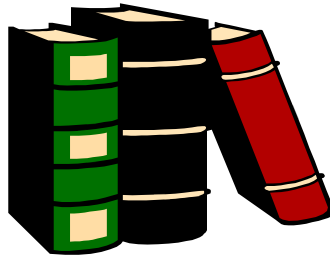




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## Department for Legal Affairs



# LAW ON AGENCIES FOR PROTECTION OF PERSONS AND PROPERTY AND ON PRIVATE DETECTIVE ACTIVITIES

**“Official Gazette” of the Republika Srpska, 50/02**

**NOTE:** Law on Changes and Amendments to the Law on Agencies for Protection of Persons and Property and on Private Detective Activities, published in the “Official Gazette of Republika Srpska”, 92/05 (18.10.2005), are not included in this translation.

**NOTE:** Law on Changes and Amendments to the Law on Agencies for Protection of Persons and Property and on Private Detective Activities, published in the “Official Gazette of Republika Srpska”, 91/06 (20.9.2006), are not included in this translation.

Pursuant to Amendment XL Item 2 to the Constitution of Republika Srpska (Official Gazette of Republika Srpska, number 28/94) I hereby enact

**DECREE**  
**PROMULGATING THE LAW ON AGENCIES FOR PROTECTION OF PERSONS AND PROPERTY AND ON PRIVATE DETECTIVE ACTIVITIES**

I, hereby, promulgate the Law on Agencies for Protection of Persons and Property and on Private Detective Activities, which was adopted by the National Assembly of Republika Srpska at its session held on July 25, 2002.

**LAW ON AGENCIES FOR PROTECTION OF PERSONS AND PROPERTY AND ON PRIVATE DETECTIVE ACTIVITIES**

**I -BASIC PROVISIONS**

**Article 1**

This Law shall regulate the activities of protection of persons and property, define conditions for the establishment of companies and performance of tasks of protection of persons and property; prescribe supervision over the work of companies performing the tasks of protection of persons and property which are not designated as the tasks of the Internal Affairs Ministry (hereinafter: the Ministry) and other government administration authorities.

This Law shall also regulate private detective activities and performance of detective assignments by detective agencies, rights and duties of private detectives and supervision over their work.

**Article 2**

The companies and detective agencies holding a permit to perform the tasks of protection of persons and property or detective tasks may not perform certain tasks of protection of persons and property inasmuch as they fall under the competencies of the Ministry and other state administration bodies, nor apply operational methods and means which, pursuant to specific regulations, are applied by the Ministries and other government administration bodies.

**Article 3**

The companies and detective agencies holding a permit to perform tasks of protection of persons and property or detective tasks shall be forbidden to perform these tasks for the government authorities and representative or executive authorities of municipalities, cities and Republic.

**II- ACTIVITIES OF PROTECTION OF PERSONS AND PROPERTY**

**Article 4**

The activities of protection of person and property shall include the tasks related to security of persons and property, carried out by way of providing physical and technical protection.

The activities of protection of persons and property shall not include street patrolling.

#### **Article 5**

Physical protection shall mean direct protection of persons and property through members of security staff.

#### **Article 6**

The security staff members shall directly undertake the measures prescribed by this Law and aimed at prevention of illegal actions resulting in theft and damage of the protected property or which in some other manner put at risk the property concerned, and they shall prevent other forms of actions representing physical danger for safety of protected persons.

#### **Article 7**

Technical protection of persons and property shall be realized by way of using various technical means and facilities the type, purpose, quality and utilization of which are to be stipulated by separate regulations.

#### **Article 8**

Technical protection shall be conducted in the areas of premises or building to be protected and in escort and protection during transport of the protected persons, money, securities, precious metals and other valuables upon request of the parties concerned.

### **III – CONDITIONS FOR ESTABLISHMENT OF A COMPANY FOR PROTECTION OF PERSONS AND PROPERTY**

#### **Article 9**

The activities of protection of persons and property may be carried out by the companies established in accordance with Article 8 of the Law on Companies (Official Gazette of Republika Srpska, number 24/98).

Exceptionally, the Government of Republika Srpska may establish a public company or state company to perform activities of protection of persons and property.

#### **Article 10**

The companies referred to in the preceding Article can register with a competent court of law in order to perform activities of protection of persons and property based on a permit issued by the Ministry.

#### **Article 11**

When being issued the permit referred to in Article 10 of this Law a physical person-founder and owner of the founder company must, apart from the conditions stipulated by the Law on Companies, meet the following conditions:

- be a citizen of Republika Srpska or Bosnia and Herzegovina and have permanent residence in Republika Srpska;
- be of age;
- indicate by previous life style, behavior or activities that he/she shall conscientiously and responsibly carry out the activities of protection of persons and property;

- satisfy the criteria of general health capacity and special mental and physical capacities, which shall be substantiated by way of a certificate issued by an authorized health care institution
- that he/she was not convicted for criminal acts prosecutable *ex officio*, as well as that he/she was not convicted for other criminal acts committed for gain or immoral motives or which make him/her unfit for performance of the activities of protection of persons and property;
- that he/she was not punished for an offence against public peace and order with characteristics of violence or other minor offenses making him/her unfit for performance of the activities of protection of persons and property;
- that he/she was not pronounced a protective measure of a ban against performing the activities.

### **Article 12**

The request for issue of the permit to perform the activities of protection of persons and property shall be submitted by the founder to the Public Security Center according to the place of permanent residence or seat.

The request shall contain as an attachment thereto the appropriate evidence on meeting the requirements referred to in Article 11 of this Law as well as a charter of foundation of the company for protection of persons and property.

The permit referred to in Paragraph of this Article shall not be issued to the person against whom an investigation is initiated or criminal or minor offense proceedings are conducted for a criminal offense or minor offense referred to in Article 11, until such time as the decision on discontinuation of investigation, or the verdict refusing the indictment, or the verdict acquitting the accused, or the decision rejecting the request for initiation of minor offense proceedings, or the decision discontinuing the minor offense proceedings have become final.

The Public Security Center shall decide on the request referred to in Paragraph 1 of this Article by a decision.

An appeal may be filed against the decision of the Public Security Center with the Ministry of Internal Affairs.

### **Article 13**

The company referred to in Article 9 of this Law shall be allowed to start its work based on the permit of the Public Security Center indicating that all the requirements prescribed by Law have been met.

The company referred to in Article 9 of this Law meeting the prescribed requirements shall be allowed to start with the work provided that it has:

- the premises arranged in accordance with regulations on special spatial and technical requirements in terms of weapons storage, fire protection, theft and other accidents or misuses;
- the document concerning the classification and organization of positions for the security staff members including the prescribed qualifications, terms of reference and authorities assigned to employees for each position;
- logo.

### **Article 14**

The permit referred to in Article 10 of this Law shall cease to be valid, if a legal person fails to start with work within the period of one year following the day when the permit becomes final, or on the day of

dissolution of the legal person.

#### **Article 15**

A person whose employment as the employee of the Ministry was terminated based on the decision of a competent disciplinary authority, based on the decision on termination of employment resulting from violation of work discipline or upon his/her own request in order to avoid issuance of decision of a disciplinary authority, or the decision on termination of employment resulting from violations constituting criminal acts or minor offenses referred to in Article 20, paragraphs 2 and 3 of this Law, may not, prior to expiry of five years after termination of employment in the Ministry, be the founder of company or member of association or employee referred to in Article 9 of this Law.

#### **Article 16**

The tasks of protection of persons and property can only be performed pursuant to the written contract concluded between the company referred to in Article 9 of this Law and a user of services.

#### **Article 17**

In the performance of security tasks of protecting persons and property the use shall be allowed of means and facilities of such quality as prescribed by standards or by recognized rules of technical practices.

The companies performing tasks of protection of persons and property shall be responsible for proper functioning of installed technical equipment, which includes provision of the regular maintenance and repair services concerning the installed devices and equipment.

#### **Article 18**

The company performing the tasks of physical protection shall be allowed to purchase of the prescribed type of short firearms for the maximum of 50% of its employees authorized, according to the rules regulating the classification of positions, to carry firearms for the purpose of self-defense during the performance of tasks of protection of persons and property.

Exceptionally, the company may, pursuant to the approval of the Public Security Center, purchase a larger quantity of firearms than the one referred to in paragraph 1 of this Article.

The use of trained watchdogs shall be allowed in the performance of tasks of physical protection, only within the fenced areas under protection.

### **1. Authorization to Perform the Task of Protection of Persons and Property**

#### **Article 19**

The security tasks of protecting persons and property may be performed only by persons who have been authorized to perform these tasks. (hereinafter: the security staff members)

The authorization referred to in paragraph 1 of this Article shall be issued for performance of tasks of physical protection or technical protection.

#### **Article 20**

The authorization for physical protection tasks may be issued to a person who:

- is a citizen of Republika Srpska or BiH and has a permanent residence in Republika Srpska;
- is of age;
- indicates by his/her previous life style, behavior or activities that he/she shall perform the task with an utmost responsibility,

- satisfies the criteria of general health capacity and special mental and physical capacities, which shall be substantiated by way of a certificate issued by an authorized health care institution;
- has completed secondary education as a minimum requirement;
- has passed the professional exam for performance of physical protection tasks before the Commission of the Ministry

The authorization shall not be issued to an individual convicted for criminal acts prosecutable *ex officio*, as well as to an individual convicted for committing a criminal act motivated by greed or criminal acts motivated by immoral dispositions or the criminal act that makes the individual morally unfit to perform the tasks of physical security, or to a person punished for an offence aimed against the public peace and order and constituting an act characterized by violence or for other minor offenses making the person unfit for performance of the activities of protection of persons and property.

The authorization shall neither be issued to an individual whose previous behavior suggests that the person should be deemed unreliable to perform these tasks and in particular to a person who is a frequent and heavy drinker, demonstrates a ruling passion for gambling or extravagance or who shows tendency to family violence or for some other reasons acts contrary to morals of area where the person lives.

The individual referred to in Article 15 of this Law can be issued, after prescribed deadline, the authorization for performance of physical protection tasks under the conditions referred to in paragraph 1 of this Law.

### **Article 21**

The request for issue of the authorization referred to in Article 20 of this Law shall be submitted to the Public Security Center according to the place of permanent residence of the applicant.

The request referred to in paragraph 1 of this Article shall include the evidences on meeting the requirements referred to in Article 20, paragraph 1 of this Law apart from the requirements set forth in subparagraph 3 of the same paragraph meeting of which is established by the Public Security Center.

No person against whom an investigation has been initiated or against whom criminal or minor offense proceedings have been instituted for a criminal offense, or a minor offense referred to in Article 20 paragraphs 2 and 3 of this Law, shall be granted an authorization referred to in paragraph 1 of this Article until such time as the decision has become final whereby the investigation is discontinued, or the verdict has become final whereby the charges are rejected or the defendant is acquitted of the charges, or the decision has become final whereby the request for initiation of minor offense proceedings is rejected or the minor offense proceedings are discontinued.

The Public Security Center shall decide the request referred to in paragraph 1 of this article.

Against the decision of the Public Security Center an appeal may be filed with the Minister of Internal Affairs.

### **Article 22**

In the performance of the physical protection assignments in the line of duty the security staff member shall be authorized to:

- establish identity of the person entering or leaving the protected buildings or premises;
- order the person disrupting the public order and peace to leave the protected premises or buildings;
- deny any unauthorized person access to the protected buildings and premises;
- apprehend the persons found in the protected premises or buildings committing a criminal offenses until the arrival of the police;
- examine vehicles persons at the entrance into and exit from the protected premises and buildings;

The persons apprehended must be immediately turned over to the police.

A member of the security staff who has apprehended the person referred to in paragraph 2 item 4 of this Article must inform the police immediately thereof and also of the reasons to apprehend the person and of the place where the person is kept, whereof notes are to be taken by the member and turned over to the police officers along with the person apprehended.

### **Article 23**

In the performance of a physical protection assignment the member of the security staff shall be allowed to resort to use of force only if otherwise he is unable to repel:

- an illegal and direct attack posing a threat to his or life of persons protected by him;
- an illegal and direct attack aimed at the destruction or devaluation of protected property;

The term “*use of physical force*” is so construed as to mean any hold used in the martial art of self-defense for the purpose of overpowering the resistance put up by the person physically attacking the security staff member, buildings, or protected items.

### **Article 24**

The security staff members shall be allowed to carry short-barreled weapons only in the performance of assignments of the direct safekeeping and protection of persons and property.

In the performance of a physical protection assignment, members of the security staff shall be allowed to resort to use of weapons only if necessary in order to protect the life of protected persons or their own lives or if the consecutive or imminently following counter-attack against the protected persons or against themselves could not be repelled by use of mere physical force.

Before resorting to usage of firearms the security staff member must warn the person against whom he intends to use firearms.

When resorting to use of firearms the security staff members must take an utmost care for lives of other persons.

When performing the duties referred to in paragraph 1 of this Article the members of security staff must not carry any privately owned firearms.

In the event of resorting to use of firearms referred to in paragraph 2 of this Article, the security staff member who has used firearms must report it immediately to the closest police precinct. The precinct shall immediately inform thereof an investigating judge of a competent court of law, which judge must conduct a firing scene examination without delay.

Should it be established by virtue of the firing scene examination that there reasonable grounds to suspect that, as a result of usage of firearms as referred to in paragraph 2 of this Article, the member of security staff committed a minor offense or perpetrated a criminal offense, his authorization to perform the duties shall be withdrawn temporarily until such time as the minor offense or criminal proceedings have been completed.

Depending on the outcome of the minor or criminal offense proceedings, a final decision shall be reached as to whether the temporarily withdrawn authorization shall be returned or withdrawn permanently.

### **Article 25**

An authorization to perform the tasks of technical protection may be issued to the person meeting the requirements set out in Article 20 paragraph 1 and Article 26 of this Law.

The request for issue of the authorization referred to in paragraph 1 of this Article shall be filed with the Public Security Center according to the place of permanent residence of the applicant.

Evidence confirming that the conditions referred to in Article 20 paragraph 1 items 1, 2, 4 and 5 of this Law have been met as well as evidence referred to in Article 26 of this Law concerning the required qualifications and years of service, shall be presented along with the request referred to in paragraph 2 of this Article. An authority in charge shall establish whether the conditions referred to in Article 20, paragraph 1, item 4 of this Law have been met.

The person referred to in Article 15 of this Law may be issued, upon the expiry of required period of time, an authorization to perform the tasks of technical protection subject to conditions referred to in paragraph 1 of this Article.

The Public Security Center shall decide the request referred to in paragraph 2 of this Article by virtue of a decision.

An appeal against the decision of the Public Security Center may be filed with the Minister of Internal Affairs.

### **Article 26**

Persons holding a degree of secondary school education in technical sciences may receive the authorization for performance of the technical protection tasks and so specifically concerning the tasks of installation of protection-alarm systems and maintenance of technical devices and instruments.

Persons holding a degree of two-year post-secondary education in technical sciences and having five (5) years of experience in performing the tasks of technical protection may receive an authorization for performance of technical protection tasks and so specifically, in addition to the tasks referred to in paragraph 1 of this Article, concerning the tasks of developing technical devices and instruments, compiling an assessment report on risk of hazard for the protected buildings or premises and designing the technical security systems.

Persons holding a degree of higher education in technical sciences and having three (3) years of experience in performing the tasks of technical protection may receive an authorization for performance of technical protection tasks and so specifically, in addition to the tasks referred to in paragraph 2 of this Article, concerning the tasks of supervision over the designing and performance of technical security systems, review of project documentation on technical security systems, technical verification of newly installed systems as well as the tasks of providing know-how consultancy services.

## **2. Official Attire and ID Cards of the Security Staff Members**

### **Article 27**

Members of the physical security staff and members of the staff performing the duties of installation and maintenance of devices and instruments for technical security of persons and property must in the performance of the security assignments wear official uniforms on which IDs of the security staff members shall be visibly displayed.

The official uniform referred to in paragraph 1 of this Article must be visibly marked with registered logo of the legal person, whereas in terms of color, shape and insignia the uniform must not match or be similar to the uniforms of the RS Armed Forces, RS Ministry, or the uniforms of civil servants and any other government authorities.

### **Article 28**

It shall be allowed to wear official uniforms only during the performance of duties referred to in Article 27 paragraph 1 of this Law.

Persons referred to in Article 27 paragraph 1 of this Law shall be allowed to come to and leave from work on the basis of an issued task order.

The wearing of the marked parts of official uniforms of the security staff members of a legal entity shall be forbidden at public places.

The security staff members who in the performance of physical security assignments provide protection to the protected persons, may perform these duties wearing civilian apparel on the basis of a task order issued in writing.

#### **Article 29.**

Official identity cards of the security staff members shall be issued by the Public Security Center according to the applicant's place of residence.

The Public Security Center shall withdraw the official identity card from the security staff member with regard to whom some of the conditions have ceased to exist that must otherwise be met by him in order for him to perform the duties of protection of persons and property. Likewise, the Public Security Center shall withdraw the official identity card from the security staff member whose employment has been terminated.

The official identity card must be withdrawn within three (3) days following the day of becoming aware that some of the conditions referred to in paragraph 2 of this Article are no longer in existence, or within three (3) days following the day of employment termination.

Should the circumstances arise under which the official identity card must be withdrawn from a security staff member, the legal entity, that is, a self-employed entrepreneur shall be required to submit the identity card to the Public Security Center.

The security staff members shall be required to show their official identity cards at the request of an authorized official of the Ministry.

### **IV - DETECTIVE ACTIVITIES AND PRIVATE DETECTIVES**

#### **1. Performance of Detective Tasks**

##### **Article 30**

The activities performed by detectives shall include the tasks of collecting and processing of information and material evidence.

The tasks referred to in paragraph 1 of this Article may be performed by persons authorized to perform detective assignments (hereinafter: private detectives)

##### **Article 31**

The authorization to perform detective assignments may be issued to a person who:

- is a citizen of Republika Srpska or Bosnia and Herzegovina and has taken permanent residence in Republika Srpska;
- is 25 years old or older;
- holds a degree of higher education or two-year post secondary education;
- has completed an 18 months period of internship in the service of a private detective;

- by his/her previous life style, behavior or activities, indicates that he/she shall conscientiously and responsibly carry out the assignment of a detective;
- satisfies the criteria of general health capacity and special mental and physical capacities, which shall be substantiated with a certificate issued by an authorized health care institution;
- has passed a special exam for private detectives before an examination board of the Internal Affairs Ministry.

A person with three years of an in-service experience in performing the tasks of an authorized official in the Ministry or the Defense Ministry or the Military Police of the RS Armed Forces or in performing other related tasks of security character, intelligence, investigative tasks or the tasks of enforcement of criminal or minor offense sanctions, shall be considered to have met the condition referred to in paragraph 1, items 5 and 8 of this Article.

The authorization to perform detective assignments may be issued, upon the lapse of the prescribed period, to the persons referred to in Article 15 of this Law, under the terms referred to in paragraph 1 of this Article.

The private detective exam shall be taken upon completion of the required internship.

The provisions referred to in Article 20 paragraphs 2 and 3 and in Article 21 paragraph 3 of this Law shall apply appropriately also to the persons filing an application for issue of the authorization referred to in Article 30 paragraph 2 of this Law.

### **Article 32**

The request for issue of the authorization referred to in Article 30 paragraph 2 of this Law shall be filed with the Public Security Center according to the applicant's place of permanent residence.

In addition to the request referred to in paragraph 1 of his Article evidence shall be presented testifying that the conditions referred to in Article 31 paragraphs 1 and 2 of this Law have been met, except for the conditions referred to in item 6 of paragraph 1, the fulfillment of which shall be established by a responsible authority.

The Public Security Center shall issue a decision so as to decide the request referred to in paragraph 1 of this Article.

An appeal may be filed with the Minister against the decision issued by Public Security Center.

### **Article 33**

The tasks of a detective shall be performed as an independent activity (private business).

The activity referred to in paragraph 1 of this Article may be performed only by a physical person holding an authorization to perform detective assignments and a permit allowing the person to commence the detective business.

The physical person shall be required to register the activity referred to in paragraph 1 of this Article in the register of independent activities on the basis of an authorization issued for performance of detective assignments.

### **Article 34**

A private detective must have his/her business premises provided for in accordance with certain specific spatial and technical requirements in respect of fire protection, safety from the risk of burglary and

other accidents and abuses.

### **Article 35**

A private detective may start with the work on the basis of a permit issued by the Public Security Center in which it shall be established that the prescribed terms and conditions have been met.

The request for issue of the work permit shall be filed with the responsible authority according to the headquarters (seat) of the private detective.

In addition to the request referred to in paragraph 2 of this Article, an act on entry into the Register of Self-Employed Businesspersons shall be presented as well as evidence substantiating that the conditions referred to in Article 34 of this Law have been met.

The Public Security Center shall issue a decision so as to decide the request referred to in paragraph 2 of this Article.

An appeal may be filed with the Minister against the decision issued by Public Security Center.

### **Article 36**

The permit referred to in Article 35 paragraph 1 of this Law shall no longer be valid if the private detective fails to commence with his/her work within the period of six (6) months following the issue of the permit.

### **Article 37**

Two or more private detectives may found a detective agency office.

The detective agency office shall be established as legal entity.

The legal entities or physical entities who do not hold the authorizations referred to in Article 30 paragraph 2 of this Law may not be the members of the legal entity referred to in paragraph 2 of this Article.

### **Article 38**

A detective agency office may commence its work following an approval by the Public Security Center and as provided by Article 34 of this Law.

### **Article 39**

The request for issue of a permit required in order to commence the work shall be filed according to the applicant's place of permanent residence.

In addition to the request referred to in paragraph 1 of this Article the applicant shall present an authorization to perform detective assignments and evidence substantiating the fulfillment of the requirements set under Article 31 of this Law.

The Public Security Center shall issue a decision so as to decide the request referred to in paragraph 1 of this Article.

An appeal may be filed with the Minister against the decision issued by the Public Security Center.

### **Article 40**

The permit referred to in Article 38 of this Law shall no longer be valid if the detective agency office fails to commence its work within the period of six (6) months following the day when the permit becomes final or on the day when the detective agency discontinues its operations.

## **2. Rights and Duties of A Private Detective**

### **Article 41**

The detective assignments may be performed only on the basis of a contract closed in writing betwixt the private detective and a person seeking detective's services (hereinafter: a client).

### **Article 42**

During the performance of his/her assignment a private detective shall be required to show his/her detective identity card to an authorized person of the Ministry and the person from whom he obtains certain information.

The detective identity card shall be issued by the Public Security Center according to the place of the detective's permanent residence.

The private detective must return his/her identity card to the Public Security Center within the period of three (3) days following the receipt of a written statement by the Public Security Center confirming that he/she is about to discontinue his/her the detective tasks.

In the event of death of the private detective his inheritor or legal successor shall be required to return the identity card to the Public Security Center within the period of thirty (30) days following the death of the detective.

### **Article 43**

A private detective shall be allowed to collect information from the persons who are willing to provide the detective with the requested information.

A private detective may exclusively collect the data concerning:

- missing persons, or persons hiding, or persons who wrote or sent anonymous letters, or persons spreading, propagating and disseminating slanders, labels, accusations, allegations or making insults;
- persons causing damage to the client;
- lost or stolen objects;
- persons' quality of performance in carrying out their businesses;
- business performance and business efficiency of legal entities and self-employed entrepreneurs.

When collecting the information or data referred to in paragraph 2 of this Article, the private detective shall be forbidden to interfere with the performance of tasks falling under the competence of government authorities.

### **Article 44**

An authorized official of the government administration authorities, or an authorized person of a legal entity maintaining certain records on the basis of public authority, as well as an authorized person of other legal entities, may provide the private detective with the data concerning:

- permanently and temporarily registered persons;
- insurance policies;
- tax returns;
- owners of motor vehicles and vessels;
- data from state archives;
- data on pension and disability insurance.

The authorized persons referred to in paragraph 1 of this Article may not provide any private

investigator with information that are, by virtue of separate regulations, designated as official secrets.

#### **Article 45**

A private detective who has, in performing his designated tasks, come to knowledge of a criminal offense prosecutable *ex officio*, shall be required to report such a crime immediately to the Ministry or to the responsible Public Prosecutor's Office.

The obligations referred to in the previous paragraph shall equally be established in regard to the security staff members.

#### **Article 46**

When performing any detective assignments a private detective shall not be permitted to use firearms and other means of coercion except in cases of personal protection (self-defense).

A private detective shall not be permitted to use devices and paraphernalia for electronic recordings or bugging.

#### **Article 47**

Information collected by a private detective in the performance of a contracted business shall be considered as official secret even after the private detective discontinues the performance of detective assignments.

All information and findings arrived at in the performance of a contracted business, may be used by the private detective only for such purposes for which they have been obtained.

#### **Article 48**

Upon completion of a contracted business a private detective shall be required to deliver all collected information to the client, whereas all other information being of no relevance for the contracted business the private detective shall be required to destroy within the period of eight (8) days following the day of fulfillment of the contract.

A private detective must not disclose any information he/she obtains in the performance of a contracted business, nor shall he be permitted to enable other persons to disclose such information.

#### **Article 49**

A private detective must allow an authorized official of the Ministry access to all collected information and evidence made available to the detective.

The authorized official of the Ministry shall make a report on inspection conducted as referred to in paragraph 1 of this Article.

#### **Article 50**

A private detective shall refuse to carry out detective tasks:

- if a client requests the collection of data the collection of which is inadmissible;
- in other cases of conflict of interest provided by certain regulations or by a recognized code of professional ethics.

## **V – RECORDS**

### **Article 51**

The Ministry shall keep the records concerning:

- the permits issued as referred to in article 10, 13 and 18 of this Law;
- the authorizations issued as referred to in articles 20 and 25 of this Law and also official identity cards of the security staff members;
- the authorizations issued as referred to in Article 31 of this Law as well as the detective identity cards;
- the permits issued as referred to in Article 35 and 39 of this Law;
- the certificates issued testifying the passing of special exams for the security staff members, or for the private detectives;

### **Article 52**

The legal entities engaged in the security tasks shall be required to keep the records concerning:

- the contracts entered into with their clients;
- the firearms;
- the employees in charge of handling firearms;
- the buildings, premises and persons under their protection.

The legal entities referred to in Article 9 of this Law conducting the security tasks shall be required to keep the records concerning:

- the contracts entered into with their clients;
- the buildings and premises under technical protection.

The private detectives and the detective agencies offices shall be required to keep the records on all contracts entered into with a view of providing their services.

The associations shall maintain a register of members.

## **VI – SUPERVISION**

### **Article 53**

The Ministry shall conduct administrative supervision over the implementation of this Law and regulations enacted thereupon, over the work of educational institutions conducting the training of persons for the performance of technical and physical security tasks and private detectives.

### **Article 54**

The inspection supervision over the performance of security tasks of protecting the persons and property shall be conducted by the authorized officials of the Ministry.

### **Article 55**

The Public Security Center shall issue a decision to revoke the permits referred to in Article 10 of this Law, if:

- it is established that the information on the basis of which such permits were issued are false;
- certain conditions on the basis of which the permit was issued no longer exist;

The decision revoking the permit of the legal entity's founder shall impose a ban of five years from establishing a legal entity that would be assigned with the task of protecting persons and property, for the reasons provided by paragraph 1 sub-paragraph 1 of this Article, or in the event that one of the conditions provided by Article 11 of this Law cease to exist,.

An appeal may be filed with the Ministry against the decision referred to in paragraph 1 of this Article. The appeal shall not stay the execution of the decision. The decision following the appeal shall be final and no administrative dispute against it shall be admissible.

### **Article 56**

The Public Security Center shall refer the final decision from Article 55 to a competent court of law for the purpose of removing the legal entity from the court register.

### **Article 57**

The Public Security Center shall issue a decision prohibiting a legal entity to perform the tasks of technical protection should the legal entity's authorization to perform the tasks of technical protection be revoked as provided by Article 58 of this Law.

The decision referred to in paragraph 1 of this Article shall impose a ban on the legal entity from performing the tasks of technical protection for the period of 5 years.

An appeal may be filed with the Ministry against the decision referred to in paragraph 1 of this Article. The appeal shall not stay the execution of the decision. A decision following the appeal shall be final and no administrative dispute against it shall be admissible.

The Public Security Center shall refer the final decision from paragraph 1 of this article to a competent court of law for the purpose of removing the self-employed entrepreneur from the court register.

### **Article 58**

The Public Security Center shall issue a decision revoking the authorization of a security staff member for the performance of the tasks of protection of persons and property, if:

- it is established that the data on the basis of which such an authorization was issued are false, permanently;
- certain conditions on the basis of which such an authorization was issued no longer exist, permanently;
- the security staff member becomes permanently incapable of performing the tasks of protection of persons and property;
- the security staff members loses his/her business capacity, permanently.

The decision revoking the authorization to perform security tasks of protection of persons and

property, for the reasons provided in paragraph 1 sub-paragraphs 1 and 2 of this article, or in the event that one of the conditions provided by Article 20 paragraph 1 sub-paragraphs 3 and 4 of this Law no longer exist, shall impose a permanent ban from performing such security tasks.

An appeal may be filed with the Ministry against the decision referred to in paragraph 1 of this Article. The appeal shall not stay the execution of the decision. A decision following the appeal shall be final and no administrative dispute against it shall be admissible.

#### **Article 59**

The Public Security Center shall issue a decision revoking the authorization of a private detective to perform any detective assignments, if:

- it is established that the information on the basis of which such an authorization was issued are false;
- certain conditions on the basis of which such an authorization was issued no longer exist;
- the private detective becomes permanently incapacitated of performing the tasks of a detective;
- the private detective loses his/her business capacity.

The decision revoking the authorization to perform the tasks of a detective, for the reasons provided in paragraph 1 sub-paragraphs 1 and 2 of this article, or should one of the conditions provided by Article 31 paragraph 1 sub-paragraph 6 of this Law no longer exist, shall impose a permanent ban from performing the tasks of a detective.

An appeal may be filed with the Ministry against the decision referred to in paragraph 1 of this Article. The appeal shall not stay the execution of the decision. A decision following the appeal shall be final and no administrative dispute against it shall be admissible.

#### **Article 60**

Should the authorization of a private detective employed with a detective agency's office be revoked as provided by Article 59, paragraph 1, sub-paragraphs 1 and 2 of this Law, the Public Security Center shall issue a decision imposing a ban on the detective agency office from performing further detective assignments.

An appeal may be filed with the Ministry against the decision referred to in paragraph 1 of this Article. The appeal shall not stay the execution of the decision. A decision following the appeal shall be final and no administrative dispute against it shall be admissible.

#### **Article 61**

The Public Security Center shall refer the final decision from Article 59 to a competent government authority for the purpose of removing the private detective from the register of Self-Employed Businesspersons.

The Public Security Center shall refer the final decision from Article 60 to a competent court of law for the purpose of removing the detective agency office from the court register.

#### **Article 62**

In the performance of the tasks of supervision the authorized officials of the Ministry shall establish the legality of business, check the methods of realization of the prescribed protection and safety measures, review the records and business documentation enabling them to have a look into business operations, inspect business premises, devices and technical equipment, check the methods of safe-keeping, hand-over, acceptance and carrying of firearms, test the skills of the security and internal security staff members

required for handling of firearms, inspect the firearms and ammunition storage facilities and also conduct other activities and apply measures wherewith the inspection of business operation is to be accomplished.

“Business premises”, in terms of paragraph 1 of this Article, shall be so construed as to include also all residential and other premises, means of transport and similar paraphernalia in which a physical and legal persons perform their activities.

### **Article 63**

In the performance of supervision tasks the authorized official shall recommend to the Ministry to issue a decision imposing a temporary ban on the legal entity against the performance of its tasks, on the private detective or detective agency office against the performance of their tasks if the authorized official established that:

- in the performance of tasks of persons and property protection or in the performance of detective tasks serious omissions have been made in terms of disrespecting the laws and other regulations;
- there is a failure in meeting the prescribed technical and human resource requirements;
- they perform an activity that is not registered or the performance of which is forbidden;
- the employees do not have a prescribed authorization for the performance of tasks of persons and property protection, or for the performance of detective tasks;

### **Article 64**

An appeal may be filed with the Ministry against the decision referred to in Article 63 of this Law within the period of three (3) days following the day of receipt thereof.

The Ministry shall be required to issue a decision within 15 days following the receipt of the appeal.

## **VII – AUTHORIZATION FOR ENACTMENT OF REGULATIONS**

### **Article 65**

The Minister of Internal Affairs shall enact the regulations concerning:

- the conditions and method of realization of technical and physical protection;
- the conditions and method of performance of detective tasks;
- the spatial and technical requirements for the protection from burglaries and other accidents or abuses, which are to be met in terms of business premises referred to in Article 13 and 34 of this Law;
- the way of conduct of the security staff members, methods of resorting to use of a physical force the security staff members are allowed to use, and the method of supervision over the work and level of skills required for use of firearms;
- the form and contents of official identity cards for the security staff members and detectives;
- the method of storing and filing of data collected by detectives, which are considered to be an official secret;
- the format, layout and method of keeping records referred to in Article 51 and Article 52 of this Law;

- the program and method of realization of internship service and method of taking the internship exams for the future detectives;
- the conditions and method of providing the required expert assistance.

The Minister of the Internal Affairs shall issue a decision establishing the amount of fees for the taking of special exams and internship exams as well as the price of identity card forms for the security staff members and detectives, and the collection of payments for the provided expert assistance.

The Minister of the Internal Affairs shall issue a decision on the appointment of the Examination Committee.

The Minister of the Internal Affairs shall issue a decision designating a legal entity that will be in charge of printing the identity card forms for the security staff members and detectives.

#### **Article 66**

The Health Care Minister shall prescribe the method of establishing the general health condition and special mental and physical capacities for the security staff members, private detectives and employees as well as the general health capacity for the founder or the legal entity member and shall designate the health care institutions that will perform the tasks of examining the general health condition and special mental and physical capacities of persons referred to in this article.

#### **Article 67**

With the consent of the Minister of Education the Minister of the Internal Affairs shall regulate the requirements for realization of teaching and vocational training for the security staff members and private detectives.

### **VIII – PENALTY PROVISIONS**

#### **Article 68**

A legal entity shall be fined in the amount of 1,000 KM to 10,000 KM for violations, if it:

- performs the security tasks of protecting persons and property without the permit referred to in Articles 10, 13 and 19 of this Law;
- is in possession of firearms in a quantity larger than the one prescribed by Article 18 paragraph 1 of this Law;
- employs the security staff members, or a private detective, who do not have an authorization prescribed by Article 19 and 30 paragraph 2 of this Law;

A detective agency shall be fined in the amount of 500 KM to 5,000 KM for violations, if it:

- performs detective tasks without an authorization, or permit prescribed by Article 30 paragraph 2 and Articles 35 and 38 of this Law;
- collects certain information without authorization or by collecting such information interferes with the work of the government administration authorities (see Article 43, paragraphs 2 and 3);

A responsible person of the legal entity shall likewise be fined in the amount of 200 KM to 1,200 KM for violations referred to in paragraph 1 of this article.

A protective measure banning the performance of activity for the period of 5 years shall be imposed for such violations as referred to in paragraphs 1 and 2 of this article.

#### **Article 69**

A legal entity shall be fined in the amount of 500 KM to 8,000 KM for violations, if it:

- performs the security tasks of protecting persons and property without having entered into an agreement as prescribed by Article 16 of this Law;
- makes use of certain instruments and devices which do not meet the prescribed requirements in terms of quality standards, or standards acknowledged by the technical rules of profession or fails to provide technical equipment for regular maintenance and repair of the installed devices (see Article 17);
- fails to provide its employees with the prescribed official uniforms, or if such uniforms in terms of shape and appearance do not match the requirements set out in Article 27 of this Law.

A detective agency shall likewise be fined in the amount of 200 KM to 4,000 KM for violations referred to in paragraph 1 of this article.

A responsible person of the legal entity shall likewise be fined in the amount of 150 KM to 1,000 KM for violations referred to in paragraph 1 of this article.

A protective measure banning the performance of activity for the period of 5 years shall be imposed for such violations as referred to in paragraph 1 of this article.

#### **Article 70**

A legal entity shall be fined in the amount of 300 KM to 5,000 KM for violations, if:

- its employees wear the official uniforms or parts of uniforms marked by an official insignia beyond the line of duty without having been issued an appropriate task order (see Article 28 paragraphs 1 and 2);
- certain circumstances arise prompting a mandatory revocation of the security staff members' official identity cards, but the legal entity fails nevertheless to hand over such identity cards to the Public Security Center (see Article 29);
- it fails to keep the prescribed records (Article 52);

A responsible person of the legal entity shall likewise be fined in the amount of 100 KM to 800 KM for violations referred to in paragraph 1 of this article.

#### **Article 71**

A member of security staff or a private detective shall be fined in the amount of 100 KM to 1,000 KM for violations, if he/she:

- performs the tasks without a contract entered into in writing and with no special powers of attorney issued to him/her (see Article 41);
- fails to report a criminal offense he/she has become aware of in the line of duty or while performing duties assigned wherewith;
- while performing the duties resorts to use of firearms and other means of coercion or conducts an inadmissible recording or tapping (Article 46);

- upon withdrawing from the detective business violates the provisions concerning official secrets (see Article 47 paragraph 1);
- makes use of certain information and findings obtained through the performance of a contracted task contrary to the purpose wherefore they have been collected, or fails to hand over all collected data to the client after completion of a contracted task, or makes a disclosure of data obtained through the performance of a contracted task or makes it possible for another person to disclose such data (see Article 47, paragraph 2 and Article 48);
- performs certain detective tasks though he/she was supposed to refuse the their undertaking.

#### **Article 72**

A member of security staff or a private detective shall be fined in the amount of 100 KM to 800 KM for violations, if he/she:

- fails to show his official identity card to an authorized official of the Ministry or to a person from whom he obtains information or fails to return a detective identity card to a responsible authority in case provided in Article 42 of this Law;
- fails to provide an authorized official of the Ministry with access to information and evidence available to him/her (see Article 49);

#### **Article 73**

A security staff member shall be fined in the amount of 100 KM to 500 KM for violation, if he/she:

- for the purpose of performing his/her tasks, carries firearms while performing the tasks, although he/she is not authorized to carry such weapons (Article 24 paragraph 1);
- carries any privately owned firearms in the line of duty (Article 24 paragraph 5);
- comes to work and leaves from work wearing an official uniform without an issued task order (Article 28 paragraph 2);
- wears at public places the parts of official uniform marked with insignia (Article 28 paragraph 3);
- while performing the security tasks fails to make visible the official identity card of security staff member or fails to show it to an authorized official of the Ministry (Article 27, paragraph 1 and Article 29 paragraph 5);

### **IX – FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 74**

The legal entities and private detectives who, on the day of entry into force of this Law, perform the activities stipulated by this Law, shall be required to bring their obligations in line with this Law within the period of 6 months.

#### **Article 75**

Along with the request for issue of the permit referred to in Article 12 paragraph 1 of this Law, the legal entities shall submit the following:

1. the Charter of Foundation and Internal Organization and a certified copy of a document

- testifying the entry into the Court Register;
2. a list of founders, all owners and employees and certified copies of decisions concerning their deployment to appropriate positions, or employment contracts;
  3. a list of firearms and copies of permits allowing to keep and carry weapons;
  4. a list of service beneficiaries;
  5. an inventory list of technical devices and equipment used in the performance of activities and certified copies of permits to use them, if such a permit is prescribed by a separate regulation;
  6. a layout of business premises and premises for storage of personal weapons and ammunition with a list of the prescribed fire protection measures which have been undertaken;

The private detectives referred to in Article 74 of this Law shall, within the period set out in the aforesaid paragraph, provide the Ministry with the following;

1. a certified copy of the work permit;
2. information referred to in paragraphs 3, 4 and 5 of paragraph 1 of this Article;
3. a layout of the business premises.

#### **Article 76**

A temporary authorization shall be issued to the persons who, on the day of entry of this Law, perform the security tasks of protection of persons and property or the private detective tasks and meet at the same time the requirements set out in this Law but have not passed a special exam. After the temporary authorization is issued the person shall be required to make entry for taking an exam before the Examination Committee of the Ministry within the period of 6 months following the issue of the temporary authorization.

#### **Article 77**

Provisions of Article 20 and Article 22 of this Law shall also apply to the physical security staff members in all legal entities organizing their own internal security staff service.

#### **Article 78**

The legal entity performing the tasks of protection of property and persons and the private detectives may provide and keep firearms in accordance with the Law on Weapons and Ammunition ("RS Official Gazette", no. 13/93).

All weapons and ammunition obtained contrary to the provisions of paragraph 1 of this Article shall be seized as provided by law.

#### **Article 79**

The persons referred to in Article 75 of this Law acting contrary to the provisions of this Article shall not be permitted to perform the activity stipulated by this Law.

The decision prohibiting the work referred to in the preceding paragraph shall be issued by the Internal Affairs Minister. No appeal shall be admissible and there shall be no administrative dispute instituted against this decision.

#### **Article 80**

The Ministry shall refer the decision from Article 60 and Article 61 of this Law to the competent

court of law for removal from the Court Register, or to the public authority for removal from the Register of the Self-Employed Businesspersons.

**Article 81**

Within the period of 3 months of entry into force of this Law, the RS Government and the RS Internal Affairs Minister shall enact the regulations stipulating the implementation of this Law as referred to in Article 65.

**Article 82**

This Law shall enter into force on the eight day following the day of its publication in the "RS Official Gazette."

No.: 01-631/02  
25 July 2002  
Banja Luka

President of RSNA  
Dr. Dragan Kalinic