

**BEFORE THE 135<sup>TH</sup> OHIO GENERAL ASSEMBLY  
OHIO HOUSE OF REPRESENTATIVES  
COMMITTEE ON CRIMINAL JUSTICE  
STATEHOUSE, COLUMBUS, OHIO**

IN RE:	)	Rep. Abrams, Chair
	)	Rep. Williams, Vice Chair
Sub. SB 100	)	Rep. Brown, Ranking Member
	)	
	)	Hearing Date: December 10, 2024

**OPPONENT TESTIMONY OF MICHAEL R. MORAN, ESQ.**

Chair Abrams, Ranking Member Brown, my name is Michael R. Moran and I am the General Counsel Emeritus of the Ohio Association of Security & Investigation Services ("OASIS"), the sole statewide professional association for licensed private investigators and security guard providers. I have been involved in law enforcement, private security and investigation for over 35 years, with 30 of those years as an attorney. During my career, I have served as a District Manager for a national investigation company and President of a small, local investigation agency. I am a retired municipal prosecutor here in the State of Ohio and have served as an Adjunct Professor of Law at Capital University. I am a Certified Fraud Examiner for over 25 years. During my law school career, I conducted in-depth research on privacy issues and as a practicing lawyer, I have represented individual citizens in legal actions who have been subject to invasions of their privacy. I have also written a book and articles on the legal aspects of this industry.

Today, I am here on behalf of OASIS to provide opposition testimony on the proposed legislation, Substitute Senate Bill 100. Although protecting the privacy of individual citizens is a laudable goal, OASIS believes that this legislation as currently worded is misguided at best and unfairly targets licensed private investigators and security personnel, while leaving an unfair exemption that fails to protect the public from bad actors who may invade its privacy.

Briefly, let me review the Ohio licensing laws governing private investigation and security services, which are found in Ohio Revised Code Chapter 4749 and Ohio Administrative Code. An Ohio Class A license is for security and investigation services, a Class B license is private investigation only and a Class C license is security services only. All companies so licensed must have a “qualifying agent” with at least two years of experience, or appropriate education, complete a background check, and pass a state exam. Security guard and investigator employees of such licensees must be registered with the state, have a fingerprint-based background check, and if armed, complete the appropriate training from an Ohio Peace Officer Training Commission-approved academy.

The private investigators of today conduct a myriad of authorized investigations that prevent and solve crimes, wrongs, and injustices, of a civil, as well as a criminal nature. They do so utilizing a variety of time-tested techniques, tools, and methods known as “tradecraft.” The proper usage of GPS technology is part of that tradecraft.

Here are the specific problems with the bill, currently:

- In proposed ORC § 2903.216(D) provides for nine categories of exemptions, including for law enforcement. (D)(4) includes people acting on behalf of a business entity, except a private investigator<sup>1</sup>.
- Lines 130 to 152 deal with the ORC § 2903.216(D)(5) exemptions for private investigators and others licensed as per ORC Chapter 4749. Unfortunately, these exemptions only involve investigating “criminal offenses”, locating fugitives, locating stolen property, and worker’s compensation claims.

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<sup>1</sup> “(4) A person acting in good faith on behalf of a business entity for a legitimate business purpose, provided that this division does not apply to a private investigator engaged in the business of private investigation on behalf of another person;”

- Given the overcriminalization occurring in society generally, we suggest that the proposed penalty of a Felony 4 for a subsequent offense or in certain situations, be reduced to a Felony 5.

What is problematic about the exemptions for our industry is that a person acting in “good faith” on behalf of a “business entity,” has more rights to use GPS than a vetted, trained, insured, and background checked licensed investigator. Large organizations and corporations have their own security staff who will fall under that exemption. However, small and medium-sized companies rely on our members to investigate matters and we will be unable to use GPS as a legitimate tool in these cases.

Moreover, we would request that the exemption for PIs listed in roman (i)-(iv) on Lines 137 to 145 be broadened. We believe that an exemption for “Gathering evidence for use in civil and administrative proceedings;” and that exemption (iv) on Lines 144-145 be broadened to state: “Investigating claims related to ~~workers’ compensation~~ permanent or temporary disability.” I have attempted to be brief in my remarks. I am glad to answer any questions from the Committee.

Respectfully submitted,

dba Ohio Association of Security & Investigation Services (OASIS)

*sMichael R. Moran*

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*For the Opponent*