotation: Neb. Rev. Stat. Sec. 71-3205; 71-3207; 71-3208

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Chapter 4 - LICENSE APPLICATION REQUIREMENTS

001. Before being considered by the Secretary of State, every application for a private detective, private detective agency, or plain clothes investigator license shall include the following information and meet the following requirements:

001.01. All questions on the application form(s) must be answered.

001.02. All licensing and investigation fees must be paid in advance.

001.03. Submission of readable fingerprint cards.

001.04. Submission of a license surety bond for \$10,000 (for agency and private detective licenses only).

001.05. Submission of a color photograph 1" by 1 1/2" facial of applicant taken within 90 days of application.

Annotation: Neb. Rev. Stat. Sec. 71-3205 through 71-3207

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Chapter 5 - PRIVATE DETECTIVE and PRIVATE DETECTIVE AGENCY LICENSING REQUIREMENTS

001. Before being approved by the Secretary of State all applicants for a private detective license or a private detective agency license must meet or exceed the following requirements:

001.01 minimum of 3000 hours of verifiable investigative experience, or

001.02 a minimum of 2500 hours of verifiable investigative experience if the applicant has completed an associate degree in Criminal Justice, or a closely related field, from an accredited, regionally recognized, degree-awarding university, college or community college, or

001.03 a minimum of 2000 hours of verifiable investigative experience if the applicant has completed a bachelor's degree in Criminal Justice, or a closely related field, from an accredited, regionally recognized, degree-awarding university or college, and

001.04 a minimum score of 80% on the license exam.

002. For purposes of section 001 of this chapter, verifiable investigative experience shall mean and include previous investigative experience working as a city, county, state or federal law enforcement officer, military police officer, private investigator in another state, or licensed plain-clothes investigator in this state and may include other relevant investigative experience approved by the Secretary of State.

003. If the application is for a private detective agency license, at least one person designated on the application shall meet the requirements of section 001 of this chapter. The person so designated must have overall management responsibility of the day to day affairs and investigations of the agency and oversee or supervise any plain clothes investigators working under the agency license. If the applicant is a corporation the designee shall be an officer or director of the corporation, if the applicant is a limited liability company the designee shall be a member or manager of the limited liability company, if the applicant is a partnership or some other type of business organization the designee shall be a partner or manager. Any officer or managing partner must complete and submit finger print cards for a criminal background check prior to issuance of an agency license.

004. In addition to the requirements set forth in these rules, before being approved by the Secretary of State all applicants for a private detective license or a private detective agency license must meet all requirements set forth for licensure under the Private Detective Licensing Act.

005. Any person or persons conducting investigations as an employee of a private detective agency license holder must have a plain clothes investigations license.

Annotation: Neb. Rev. Stat. Sec. 71-3205 through 71-3207

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Chapter 6 - PLAIN CLOTHES INVESTIGATOR'S LICENSE

001. Before being approved by the Secretary of State all applicants for a plain clothes investigators license must meet or exceed the following requirements:

001.01 a minimum score of 80% on the license exam.

001.02 a statement signed by the agency license holder who the plain clothes investigator will be employed by ensuring that each investigator has the necessary knowledge to competently practice in the private investigative business.

002. A plain clothes investigator license shall be null and void upon the following circumstances: expiration of agency, termination of employment

003. All plain clothes investigators must be employed by a licensed Nebraska private detective agency.

004. In addition to the requirements set forth in these rules before being approved by the Secretary of State all applicants for a plain clothes investigators license must meet all the requirements set forth for licensure under the Private Detective Licensing Act.

Annotation: Neb. Rev. Stat. Sec. 71-3201 and 71-3205

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Chapter 7 - LICENSE EXAM

001 The license exam shall consist of questions aimed at determining whether the applicant has the reasonably necessary knowledge, experience, and competency to engage in and perform the duties of the secret service or private policing business.

001.01 Knowledge of the Nebraska Private Detective Act and laws related to or affecting private detective work, including but not limited to:

001.01a Provisions of Neb. Rev. Stat. 71-3201 through 71-3213 the Nebraska private detective licensing act

001.01b Basic requirements to become a license holder

001.01c Debt collection restrictions

001.01d Surety bond requirements

001.01e Minimum number of hours of experience to apply for a detective license

001.01f Disqualification for application of private detective license

001.01g Expiration date of all license holders

001.01h Restrictions on duties of plain clothes investigators

001.01i Advertising for private detective services

001.01j License renewal requirements

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001.01k Interception of wire of electronic communications (wiretapping)

001.01l Trespassing

001.01m Carrying a concealed weapon

001.01n Provisions of the Nebraska private detective licensing rules and regulations

001.01o Intrusion

002 The license exam shall be administered at such places and times as the Secretary of State may determine, but in no event shall the test be held more than 30 days after an applicant's request to take the test. Any applicant who does not pass the exam must wait at least 21 days before re-taking the exam. If an applicant does not pass the test after three tries the applicant shall be considered incompetent to receive a license for private investigative work in the State of Nebraska, and shall not be eligible to take the test again. A passing exam score shall be valid for 2 years from the date of examination.

Annotation: Neb. Rev. Stat. Sec. 71-3205

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Chapter 8 - FEES

001 Application fees for initial and renewal applications shall be as follows:

- 001.01 Private Detective\$50.00.
- 001.02 Private Detective Agency\$100.00.
- 001.03 Plain Clothes Investigator.....\$25.00.

002 A background check application fee of \$38 shall be charged in addition to the fees detailed above for each application except that the background check application fee shall not be required upon renewal.

003 Fees charged pursuant to this section are non-refundable.

Annotation: Neb. Rev. Stat. Sec. 71-3205

JOHN A. GALE
Secretary of State



State Capitol, Suite 1305
Lincoln, NE 68509

APPLICATION FOR PLAIN CLOTHES OR PRIVATE DETECTIVE LICENSE

Application for (please check one) **Private Detective** **\$50.00 Plain Clothes Investigator** **\$25.00**

In compliance with the provision of Sections 71-3201 to 71-3213, Revised Statutes of Nebraska 1943 Reissue 2009, I do hereby on this _____ day of _____, 20____, make application for a license authorizing me to engage in the private detective business. Accompanying this application is the statutory fee, recent photo and two copies of my fingerprints.
Print or Type all answers. Any omissions will require the form to be returned for completion.

Full Name of Applicant.....

Social Security Number ____ - ____ - ____

Residence Address.....Phone #.(.....)
Street Address City State Zip Code Area Code

Date of Birth.....Place of Birth.....Age.....
Month, Day, Year City, State or Country

Name of Private Detective business that you will work under:.....

Business Address.....Phone #.(.....)
Street Address City State Zip Code Area Code

Please list past employers or organizations where you have been employed or vocation.

1. Nature of Business.....Position Held.....From.....To.....
Employer.....Address.....
Employer Contact Person.....Phone #.(.....)
Area Code
2. Nature of Business.....Position Held.....From.....To.....
Employer.....Address.....
Employer Contact Person.....Phone #.(.....)
Area Code
3. Nature of Business.....Position Held.....From.....To.....
Employer.....Address.....
Employer Contact Person.....Phone #.(.....)
Area Code

Have you completed an associate or baccalaureate degree program in Criminal Justice or a closely related field? ____ If so please list the name of the school and the date the diploma or degree was awarded _____

Have you ever been engaged in any kind of police or detective work, public or private?.....If so please explain:.....

Have you ever been licensed in any other state as a private detective or plain clothes investigator?.....Where?.....
When?.....

Has your application for a license as a private detective or plain clothes investigator ever been rejected in any other state?.....
If so, explain fully, giving exact dates, places, parties involved and full details of rejection:.....

Has your license as a private detective or plain clothes investigator ever been revoked or suspended in any other state?.....
If so, explain fully, giving exact dates, places, parties involved and full details of revocation or suspension:.....

Have you ever been convicted of any criminal offense, or is there any criminal charges now pending against you (other than minor traffic violations)?.....If yes, explain fully giving exact dates, places, persons, and full details of such charges or convictions:.....

Have you read and do you understand the provisions of Nebraska Statutes 71-3201-through 71-3213, revised RRS Nebr. 1943, Reissue 2009 (Nebraska Private Detective Licensing Act)?.....

If you are applying for a Private Detective License will you display your license in a conspicuous place in your business?.....

If applying for a Plain Clothes Investigator License do you understand that if you change Private Detective agency employers, that

you must immediately return your pocket card to the Secretary of State and secure a new card?.....

Photocopy as needed

State at least four (4) individuals who can be contacted as personal references concerning your reputation for truth, honesty, and integrity.
These individuals cannot be related to you.

I Name.....Occupation.....
Residence Address.....Phone #.(.....)
Street Address City NE Zip Code Area Code

Business Address.....Phone #.(.....)
Street Address City NE Zip Code Area Code

II Name.....Occupation.....
Residence Address.....Phone #.(.....)
Street Address City NE Zip Code Area Code

Business Address.....Phone #.(.....)
Street Address City NE Zip Code Area Code

III Name.....Occupation.....
Residence Address.....Phone #.(.....)
Street Address City NE Zip Code Area Code

Business Address.....Phone #.(.....)
Street Address City NE Zip Code Area Code

IV Name.....Occupation.....
Residence Address.....Phone #.(.....)
Street Address City NE Zip Code Area Code

Business Address.....Phone #.(.....)
Street Address City NE Zip Code Area Code

=====

APPLICANT'S CONSENT

The foregoing statements are made for the purpose of procuring a Nebraska Private Detective or Plain Clothes Investigator License. I hereby consent that these statements may be used as evidence by the Secretary of State of the State of Nebraska; or in any court in Nebraska where a violation of Sections 71-3201 through 71-3213 is claimed and that the application and representations made by me in order to procure a License.

I also expressly agree that the Secretary of State of the State of Nebraska reserves the right to go outside this application for information as to my trustworthiness and competency to act as a Private Detective or Plain-clothes Investigator in the State of Nebraska.

Respectfully Submitted,

.....
Signature of Applicant

=====

AFFIDAVIT

STATE OF)
) ss.
COUNTY OF)

I,.....being first duly sworn on oath say that I am the above named applicant, that I have personally prepared the foregoing application, and that the same is true to the best of my knowledge and belief.

.....
Signature of Applicant

Subscribed and sworn to before me thisday of..... 20.....

.....
Signature of Notary Public

My Commission expires 20.....

JOHN A. GALE
Secretary of State



State Capitol, Suite 1305
Lincoln, NE 68509

VOUCHER FOR PLAIN CLOTHES DETECTIVE

This voucher to be signed by one of the officers or the individual under whom applicant wishes employment

STATE OF)
)
COUNTY OF) ss.

.....,being first duly sworn on oath say that (s)he.....,
Name of Private Detective Agency, Prospective Employer Name

the.....of the.....Detective Agency, has
Title of Office Held

investigated the past record of, who has made application to act as a Plain Clothes Investigator under
Name of Applicant
said Private Detective Agency, and that from such investigation he believes that said applicant is competent and trustworthy to act as a Plain
Clothes Investigator in such manner as to safeguard the interests of the public, and that said Private Detective Agency approves such application.

.....
Signature of Private Detective Agency, Prospective Employer

Subscribed and sworn to before me thisday of.....20.....

.....
Signature of Notary Public

My Commission expires, 1920.....

Photocopy as needed

JOHN A. GALE
Secretary of State



State Capitol, Suite 1305
Lincoln, NE 68509

SUPPLEMENTAL INSTRUCTIONS

Regarding Use of Social Security Numbers

(To be distributed with all applications for private detective,
private detective agency, and plainclothes investigator licenses)

Please note that the request for Social Security number found on the application is mandatory.

The inclusion of your SSN is mandatory, required by 42 U.S.C §666 and Neb. Rev. Stat. §§43-3340 and 71-3205, it will be used in administering Title IV-D of the Social Security Act and related provisions of state law.

Failure to provide your Social Security number on the application will affect your application for licensure. Incomplete applications will be returned to you for completion.

Please note that the request for Social Security number found at the center of the fingerprint form and on the State Patrol release is optional.

Federal law (the Privacy Act of 1974, Public Law 93-79) generally provides that it is illegal for any government entity to deprive any individual any right, privilege, or benefit due to the individual's failure to provide a Social Security number. Therefore, since the State Patrol has no legal authority to request a Social Security Number on their release or fingerprint card, the request for a Social Security number on the fingerprint card and release is optional.

Failure to provide your Social Security number on the fingerprint form or State Patrol release form will not affect your application for licensure.

The Social Security number requested (if provided) is used to ease identification of individuals for the state and federal criminal history checks done on applicants through the use of the fingerprint cards and State Patrol release form.

.....
Notary Public Signature

My Commission expires 20.....

IN WITNESS WHEREOF, the said Surety has caused this instrument to be executed by
its _____ and its corporate seal to be affixed hereto this _____ day of
_____, 20_____.

(Seal)

Surety

By (Officer)

.....
Signature of President, Managing Officer or Individual

Subscribed and sworn to before me thisday of..... 20.....

.....
Signature of Notary Public

My commission expires, 20.....

Photocopy as needed