CHAPTER 3. PRIVATE DETECTIVES

001. DEFINITIONS

For purposes of Chapter 3 of these regulations:


001.02. Secret service or private policing business shall mean and include: general investigative work; non-uniformed security services; surveillance services; location of missing persons; and background checks.

001.02A. The following activities shall constitute general investigative work:

001.02A1. Investigating the identity, habits, conduct, movements, whereabouts, transactions, reputation, or character of any individual or organization;
001.02A2. Investigating the credibility of witnesses or other individuals;
001.02A3. Investigating the location or recovery of lost or stolen property;
001.02A4. Investigating the origin of and responsibility for libels, losses, accidents, or damage or injuries to individuals or property;
001.02A5. Investigating the affiliation, connection, or relationship of any individual, firm, or corporation with any organization, society, or association, or with any official, representative, or member thereof;
001.02A6. Investigating the conduct, honesty, efficiency, loyalty, or activities of employees, individuals seeking employment, agents, or contractors and subcontractors;

The list of activities in subsection 001.02A shall not be construed as exhaustive.

001.02B. Background checks shall mean the act of reviewing both confidential and public information to investigate an individual or entity's history, credit standing, general reputation, personal characteristics, or mode of living.

001.03. Secretary shall mean the Secretary of State

001.04. Sole proprietor shall mean an individual owning his own private detective business with no other agents or employees engaged in the private detective work, and shall not include any private detective business owned or operated in whole or in part by a partnership, limited partnership, firm, association, corporation, limited liability company, or other legal entity.

001.05. Plain Clothes Investigator shall mean and include any individual, other than a private detective, who is an employee and on behalf of a private detective agency without any identifying uniform performs services consisting wholly or investigative activity within the scope of the private detective business.

001.06. Private Detective shall mean any individual who as a sole proprietor engages in the private detective business without the assistance of any employee.
001.07. Private Detective Agency shall mean any person who as other than a private detective or a plain clothes investigator engages in the private detective business.

Annotation: Neb. Rev. Stat. § 71-3201
002. PRIVATE DETECTIVE BUSINESS

002.01. For purposes of the Act advertising or holding oneself out as being engaged in the private detective business shall mean and include:

- 002.01A. Placing advertisements offering private detective, secret service or private policing services.
- 002.01B. Distributing business cards using stationary or letterhead indicating the individual or entity offers private detective, secret service or private policing services.
- 002.01C. Soliciting clients for the purpose of performing private detective, secret service, or private policing services.

002.02. Advertising in state and local publication must be the same as identified on the application form.

- 002.02A. Private detective agency advertising must have a private detective agency license.
- 002.02B. Private detective advertising must be advertising as an individual performing private detective work.

- 002.02C. Plain clothes investigators may only advertise as employees of a private detective agency that they are employed.

003. APPLICATIONS AND OTHER FORMS

003.01. The following forms are required for licensing under the Act: (Example)

003.01A. Application for plain clothes or private detective license
003.01B. Voucher for plain clothes investigator
003.01C. Application for private detective agency license
003.01D. Release of information form
003.01E. Instructions for use of fingerprint cards
003.01F. Fingerprint card
003.01G. Bond Form
003.01H. Plain clothes or private detective license renewal form
003.01I. Private detective agency renewal form

The forms listed in this section and attached hereto shall be made available to all applicants for license under the Act and shall be incorporated by reference into these rules and regulations.

004. LICENSE APPLICATION REQUIREMENTS

004.01. Before being considered by the Secretary of State, every application for a private detective, private detective agency, or plain clothes investigator license shall include the following information and meet the following requirements:

004.01A. All questions on the application form(s) must be answered.
004.01B. All licensing and investigation fees must be paid in advance.
004.01C. Submission of readable fingerprint cards.
004.01D. Submission of a license surety bond for $10,000 (for agency and private detective licenses only).
004.01E. Submission of a color photograph 1" by 1 1/2" facial of applicant taken within 90 days of application.

005. PRIVATE DETECTIVE and PRIVATE DETECTIVE AGENCY LICENSING REQUIREMENTS

005.01. Before being approved by the Secretary of State all applicants for a private detective license or a private detective agency license must meet or exceed the following requirements:

005.01A. Minimum of 3000 hours of verifiable investigative experience, or
005.01B. A minimum of 2500 hours of verifiable investigative experience if the applicant has completed an associate degree in Criminal Justice, or a closely related field, from an accredited, regionally recognized, degree-awarding university, college or community college, or
005.01C. A minimum of 2000 hours of verifiable investigative experience if the applicant has completed a bachelor’s degree in Criminal Justice, or a closely related field, from an accredited, regionally recognized, degree-awarding university or college, and
005.01D. A minimum score of 80% on the license exam.

005.02. For purposes of section 001 of this chapter, verifiable investigative experience shall mean and include previous investigative experience working as a city, county, state or federal law enforcement officer, military police officer, private investigator in another state, or licensed plain-clothes investigator in this state and may include other relevant investigative experience approved by the Secretary of State.

005.03. If the application is for a private detective agency license, at least one person designated on the application shall meet the requirements of section 001 of this chapter. The person so designated must have overall management responsibility of the day to day affairs and investigations of the agency and oversee or supervise any plain clothes investigators working under the agency license. If the applicant is a corporation the designee shall be an officer or director of the corporation, if the applicant is a limited liability company the designee shall be a member or manager of the limited liability company, if the applicant is a partnership or some other type of business organization the designee shall be a partner or manager. Any officer or managing partner must complete and submit fingerprint cards for a criminal background check prior to issuance of an agency license.

005.04. In addition to the requirements set forth in these rules, before being approved by the Secretary of State all applicants for a private detective license or a private detective agency license must meet all requirements set forth for licensure under the Private Detective Licensing Act.

005.05. Any person or persons conducting investigations as an employee of a private detective agency license holder must have a plain clothes investigations license.

006. PLAIN CLOTHES INVESTIGATOR'S LICENSE

006.01. Before being approved by the Secretary of State all applicants for a plain clothes investigators license must meet or exceed the following requirements:

006.01A. A minimum score of 80% on the license exam.
006.01B. A statement signed by the agency license holder who the plain clothes investigator will be employed by ensuring that each investigator has the necessary knowledge to competently practice in the private investigative business.

006.02. A plain clothes investigator license shall be null and void upon the following circumstances: expiration of agency, termination of employment

006.03. All plain clothes investigators must be employed by a licensed Nebraska private detective agency.

006.04. In addition to the requirements set forth in these rules before being approved by the Secretary of State applicants for a plain clothes investigators license must meet all the requirements set forth for licensure under the Private Detective Licensing Act.

007. LICENSE EXAM

007.01. The license exam shall consist of questions aimed at determining whether the applicant has the reasonably necessary knowledge, experience, and competency to engage in and perform the duties of the secret service or private policing business.

007.01A. Knowledge of the Nebraska Private Detective Act and laws related to or affecting private detective work, including but not limited to:

007.01A2. Basic requirements to become a license holder
007.01A3. Debt collection restrictions
007.01A4. Surety bond requirements
007.01A5. Minimum number of hours of experience to apply for a detective license
007.01A6. Disqualification for application of private detective license
007.01A7. Expiration date of all license holders
007.01A8. Restrictions on duties of plain clothes investigators
007.01A9. Advertising for private detective services
007.01A10. License renewal requirements
007.01A11. Interception of wire of electronic communications (wiretapping)
007.01A12. Trespassing
007.01A13. Carrying a concealed weapon
007.01A14. Provisions of the Nebraska private detective licensing rules and regulations
007.01A15. Intrusion

007.02. The license exam shall be administered at such places and times as the Secretary of State may determine, but in no event shall the test be held more than 30 days after an applicant’s request to take the test. Any applicant who does not pass the exam must wait at least 21 days before re-taking the exam. If an applicant does not pass the test after three tries the applicant shall be considered incompetent to receive a license for private investigative work in the State of Nebraska, and shall not be eligible to take the test again. A passing exam score shall be valid for 2 years from the date of examination.

008. FEES

008.01. Application fees for initial and renewal applications shall be as follows:

008.01A. Private Detective .......................$50.00.
008.01B. Private Detective Agency ..................$100.00.
008.01C. Plain Clothes Investigator..................$25.00.

008.02. A background check application fee of $38 shall be charged in addition to the fees detailed above for each application except that the background check application fee shall not be required upon renewal.

008.03. Fees charged pursuant to this section are non-refundable.

APPENDIX
Title 433 Chapter 3

Application for plain Clothes or Private Detective License
Voucher for Plain Clothes Investigator
Application for Private Detective Agency License
Release of Information Form
Instructions for Use of Fingerprint Cards
Fingerprint Card
Bond Form
Plain Clothes or Private Detective License Renewal Form
Private Detective Agency Renewal Form
APPLICATION FOR PLAIN CLOTHES OR PRIVATE DETECTIVE LICENSE

Application for (please check one) Private Detective □ $50.00 Plain Clothes Investigator □ $25.00

In compliance with the provision of Sections 71-3201 to 71-3213, Revised Statutes of Nebraska 1943 Reissue 2009, I do hereby on this _______________ day of __________________________, 20____ make application for a license authorizing me to engage in the private detective business. Accompanying this application is the statutory fee, recent photo and two copies of my fingerprints. Print or Type all answers. Any omissions will require the form to be returned for completion.

Full Name of Applicant ........................................................................................................................................

Residence Address .......................................................... Phone #(................)

Street Address  City State Zip Code Area Code

Date of Birth ..................................................Place of Birth .......................................................... Age ................................

Month, Day, Year City, State or Country

Name of Private Detective business that you will work under .............................................................. Phone #(................)

Business Address .......................................................... Phone #(................)

Street Address  City State Zip Code Area Code

Please list past employers or organizations where you have been employed or vocation.

08. Nature of Business .......................................................... Position Held ..........................................................

From .......................................................... To ..........................................................

Employer ........................................................................................................................................

Address ........................................................................................................................................

Employer Contact Person ...................................................................................................................... Phone #(................)

Area Code

08. Nature of Business .......................................................... Position Held ..........................................................

From .......................................................... To ..........................................................

Employer ........................................................................................................................................

Address ........................................................................................................................................

Employer Contact Person ...................................................................................................................... Phone #(................)

Area Code

08. Nature of Business .......................................................... Position Held ..........................................................

From .......................................................... To ..........................................................

Employer ........................................................................................................................................

Address ........................................................................................................................................

Employer Contact Person ...................................................................................................................... Phone #(................)

Area Code

Have you completed an associate or baccalaureate degree program in Criminal Justice or a closely related field? ______ If so please list the name of the school and the date the diploma or degree was awarded.

Have you ever been engaged in any kind of police or detective work, public or private? ______ If so please explain: __________________________

Have you ever been licensed in any other state as a private detective or plain clothes investigator? ______ Where? __________________________

When? __________________________

Has your application for a license as a private detective or plain clothes investigator ever been rejected in any other state? ______ If so, explain fully, giving exact dates, places, parties involved and full details of rejection: __________________________

Has your license as a private detective or plain clothes investigator ever been revoked or suspended in any other state? ______ If so, explain fully, giving exact dates, places, parties involved and full details of revocation or suspension: __________________________

Have you ever been convicted of any criminal offense, or is there any criminal charges now pending against you (other than minor traffic violations)? ______ If yes, explain fully giving exact dates, places, persons, and full details of such charges or convictions: __________________________

Have you read and do you understand the provisions of Nebraska Statutes 71-3201-through 71-3213, revised RRS Nebr. 1943; Reissue 2009 (Nebraska Private Detective Licensing Act)? ______ If you are applying for a Private Detective License will you display your license in a conspicuous place in your business? ______ If applying for a Plain Clothes Investigator License do you understand that if you change Private Detective agency employers, that
you must immediately return your pocket card to the Secretary of State and secure a new card?  

Photocopy as needed

State at least four (4) individuals who can be contacted as personal references concerning your reputation for truth, honesty, and integrity. These individuals cannot be related to you.

I

Name ................................................................. Occupation .................................................................

Residence Address ................................................................. Phone #. ................................................................. 

Street Address  City  NE  Zip Code  Area Code

Business Address ................................................................. Phone #. ................................................................. 

Street Address  City  NE  Zip Code  Area Code

II

Name ................................................................. Occupation .................................................................

Residence Address ................................................................. Phone #. ................................................................. 

Street Address  City  NE  Zip Code  Area Code

Business Address ................................................................. Phone #. ................................................................. 

Street Address  City  NE  Zip Code  Area Code

III

Name ................................................................. Occupation .................................................................

Residence Address ................................................................. Phone #. ................................................................. 

Street Address  City  NE  Zip Code  Area Code

Business Address ................................................................. Phone #. ................................................................. 

Street Address  City  NE  Zip Code  Area Code

IV

Name ................................................................. Occupation .................................................................

Residence Address ................................................................. Phone #. ................................................................. 

Street Address  City  NE  Zip Code  Area Code

Business Address ................................................................. Phone #. ................................................................. 

Street Address  City  NE  Zip Code  Area Code

APPLICANT'S CONSENT

The foregoing statements are made for the purpose of procuring a Nebraska Private Detective or Plain Clothes Investigator License. I hereby consent that these statements may be used as evidence by the Secretary of State of the State of Nebraska, or in any court in Nebraska where a violation of Sections 71-3201 through 71-3213 is charged and that the application and representations made by me in order to procure a license.

I also expressly agree that the Secretary of the State of Nebraska reserves the right to go outside this application for information as to my trustworthiness and competency to act as a Private Detective or Plain Clothes Investigator in the State of Nebraska.

I hereby authorize the Secretary of State to submit a set of my fingerprints and this form to the Nebraska State Patrol for the purpose of accessing and reviewing the Nebraska and FBI national criminal history records that may pertain to me. I understand that I would be able to receive any national criminal history record that may pertain to me directly from the FBI pursuant to 28 CFR Sections 16.30-16.34, and that I could then freely disclose any such information to whomever I chose. By signing this application, it is my intent to authorize the dissemination of any national criminal history record that may pertain to me to the Secretary of State with which I am seeking a license.

Respectfully Submitted, .................................................................
Signature of Applicant

AFFIDAVIT

STATE OF  )
) SS.
COUNTY OF  )

I, ................................................................., being first duly sworn on oath say that I am the above named applicant, that I have personally prepared the foregoing application, and that the same is true to the best of my knowledge and belief.

.................................................................
Signature of Applicant

Subscribed and sworn to before me this ........day of ................................................................. 20........ 
Signature of Notary Public

My Commission expires ................................................................. 20........
VOUCHER FOR PLAIN CLOTHES DETECTIVE

This voucher to be signed by one of the officers of the individual under whom applicant wishes employment.

STATE OF  )
COUNTY OF  )

...........................................................................................................
Name of Private Detective Agency, Prospective Employer

...........................................................................................................
Name

the....................................................................................................
Name of the.........................................................................................
Detective Agency, has

Title of Office Held

investigated the past record of ............................................., who has made application to act as a Plain Clothes Investigator under

Name of Applicant

said Private Detective Agency, and that from such investigation he believes that said applicant is competent and trustworthy to act as a Plain

Clothes Investigator in such manner as to safeguard the interests of the public, and that said Private Detective Agency approves such application.

...........................................................................................................
Signature of Private Detective Agency, Prospective Employer

Subscribed and sworn to before me this .............day of..................................20........

...........................................................................................................
Signature of Notary Public

My Commission expires ...................................................., 20........

Photocopy as needed
APPLICATION FOR PRIVATE DETECTIVE AGENCY

In compliance with the provision of Sections 71-3201 to 71-3213, Revised Statutes of Nebraska 1943 Reissue 2009, I do hereby on this ................................day of ............................................. 20 .........., make application for a license authorizing .............................................................. to perform the functions as a private detective agency. Accompanying this application is the statutory fee of $100.00

PRINT OR TYPE ALL ANSWERS. Any omissions will require the form to be returned for completion.

Full Name of Applicant...............................................................

Business Address.............................................................................. Phone ........................................

Street Address City, State Zip

OFFICERS

President Street Address City ........................................................................... Nebraska Zip Code

Vice President Street Address City ........................................................................... Nebraska Zip Code

Secretary Street Address City ........................................................................... Nebraska Zip Code

Treasurer Street Address City ........................................................................... Nebraska Zip Code

Other officers having right to participate in management:

Street Address City ........................................................................... Nebraska Zip Code

Street Address City ........................................................................... Nebraska Zip Code

Street Address City ........................................................................... Nebraska Zip Code

Street Address City ........................................................................... Nebraska Zip Code

APPLICANT’S CONSENT

The foregoing statements are made for the purpose of procuring a Nebraska Private Detective Agency License. I hereby consent that these statements may be used as evidence by the Secretary of State of the State of Nebraska; or in any court in Nebraska where a violation of Sections 71-3201 through 71-3213 is claimed and that the application and representations made by me in order to procure a License.

I also expressly agree that the Secretary of State of the State of Nebraska reserves the right to go outside this application for information as to the trustworthiness and competency to act as a Private Detective Agency in the State of Nebraska.

I hereby authorize the Secretary of State to submit a set of my fingerprints and this form to the Nebraska State Patrol for the purpose of accessing and reviewing the Nebraska and FBI national criminal history records that may pertain to me. I understand that I would be able to receive any national criminal history record that may pertain to me directly from the FBI, pursuant to 28 CFR Sections 16.30-16.34, and that I could then freely disclose any such information to whomever I chose. By signing this application, it is my intent to authorize the dissemination of any national criminal history record that may pertain to me to the Secretary of State with which I am seeking a license.

Respectfully Submitted, .................................................................................. Signature of Applicant

AFFIDAVIT
Entity or Individual making application for Private Detective Agency License

STATE OF  
) ) ss.
COUNTY OF  
)

I, ..........................................................................................................., being first duly sworn on oath say that I am the above named applicant or a duly elected and qualified officer, that I have personally reviewed the foregoing application, and that the same is true to the best of my knowledge and belief.

............................................................................................................
Name of Agency

............................................................................................................
Signature of President, Managing Officer or Individual

Subscribed and sworn to before me this ................... day of ........................................ 20...........

............................................................................................................
Signature of Notary Public

My commission expires ...................................................... , 20............

Photocopy as needed
SUPPLEMENTARY INSTRUCTIONS FOR
USE OF FINGERPRINT CARDS
(To be distributed with all applications for private detective, private detective agency, and plainclothes investigator licenses)

Please note that the request for Social Security number found at the center of the fingerprint form on the upper third of the page is optional.

Federal law (the Privacy Act of 1974, Public Law 93-79) generally provides that it is illegal for any government entity to deprive any individual any right, privilege, or benefit due to the individual’s failure to provide a Social Security number. Therefore, since the Secretary of State does not have specific legal authority to request a Social Security number for private detective licensing, the request for a Social Security number on the fingerprint card is optional.

Failure to provide your Social Security number on the fingerprint form will not affect your application for licensure.

The Social Security number requested (if provided) is used to ease identification of individuals for the state and federal criminal history checks done on applicants through the use of the fingerprint cards.
PRIVATE DETECTIVE OR PRIVATE DETECTIVE AGENCY LICENSE BOND

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS ________________________________ (Applicant)
of
__________________________ (Street Address)
of the City and State of ____________________________
has applied for a license for the purpose of carrying on the business
of a private detective or private detective agency pursuant to the provisions of Sections 71-3201 to
71-3213, Revised Statutes of Nebraska, 1943, Reissue 2009, and

WHEREAS the laws of the State of Nebraska provide for the filing and
maintaining with the Secretary of State of the State of Nebraska of a surety bond
in the sum of ten thousand dollars ($10,000.00).

NOW THEN, I, the undersigned ________________________________ (Applicant)
and the ________________________________ (name of corporate surety company)
as surety do hereby undertake
and bind ourselves unto the State of Nebraska in the
sum of ten thousand and no/100 dollars ($10,000), conditioned on the faithful
and honest conduct and compliance with the provisions of Section 71-3207, Revised
Statutes of Nebraska, 1943, Reissue 2009.

This bond is to be effective for a period of two (2) years from ________________________________
unless cancelled earlier by the either the private detective business or surety.

In witness whereof we have set our hands this ___________ day of ____________ 20______

(Applicant/President or Managing Officer)

ACKNOWLEDGEMENT

STATE OF )
) ss.
COUNTY OF )

The foregoing instrument was acknowledged before me this ____________________________ by
(date)

______________________________________________
(name of person acknowledged)

______________________________________________
Notary Public Signature

My Commission expires ____________________________ 20______
IN WITNESS WHEREOF, the said Surety has caused this instrument to be executed by its ____________________ and its corporate seal to be affixed hereto this _________ day of ____________________, 20____.

(Seal)

______________________________
Surety

______________________________
By    (Officer)
RENEWAL APPLICATION FOR PLAIN CLOTHERS OR PRIVATE DETECTIVE LICENSE

Renewal Application for (please check one) Private Detective □ $50.00  Plain Clothes Investigator □ $25.00

In compliance with the provisions of Sections 71-3201 to 71-3213, Revised Statutes of Nebraska 1943 Reissue 2009, I do hereby on this .........day of ................. 20 ........., make application for a license authorizing me to engage in the private detective business. Accompanying this application is the statutory fee.

Print or Type all answers. Any omissions will require the form to be returned for completion. Photocopy as needed

Full Name of Applicant ........................................................................................................................................

Residence Address ........................................................................................................................................
Street Address .......................................................... City .................................................. State .......................... Zip Code ................. Area Code .................

Date of Birth .......................................................... Place of Birth ..........................................................
Month, Day, Year .......................................................... City, State or Country ..........................................................

Name of Private Detective business that you will work under .............................................................................

Business Address ........................................................................................................................................
Street Address .......................................................... City .................................................. State .......................... Zip Code ................. Area Code .................

APPLICANT'S CONSENT

The foregoing statements are made for the purpose of procuring a Nebraska Private Detective or Plain Clothes Investigator License. I hereby consent that these statements may be used as evidence by the Secretary of State of the State of Nebraska; or in any court in Nebraska where a violation of Sections 71-3201 through 71-3213 is claimed and that the application and representations made by me in order to procure a License.

I also expressly agree that the Secretary of State of the State of Nebraska reserves the right to go outside this application for information as to my trustworthiness and competency to act as a Private Detective or Plain Clothes Investigator in the State of Nebraska.

Respectfully Submitted,

..........................................................
Signature of Applicant

AFFIDAVIT

STATE OF ......................... )
COUNTY OF ......................... ss.

I, ......................................................................................................................... being first duly sworn on oath say that I am the above named applicant, that I have personally prepared the foregoing application, and that the same is true to the best of my knowledge and belief.

..........................................................
Signature of Applicant

Subscribed and sworn to before me this ..........day of: ............................................... 20 .............

..........................................................
Notary Public Signature

My Commission expires .........................................................., 20 .............
RENEWAL APPLICATION FOR PRIVATE DETECTIVE AGENCY

In compliance with the provision of Sections 71-3201 to 71-3213, Revised Statutes of Nebraska 1943 Reissue 2009, I do hereby on this __________________day of ________________________________ 20_________ make application for a license authorizing __________________________________________________________ to perform the functions as a private detective agency. Accompanying this application is the statutory fee of $100.00.

PRINT OR TYPE ALL ANSWERS. Any omissions will require the form to be returned for completion.

Full Name of Applicant: ______________________________________________________

Business Address: ____________________________________________________________ Phone: __________________________

Street Address                                      City, State                                      Zip

OFFICERS

President: ___________________________________________________________ Nebraska__________________________

Vice President: ___________________________________________________________ Nebraska__________________________

Secretary: ________________________________________________________________ Nebraska__________________________

Treasurer: _________________________________________________________________ Nebraska__________________________

Other officers having right to participate in management:

Name: ___________________________________________________________ Nebraska__________________________

Street Address                                      City                                      Zip Code

STATE OF ) ) ss.

COUNTY OF )

I, ___________________________________________________________being first duly sworn on oath say that I am the above named applicant or a duly elected and qualified officer, that I have personally reviewed the foregoing application, and that the same is true to the best of my knowledge and belief.
Name of Agency

Signature of President, Managing Officer or Individual

Subscribed and sworn to before me this .............. day of .................           20 ........

Signature of Notary Public

My commission expires .................................................., 20 ........

Photocopy as needed