

**REPORT OF THE
VIRGINIA STATE CRIME COMMISSION
TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY
VIRGINIA
ON
PRIVATE SECURITY**



SENATE DOCUMENT NO. 34

**COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
1975**

COMMONWEALTH OF VIRGINIA



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TO: THE HONORABLE MILLS E. GODWIN, JR.

GOVERNOR OF VIRGINIA

AND

THE GENERAL ASSEMBLY OF VIRGINIA

MEMBERS

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Stanley C. Walker, *Chairman*
George S. Aldhizer, II
George M. Warren, Jr.

From the House of Delegates
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A. L. Philpott

Attorney General of Virginia
Andrew P. Miller

Appointments by the Governor
Erwin S. Solomon, *Vice Chairman*
William N. Paxton, Jr.
George F. Ricketts

Pursuant to its charge by the General Assembly to study, report and make recommendations and propose appropriate legislation in all areas of public safety, the sub-committee of the State Crime Commission, as listed below, offers the following report on Private Security.

The study of the private security industry in Virginia was initiated by a resolution of the Crime Commission when it was brought to the attention of the Commission that the need existed to look into problems in the industry and the desirability of uniform legislation.

This report is also included with other information as a part of the Annual Report of the State Crime Commission.

Respectfully submitted,

A handwritten signature in cursive script that reads "Stanley C. Walker".

Stanley C. Walker,
Chairman

MEMBERS OF COMMISSION

Stanley C. Walker, Chairman

Erwin S. Solomon, Vice Chairman

George S. Aldhizer, II

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L. Ray Ashworth

Andrew P. Miller

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PRIVATE SECURITY

A great deal of attention has been given to qualifications, training standards, salaries, and effectiveness of public police, but little attention has been paid to private security. Based on state and national reports on the private security industry and inquiries from state law enforcement agencies, as well as the general public, the Crime Commission saw the need to look into the functioning of the industry. Pursuant to its statutory charge to ". . . study, report and make recommendations on all areas of public safety and protection," the Crime Commission in April, 1973, set up a task force to study the private security industry in Virginia.

Delegate L. Ray Ashworth of Wakefield, a member of the Crime Commission, served as chairman of the task force. Other members were Phillip E. Booker, Bassett Furniture Industries, Inc., Bassett; Harold W. Burgess, Superintendent of the State Police, Richmond; Howard E. Hale, Investek, Inc., Roanoke; Roland C. Halstead, Burns Security Agency, Richmond; Reno S. Harp, III, Deputy Attorney General, Richmond; E. L. Hollowell, Sr., Norfolk Shipbuilding and Dry Dock Corporation, Norfolk; Lewis W. Hurst, executive director, Virginia State Crime Commission, Richmond; Ted Miller, Jr., Norfolk Police Department, Norfolk; Joseph N. Tucker, Division of Justice and Crime Prevention, Richmond; Charles W. Woodson, Jr., retired director of Law Enforcement Officers Training Standards Commission, Richmond; and James H. Young, sheriff, Richmond. The report of this task force was submitted to the Crime Commission in September, 1974.

The private security industry covers a wide range of services including those of private investigators, polygraph examiners, security guards, patrol guards, central alarm respondents, and armored car escorts. All private security forces fall into the two categories of *contract* or *in-house* forces.

Contract forces are those employed by agencies which offer security services to the public and provide these services for a fee. *In-house*, or proprietary, forces are those where the officers are employed exclusively and regularly by only one employer in connection with the affairs of that employer and where there exists an employer-employee relationship.

The task force studied existing research material on the private security industry and regulatory legislation used by various states. They conducted public hearings in Richmond, Norfolk, Roanoke and Arlington.

In Virginia there is no direct state control over or regulation of the private security industry other than the licensing of polygraph examiners. The polygraph is utilized in business and industry as a method of pre-employment screening and for the purpose of combating employee theft. Polygraph examiners are currently regulated in Virginia by the Commission for Professional and Occupational Regulation.

Some of the major problems in the industry that the task force found are:

1. The lack of any uniform statewide regulation and the existence of varied regulatory schemes of local jurisdictions does not provide adequate control and creates confusion.
- 2: There exists a problem with the caliber of a substantial number of personnel employed in the industry. This has arisen particularly in the northern Virginia area because of its close proximity to Maryland and the District of Columbia where there is strict regulation on the industry. It is apparent that northern Virginia is open to inferior personnel who cannot become licensed in surrounding jurisdictions.
3. In the absence of specific statutory authority, the industry is unable to obtain a thorough criminal records check on personnel from

the Federal Bureau of Investigation or other similar law enforcement agency to avoid the employment of undesirables.

4. In many instances there is a lack of training of security personnel in the use of firearms and lack of instruction on legal rights and duties.

5. The tendency of some companies to design their security officers' uniforms and insignia so similar to those of public officers leads to the problem of impersonation of public police officers.

The task force recommended regulation of the industry to help improve the effectiveness of private security and reduce the potential for abusing citizens' rights. They recommended statewide uniform regulation of the entire industry. They proposed that all types of security employees be required to register and a criminal records check be obtained from a central source such as the Federal Bureau of Investigation. In addition to registration, certification should be required for all security personnel who carry or have access to firearms. Under their proposals, training and screening of applicants would be required prior to certification. And additional training would be required for those officers who possess special police powers or the powers of a conservator of the peace. The training programs proposed would be subject to approval by the Criminal Justice Officers Training and Standards Commission, the state agency responsible for the training of public police officers. They urged more conscientious enforcement of the present statutes relating to impersonation of a police officer to avoid confusion between private security officers and public police officers.

The task force suggested that the regulation of the industry could be administered by a board established within the Department of Professional and

Occupational Regulation. Because of the Crime Commission's concern over the possibility of proliferation of agencies and boards to deal with problems in the criminal justice system, the Commission feels this creation of an additional board for regulation would be unnecessary. In view of the fact the Criminal Justice Officers Training and Standards Commission is already in existence dealing with training and standards for many sectors of the criminal justice system, this appears to be the most logical place to handle this regulation. Some modifications in the structure and function of the Training and Standards Commission would be necessary, but the Commission feels this approach to regulating the industry would be the most efficient one. It is the recommendation of the Commission that the necessary changes be made in the Training and Standards Commission to handle the regulation, training, and standards for the private security industry. The Commission will introduce legislation to this effect during the 1975 Session of the Legislature.

The Commission recommends that the industry be regulated uniformly on a statewide basis. This should eliminate much of the confusion due to local jurisdictional regulation and provide a more efficient and equitable system.

There exists considerable difference of opinion as to whether in-house security should be regulated along the same lines as contract security or excluded from regulation because their services are not offered to the public and often there is little public contact. A substantial number of spokesmen for merchants, and industry, who employ their own in-house security, are opposed to regulation of in-house security. They see qualitative differences between in-house and contract personnel. They feel their security employees are more selectively hired, better trained, and receive higher pay and more fringe benefits than contract security personnel. They add that morale is higher and

the rate of turnover lower for in-house guards. Since the employee is considered a part of the company, he is subject to more day-to-day control by management, and the potential civil liability of the company results in greater oversight of the employee's performance by management, they argue. On the other hand, representatives from contract security agencies point out that they offer the same services to their clients that in-house personnel would offer. Therefore, all security personnel should be subject to the same regulation. They argue that because both in-house and contract security personnel do the same type of work and their actions or failure to act would result in the same potential problems and consequences then there is no basis for excluding in-house security from regulation. They point out that contract employers have similar self-interests as in-house employers to cause them to exercise care in selecting trustworthy and competent employees and in supervising their work.

The Commission sees a real difference between contract security personnel whose services are sold to the public and in-house security personnel who, in the normal course of their jobs, have no contact with the public. It is the recommendation that only contract security officers and in-house security officers who, in the normal course of their jobs, have contact with the public, be regulated. This group should be required to register. The agency charged with administration of private security regulation should have the authority to run criminal records checks on those individuals with the F. B. I., or some other similar agency.

In addition to registration, certification should be required for all security personnel who carry or have access to firearms. Training and screening of applicants should be required prior to certification. The training should

include both firearms training and instruction on circumstances under which the firearm should be used. Additional training should be required for those officers who possess special police powers or the powers of a conservator of the peace.

The Commission recommends that the regulation and licensing of polygraph examiners which is currently handled by the Department of Professional and Occupational Regulation be placed under the restructured Training and Standards Commission.

Legislation will be proposed during the 1975 Session to implement these recommendations. See Appendixes I, II, and III of this report.

APPENDIX I

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A BILL to amend the Code of Virginia by adding in Chapter 16 of Title 9 an article numbered 3, consisting of sections numbered 9-111.17 through 9-111.23, and to repeal Chapter 591 of the Acts of Assembly of 1964, as amended, and incorporated by reference in § 54-729.1 of the Code of Virginia, relating to regulation of private security services and providing penalties for violations.

Be it enacted by the General Assembly of Virginia:
1. That the Code of Virginia is amended by adding in Chapter 16 of Title 9 an article numbered 3, consisting of sections numbered 9-111.17 through 9-111.23, as follows:

Article 3.

§ 9-111.17. Definitions.—For the purposes of this article, the following definitions shall apply, unless the context requires a different meaning:

- A. "Armored car personnel" shall mean any persons who transport or offer to transport from one place or point to another place or point, currency, jewels, stocks, bonds, paintings, or other valuables with a high degree of security and certainty of delivery.
- B. "Commission" means the Criminal Justice Services Commission.
- C. "Courier" means any person who transports or offers to transport from one place or point to another place or point documents, papers, maps, stocks, bonds, checks, or other small items of value that require expeditious service.
- D. "Guard" means any person who offers his services as or is employed by the private security services business who performs services to safeguard and protect persons and property or to prevent theft, loss, embezzlement, misappropriation, or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers or property of any kind.
- E. "Guard dog handler" means any person who, for compensation, handles and trains canine security and guard animals.
- F. "Licensing" means a method of regulation whereby the engaging in the private security services business is unlawful without a license.
- G. "Person" means any individual, group of individuals, corporation, partnership,

1 business, trust, association or other legal entity.

2 H. "Private investigator" or "private detective" means any person who engages in
3 the business of or accepts employment to furnish, agrees to make, or makes an
4 investigation for the purpose of obtaining information with reference to crimes or wrongs
5 done or threatened against the United States, or any state or territory of the United States;
6 the identity, habits, conduct, business, occupation, honesty, integrity, credibility,
7 knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts,
8 affiliations, associations, transactions, acts, reputation, or character of any person; the
9 location, disposition, or recovery of lost or stolen property; the cause of responsibility for
10 fires, slanders or libels, losses, accidents, damages, or injuries to persons or to property; or
11 securing evidence to be used before any court, board, officer, or investigative committee.

12 I. "Private security services business" means engaging in the business of providing
13 armored car personnel, guards, private investigators, private detectives, couriers, guard dog
14 handler services, or central alarm respondent services for consideration on an individual
15 contractual basis or as an adjunct to a business enterprise.

16 J. "Registration" means a method of regulation whereby a person engaging in the
17 private security services business may be required to submit information concerning the
18 location, nature and operation of his business.

19 § 9-111.18. Exemptions.—The provisions of §§ 9-111.17 through 9-111.23 shall not
20 apply to:

21 A. An officer or employee of the United States of America, or of this State or a political
22 subdivision of either, while the employee or officer is engaged in the performance of
23 official duties.

24 B. A person engaged exclusively in the business of obtaining and furnishing information as
25 to the financial rating of persons or a person engaged in the business of a consumer
26 reporting agency, as defined by the Federal Fair Trade Reporting Act.

27 C. An attorney-at-law licensed to practice in Virginia.

28 D. The legal owner of personal property which has been sold under any security
29 agreement.

30 E. A person receiving compensation for private employment as a guard who also has full-
31 time employment as a law-enforcement officer employed by the State or any political
32 subdivision thereof, as defined in § 9-108 of the Code of Virginia, provided that such law-
33 enforcement officer is employed on an individual contractual basis, and is not in the
34 employ of a private security service organization

35 F. Any person appointed under §§ 56-227.1 or 56-353 while engaged in the employment
36 contemplated thereunder.

37 § 9-111.19. Registration and licensing.—A. No person shall engage in the private

1 security services business or be employed or offer his services in the private security
2 services business as armored car personnel, private investigator, private detective, courier,
3 guard or guard dog handler without having first registered with the Commission and
4 complied with all other requirements of this article.

5 B. No person shall engage in the private security services business or be employed in the
6 private security services business as armored car personnel, private investigator, private
7 detective, courier, guard or guard dog handler and bear any firearms or exercise the
8 powers of a conservator of the peace, without having first obtained a license from the
9 Commission.

10 C. The requirements of subsections A. and B. of this section shall not apply to any person
11 employed in the private security services business on an individual contractual basis if
12 such person in the scope of his employment does not have contact with the public; "not
13 have contact with the public" means that such person would never be in any area of his
14 employer's premises during such hours as the public is by license or invitation present.

15 D. For a period of one year from the effective date of this article any person subject to the
16 provisions of subsection B. of this section who has actually engaged or been employed in
17 the private security services business as armored car personnel, private investigator,
18 private detective, courier, guard or guard dog handler for the twelve months immediately
19 preceding such date, shall be issued a license hereunder, provided that the Commission
20 may require such person to submit satisfactory proof that he has so engaged in such
21 business or employment for such period and that such applicant complies with all
22 applicable fees and bonds as set forth in this article and further provided that such
23 license's renewal shall be contingent upon the fulfillment of all rules and regulations
24 promulgated by the Commission.

25 § 9-111.20. Functions, duties and powers of the Commission.—In addition to the
26 powers conferred upon the Commission by this article or other law, the Commission shall
27 have the power to:

28 A. Promulgate training standards for all persons regulated by this article.

29 B. Approve or disapprove uniforms for private security industry employees so as to be
30 consistent with existing prohibitions in the Code of Virginia.

31 § 9-111.21. Bond requirements.—Every person registered or licensed under § 9-111.19
32 shall, at the time of receiving such license and before the same shall be operative, file with
33 the Commission a cash bond or surety bond, executed by a surety company authorized to
34 do business in this State, in the amount deemed appropriate for such applicant's class of
35 registration or license, and conditioned upon the faithful and honest conduct of his
36 business or employment.

37 If any person shall be aggrieved by the misconduct of any such person registered or

1 licensed under this article and shall recover judgment against him, such person may, after
2 the return unsatisfied, either in whole or in part, of any execution issued upon such
3 judgment, maintain an action in his own name upon the bond of the person registered or
4 licensed under this article.

5 § 9-111.22. Bringing of action against and service of process upon nonresident
6 licensee.—The Secretary of the Commonwealth shall be an agent of any person registered
7 or licensed under this article upon whom any process, notice or demand required or
8 permitted by law to be served upon such person may be served. Service may be made on
9 the Secretary of the Commonwealth or any of his staff at this office. The Secretary shall
10 forthwith cause such process to be sent by registered or certified mail addressed to the
11 registrant or licensee at his residence and keep a record thereof.

12 Nothing herein contained shall limit or affect in any manner the right to serve any
13 process, notice or demand, required or permitted by law to be served upon any registrant
14 or licensee.

15 § 9-111.23. Unlawful acts.—It shall be a class 1 misdemeanor for any person required
16 by this article to register or obtain a license to engage in the private security services
17 business without registering or obtaining such license.

18 2. That Chapter 591 of the Acts of Assembly of 1964, as amended,
19 and incorporated by reference in § 54-729.1 of the Code of Virginia
20 is repealed.

21 3. That the provisions of this act shall be effective July one, nineteen
22 hundred seventy-six.

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31	Official Use by Clerks	
32	Passed By	
33	The House of Delegates	Passed by The Senate
34	with without amendment	with without amendment
35	Date:	Date:
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37	Clerk of the House of Delegates	Clerk of the Senate

APPENDIX II

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A BILL to amend and reenact § 9-107, as amended, of the Code of Virginia; and to amend the Code of Virginia by adding a section numbered 9-107.1, the amended and added sections relating to the establishment of the Criminal Justice Officers Training and Standards Commission and its membership, meetings and reports, to abolish such Commission and to create a Criminal Justice Services Commission.

13 Be it enacted by the General Assembly of Virginia:

14 1. That § 9-107, as amended, of the Code of Virginia is amended and
15 reenacted and that the Code of Virginia is amended by adding a
16 section numbered 9-107.1 as follows:

17 § 9-107. Commission established; membership; appointment;
18 terms; vacancies; officers; members not disqualified from holding
19 other offices; expenses; meetings; reports.—(a) There is hereby
20 established a Criminal Justice Officers Training and Standards
21 Commission, hereinafter called “the Commission,” in the Executive
22 Department. The Commission shall be composed of sixteen
23 members, as follow: one member from the Senate of Virginia
24 appointed by the Committee on Privileges and Elections of the
25 Senate for a term of four years; two members from the House of
26 Delegates appointed by the Speaker of the House for terms of two
27 years; the following appointments by the Governor: four sheriffs
28 representing the Virginia State Sheriffs’ Association from among
29 names submitted by the Association; one such sheriff representing a
30 city and the balance from counties throughout the Commonwealth;
31 three representatives of the Chiefs of Police Association from
32 among names submitted by the Association; the superintendent of
33 Virginia State Police or another member of the Virginia State Police,
34 whom the superintendent may designate; one member of the
35 Federal Bureau of Investigation; one Commonwealth’s Attorney
36 representing a political subdivision with a population of less than
37 fifty thousand people; one Commonwealth’s Attorney representing

1 a political subdivision with a population of more than fifty thousand
2 people; the Attorney General or an assistant Attorney General
3 whom the Attorney General may designate; and one representative
4 of higher education.

5 (b) The members of the Commission appointed by the Governor
6 shall serve for terms of four years; provided, that no member shall
7 serve beyond the time when he holds the office or employment by
8 reason of which he was initially eligible for appointment.
9 Notwithstanding anything in this chapter to the contrary, the terms
10 of members initially appointed to the Commission by the Governor
11 upon its establishment shall be: seven for three years, and six for
12 four years. The Governor, at the time of appointment shall designate
13 which of the terms are respectively for three and four years. Any
14 vacancy on the Commission shall be filled in the same manner as
15 the original appointment, but for the unexpired term. *Any person*
16 *appointed to serve a term ending June thirty, nineteen hundred seventy-five, shall continue*
17 *to serve until June thirty, nineteen hundred seventy-six.*

18 (c) The Governor annually shall designate the chairman of the
19 Commission, and the Commission annually shall select its vice-
20 chairman. The chairman and vice-chairman shall be designated and
21 selected from among the members of the Commission.

22 (d) Notwithstanding any provision of any statute, ordinance,
23 local law, or charter provision to the contrary, membership on the
24 Commission shall not disqualify any member from holding any
25 other public office or employment, or cause the forfeiture thereof.

26 (e) Members of the Commission shall serve without
27 compensation, but shall be entitled to receive reimbursement for
28 any actual expenses incurred as a necessary incident to such
29 service.

30 (f) The Commission shall hold no less than four regular
31 meetings a year. Subject to the requirements of this subsection, the
32 chairman shall fix the times and places of meetings, either on his
33 own motion or upon written request of any five members of the
34 Commission.

35 (g) The Commission shall report biennially to the Governor and
36 General Assembly on its activities, and may make such other
37 reports as it deems desirable.

1 § 9-107.1. *Commission establishment; membership; appointment; terms; vacancies;*
2 *members not disqualified from holding other offices; expenses; meetings; reports.—A. On*
3 *and after July one, nineteen hundred seventy-six, the Criminal Justice Officers Training*
4 *and Standards Commission is abolished and there is hereby created a Criminal Justice*
5 *Services Commission, hereinafter called “the Commission” in the Executive Department.*
6 *The Commission shall be composed of twenty-two members, as follows: two members*
7 *from the Senate of Virginia appointed by the Committee on Privileges and Elections of the*
8 *Senate for terms of four years each; four members from the House of Delegates appointed*
9 *by the Speaker of the House for terms of two years each; the Superintendent of the*
10 *Virginia State Police or his designee; the Attorney General or an assistant Attorney*
11 *General whom the Attorney General may designate; the Director of the State Council of*
12 *Higher Education or his designee; the Director of the Department of Corrections or his*
13 *designee; the following appointments by the Governor: three sheriffs representing the*
14 *Virginia State Sheriffs’ Association from among names submitted by the association, two*
15 *representatives of the Chiefs of Police Association from among names submitted by the*
16 *Association, one Commonwealth’s Attorney representing a political subdivision with a*
17 *population of less than fifty thousand persons, one member from the Federal Bureau of*
18 *Investigation, one Commonwealth’s Attorney representing a political subdivision with a*
19 *population of more than fifty thousand persons, one licensed polygraph examiner, one*
20 *person engaged in the private security services business as defined in § 9-111.3(i), one*
21 *private investigator as defined in § 9-111.3(h), and one judge of a circuit court to be*
22 *designated by the Chief Justice of the Supreme Court of Virginia.*

23 *B. The members of the Commission appointed by the Governor shall serve for four years;*
24 *provided, that no member shall serve beyond the time when he holds the office of*
25 *employment by reason of which he was initially eligible for appointment. Notwithstanding*
26 *anything in this chapter to the contrary, the terms of the members initially appointed to*
27 *the Commission by the Governor upon its establishment shall be: two for terms of two*
28 *years; six for terms of three years; and three for terms of four years. The Governor, at the*
29 *time of appointment, shall designate which of the terms are respectively for two, three and*
30 *four years.*

31 *The circuit court judge shall be appointed by the Chief Justice of the Supreme Court*
32 *of Virginia for a term of four years.*

33 *Any vacancy on the Commission shall be filled in the same manner as the original*
34 *appointment, but for the remainder of the unexpired term.*

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Official Use by Clerks

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32	Passed By	
33	The House of Delegates	Passed by The Senate
34	with amendment	with amendment
35	without amendment	without amendment
36	Date:	Date:
37
	Clerk of the House of Delegates	Clerk of the Senate

APPENDIX III

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A BILL to amend the Code of Virginia by adding in Chapter 16 of Title 9 an article numbered 2, consisting of sections numbered 9-111.2 through 9-111.11; and to repeal Chapter 17.01 of Title 54, consisting of sections numbered 54-729.01 through 54-729.018; the added and repealed sections relating to licensure of polygraph examiners; penalties for violation.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 16 of Title 9, an article numbered 2, consisting of sections numbered 9-111.2 through 9-111.11, as follows:

Article 2.

Regulation of Polygraph Examiners.

§ 9-111.2. Definitions.—For purposes of this article, the following definitions shall apply unless the context requires a different meaning:

A. "Polygraph examiner," or "examiner," means any person who uses any device or instrument to test or question individuals for the purpose of determining truthfulness.

B. "Person" means any natural person, partnership, association, corporation, trust, or other legal entity.

C. "Commission" means the Law-Enforcement Officers Training and Standards Commission.

D. "Polygraph" means any mechanical or electronic instrument or device of any type used or allegedly used to test or question individuals for the purpose of determining truthfulness, regardless of the name or design of the device or instrument used.

E. "Polygraph examiner trainee" or "trainee" means and includes any person engaged in the study of polygraphy and the administration of polygraph examinations under the personal supervision and control of a polygraph examiner.

F. "Course of instruction" means a formal course of instruction in the use of polygraph instruments or devices in an institution approved by the Commission.

§ 9-111.3. Requirements for training.—The Commission shall establish compulsory minimum training standards for polygraph examiners, establish the time required for the completion of such training, and issue licenses to examiners certified by the Commission.

1 § 9-111.4. *Commission to publish rules and regulations.*—The Commission shall make
2 and publish rules and regulations, pursuant to Chapter 1.1 of Title 9 of the Code of
3 Virginia, not inconsistent with the laws of Virginia, necessary for the regulation of the
4 polygraph industry, training and licensure of applicants, and carrying out the provisions of
5 this section.

6 § 9-111.5. *Application for license.*—Each application for an examiner's license shall
7 be made to the Commission in writing on forms provided by the Commission and shall
8 include the fingerprints of the applicant and such information as is required by the
9 Commission to determine the eligibility of such applicant.

10 § 9-111.6. *Application fee; exceptions.*—The Commission is authorized to charge of
11 each applicant a fee, which shall be nonrefundable, in an amount determined by the
12 Commission to be reasonable to cover the costs of processing such application for
13 licensure; provided, however, no such fee shall be charged to any examiner who is in the
14 full-time employ of any State or local law-enforcement agency. Such fees shall be collected
15 and accounted for by the Director of the Commission in the manner required by regulation.

16 § 9-111.7. *Approval of schools.*—The Commission shall establish rules and regulations
17 for the approval of schools to teach the required course of instruction in the use of
18 polygraph instruments or devices.

19 § 9-111.8. *Requirement of license; exceptions.*—No person shall act as an examiner
20 without a license, except that a law-enforcement officer who is employed as a polygraph
21 examiner on July one, nineteen hundred seventy-five, and who has completed one hundred
22 and eighty hours of approved training by this date shall be issued a license without having
23 to comply with the further requirements of this article pertaining to training.

24 § 9-111.9. *Denial, suspension, revocation of license.*—The Commission may deny,
25 suspend or revoke any license on any one or more of the following grounds:

26 A. *Material misstatement in the original application or in the application for a renewal*
27 *license.*

28 B. *Willful disregard or violation of this article or of any regulation or rule issued pursuant*
29 *thereto.*

30 C. *If the holder of any license has been adjudged guilty of the commission of a felony or a*
31 *misdemeanor involving moral turpitude.*

32 D. *Making any willful misrepresentation or false promises or causing to be printed any*
33 *false or misleading advertisement for the purpose of directly or indirectly obtaining*
34 *business.*

35 E. *Allowing one's license under this article to be used by an unlicensed person in violation*
36 *of the provisions hereof.*

37 F. *Willfully aiding or abetting another in the violation of this article or of any regulation or*

1 rule issued pursuant thereto.

2 G. Where the license holder has been adjudged mentally ill or mentally deficient.

3 H. Failing, within a reasonable time, to provide information requested by the Commission
4 as the result of a formal or informal complaint to the Commission.

5 § 9-111.10. Standards of Instruments used.—Every polygraph examiner shall use an
6 instrument which records permanently and simultaneously the subject's cardiovascular and
7 respiratory patterns as minimum standards; provided, however, such instrument may also
8 record additional physiological changes pertinent to the determination of truthfulness.

9 § 9-111.11. Penalty for violation of provisions.—Any person who violates the
10 provisions of this article shall be guilty of a misdemeanor punishable by confinement in jail
11 for a period not to exceed twelve months or a fine not to exceed one thousand dollars,
12 either or both.

13 2. That Chapter 17.01 of Title 54, consisting of sections numbered
14 54-729.01 through 54-729.018, is repealed.

15 3. That the provisions of this act shall be effective on July one,
16 nineteen hundred seventy-six.

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Official Use by Clerks

31	Passed By		
32	The House of Delegates	Passed by The Senate	
33	with	with	
34	without amendment	without amendment	
35	Date:	Date:	
36		
37	Clerk of the House of Delegates	Clerk of the Senate	

