

HOUSE No. 2576

By Mr. Murphy of Brockton, petition of George L. Wainwright for legislation to regulate further the business of private detective. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

AN ACT FURTHER REGULATING THE BUSINESS OF PRIVATE DETECTIVE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 147 of the General Laws is hereby
2 amended by striking out sections 22 to 30, inclusive, and the
3 caption preceding said section 22, as appearing in section 1
4 of chapter 802 of the acts of 1960, and inserting in place thereof
5 the following eleven sections under the caption PRIVATE DE-
6 TECTIVES:—

7 PRIVATE DETECTIVES.

8 *Section 22.* No person shall engage in the business of or
9 solicit business as a private detective, or the business com-
10 monly transacted by a private detective, under any name or
11 title whatsoever, without first obtaining a license so to do as
12 provided in sections twenty-three to thirty, inclusive.

13 *Section 23.* The said license may be granted by the com-
14 missioner to any reputable citizen of the United States, or to
15 any firm or corporation making written application therefor.
16 The persons making the application shall be not less than
17 twenty-one years of age, and shall have had at least three
18 years' experience as investigators. The holder of a license may
19 employ as many agents, operatives and assistants as may be
20 deemed necessary by the licensee for the conduct of the business.

21 *Section 24.* Application for the license shall be made on
22 blank forms to be furnished by the commissioner. The ma-

23 terial facts stated in the application shall be verified by the
24 oath of the applicants, or, in the case of corporations, by the
25 oath of the resident manager or superintendent to whom the
26 license may be issued. The application shall contain the cer-
27 tificates of at least three reputable citizens of the common-
28 wealth, residing in the town where the applicant proposes in
29 his application to establish his principal place of business, and
30 said certificates shall be received as evidence of the good re-
31 pute of the applicants, and as evidence that the representations
32 made in the application are true.

33 *Section 25.* The license shall be granted for one year, and
34 shall state therein the name and address of the principal office
35 or place of business of the licensee, and the name under which
36 the licensed business is to be conducted.

37 *Section 26.* For the purposes of this chapter, the term
38 "private detective" shall include, among others, those per-
39 sons known as inside shop operatives and also persons known
40 as strikebreakers, — that is, persons who pose as shop em-
41 ployees, but who do not undertake direct employment whether
42 in shops or otherwise with the owner of a place of employment,
43 but who are employed by some independent agency to operate
44 or work in such place of employment, or to render reports of
45 efforts to unionize or organize employees in such place of em-
46 ployment to the owners of the place of employment under the
47 direction of such independent agency. It shall also include any
48 agency which furnishes guard or patrol protection for homes,
49 stores, industrial plants and private or public institutions.

50 *Section 27.* It shall be unlawful for any private detective
51 duly licensed under this statute to enter, or cause any person
52 to enter, any place of employment for any purpose having to
53 do with the organizing or organization of employees in said
54 establishment, or any purpose having to do with hours of labor,
55 wages or salaries paid, or conditions of employment in such es-
56 tablishment or its branches or subsidiaries or related units, or
57 to disseminate propaganda of any sort among employees in
58 such establishment, or to be concerned with labor conditions
59 of employees as a group, nor shall any private detective pose
60 as an employee in any such establishment for any of the afore-
61 mentioned purposes. Any private detective who enters any
62 such establishment for any purpose other than the aforemen-

tioned purposes shall within twenty-four hours after making such entry file with the commissioner of public safety a statement in writing of the purpose of such action. Violation of any provision of this section shall subject the private detective concerned to loss of his or its license for not less than one year, after opportunity for an impartial hearing by the commissioner of public safety, on written complaint of any aggrieved person, or the officer of any aggrieved labor union or association, whether incorporated or otherwise.

Section 28. For each license, the licensee, if an individual, shall pay to the commissioner the sum of one hundred dollars annually, and, if a partnership or corporation, the sum of two hundred dollars annually, and shall give to the commissioner a bond in the sum of five thousand dollars, executed by the applicant as principal and by a surety company authorized to do business in the commonwealth as surety. The bond shall be in such form as the commissioner may prescribe, conditioned upon the honest conduct of the business of the licensee, and the right of any person injured by the wilful, malicious or wrongful act of the licensee to bring in his own name an action on the bond; and the word "person" under this section shall include the officer of any aggrieved labor union or association, whether incorporated or otherwise.

Section 29. A license may be revoked at any time by the commissioner for good cause shown; provided, that due notice shall have been given to the licensee to appear before the commissioner to show cause why the license should not be revoked.

Section 30. Any person who is or has been an employee of a licensee and who divulges any information gained by him in the said employment except as his employer may direct, or as he may be required by law to do, or who wilfully makes a false report to his employer, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

Section 30A. Any person other than an agent, employee or assistant of a licensee hereunder, and any corporation acting as a private detective without obtaining a license in accordance with sections twenty-three to thirty, inclusive, shall be punished by a fine of not more than five hundred dollars or by imprisonment for a term not exceeding one year, or both; but

103 no corporation shall be liable to the said penalty if its resident
104 manager or superintendent is duly licensed under said sections.
105 *Section 30B.* Sections twenty-two to thirty A, inclusive, shall
106 not apply to any detective or officer belonging to the police force
107 of the commonwealth, or of any subdivision thereof, while en-
108 gaged in the performance of his official duties; nor to a chari-
109 table, philanthropic or law enforcement society or association
110 duly incorporated under the laws of the commonwealth, nor to
111 any agent thereof while engaged in the discharge of his duties
112 as such agent; provided, the society or organization is promoted
113 and maintained for the public good and not for private profit;
114 nor to any person employed by any person as an investigator
115 in connection with the regular and customary business of such
116 employer, and whose services are not let out to another for
117 profit or gain; nor to any regularly established credit reporting
118 or mercantile agency; provided, that such society, person or
119 agency does not engage in any activities in any way concerned
120 with employee or labor disputes or problems, or other related
121 matters, or in any activities described in section twenty-six or
122 twenty-seven; nor shall said sections twenty-two to twenty-
123 nine, inclusive, be construed to prohibit a licensee thereunder
124 from conducting an investigation within an employer's own
125 establishment for the purpose of obtaining information for the
126 employer respecting conditions affecting the safe, efficient and
127 economical operation of said employer's business, but not in
128 any way concerning or having to do with hours of labor, wages,
129 salaries or labor disputes.