

Agency 16

Attorney General

Articles

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Article 1.—PRIVATE DETECTIVES AND AGENCIES

16-1-1 to 16-1-6. (Authorized by K.S.A. 75-7b18(b); effective, E-77-23, May 1, 1976; effective Feb. 15, 1977; revoked May 1, 1982.)

16-1-7. Fees. (a) The following fees shall be charged:

(1) Application forms and materials	\$15.00
(2) Application for initial private detective license or agency license	\$250.00
(3) Application for initial private detective license by an officer, director, partner, or associate of private detective agency	\$100.00
(4) Renewal of a private detective license or agency license	\$175.00
(5) Renewal of private detective license by an officer, director, partner, or associate of a private detective agency	\$100.00
(6) Application for initial firearm permit	\$50.00
(7) Renewal of firearm permit	\$50.00
(8) Application for initial firearm trainer certificate	\$100.00
(9) Renewal of firearm trainer certificate	\$100.00
(10) Duplicate license	\$5.00

(b) All fees shall be submitted by personal check, money order, cashier's check, certified check, or credit card. (Authorized by K.S.A. 2003 Supp. 75-7b22; implementing K.S.A. 2003 Supp. 75-7b04, K.S.A. 2003 Supp. 75-7b05, as amended by L. 2004, ch. 139, sec. 1, K.S.A. 2003 Supp. 75-7b07, as amended by L. 2004, ch. 139, sec. 2, K.S.A. 2003 Supp. 75-7b17, as amended by L. 2004, ch. 139, sec. 4, K.S.A. 2003 Supp. 75-7b21, as amended by L. 2004, ch. 139, sec. 5, and K.S.A.

2003 Supp. 75-7b22; effective Nov. 6, 1998; amended Feb. 11, 2005.)

Article 2.—DEFINITIONS

16-2-1. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b01; effective May 1, 1982; amended April 12, 1996; revoked Nov. 6, 1998.)

16-2-1a. Definitions. (a) "Associates" means persons who share ownership of a private detective agency that is not incorporated or established as a legal partnership.

(b) "Capper" or "runner" means a person acting on behalf of an attorney who coordinates a staged automobile accident or acts as a decoy or lure for the purpose of swindling or any other fraudulent purpose.

(c) "Firearms trainer" means a person certified by the the attorney general to train private detective applicants for a firearm permit in the handling of firearms and the lawful use of force.

(d) "Independent private detective" means a person who engages in detective business but who is not employed by a licensed private detective agency and who does not regularly employ any other person to engage in detective business.

(e) "License" means a certificate and card, issued by the attorney general upon proper application, testing, and approval, authorizing a person to engage in Kansas in detective business as a private detective or private detective agency.

(f)(1) "Special commission" means any type of

identification issued by a law enforcement agency or law enforcement officer that grants any temporary or permanent law enforcement authority, including any of the following:

- (A) Deputy;
- (B) special deputy;
- (C) special assistant;
- (D) reserve officer; or
- (E) special officer.

(2) A special commission shall not include a commission issued by a law enforcement agency that identifies the holder as a private detective or private security officer, or as a retired or honorary law enforcement officer, but that does not grant any law enforcement authority. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b01, as amended by L. 1998, ch. 183, sec. 1; effective Nov. 6, 1998.)

Article 3.—APPLICATIONS FOR PRIVATE DETECTIVE LICENSE

16-3-1. Procedure. (a) An applicant for a private detective license or a private detective agency license shall be required to appear at a time and location designated by the attorney general for a written examination and oral interview.

(b) An applicant who fails to pass the written examination may retake the examination two times at a scheduled examination date.

(1) The first reexamination shall occur within 30 days after notice of the results of the original exam is provided to the applicant.

(2) A second reexamination shall occur within 30 days after notice of the results of the first reexamination is provided to the applicant.

(3) An applicant who does not successfully pass the examination after three attempts shall be denied a license to engage in detective business.

(c) An applicant denied a license as a private detective or detective agency for failure to pass the written examination within three attempts shall not make application under the provisions of the Kansas private detective licensing act within 12 months following the denial of the license.

(d) The certificates of reference submitted by an applicant for a private detective license or a private detective agency license shall be dated within four months of the date the application is received by the attorney general.

(e) An applicant for a private detective license or a private detective agency license shall provide information concerning discharge from the

United States military service in relation to the applicant and any officer, director, partner, or associate of the applicant.

(f) An applicant for a private detective license or a private detective agency license shall submit two classifiable sets of the applicant's right- and left-hand fingerprints on forms provided by the attorney general. The applicant shall have fingerprints taken by an officer or employee of a law enforcement agency. The name of the law enforcement agency and the name of the person taking the fingerprints shall be clearly identified on the form. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b04, as amended by L. 1998, ch. 183, sec. 3, and K.S.A. 75-7b20; effective May 1, 1982; amended Feb. 13, 1995; amended Nov. 6, 1998.)

16-3-2. Renewal. (a) An applicant for renewal of a private detective license or a private detective agency license shall provide verification of a surety bond, insurance or deposit as required by K.S.A. 75-7b11 and amendments thereto.

(b) An applicant for renewal of a private detective license or a private detective agency license shall provide information as requested in the renewal application which pertains to acts and conduct prohibited by K.S.A. 75-7b08 and K.S.A. 75-7b13 and amendments thereto. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b07; effective May 1, 1982; amended Feb. 13, 1995.)

16-3-3. Additional qualifications for private detectives. In addition to the qualifications established in K.S.A. 75-7b04 and amendments thereto, an applicant for a private detective license or a private detective agency license shall:

(a) be a high school graduate or have earned a graduate equivalency degree;

(b) not be incompetent, incapacitated or impaired by reason of mental condition, deficiency or disease; and

(c) not evidence current addiction to, dependence on or abuse of alcohol or a controlled substance as defined in K.S.A. 65-4101 and amendments thereto. Such evidence may include, but is not limited to conviction of any crime involving the possession, use, consumption or self-administration of alcohol or any controlled substance as defined in K.S.A. 65-4101 and amendments thereto. (Authorized by K.S.A. 75-7b04 and K.S.A. 75-7b18; implementing K.S.A. 75-7b04; effective Feb. 13, 1995.)

Article 4.—CONTINUING EDUCATION

16-4-1. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b15; effective May 1, 1982, revoked Feb. 13, 1995.)

16-4-2. Continuing professional education requirements. (a) Commencing December 31, 2006, each applicant for renewal of a private detective license that expires on December 31 of the year of its issuance and is renewed every two years thereafter shall have completed eight hours of acceptable continuing professional education obtained within the biennial renewal period before submitting the renewal application.

(b) For each individual whose initial private detective license is issued on or after July 1, 2004, for renewal of the license the individual shall have completed eight hours of acceptable continuing professional education before submitting the renewal application.

(c) The standards used to determine acceptable continuing professional education shall include the following:

(1) One hour shall equal 50 minutes of participation in a group or self-study program. One-half hour shall equal 25 minutes of participation in a group or self-study program.

(2) The hours devoted to actual preparation time by an instructor or speaker for formal programs shall be computed at a maximum of up to twice the number of continuing education credits that a participant would be entitled to receive.

(3) The hours served as an instructor or speaker shall be included to the extent that the hours contribute to the professional competence of the applicant. Repeated presentations of the same program shall not be counted unless the instructor or speaker demonstrates that the program content was substantially changed and the change required significant additional study or research. (Authorized by and implementing K.S.A. 75-7b18 and K.S.A. 2003 Supp. 75-7b07, as amended by L. 2004, Ch. 139, § 2; effective Feb. 11, 2005.)

16-4-3. Continuing professional education programs; requirements. (a) Any program designed to allow a participant to learn a given subject through interaction with an instructor and other participants either in a classroom or conference setting or by self-study may be approved for continuing education credit if the program meets the following conditions:

(1) The program is a formal program of learning

that requires attendance and meets either of the following requirements:

(A) Maintains or improves the professional competence of the applicant in providing detective business services; or

(B) maintains or improves the applicant's ability to operate and manage a detective business.

(2) An outline of the program is prepared in advance and provided to the applicant.

(3) The program is at least 50 minutes in length.

(4) The program is conducted by a person qualified in the subject area.

(5) A record of registration and attendance is retained.

(b) The following types of programs shall qualify as acceptable continuing education if they meet the requirements of subsection (a):

(1) Programs offered by the Kansas association of licensed investigators, the Kansas association of private investigators, or any other state or national organization or association of private detectives or investigators;

(2) programs offered by any individual, organization, association, or commission that provides education or training in the subjects identified in paragraph (a)(1)(A) or (B);

(3) university or college credit courses. Each semester hour of credit shall equal 15 hours of continuing education credit. Each quarter hour of credit shall equal 10 hours of continuing education credit; and

(4) university or college noncredit courses. These courses shall qualify for continuing professional education credit that equals the number of actual, full 50-minute class hours attended.

(c) Any individual self-study program that allows a participant to learn a particular subject without the major involvement of an instructor may be eligible for continuing education credit if all of the following conditions are met:

(1)(A) The program is offered by the Kansas association of licensed investigators, the Kansas association of private investigators, or any other state or national organization or association of private detectives or investigators; or

(B) the program is offered by any individual, organization, association, or commission that provides education or training in the subjects identified in paragraph (a)(1)(A) or (B).

(2) The program requires registration.

(3) The program includes a final examination.

(4) The participant scores at least 70 percent on the final examination.

(5) The participant provides a certificate of satisfactory completion.

(d) The amount of credit for self-study programs shall be determined as follows:

(1) Self-study programs may be approved for one hour of continuing education credit for each 50 minutes of participation and one-half hour for each 25-minute period of participation.

(2) The amount of credit shall not exceed the number of recommended hours assigned by the program sponsor.

(e) The training required by K.A.R. 16-6-1 shall not qualify as acceptable continuing professional education. (Authorized by and implementing K.S.A. 75-7b18 and K.S.A. 2003 Supp. 75-7b07, as amended by L. 2004, Ch. 139, § 2; effective Feb. 11, 2005.)

16-4-4. Continuing professional education; documentation. (a) When applying for renewal of the private detective license, each applicant shall provide one copy of all documents evidencing completion of each program of continuing professional education obtained within the biennial renewal period before the applicant's submission of the renewal application. Each document evidencing program completion shall include the following information:

(1) The individual, organization, school, or sponsor conducting the program;

(2) the location of the program attended;

(3) the title of the program, or a brief description of the program;

(4) the dates attended or the date on which the program was completed; and

(5) the number of minutes in which the applicant participated.

(b) Any applicant may be required by the attorney general to verify the information specified in subsection (a) or to provide additional information as a part of the renewal application. (Authorized by and implementing K.S.A. 75-7b18 and K.S.A. 2003 Supp. 75-7b07, as amended by L. 2004, Ch. 139, § 2; effective Feb. 11, 2005.)

Article 5.—FIREARM TRAINERS

16-5-1. Individuals deemed personally qualified and knowledgeable. (a) An applicant for a firearm trainer certificate shall be considered personally qualified to train private detectives in the handling of firearms upon successful completion of approved firearms training meeting either of these criteria:

(1) Within two years before application for a firearm trainer certificate; or

(2) within five years before application for a firearm trainer certificate if the applicant has also had subsequent experience training persons in the handling of firearms within two years before application.

(b) Training shall be approved if the applicant for a firearm trainer certificate successfully completed a minimum of 40 clock hours of education and training through any combination of law enforcement, military, or private firearm courses that included education and training in the following:

(1) Firearms fundamentals and safety;

(2) marksmanship fundamentals and safety procedures;

(3) instruction in daylight, dim light, and darkness shooting;

(4) care, cleaning and maintenance of firearms;

(5) instruction in basic firearms retention and disarming techniques;

(6) shooting proficiency demonstrated with a firearm; and

(7) teaching or instructing abilities.

(c) An applicant for a firearm trainer certificate shall provide verification of the successful completion of approved firearm training by providing the following:

(1) A copy of the original certificate of completion of the course or courses; and

(2) a copy of the training course agenda, a statement from the course instructor or instructors, or an affidavit from the applicant that verifies the education and training requirements.

(d) An applicant for a firearm trainer certificate shall be considered personally qualified to train private detectives in the lawful use of force upon verification of successful completion of 10 clock hours of formal classroom or course instruction on the lawful use of force.

(e) In order to establish that an applicant for a firearm trainer certificate is a person of good character and reputation, an applicant shall meet either of these requirements:

(1) Be licensed as a private detective; or

(2) (A) Provide affidavits from five or more reputable citizens who have known the applicant for a period of at least five years and who are not related to the applicant by blood or marriage, attesting that the applicant is a person of good moral character and reputation; and

(B) provide two classifiable sets of the appli-

cant's right- and left-hand fingerprints on forms provided by the attorney general, one of which shall be submitted to the Kansas bureau of investigation and one of which shall be submitted to the federal bureau of investigation for a fingerprint check to determine any criminal history of the applicant. The applicant shall have fingerprints taken by an officer or employee of a law enforcement agency. The name of the law enforcement agency and the name of the person taking the fingerprints shall be clearly identified on the form. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b21, as amended by L. 1998, ch. 183, sec. 13; effective May 1, 1982; amended April 12, 1996; amended Nov. 6, 1998.)

16-5-2. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 1981 Supp. 75-7b21; effective May 1, 1982; revoked Feb. 13, 1995.)

16-5-3. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 1981 Supp. 75-7b21; effective May 1, 1982; revoked Feb. 13, 1995.)

16-5-4. Plan of operation of training. (a) Each applicant for a firearm trainer certificate shall submit a proposed plan of operation for training private detectives in the handling of firearms and the lawful use of force to the attorney general for approval.

(1) The plan of operation shall be tailored to private detective business and be sufficiently detailed to enable the attorney general to evaluate the content of the plan.

(2) The applicant shall include a descriptive list of all materials and aids proposed to be used in the training and instruction.

(3) For an applicant for an initial firearm permit the plan of operation shall consist of a minimum of 16 clock hours of education and training.

(4) For an applicant for renewal of a firearm certificate the plan of operation shall consist of 8 clock hours of training and education.

(5) The plan of operation shall include the following:

(A) training and instruction which cover the following areas:

(i) instruction in lawful use of force by a private detective, including concepts of civil liability and criminal culpability;

(ii) weapons fundamentals and safety;

(iii) marksmanship fundamentals and safety procedures;

(iv) care, cleaning and maintenance of weapons;

(v) familiarization instruction in basic weapon retention and disarming techniques;

(vi) familiarization instruction in daylight, dim-light and darkness shooting; and

(vii) instruction and shooting exercises with semi-automatic pistols or revolvers;

(B) a written examination which requires the trainee to obtain a 70 percent pass score and covers the areas listed in paragraph (a)(5)(A)(i), (ii), (iii), (v), and (vi); and

(C) a daylight course of fire which requires the trainee to fire 35 out of 50 rounds into the center mass portion of the national rifle association TQ-19 target in a static position. The firing shall be from positions specified by the certified firearm trainer and from distances that vary as specified by the certified firearm trainer from a minimum of three feet to a maximum of 75 feet.

(b) The plan of operation may provide for a trainer to excuse a trainee from firing with a particular hand when the trainee has demonstrated to the trainer a disability with that hand or arm.

(c) An applicant for a firearm trainer certificate shall be afforded the opportunity to correct any deficiencies in the plan of operation which are identified by the attorney general.

(d) After the plan of operation has been approved by the attorney general, a firearm trainer shall submit any proposed modifications to the attorney general for approval. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b21; effective May 1, 1982; amended April 12, 1996.)

16-5-5. Notice of completion. (a) Firearm trainers shall furnish notice to the attorney general through the Kansas bureau of investigation when an applicant for a firearm permit or an applicant for renewal of a firearm permit has completed a firearm training course within 10 days of the date the training course was completed.

(b) The notice shall be in a form prescribed by the attorney general and shall include:

(1) the name of the applicant for a firearm permit;

(2) the name of the firearm trainer;

(3) the firing range proficiency of the applicant;

(4) the make and serial number of the firearm used to qualify;

(5) the dates the training course was given;

(6) the applicant's written examination score; and

(7) whether the applicant failed or successfully completed the training course.

(c) A copy of this notice shall be given to the applicant and a copy shall be retained by the firearm trainer. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b17; effective May 1, 1982; amended April 12, 1996.)

Article 6.—FIREARM PERMITS

16-6-1. Training in the handling of firearms. (a) A firearm permit shall not be granted unless, within six months before submission of the application for the permit, the applicant has met the following requirements:

(1) Satisfactorily completed a minimum of 16 clock-hours of education and training in the areas listed in K.A.R. 16-5-4(a)(5)(A) from a certified firearms trainer who is other than the applicant;

(2) passed the written examination specified in K.A.R. 16-5-4(a)(5)(B); and

(3) satisfied the course of fire requirement specified in K.A.R. 16-5-4(a)(5)(C).

(b) Notwithstanding subsection (a), an initial firearm permit may be granted to an applicant who meets both of the following requirements:

(1) Completes law enforcement training pursuant to K.S.A. 75-7b17(a)(2) and amendments thereto; and

(2) provides a certificate attesting to the satisfactory completion of this law enforcement training.

(c) A firearm permit shall not be renewed unless, within each of the two years before expiration of the permit, the applicant has met the following requirements:

(1) Satisfactorily completed a minimum of two-clock hours of training in any of the areas listed in K.A.R. 16-5-4(a)(5)(A) by a certified firearms trainer who is other than the applicant; and

(2) satisfied the course of fire requirement specified in K.A.R. 16-5-4(a)(5)(C).

(d) Firearm permits shall be granted only for the firearm or firearms for which the applicant has satisfactorily completed a course of fire from a firearms trainer as specified in K.A.R. 16-5-4(a)(5)(C).

(e) Notwithstanding subsection (d), an initial firearm permit shall be granted to each applicant for an initial firearm permit who complies with subsection (b), except that the applicant shall notify the Kansas bureau of investigation of each firearm for which the firearm permit is issued.

(f) Each holder of a firearm permit shall notify the attorney general through the Kansas bureau of investigation within 72 hours of any change of or additional firearm that the permit holder intends to carry. The permit holder shall qualify with this firearm by successfully completing a course of fire as specified in K.A.R. 16-5-4(a)(5)(C) within 30 days of changing or adding a firearm. (Authorized by and implementing K.S.A. 2003 Supp. 75-7b17, as amended by L. 2004, Ch. 139, § 4, and K.S.A. 75-7b18; effective May 1, 1982; amended April 12, 1996; amended Nov. 6, 1998; amended April 7, 2000; amended Feb. 11, 2005.)

16-6-2. Demonstrates a need. To demonstrate a need to carry a firearm in order to protect the licensee's life or property or to protect the life or property of a client, an applicant for a firearm permit shall be required to submit a written statement which describes the type of private detective business in which the applicant engages or intends to engage and the specific reasons the applicant believes carrying a firearm is necessary for that type of detective business. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b17; effective Feb. 13, 1995.)

16-6-3. Firearm permit badge. A private detective who holds a firearm permit may obtain a firearm permit badge and a badge holder upon written request to the attorney general through the Kansas bureau of investigation and upon payment to the attorney general through the Kansas bureau of investigation for reimbursement of the cost of the badge and the badge holder. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b17, as amended by L. 1998, ch. 183, sec. 12; effective Nov. 6, 1998.)