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HOUSE BILL NO. 521

House Amendments in [] — February 8, 1996

A *BILL to amend and reenact § 9-183.2 of the Code of Virginia, relating to Department of Criminal Justice Services; private investigators.*

Patron—Reynolds

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 9-183.2 of the Code of Virginia is amended and reenacted as follows:**

§ 9-183.2. Exceptions.

The provisions of this article shall not apply to the following:

1. An officer or employee of the United States of America, or of this Commonwealth or a political subdivision of either, while the employee or officer is performing his official duties.

2. A person engaged exclusively in the business of obtaining and furnishing information regarding an individual's financial rating or a person engaged in the business of a consumer reporting agency as defined by the Federal Fair Credit Reporting Act.

3. An attorney licensed to practice in Virginia or his employees.

4. The legal owner of personal property which has been sold under any security agreement while performing acts relating to the repossession of such property.

5. A person receiving compensation for private employment as a security officer who also has full-time employment as a law-enforcement officer employed by the Commonwealth or any political subdivision thereof.

6. Any person appointed under § 46.2-2003 or § 56-353 while engaged in the employment contemplated thereunder, unless they have successfully completed training mandated by the Department.

7. Persons who are regularly employed to investigate accidents or to adjust claims and who do not carry weapons in the performance of their duties.

8. Regular employees of persons engaged in other than the private security services business, where the regular duties of such employees primarily consist of protecting the property of their employers. Any such employee who carries a firearm and is in direct contact with the general public in the performance of his duties shall possess a valid registration with this Department as provided in subsection B of § 9-183.3. "General public" means individuals who have access to areas open to all and not restricted to any particular class of the community.

9. Persons, sometimes known as "shoppers," employed to purchase goods or services solely for the purpose of determining or assessing the efficiency, loyalty, courtesy, or honesty of the employees of a business establishment.

10. Licensed or registered private investigators from other states entering Virginia during an investigation originating in their state of licensure or registration when the other state offers similar reciprocity to private investigators licensed and registered by the Commonwealth of Virginia.

11. Unarmed regular employees of telephone public service companies where the regular duties of such employees consist of protecting the property of their employers and investigating the usage of telephone services and equipment furnished by their employers, their employers' affiliates, and other communications common carriers.

12. An end user.

13. A material supplier who renders advice concerning the use of products sold by an electronics security business and who does not provide installation, monitoring, repair or maintenance services for electronic security equipment.

14. Members of the security forces who are directly employed by electric public service companies.

15. ~~[Any person regularly employed to review or evaluate evidence or other information already in existence and to render an opinion to be used before any court, board, officer, or investigative committee, based on such person's experience, on such evidence or information. Any certified forensic scientist employed as an expert witness for the purpose of possibly testifying as an expert witness.]~~

ENGROSSED

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