

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

Senate Bill 376

BY SENATORS TRUMP, PALUMBO, GAUNCH, WILLIAMS,
BEACH, YOST, MILLER AND MAYNARD

[Originating in the Committee on the Judiciary;
reported on February 20, 2016.]

1 A BILL to amend and reenact §30-18-10 of the Code of West Virginia, 1931, as amended, relating
2 to background checks for applicants for private investigator and security guard licensure;
3 directing Secretary of State to request a full set of fingerprints from each applicant; stating
4 purpose for requesting fingerprints; and directing fingerprints to be checked through
5 Criminal Identification Bureau of West Virginia State Police and United States Federal
6 Bureau of Investigation.

Be it enacted by the Legislature of West Virginia:

1 That §30-18-10 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 18. PRIVATE INVESTIGATIVE AND SECURITY SERVICES.

§30-18-10. Authority of Secretary of State.

1 (a) When the Secretary of State ~~shall be~~ is satisfied as to the good character, competency
2 and integrity of an applicant, of all employees or individuals conducting the private investigation
3 business or security guard services under a firm license and, if the applicant is a firm, of each
4 member, officer or partner, he or she shall issue and deliver to ~~such~~ the applicant a certificate of
5 license. Each license issued shall be for a period of one year and ~~shall be~~ is revocable at all times
6 for cause shown pursuant to subsection (b) of this section or any rules promulgated pursuant
7 thereto.

8 (b) The Secretary of State ~~shall have the authority to~~ may propose for promulgation in
9 accordance with the provisions of chapter twenty-nine-a of this code ~~such~~ legislative rules ~~as may~~
10 ~~be~~ necessary for the administration and enforcement of this article and for the issuance,
11 suspension and revocation of licenses issued under the provisions of this article. The Secretary
12 of State shall afford any applicant an opportunity to be heard in person or by counsel when a
13 determination is made to deny, revoke or suspend ~~any such~~ an applicant's license or application
14 for license, including a renewal of a license. ~~Such~~ The applicant ~~shall have~~ has fifteen days from
15 the date of receiving written notice of the Secretary of State's adverse determination to request a

16 hearing on the matter of denial, suspension or revocation. The action of the Secretary of State in
17 granting, renewing, or in refusing to grant or to renew, a license ~~shall be~~ is subject to review by
18 the circuit court of Kanawha County or other court of competent jurisdiction.

19 (c) At any hearing before the Secretary of State to challenge an adverse determination by
20 the Secretary of State on the matter of a denial, suspension or revocation of a license, if the
21 adverse determination is based upon a conviction for a crime which would bar licensure under
22 the provisions of this article, the hearing shall be an identity hearing only and the sole issue which
23 may be contested is whether the person whose application is denied or whose license is
24 suspended or revoked is the same person convicted of the crime.

25 (d) In the course of determining an applicant's eligibility, the Secretary of State shall
26 request each applicant to submit a full set of fingerprints for the purpose of conducting a criminal
27 history record check. Records shall be checked through the Criminal Identification Bureau of the
28 West Virginia State Police and the United States Federal Bureau of Investigation for a national
29 criminal history record check, under paragraph (2), subsection (g), section three of this article or
30 paragraph (2), subsection (g), section six of this article, to ensure the applicants are not
31 disqualified by reason of committing a felony in this or any other state.