



January 5, 2016

Leon D. Baker, Jr.
Acting Manager of Customer Services
Division of Law Enforcement and Security Services
Virginia Department of Criminal Justice Services
1100 Bank Street, Richmond, VA 23219

Dear Mr. Baker:

Thank you for requesting that the Private Investigator's Association of Virginia, Inc. (PIAVA) review HB 147 [relating to Department of Criminal Justice Services; photo identification] which have been proposed for adoption by the General Assembly. Per your request we have provided commentary in support or opposition to this bill in light of our perception of its merit and potential impact upon the private investigative industry in Virginia. We support the passage of HB 147 for the reasons outlined below.

HB 147 - SUMMARY AS INTRODUCED BY DELEGATE FOWLER:

Department of Criminal Justice Services; photo identification. Provides that the Department of Criminal Justice Services (the Department) shall design and approve the issuance of photo-identification cards to every (i) person who is issued a private security services registration by the Department, (ii) special conservator of the peace, and (iii) licensed bail bondsman and bail enforcement agent. The photo-identification card shall contain the name, registration or license number, registration or license category, and photograph of the recipient; the date of expiration; and the name of the issuer in the form "Department of Criminal Justice Services, Commonwealth of Virginia." The Department may enter into an agreement with the Department of Motor Vehicles to produce the photo-identification cards. The bill has a delayed effective date of July 1, 2017.

POSITION: SUPPORTED BY PIAVA, as to the sections dealing with private investigators

COMMENTARY:

The Private Investigator's Association of Virginia, Inc. (PIAVA) is very appreciative of Delegate Fowler's interest in assuring that regulation of our industry assures public safety in the Commonwealth; and importantly, does so in a cost neutral manner for the Commonwealth, and at minimal cost to our members.

We believe that it is in the public's interest for entities and persons who perform private investigative services be regulated by the Commonwealth. We also believe it is in the public's, and registrants', interest that the credentials that are provided by the Commonwealth as a result of that regulation be independently valid, which would require a photo be included on the registration cards issued by the Department of Criminal Justice Services ("DCJS", or "the Department").

Due to the nature of services performed by a Private Investigator, they at times come in contact with law enforcement personnel and/or are in direct contact with members of the public, often times in or around their private residences and/or place of business. PIAVA believes strongly that both law enforcement personnel and/or citizens of the Commonwealth at times experience a legitimate need for a timely, practical and reasonably effective means to validate the identity and authorization of an individual to perform private investigative services. Such circumstances require immediate access to an identification issued by DCJS, which demonstrates on its face, whether its bearer has been authorized to perform regulated services. Critical components of that identification include the name, photograph, and key descriptive data of the registrant which are sufficient to permit a reviewer to establish whether it is valid. PIAVA believes that the absence of a photo on the current registration card issued by DCJS creates a public safety issue which warrants immediate resolution.

According to the Department of Planning and Budget's 2015 Fiscal Impact Statement for HB 2265, which as passed by the House mirrors HB 147, enactment of HB 147 will be cost neutral. DCJS is authorized by Virginia Code to "Levy and collect fees for registration...that are sufficient to cover all expenses for administration and operation of a program of registration...for private security services..." (see §9.1-141.C.5. of Virginia Code), and the bill includes a temporary \$4 surcharge to defer upfront costs associated with the issuance of a photo identification card.

Creating a statutory requirement for DCJS to issue a photo identification card to its registrants requires that the Department return to its past policy and practice of doing so, and we therefore urge the Department to support this legislation.

Leon, once again I wish to thank you for asking PIAVA to review and provide input to the Department on this proposed legislation. Please let me know if we can be of any further assistance.

Sincerely,



Todd Troutner
President