



NATIONAL COUNCIL OF INVESTIGATION & SECURITY SERVICES

The National Voice of the Private Investigation & Security Professions

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Criminal Justice Committee
Ohio House of Representatives
77 S High Street
Columbus, OH 43215

November 18, 2024

Request for Comprehensive Exemption for Licensed Private Investigators and Security Professionals in Senate Bill 100

Dear Chair Abrams, Vice Chair Williams, Ranking Member Brown, and Members of the Criminal Justice Committee,

I am writing on behalf of the National Council of Investigation & Security Services (NCISS) to express our concerns regarding Senate Bill 100, which seeks to regulate the installation and use of tracking devices and applications. While we acknowledge the bill's intent to protect individual privacy, we are deeply concerned about its potential impact on the critical work performed by licensed private investigators and private security professionals to serve the people of the state of Ohio.

Senate Bill 100 provides certain exemptions for private investigators; however, these are narrowly defined and do not encompass the full scope of investigative activities. Investigations and private security operations often require multifaceted approaches, including the use of tracking devices to gather evidence for criminal, civil, or administrative proceedings; detect and deter fraud; and protect members of the public. The current language of the bill would hinder legitimate investigative and security needs, thereby affecting the ability of professionals to assist clients effectively.

We urge the legislature to consider the approach taken by Michigan, where the law grants licensed private investigators a comprehensive exemption for the use of tracking devices in their professional activities. Michigan Compiled Laws § 750.5391 allows private investigators to install and use tracking devices for purposes such as securing evidence for legal and administrative proceedings, investigating crimes or wrongs, locating fugitives, and recovering lost or stolen property.¹

¹ <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-750-539L>

To ensure that licensed private investigators and security professionals can continue to serve the public effectively, we propose the following amendment to Senate Bill 100:

“Licensed private investigators and security guard providers, as defined in Chapter 4749 of the Revised Code, are exempt from the prohibitions outlined in this section when lawfully performing their duties within the scope of their licensure for the purpose of obtaining information.”

Implementing this amendment would align Ohio’s legislation with best practices observed in other states and ensure that licensed and professionally-trained investigative and security professionals can continue to operate and serve the public effectively. We respectfully request your support in incorporating this comprehensive exemption into Senate Bill 100.

We are available to discuss this proposal further and provide any additional information you may require. I also urge the Committee and the Ohio legislature to work with Major Theodore Owens (USA, Ret.), Executive Director for the Ohio Association of Security & Investigation Services, on further discussions regarding amendments to this bill to incorporate the legitimate needs of private investigators and security professionals who serve the public with integrity.

We thank you for your attention to this matter and look forward to supporting a bill with this critical exemption in place.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward J. Ajaeb', with a stylized, flowing script.

Edward J. Ajaeb

President, National Council of Investigation & Security Services