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**HOUSE BILL 480**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Ron Godbey**

**AN ACT**

**RELATING TO LICENSING; CHANGING PROVISIONS IN THE PRIVATE  
INVESTIGATORS AND POLYGRAPHERS ACT TO EXEMPT PRIVATE SECTOR  
CORRECTIONS OFFICERS AND TO PROVIDE RECIPROCITY IN LICENSING  
PRIVATE INVESTIGATORS AND PRIVATE INVESTIGATOR MANAGERS.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 61-27A-4 NMSA 1978 (being Laws 1993,  
Chapter 212, Section 4) is amended to read:**

**"61-27A-4. PERSONS EXEMPTED. --The Private Investigators  
and Polygraphers Act does not apply to:**

**A. attorneys;**

**B. a person employed exclusively and regularly by  
one employer in connection with the affairs of such employer  
only where there exists an employer-employee relationship;**

**C. an officer or employee of the United States or**

underscored material = new  
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1 this state or a political subdivision of the United States or  
2 this state while that officer or employee is engaged in the  
3 performance of his official duties;

4 D. a person engaged exclusively in the business of  
5 obtaining and furnishing information concerning the financial  
6 rating of persons;

7 E. a charitable philanthropic society or  
8 association duly incorporated under the laws of this state  
9 that is organized and maintained for the public good and not  
10 for private profit;

11 F. a licensed collection agency or an employee  
12 thereof while acting within the scope of his employment while  
13 making an investigation incidental to the business of the  
14 agency, including an investigation of the location of a debtor  
15 or his property;

16 G. admitted insurers, adjusters, agents and  
17 insurance brokers licensed by the state performing duties in  
18 connection with insurance transactions by them; [~~or~~]

19 H. any institution subject to the jurisdiction of  
20 the director of the financial institutions division of the  
21 department or the comptroller of currency of the United  
22 States; or

23 I. corrections officers employed by a  
24 nongovernmental employer. "

25 Section 2. Section 61-27A-6 NMSA 1978 (being Laws 1993,  
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1 Chapter 212, Section 6, as amended) is amended to read:

2 "61-27A-6. REQUIREMENTS FOR LICENSURE. --

3 A. The department shall issue a license for a  
4 private investigator to a person who files a completed  
5 application accompanied by the required fees and who submits  
6 satisfactory evidence that the applicant:

7 (1) is at least eighteen years of age;

8 (2) is of good moral character;

9 (3) has passed a written examination as  
10 prescribed by the department;

11 (4) has at least three years' experience  
12 within the last five years in investigative work or a level of  
13 experience determined to be sufficient by the department; and

14 (5) has not been convicted of a felony  
15 offense or a criminal offense involving moral turpitude or the  
16 illegal use or possession of a deadly weapon.

17 B. The department shall issue a license for a  
18 private investigator manager to a person who files a completed  
19 application accompanied by the required fees and who submits  
20 satisfactory evidence that the applicant:

21 (1) is at least eighteen years of age;

22 (2) has passed a written examination as  
23 prescribed by the department;

24 (3) has at least three years' experience  
25 within the last five years in investigative work or a level of

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1 experience determined to be sufficient by the department;

2 (4) is of good moral character; and

3 (5) has not been convicted of a felony  
4 offense or a criminal offense involving moral turpitude or the  
5 illegal use or possession of a deadly weapon.

6 C. The department may issue a license as a private  
7 investigator or a private investigator manager to an applicant  
8 who is licensed as a private investigator or a private  
9 investigator manager, or the equivalent of the position, under  
10 the laws of another state or territory that has requirements  
11 not less stringent than those in New Mexico.

12 [~~C.~~] D. The department shall issue a license for a  
13 private patrol operator to a person who files a completed  
14 application accompanied by the required fees and who submits  
15 satisfactory evidence that the applicant:

16 (1) is at least eighteen years of age;

17 (2) is of good moral character;

18 (3) has passed a written examination as  
19 prescribed by the department;

20 (4) has at least three years' experience  
21 within the last five years in security work or a level of  
22 experience determined to be sufficient by the department; and

23 (5) has not been convicted of a felony  
24 offense or a criminal offense involving moral turpitude or the  
25 illegal use or possession of a deadly weapon.

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1           ~~[D.]~~ E. The department shall issue a license for a  
2 private patrol operator manager to a person who files a  
3 completed application accompanied by the required fees and who  
4 submits satisfactory evidence that the applicant:

5                   (1) is at least eighteen years of age;

6                   (2) has passed a written examination as  
7 prescribed by the department;

8                   (3) has at least three years' experience  
9 within the last five years in security work or a level of  
10 experience determined to be sufficient by the department;

11                   (4) is of good moral character; and

12                   (5) has not been convicted of a felony  
13 offense or a criminal offense involving moral turpitude or the  
14 illegal use or possession of a deadly weapon.

15           ~~[E.]~~ F. A manager's license is required when the  
16 owner of a private investigator or private patrol operator  
17 business does not qualify for a license under the Private  
18 Investigators and Polygraphers Act.

19           ~~[F.]~~ G. The department shall issue a security  
20 guard pocket card to a person who files a completed  
21 application accompanied by the required fees and who submits  
22 satisfactory evidence that the applicant:

23                   (1) is at least eighteen years of age; and

24                   (2) is of good moral character.

25           ~~[G.]~~ H. The department shall issue a license for

1 polygrapher to a person who files a completed application  
2 accompanied by the required fees and who submits satisfactory  
3 evidence that the applicant:

4 (1) is at least eighteen years of age;

5 (2) possesses a high school diploma or its  
6 equivalent;

7 (3) has not been convicted of a felony or  
8 misdemeanor involving moral turpitude; and

9 (4) has graduated from a polygraph examiners  
10 course approved by the department and:

11 (a) has completed a probationary  
12 operational competency period and passed an examination of  
13 ability to practice polygraphy; or

14 (b) has submitted proof of holding, for  
15 a minimum of two years immediately prior to the date of  
16 application, a current license to practice polygraphy in  
17 another jurisdiction whose standards equal or surpass those of  
18 New Mexico. "