



North Carolina Department of Public Safety

Private Protective Services Board

Roy Cooper, Governor
Eddie M. Buffaloe, Jr., Secretary

Vincent "Bud" Cesena, Chair
Paul Sherwin, Director

August 29, 2022

MEMORANDUM FOR RECORD

Subject: Implementation of changes to N.C.G.S. 74C related to the close personal protection and digital forensics examination professions

On July 8, 2022, following unanimous passage by members of the N.C. General Assembly, Governor Roy Cooper signed into law *Senate Bill 424 – Private Protective Svcs. Licensing Mods.* The purpose of the bill was to make various changes to the Private Protective Services Act and the private protective services profession. Of these various changes, two are expected to broadly impact persons or firms which currently provide, or plan to provide in the future, private investigative services, close personal protection services, or digital forensics examination services in North Carolina.

Effective October 1, 2022, a license issued by the Private Protective Services Board shall be required for persons or firms conducting the following activities:

1. Close personal protection. – Any person, firm, association, or corporation which, for a fee or other valuable consideration, provides or offers to provide security measures to ensure the safety of a business executive, elected or appointed public official, celebrity, or other individuals who may be exposed to elevated personal risk because of the individual's employment, status, wealth, associations, or geographical location.
2. Digital forensics examination. – Any individual, firm, association, or corporation which, for a fee or other valuable consideration, provides or offers to provide examination of digitally stored data to recover, image, analyze, or examine the data by using software to determine responsibility or reconstruct usage of the data for use in any criminal, civil, or administrative court proceeding.

Though these license requirements go into effect October 1, 2022, the Private Protective Services Board and its staff cannot operationally implement these required changes until the administrative rules and policies and procedures related to these licenses are established. This process is expected to take several months. Therefore, at its meeting on August 18, 2022, the Board voted to allow persons and firms who are currently lawfully performing close personal protection or digital forensics examination services to continue doing so until the required administrative rules and policies and procedures for issuing these licenses are created and enacted.

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During this interim period, a private investigator or private investigator trainee (associate) license is still required to conduct close personal protection services. Furthermore, a private investigator or private investigator associate licensed under N.C.G.S. 74C on or before December 31, 2021, is exempt from applying for and obtaining a separate close personal protection license. However, this exception shall be indicated by an endorsement on the existing private investigator license or trainee license. Persons who obtained, or obtain, a private investigator or private investigator trainee license on or after January 1, 2022, will be required to apply for and obtain a separate close personal protection license. The procedures for applying for an endorsement or the close personal protection license are under development and will be announced later. Until then, in accordance with the Board's policy position stated previously, persons currently licensed as a private investigator or private investigator associate, or persons who obtain a license during this interim period, may continue to provide close personal protection services.

Persons or firms currently performing activities subject to the new digital forensics examiner license may continue to do so until the administrative rules and policies and procedures for issuing these licenses are created and enacted. This process is expected to take several months.

The Board has created two subcommittees that are tasked with drafting the administrative rules needed to establish the application requirements, experience and/or training qualifications, and more for these new licenses. This process must follow the procedures for adopting permanent administrative rules found in N.C.G.S. 150B-21.2. The subcommittees will be composed of industry professionals and members of the public selected by Board leadership. The subcommittees will meet regularly at the discretion of the subcommittee chairperson and report as needed to the Board's Laws and Rules Committee and the Board.

The complete text of Senate Bill 424 is available [HERE](#).

The complete text of N.C.G.S. 74C in its current form is available [HERE](#).

The complete text of the Board's current administrative rules is available [HERE](#).

Please see the following pages for answers to frequently asked questions or contact a Private Protective Services staff member for more information.

A handwritten signature in black ink, appearing to read 'Paul Sherwin', with a stylized flourish at the end.

Paul Sherwin, Director

Question: I obtained my N.C. private investigator or private investigator associate license before Dec. 31, 2021, what do I need to do to lawfully perform close personal protection services?

Answer: You may continue to provide close personal protection services without limitation until further notice. However, once the Board has established the policies and procedures for issuing the close personal protection endorsement, you will be required to apply for and obtain that endorsement. There will be no fee to apply for or receive this endorsement.

Question: I obtained my N.C. private investigator or private investigator associate license after Dec. 31, 2021, what do I need to do to lawfully perform close personal protection services?

Answer: You may continue to provide close personal protection services without limitation until further notice. However, once the Board has established the policies and procedures for issuing the close personal protection license, you will be required to apply for and obtain a close personal protection license. The fees to apply for and obtain this license will follow the fee schedule found in [Administrative Rule 14B NCAC 16 .0202](#).

Question: I am not currently licensed in N.C. as a private investigator or private investigator associate, but I want to provide close personal protection services. What do I need to do to lawfully provide such services?

Answer: Until the Board begins issuing close personal protection licenses, you must obtain a private investigator or private investigator associate license to perform close personal protection services. Alternatively, you may wait to apply for and obtain your close personal protection license once the Board has established and implemented the procedures for doing so. This process is expected to take several months.

Question: North Carolina has private investigator [reciprocity agreements](#) with several states. Do these agreements allow me to conduct close personal protection services in N.C.?

Answer: No. The reciprocity agreements are specific to investigative activities only, and do not allow for close personal protection services.

Question: I am a digital forensics professional who is now required to obtain a digital forensics examiner license. What do I need to do to lawfully offer my services in N.C.?

Answer: You may continue to provide digital forensics examination services without limitation until further notice. However, once the Board has established the policies and procedures for issuing the digital forensics examination license, you will be required to apply for and obtain a digital forensics examination license. The fees to apply for and

obtain this license will follow the fee schedule found in [Administrative Rule 14B NCAC 16 .0202](#).

Question: I am interested in participating in the rule-making processes for these new licenses. How can I help or stay informed of the Board's progress?

Answer: If you are interested in serving on a subcommittee, please contact PPS Director Paul Sherwin at paul.sherwin@ncdps.gov. If you are interested in attending public meetings of the subcommittees, the Board's Laws and Rules Committee, or the full Board, please check the meeting schedule available [HERE](#).