

PRIVATE DETECTIVE QUALIFICATIONS in statute and regulation

KSA75-7b04

(d) In accordance with the summary proceedings provisions of the Kansas administrative procedure act, the attorney general may deny a license if the applicant has:

- (1) Committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license under this act;
- (2) committed any act constituting dishonesty or fraud;
- (3) a bad moral character or a bad reputation for truth, honesty, and integrity;
- (4) been convicted of a felony or, within 10 years immediately prior to the date of application, been convicted of any crime involving moral turpitude, dishonesty, vehicular homicide, assault, battery, assault of a law enforcement officer, misdemeanor battery against a law enforcement officer, criminal restraint, sexual battery, endangering a child, intimidation of a witness or victim or illegally using, carrying, or possessing a dangerous weapon;
- (5) been refused a license under this act or had a license suspended or revoked in this state or in any other jurisdiction or had a license censured, limited or conditioned two or more times in this state or in any other jurisdiction;
- (6) been an officer, director, partner or associate of any person who has been refused a license under this act or whose license has been suspended or revoked in this state or in any other jurisdiction or had a license censured, limited or conditioned two or more times in this state or in any other jurisdiction;
- (7) while unlicensed, committed or aided and abetted the commission of any act for which a license is required by this act; or
- (8) knowingly made any false statement in the application.

KSA 75-7b13

(a) The attorney general may censure, limit, condition, suspend or revoke a license issued under this act if, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the attorney general determines that the licensee or, if the licensee is an organization, any of its officers, directors, partners or associates has:

- (1) Made any false statement or given any false information in connection with an application for a license or a renewal or reinstatement thereof;
- (2) violated any provisions of this act;
- (3) violated any rules and regulations of the attorney general adopted pursuant to the authority contained in this act;
- (4) been convicted of a felony, vehicular homicide, assault, battery, assault of a law enforcement officer, misdemeanor battery against a law enforcement officer, criminal restraint, sexual battery, endangering a child, intimidation of a witness or victim or any crime involving moral turpitude or illegally using, carrying, or possessing a dangerous weapon subsequent to the issuance of the license;
- (5) impersonated, or permitted or aided and abetted an employee to impersonate, a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof;

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	(6) committed or permitted any employee to commit any act, while the license was expired, which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license;
	(7) willfully failed or refused to render to a client services or a report as agreed between the parties, and for which compensation has been paid or tendered in accordance with the agreement of the parties;
	(8) committed assault, battery or kidnapping or used force or violence on any person without proper justification;
	(9) knowingly violated or advised, encouraged or assisted the violation of, any court order or injunction in the course of business as a licensee;
	(10) acted as a runner or capper for any attorney;
	(11) used any letterhead, advertisement or other printed matter, or in any manner whatever represented that such person is an instrumentality of the federal government, a state or any political subdivision thereof;
	(12) used false, misleading or deceptive information in any advertisement, solicitation or contract for business;
	(13) has committed any act in the course of the licensee's business constituting dishonesty or fraud;
	(14) failed to obtain continuing education as required by this act;
	(15) misused a firearm permit badge; or
	(16) committed any act which is a ground for denial of an application for a license under this act.

KAR 16-3-3

In addition to the qualifications established in KSA 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 KSA 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 KSA 65-5101 and amendments thereto.

KLRD, February 2012

EXAMPLES OF CRIMES That Would Disqualify an Applicant from a Private Detective License or a Detective from Retaining Such License

75-7b04(d): the attorney general may deny a license if the applicant has:

75-7b13(a) The attorney general may censure, limit, condition, suspend or revoke a license issued under this act if . . . :

(4) been convicted of a felony or, within 10 years immediately prior to the date of application, been convicted of any crime involving

	Statute Description	KSA for crime	penalty	Class or Severity Level (1)	Person Nonperson Not Scored
moral turpitude (2) (according to a law dictionary, can include corruption, immorality, obscenity, and other acts of bad character)	Misdemeanor	Promoting Obscenity; Recklessly manufacture, mail, transmit, publish, distribute, present, exhibit or advertise any obscene material or obscene device; 1st offense	21-6401(a)(1)	(c)(1)(A)	A Nonperson
	Misdemeanor	Promoting Obscenity; Recklessly possess any obscene material or obscene device with intent to mail, transmit, publish, distribute, present, exhibit or advertise such material or device; 1st offense	21-6401(a)(2)	(c)(1)(A)	A Nonperson
	Misdemeanor	Promoting Material to Minors that is Harmful; Knowingly present or distribute to a minor, or otherwise allowing a minor to view, with or without consideration, material harmful to minors	21-6402(a)(2)	(b)	B Not Scored
	Felony	Promoting Obscenity; Recklessly manufacture/ distribute/ mail/ transmit/ exhibit/ publish/ present or advertise any obscene material or obscene device; 2nd or subsequent offense	21-6401(a)(1)	(c)(1)(B)	9 Person
	Misdemeanor	Criminal Sodomy; Between a person and an animal	21-5504(a)(2)	(c)(1)(A)	B Not Scored
	Misdemeanor	Adultery; Engaging in sexual intercourse or sodomy; When offender is married	21-5511(a)(1)	(b)	C Not Scored
	Felony	Burglary; Without authority enter into or remain within any building or other structure not a dwelling with intent to commit a felony, theft or sexual battery therein	21-5807(a)(2)	(c)(1)(B)	7 Nonperson
	Felony	Forgery; With intent to defraud; Without authorization, make, alter or endorse any written instrument so it appears to have been made, altered or endorsed by another; alter a written instrument so it appears to have been made at another time or with different provisions; make, alter or endorse any written instrument so it appears to have been made, altered or endorsed with authority	21-5823(a)(1)	(b)(1)	8 Nonperson
	Misdemeanor	Vehicle Homicide; Killing by operation of a vehicle in a manner which creates an unreasonable risk of injury and which constitutes a material deviation from the reasonable standard of care	21-5406(a)	(b)	A Person
	vehicular homicide	Misdemeanor	Assault; Knowingly placing another person in reasonable apprehension of immediate bodily harm	21-5412(a)	(e)(1)
Misdemeanor		Assault of a Law Enforcement Officer; Uniformed or properly identified state, county or city law enforcement officer	21-5412(c)(1)	(e)(3)	A Person
Felony		Aggravated Assault; With a deadly weapon	21-5412(b)(1)	(e)(2)	7 Person
Felony		Aggravated Assault; While disguised in any manner designed to conceal identity	21-5412(b)(2)	(e)(2)	7 Person
Felony		Aggravated Assault; With intent to commit any felony	21-5412(b)(3)	(e)(2)	7 Person
assault	Misdemeanor	Assault; Knowingly placing another person in reasonable apprehension of immediate bodily harm	21-5412(a)	(e)(1)	C Person
	Misdemeanor	Assault of a Law Enforcement Officer; Uniformed or properly identified state, county or city law enforcement officer	21-5412(c)(1)	(e)(3)	A Person
	Felony	Aggravated Assault; With a deadly weapon	21-5412(b)(1)	(e)(2)	7 Person

battery	Misdemeanor	Battery; Knowingly or recklessly causing bodily harm to another person	21-5413(a)(1)	(g)(1)	B	Person
	Misdemeanor	Domestic Battery; Knowingly or recklessly causing bodily harm by a family or household member against a family or household member; 1st conviction	21-5414(a)(1)	(b)(1)	B	Person
assault of a law enforcement officer	Felony	Domestic Battery; Knowingly or Recklessly causing bodily harm; 3rd or subsequent within 5 yrs	21-5414(a)(1)	(b)(3)	Notgrid	Person
	Felony	Battery; State, county or city law enforcement officer; knowingly or recklessly causing bodily harm	21-5413(c)(2)(B)	(g)(3)(B)	7	Person
misdemeanor battery against a law enforcement officer	Misdemeanor	Assault of a Law Enforcement Officer; Uniformed or properly identified state, county or city law enforcement officer	21-5412(c)(1)	(e)(3)	A	Person
	Misdemeanor	Battery; Law enforcement officer; Knowingly causing physical contact in a rude, insulting or angry manner	21-5413(c)(1)(B)	(g)(3)(A)	A	Person
criminal restraint	Misdemeanor	Criminal Restraint	21-5411(a)	(b)	A	Person
	Misdemeanor	Sexual Battery; Touching victim who is not a spouse of offender, who is 16 or more, without consent and with intent to arouse or satisfy desires	21-5505(a)	(c)(1)	A	Person
sexual battery	Felony	Aggravated Sexual Battery; Intentional nonconsensual touching; child 16 or more; victim overcome by force or fear	21-5505(b)(1)	(c)(2)	5	Person
	Felony	Aggravated Sexual Battery; Intentional nonconsensual touching; child 16 or more; victim unconscious or physically powerless	21-5505(b)(2)	(c)(2)	5	Person
endangering a child	Felony	Aggravated Sexual Battery; Intentional nonconsensual touching; child 16 or more; victim incapable of giving consent because of mental deficiency or disease or under effect of any alcoholic liquor, narcotic, drug or other substance	21-5505(b)(3)	(c)(2)	5	Person
	Misdemeanor	Endangering a Child; Knowingly and unreasonably cause or permit a child less than 18 yrs of age to be placed in situation in which child's life, body or health may be endangered	21-5601(a)	(c)(1)	A	Person
intimidation of a witness or victim	Felony	Aggravated Endangering a Child; Recklessly cause or permit a child under 18 to be in a situation where the child's life, body or health is endangered	21-5601(b)(1)	(c)(2)	9	Person
	Felony	Aggravated Endangering a Child; Cause or permit a child to be in an environment where methamphetamine is distributed or possessed with intent to distribute, manufactured or attempted to be manufactured	21-5601(b)(2)	(c)(2)	9	Person
intimidation of a witness or victim	Misdemeanor	Intimidation of Witness or Victim; Prevent or dissuade, or attempt to prevent or dissuade any witness or victim from attending or giving testimony at any civil or criminal trial, proceeding or inquiry authorized by law	21-5909(a)(1)	(c)(1)	B	Person
	Felony	Aggravated Intimidation of a Witness or Victim; Express or implied threat of force or violence against a witness, victim or other person or the property of any witness, victim or other person	21-5909(b)(1)	(c)(2)	6	Person
intimidation of a witness or victim	Felony	Aggravated Intimidation of a Witness or Victim; In furtherance of a conspiracy	21-5909(b)(2)	(c)(2)	6	Person
	Felony	Aggravated Intimidation of a Witness or Victim; By one who has prior conviction for corruptly influencing a witness, or a violation of this act or any similar crime	21-5909(b)(3)	(c)(2)	6	Person
intimidation of a witness or victim	Felony	Aggravated Intimidation of a Witness or Victim; Witness or victim is under 18	21-5909(b)(4)	(c)(2)	6	Person
	Felony	Aggravated Intimidation of a Witness or Victim; Committed for pecuniary gain or for any other consideration by a person acting upon the request of another person	21-5909(b)(5)	(c)(2)	6	Person

illegally using, carrying or possessing a dangerous weapon	Misdemeanor	Criminal Use of Weapons: Knowingly selling, manufacturing, purchasing or possessing bludgeon, sand club, switch-blade, throwing stars, metal knuckles	21-6301(a)(1)	(b)(1)	A	Nonperson	
	Misdemeanor	Criminal Carrying of a Weapon: Knowingly carrying bludgeon, sand club, switch-blade, throwing stars, metal knuckles	21-6302(a)(1)	(b)(1)	A	Nonperson	
	Misdemeanor	Criminal Use of Weapons: Knowingly possesses with intent to unlawfully use against another, a dagger, dirk, billy, blackjack, slingshot, dangerous knife, straight-edge razor, siletto, or other dangerous or deadly weapon; except ordinary pocket knife	21-6301(a)(2)	(b)(1)	A	Nonperson	
	Misdemeanor	Criminal Carrying of a Weapon: Knowingly carrying on one's person or in any land, water or air vehicle, with intent to unlawfully use, tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance	21-6302(a)(3)	(b)(1)	A	Nonperson	
	Misdemeanor	Criminal Carrying of a Weapon: Knowingly carrying firearm concealed on one's person except when on one's land or in one's abode or fixed place of business	21-6302(a)(4)	(b)(1)	A	Nonperson	
	Misdemeanor	Criminal Use of Weapons: Knowingly transferring firearm to any person who is both addicted to and an unlawful user of a controlled substance	21-6301(a)(8)	(b)(1)	A	Nonperson	
	Felony	Illegal Use of Weapons of Mass Destruction: Knowingly and without lawful authority, develop, produce, stockpile, transfer, acquire, retain or possess any biological agent toxin or delivery system for use as a weapon	21-5422(a)(1)(A)	(b)	Off-grid	Person	
	Felony	Illegal Use of Weapons of Mass Destruction: Knowingly and without lawful authority, develop, produce, stockpile, transfer, acquire, retain or possess any chemical weapon	21-5422(a)(1)(B)	(b)	Off-grid	Person	
	Misdemeanor	Drugs: Use or possess with intent to use drug paraphernalia to store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body [Formerly K.S.A. 65-4152(a)(2)]	21-5709(b)(2)	(e)(3)	A	Nonperson	
	Felony	Drugs: Cultivate, distribute, or possess with intent to distribute controlled substances or analogs; opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107; 2 or more prior convictions [Formerly K.S.A. 65-4161(a)]	21-5705(a)(1)	(c)(1)(C)	d 1	Nonperson	
	possession, use, consumption or self-administration of alcohol or any controlled substance (from KAR 16-3-3)						

(1) "Severity Level" reflects the level for the basic crime; additional circumstances could increase the severity level noted
(2) Definition: "Conduct that is unjust, depraved, or shameful; that which is contrary to justice, modesty, or good morals." Black's Law Dictionary includes this definition from a legal opinion:
"The act of baseness, vileness, or the depravity in private and social duties which man owes to his fellow man, or to society in general, contrary to accepted and customary rule of right and duty between man and man."

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