

LSBPIE Private Investigator Practice Exam (Sample)

Study Guide



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SAMPLE

Questions

- 1. Is it true that the Court of Appeal can certify a question of law and refer it directly to the LA Supreme Court?**
 - A. True**
 - B. False**
 - C. It depends on the case**
 - D. Only in specific circumstances**
- 2. What is the term for actions taken to intentionally harm or threaten another individual?**
 - A. Civil liability**
 - B. Negligence**
 - C. Intentional torts**
 - D. Survival claims**
- 3. What is NOT a purpose for which the Gramm-Leach Bliley Act allows exceptions for state licensed private investigators?**
 - A. Collection of insurance fraud revenue**
 - B. Collection of child support judgement**
 - C. Collection of spousal support judgement**
 - D. Collection of past due accounts owed to a private investigator**
- 4. True or False: An advertisement for investigative experience must clarify if it represents one investigator or a total from all investigators.**
 - A. True**
 - B. False**
 - C. Only if stated in the law**
 - D. Only for agencies**
- 5. Is it legal for a person with a concealed carry handgun permit to bring their handgun into a courthouse or courtroom?**
 - A. Yes, they can carry a handgun into the courthouse**
 - B. No, it is prohibited regardless of the permit**
 - C. Only if they inform the judge beforehand**
 - D. Only during jury duty**

- 6. Is online impersonation illegal without the consent of the person being impersonated?**
- A. Yes, it is always illegal**
 - B. No, it is legal under certain circumstances**
 - C. Yes, unless the impersonator has a good reason**
 - D. No, private investigators are exempt from this law**
- 7. Which action must an investigator take when they no longer represent a client?**
- A. formally notify the client in writing**
 - B. immediately cease any ongoing investigations**
 - C. donate their earnings to charity**
 - D. continue to assist the client as needed**
- 8. How many days does a cardholder have to request a hearing after receiving a notice of intent to refuse renewal of their registration card?**
- A. 5 days**
 - B. 10 days**
 - C. 15 days**
 - D. 30 days**
- 9. In which scenario is it inappropriate to use impeachment evidence?**
- A. Whenever it helps the case**
 - B. If it contradicts prior statements**
 - C. When the evidence was obtained illegally**
 - D. If the evidence is hearsay**
- 10. True or False: A defendant charged with a capital offense has the option to waive their right to a trial by jury.**
- A. True**
 - B. False**
 - C. Depends on the case**
 - D. Only if it is a plea agreement**

Answers

SAMPLE

- 1. B**
- 2. C**
- 3. A**
- 4. A**
- 5. B**
- 6. A**
- 7. A**
- 8. C**
- 9. C**
- 10. A**

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Explanations

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1. Is it true that the Court of Appeal can certify a question of law and refer it directly to the LA Supreme Court?

A. True

B. False

C. It depends on the case

D. Only in specific circumstances

The assertion that the Court of Appeal can certify a question of law and refer it directly to the Louisiana Supreme Court is actually true. A significant aspect of the Court of Appeal's function is its ability to engage with questions of law that may have broader implications or that require clarification. This certification process helps ensure that legal interpretations are consistent and authoritative. In practice, when a lower court's ruling presents a question that is particularly complex or pivotal, the Court of Appeal may decide to certify this question to the Louisiana Supreme Court. This mechanism allows the higher court to provide guidance on significant legal issues, ultimately contributing to the development of jurisprudence in the state. The fact that this process isn't universally applicable to every case makes options suggesting conditionality or specific circumstances ineffective. However, the opportunity for certification does exist under the right conditions, marking it as an essential procedural aspect of Louisiana's judicial system.

2. What is the term for actions taken to intentionally harm or threaten another individual?

A. Civil liability

B. Negligence

C. Intentional torts

D. Survival claims

The term for actions taken to intentionally harm or threaten another individual is intentional torts. This concept is rooted in tort law, where a tort is essentially a civil wrong that leads to harm or injury to another person. In the case of intentional torts, the individual committing the act does so with the intent to cause harm or to make someone fear harm. Examples include assault, battery, and intentional infliction of emotional distress. Understanding intentional torts is crucial for private investigators, as it helps them assess situations that may involve criminal or civil legal actions and establish the motivations and actions of the involved parties. This understanding can play a significant role in the investigative process, especially when gathering evidence to support claims in court or during litigation. The other terms, such as civil liability and negligence, relate to different legal concepts that do not involve the intentional aspect of harm. Civil liability generally refers to the legal responsibility one has to compensate another for harm caused, while negligence pertains to unintentional harm resulting from a failure to exercise reasonable care. Survival claims involve claims that relate to the rights of an estate after a person's death, which are also distinct from intentional torts.

3. What is NOT a purpose for which the Gramm-Leach Bliley Act allows exceptions for state licensed private investigators?

A. Collection of insurance fraud revenue

B. Collection of child support judgement

C. Collection of spousal support judgement

D. Collection of past due accounts owed to a private investigator

The Gramm-Leach-Bliley Act (GLBA) allows for certain exceptions that enable state-licensed private investigators to obtain nonpublic personal information without consent in specific scenarios. However, collecting insurance fraud revenue is not identified as a purpose for which the Act allows such exceptions. The primary focus of these exceptions lies in the context of financial fraud and familial obligations. The act recognizes the need for investigators to assist in collecting child support and spousal support judgments, as these activities are often regulated and monitored to ensure compliance with familial financial responsibilities. Therefore, these purposes align with the act's intention to facilitate lawful activities related to financial support and debt collection. In contrast, the collection of past due accounts owed specifically to a private investigator does not fall under the same regulatory frameworks as the obligations to family support. It is more about the business aspect, which does not necessitate access to private financial information under the exceptions outlined in the GLBA. Thus, option A effectively represents a purpose that does not align with the allowances provided by the Gramm-Leach-Bliley Act.

4. True or False: An advertisement for investigative experience must clarify if it represents one investigator or a total from all investigators.

A. True

B. False

C. Only if stated in the law

D. Only for agencies

The statement is true because when advertising for investigative experience, it is essential to provide clear and accurate information regarding the credentials being presented. This clarity is crucial to ensure that potential clients or partners understand whether the advertised experience is associated with one individual investigator or represents the aggregated experience of multiple investigators within an agency. Misleading advertisements can create confusion and can be construed as deceptive, which could have legal ramifications for the investigator or the agency involved. Transparency in this regard helps to build trust and maintain ethical standards within the industry.

5. Is it legal for a person with a concealed carry handgun permit to bring their handgun into a courthouse or courtroom?

A. Yes, they can carry a handgun into the courthouse

B. No, it is prohibited regardless of the permit

C. Only if they inform the judge beforehand

D. Only during jury duty

Bringing a handgun into a courthouse or courtroom is generally prohibited by law, even if a person possesses a concealed carry permit. This restriction is in place to ensure the safety and security of the judicial process, court personnel, and the public. Courthouses are sensitive environments where legal proceedings occur, and the presence of firearms is considered a significant risk to safety. Laws regarding carrying weapons in courthouses vary by jurisdiction, but most states have specific statutes that explicitly forbid firearms in these locations, signifying a strong public policy against potential violence in places where justice is administered. For these reasons, the assertion that a person with a concealed carry permit can bring their handgun into a courthouse does not align with legal standards upheld in most jurisdictions. The prohibition remains effective regardless of the individual's permit status.

6. Is online impersonation illegal without the consent of the person being impersonated?

A. Yes, it is always illegal

B. No, it is legal under certain circumstances

C. Yes, unless the impersonator has a good reason

D. No, private investigators are exempt from this law

Online impersonation typically involves creating a false identity or misrepresenting oneself as another person without their consent, which can lead to various forms of harm or deceit. Since many jurisdictions have laws that classify such actions as illegal, the assertion that it is always illegal aligns with the general legal framework surrounding impersonation, particularly when it comes to the potential for fraud, harassment, or defamation. The legality of online impersonation often depends on the intent and the effects of the impersonation. In many cases, impersonation can lead to significant emotional, reputational, and financial harm to the person being impersonated. Laws are also put in place to protect personal identity and the integrity of communications, and those laws typically do not allow for exceptions based on the impersonator's intention, whether it is perceived as harmless or done for comedic purposes. Considering the context in which impersonation can result in serious repercussions, it reinforces that impersonation without consent is fundamentally objectionable and often against the law, affirming that the correct answer is indeed that it is always illegal.

7. Which action must an investigator take when they no longer represent a client?

- A. formally notify the client in writing**
- B. immediately cease any ongoing investigations**
- C. donate their earnings to charity**
- D. continue to assist the client as needed**

When an investigator concludes their representation of a client, it is essential to formally notify the client in writing. This action serves multiple purposes. First, it creates a clear record of the termination of the professional relationship, ensuring that both the investigator and the client have documented communication regarding the end of their engagement. This written notification helps prevent any misunderstandings or assumptions about continuing obligations or the scope of work to be completed. Additionally, written communication provides a tangible reference for both parties, which can be important in case any disputes arise in the future. It allows the investigator to outline the reasons for termination and clarify any ongoing obligations that may need to be addressed, such as the return of documents or final reporting. In contrast, ceasing investigations immediately or continuing to assist the client without formal notification does not provide the necessary clarity or professionalism associated with ending such a relationship. While donating earnings or continuing to assist the client may seem generous, they do not align with the ethical and procedural standards expected in professional investigator conduct.

8. How many days does a cardholder have to request a hearing after receiving a notice of intent to refuse renewal of their registration card?

- A. 5 days**
- B. 10 days**
- C. 15 days**
- D. 30 days**

A cardholder has 15 days to request a hearing after receiving a notice of intent to refuse renewal of their registration card. This timeframe is significant because it ensures that cardholders have a reasonable opportunity to respond to the notice and contest the decision regarding the renewal of their registration. The 15-day period is designed to balance the right of the individual to have their case heard while maintaining an efficient process for licensing authorities. Knowing this timeframe is crucial for private investigators who may be involved in cases related to registration and compliance matters, as it impacts how they advise their clients on effectively handling such situations.

9. In which scenario is it inappropriate to use impeachment evidence?

- A. Whenever it helps the case**
- B. If it contradicts prior statements**
- C. When the evidence was obtained illegally**
- D. If the evidence is hearsay**

Using impeachment evidence is a critical aspect of legal proceedings, particularly in undermining the credibility of a witness. Inappropriate use of impeachment evidence primarily revolves around the legality and admissibility of that evidence in court. In this context, if evidence has been obtained illegally, it cannot be used in court, including for the purpose of impeachment. The courts maintain strict rules regarding the admissibility of evidence to ensure fair legal proceedings. Evidence obtained through illegal means, such as unlawful search and seizure, violates constitutional protections, and allowing it would undermine the integrity of the judicial system. Therefore, using such evidence to challenge a witness's credibility is not only inappropriate but also impermissible under the law. This principle ensures that the legal process upholds ethical standards and protects individuals' rights, reinforcing the rule of law in the judicial system. Other factors, like contradicting prior statements or hearsay, may still allow for the introduction of impeachment evidence, provided they meet the appropriate legal standards.

10. True or False: A defendant charged with a capital offense has the option to waive their right to a trial by jury.

- A. True**
- B. False**
- C. Depends on the case**
- D. Only if it is a plea agreement**

The statement is true. A defendant charged with a capital offense does indeed have the option to waive their right to a trial by jury. This decision is a complex one and usually requires the defendant to provide a clear understanding that they are voluntarily giving up this right. Courts often ensure that defendants are fully aware of the implications of such a waiver by conducting a thorough colloquy. Waiving the right to a jury trial can lead to a bench trial, where a judge alone will hear the case, which some defendants may prefer due to various reasons such as perceived biases in jury pools or the desire for a more legalistic approach to the trial process. Importantly, this option is not available universally in all circumstances; specific legal standards and jurisdictional rules must be adhered to when making this waiver. The ability to waive a jury trial underscores the significance of an individual's rights in the legal system, allowing for a tailored approach to how their case may be adjudicated.