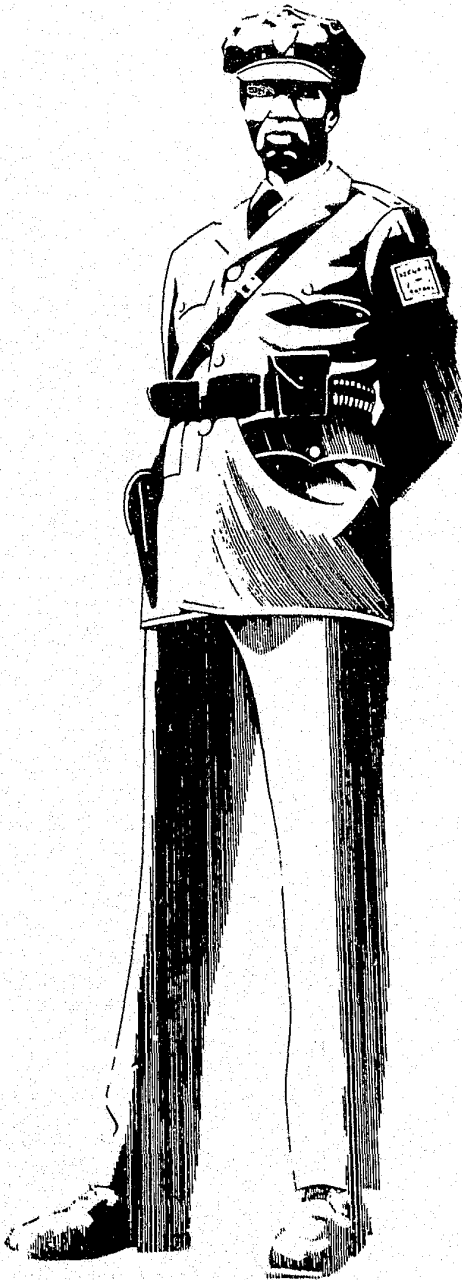


# REGULATION OF PRIVATE SECURITY SERVICES



A REPORT PREPARED BY  
THE PRIVATE SECURITY  
ADVISORY COUNCIL  
TO THE LAW ENFORCEMENT  
ASSISTANCE ADMINISTRATION  
U. S. DEPARTMENT OF JUSTICE

36709

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

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A REPORT  
ON THE REGULATION OF  
PRIVATE SECURITY GUARD SERVICES

*including a*

MODEL PRIVATE SECURITY  
LICENSING AND REGULATORY STATUTE

NCJRS

SEP 29 1976

ACQUISITIONS  
*prepared by the*

PRIVATE SECURITY ADVISORY COUNCIL

*to the*

U. S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

May 1976

Points of view or opinions expressed in this document are those of the Private Security Advisory Council, and do not necessarily represent the official position or policies of the Department of Justice.

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**PRIVATE  
SECURITY ADVISORY COUNCIL of the**

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United States Department of Justice  
Law Enforcement Assistance Administration

May 17, 1976

Mr. Richard W. Velde  
Administrator  
Law Enforcement Assistance Administration  
U.S. Department of Justice  
633 Indiana Avenue, N.W.  
Washington, D.C. 20531

Dear Mr. Velde:

As Chairman of the Private Security Advisory Council, it gives me pleasure to forward the attached document, Report on the Regulation of Private Security Guard Services, including a model private security licensing and regulatory statute, developed by the Council for the Law Enforcement Assistance Administration.

This document is the culmination of over two years of volunteer effort by members of the Private Security Advisory Council and members of the Guards and Investigators Committee of the Council.

In response to genuine concerns expressed regarding the quality of services provided by private security guards and the present lack of minimum screening, selection and training standards, extensive discussions, public hearings, committee and Council reviews were held to develop this model statute.

The Private Security Advisory Council firmly believes that this model statute serves both a vital and a demonstrated need. Hopefully, the many states which have indicated an interest in a private security licensing and regulatory statute will be guided by this effort of LEAA's Private Security Advisory Council.

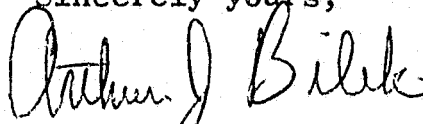


Mr. Richard W. Velde  
May 17, 1976  
Page Two

The Advisory Council recommends that the Law Enforcement Assistance Administration give the widest possible dissemination to this document.

With best personal regards,

Sincerely yours,

A handwritten signature in cursive script that reads "Arthur J. Bilek". The signature is written in dark ink and is positioned above the typed name and title.

Arthur J. Bilek  
Chairman

Private Security Advisory Council

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## PREFACE

Since 1972, the Private Security Advisory Council of the United States Department of Justice Law Enforcement Assistance Administration has been meeting on a regular basis to provide advisories to LEAA on the more effective utilization of private security in the national strategy to reduce crime.

The twenty-one member Council with representatives from public law enforcement, business, industry, state criminal justice planning agencies, local government, and all segments of private security has worked with its five committees to analyze various critical issues and concerns relating to private security and its proper role in preventing crime. Reports and recommendations have been developed and submitted to LEAA containing the findings and conclusions of the Council.

It was clear to the Council from its earliest discussions that an agenda item of highest priority was the development of professional standards and model legislation for private security organizations and their personnel.

The startling crime increases throughout the past decade were overloading the nation's criminal justice agencies. The general public, as well as business and industry were turning increasingly to private security as a defense against criminal attack. The resulting spectacular growth of private security was accompanied by allegations of improper actions on the part of security personnel and companies.

The Rand Corporation prepared a report for LEAA on Private Police in the United States which was sharply critical of abuses of authority and which detailed a variety of misconduct by untrained and unscreened private security personnel. The daily press carried accounts of alleged criminal behavior by guards particularly involving shooting incidents. Relationships between the public law enforcement officer and the private security guard were considerably less than optimum in some communities.

City and state legislators, responding to the alarming incidents cited by the media and the growing concern of the public, wrestled with the complex problem of how to regulate the private security industry without negatively impacting its potential for crime prevention. Various states enacted security laws buttressed by administrative regulations. Cities and counties considered or passed local security control ordinances. Frequently, the effect of these hastily promulgated laws, regulations and ordinances was one of conflict, confusion, omission and duplication.

The security field found that self-regulation and improvement on the part of many companies were not sufficient to upgrade industry-wide standards to desirable levels of professional conduct.

Reacting to those perceived needs, the Council directed its Guards and Investigators Committee to develop professional standards for private security. After a year of deliberations, the Committee returned a set of professional standards which were subsequently revised and transferred into statutory format.

After extensive discussion, two sets of public hearings and various substantive revisions, the Council held a final drafting session and achieved consensus on a model statute. This document contains the Council's report on the regulation of private security guard services and a Model Private Security Licensing and Regulatory Statute which is recommended for adoption at the state level.

The purpose of the model statute is to provide a mechanism designed to produce increased levels of integrity, competency and performance of private security personnel in order to safeguard the public from illegal, improper or incompetent actions and to serve to improve the crime prevention effectiveness of security forces.

This statute was developed as a result of the sustained efforts of many dedicated persons and organizations whose efforts are sincerely appreciated by the Council.

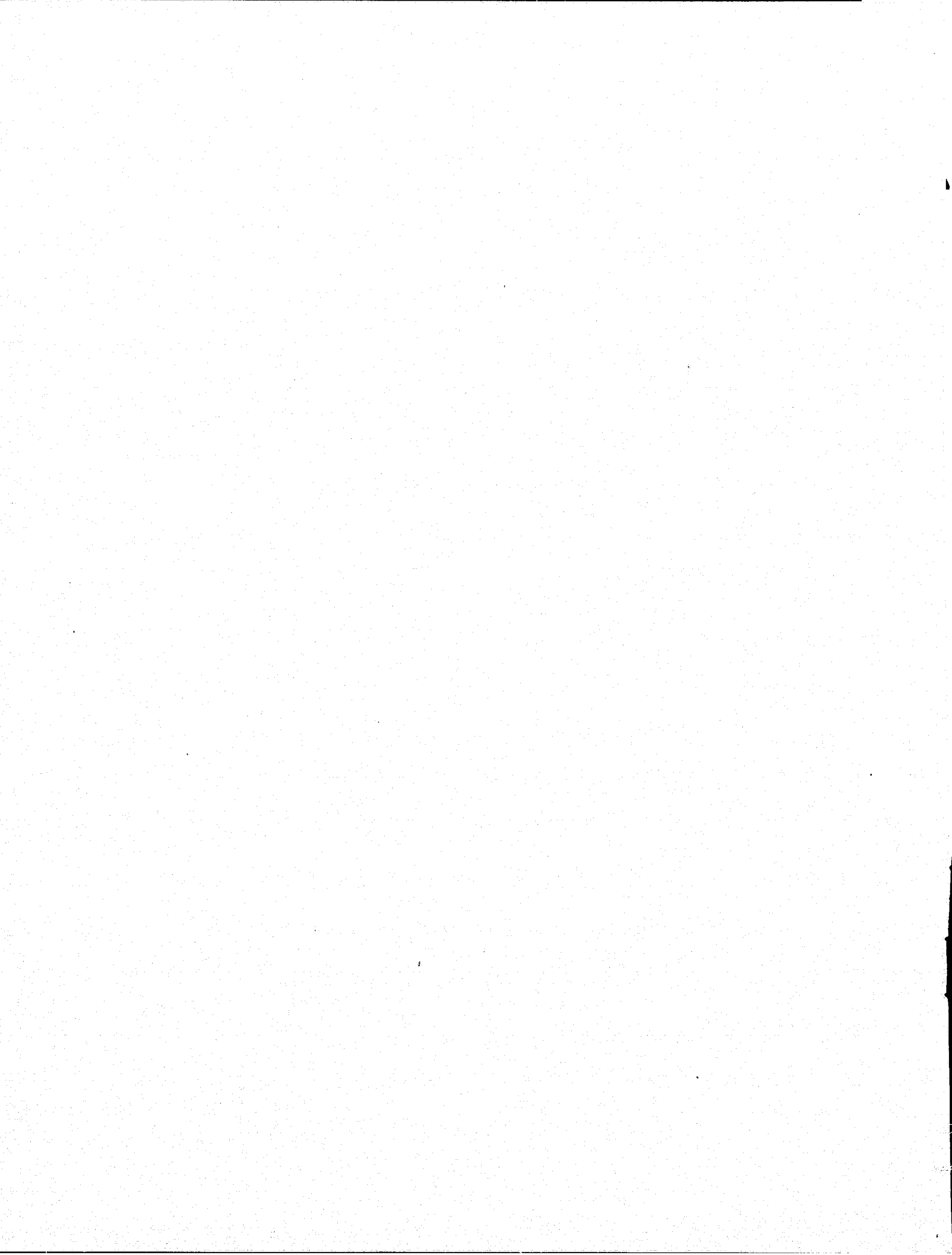
Dennis M. Crowley, Jr. and Richard D. Bickelman of The New England Bureau for Criminal Justice Services were primarily responsible for the legislative drafting effort, translating into statute format the work of the Guards and Investigators Committee and the Council.

The major effort on this statute was performed by the Council's Guards and Investigators Committee. Special appreciation is due the members of that Committee: John A. Willis, Chairman (1972-1974); Alexander Laubach, Chairman (1974-present); Earl Christianson; Joseph Giarrusso; Robert Hair; John R. Hitt; Edward Hyde; Warren Metzner; John O'Connell; Robert D. Peloquin; and E.B. Trueblood.

The Council also owes a special debt of gratitude to Irving Slott, Federal Program Monitor to the Council, without whose support, encouragement, patience and counsel this report would not have been possible.

And finally, the Council extends its sincere appreciation to the many individuals, agencies, and organizations who reviewed and commented on the various drafts of this model statute. Though they are too numerous to mention individually, without their dedicated interest and active participation, this report and model statute would not be as validly reflective of the broad spectrum of viewpoints represented by the total private security industry in the United States.

Arthur J. Bilek, Chairman  
Private Security Advisory Council



## INTRODUCTION

The crime problem in the United States has become a dangerous threat to the American way of life and a matter of the highest concern to the public over the past twenty-five years. A vast army of workers are employed in local, state and federal government to prevent crime and to deal with criminal activity. Generally thought of as the country's major crime prevention force are the more than 40,000 public law enforcement agencies with their 475,000 employees. While they constitute the largest and most visible component of the criminal justice system, another group has been fast rising in both numbers and responsibility in the area of crime prevention. With a rate of increase exceeding even that of the public police, the private security sector has become the largest single group in the country engaged in the prevention of crime.

Although exact nationwide statistics are not available, samplings of private security employees in selected major cities reflect that in those jurisdictions there are at least two private security employees for each publicly employed police officer. If the 2:1 ratio holds nationally, and there is little reason to believe that it does not, approximately one million persons in this country are employed privately to prevent and deter criminal activity.

Private security services are provided by armed and unarmed security guards, investigators, armed courier service personnel, armored car guards, and alarm business employees. Private security personnel maintain public order at stadiums, arenas, and outdoor rock concerts; they provide crowd control at major sporting events and shopping centers; they respond to alarms at financial institutions and retail stores; they guard factories, office buildings and businesses of all types; and they investigate arsons, frauds, larcenies, burglaries, and other crimes of all types. Private security services play a highly significant role in crime prevention. Professional security managers design and implement loss prevention and asset protection programs, while security officers and guards provide protection for employees, currency and valuable assets.

Private security services are provided by contract security companies (companies who sell their services to the public) and proprietary (in-house) security organizations. It is estimated that 25% of the private security employees in the country are proprietary personnel. Although nationwide data are not available, projections indicate that as many as 50% of the private security employees carry firearms in their private crime prevention roles.

Americans have come to rely very heavily on private security to protect them from crime. Private security personnel safeguard the lives of employees and other persons and they protect private assets from loss or damage. In the process, they frequently come in contact with many persons, e.g., a group of shoppers in a large shopping mall or employees in an organization which provides its own internal security or customers in a retail store. Such persons may be subjected to an unnecessary danger if the armed private security guard is not trained in the proper and legal use of the weapon he carries. Other dangers exist, although to a different degree, with unarmed guards. If the guard has not received any training whatsoever with regard to the limits of his authority and his role as a private security officer, additional problems may arise. There are a number of recorded incidents of serious violations of the rights of individuals by untrained or improperly selected private security employees. A few states have moved to set minimum standards for screening, selecting and training private security personnel. Those states that do regulate private security almost invariably exclude proprietary security personnel, even if armed.

In spite of the danger posed by use of security personnel who are not required to meet any minimum selection, training or operational standards, private security does perform a necessary and increasingly important function in our society. Without the presence of private security, the current shocking rate of increase in crime would certainly be far greater. "Work place" crime and other crimes within and against business would certainly increase. The present cost of crime to business, estimated at 20.3 billion dollars in 1974 by the United States Department of Commerce, would certainly go even higher. And that added cost would be passed on to the consumer. Further, if private security were to be removed from the crime prevention scene, significant additional burdens would be placed on already overburdened public law enforcement agencies which would ultimately result in higher taxes for the public.

As important as the contribution now made by private security is in the battle against crime, private security would

become even more effective if its personnel were screened, selected, and trained in accordance with carefully developed and operationally realistic professional standards.

The Private Security Advisory Council to the United States Department of Justice, Law Enforcement Assistance Administration, was established to examine the current role of private security in crime prevention and in the apprehension of persons committing criminal acts and to make recommendations as to approaches for improving its effectiveness and efficiency in these tasks. The Council examined the many barriers to more effective participation by private security in the national strategy to reduce crime. It was clear to the Council that increased levels of integrity, competency and performance by private security personnel can be achieved by improved screening and selection techniques in the hiring of all private security officers, mandatory firearms training for armed personnel, and close regulation of equipment, appearance and operations.

To encourage acceptance of certain minimum standards, the Private Security Advisory Council has developed a model licensing and regulatory statute designed to be adopted at the state level. This statute is only a model and does not represent an attempt to achieve federal regulation of the private security industry; nor does the Council recommend federal-level legislation. Individual states can review the model statute and choose for themselves whether they wish to adopt any or all of the provisions of the model.

In the development of this model statute, the Council recognized and provided reasonable balance between: the public interest in crime prevention by virtue of the presence of private security; the rights of ordinary citizens to be protected from wrongs and invasions of their privacy by ill-trained, unregulated persons functioning as private security personnel; and the rights of private security organizations and present (and prospective) private security personnel to pursue an occupation of their choosing without unreasonable restraint.





## THE PRIVATE SECURITY ADVISORY COUNCIL

The Private Security Advisory Council was chartered by the Law Enforcement Assistance Administration (LEAA) in 1972 to further public protection, improve and strengthen law enforcement, and reduce crime in public and private places by reviewing the relationship between private security systems and public law enforcement agencies, and by developing programs and policies regarding private protection services that are appropriate and consistent with the goals of public law enforcement and the public interest.

The Council was an outgrowth of a meeting of private security sector representatives, called by LEAA in December 1971, to discuss the research and development efforts of LEAA that related to the private sector and the role of private security in the national effort to reduce crime. During the initial meeting, representatives from the private security sector overwhelmingly recommended that LEAA establish a national advisory committee, made up of persons with expertise in the private security sector, to provide LEAA with continuing advice on matters of appropriate concern. LEAA followed that recommendation, and the Private Security Advisory Council was created shortly thereafter.

During 1973, the Council met several times to identify and define its objectives as well as to begin initial discussions of major areas of concern. Three committees were established: Guards and Investigators, Alarms and Law Enforcement/Private Security Relationships. The committee chairmen and members were selected by LEAA from outside of the Council, thereby providing a broader spectrum of viewpoints to the Council and allowing for assignment of professionals with high levels of skills in each committee's field of responsibility. Two liaison persons from the Council were assigned to each committee.

In September of 1974, the membership of the Council was broadened to include representation from business, the public and consumers of private security services.

Since its inception, the Council has worked on a number of tasks related to security services provided by the private sector. As identified and selected in 1974, the goals and objectives of the Council were:

- To act as an advisor to LEAA on issues of national importance which impact, or are impacted by, the private security industry;
- To raise the standards and increase the efficiency of the private security industry;
- To increase cooperation and understanding between the private security industry and public law enforcement; and
- To provide a viable national forum and point of leadership for matters relating to private security.

To assist in achieving those goals, the Council added two new committees: Environmental Security Committee, and the Prevention of Terroristic Crimes Committee. Each committee was assigned specific projects related to the accomplishment of Council goals.

The responsibilities and duties of the Private Security Advisory Council are advisory in nature. It cannot prescribe or promulgate rules or regulations. Its findings or recommendations are not official; they can be accepted or rejected by LEAA.

The Council operates pursuant to the provisions of the Federal Advisory Committee Standards Act, Public Law 92-463, LEAA Notice NI300.2, OMB Circular No. A-63, and any additional orders and directives issued in implementation of the Act. The Council was established under the authority of Section 517 of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) as amended by Public Law 91-644 and the scope of its functions is limited to the duties specified in its charter.

The Council has published a number of advisories to LEAA on a variety of issues. These include:

- A Report on a Model Hold-up and Burglar Alarm Business Licensing and Regulatory Statute
- Terroristic Crimes: An Annotated Bibliography
- Potential Secondary Impacts of the Crime-Prevention-Through-Environmental-Design Concept
- A Resolution on Dissemination of Criminal Justice Record Data to Private Security Organizations

- Prevention of Terroristic Crimes: Security Guidelines for Business, Industry, and Other Organizations
- Reports on the Private Security Advisory Council Meetings of June 1974, September 1974, February 1975, July 1975, October 1975, and November 1975

In addition to the above reports, the Private Security Advisory Council is preparing other advisory reports to LEAA on: societal impacts of environmental security, the legal limits on the authority of private security personnel, and countermeasures against and prevention of domestic terroristic crimes.

In 1975, the Council reviewed and updated its objectives to focus more sharply on improvement of private security's competency in crime prevention. The creation of a sixth committee dealing with armored cars and protected shipments was recommended to LEAA.

Meetings of the Council and its committees are open to the public. Full notice of proposed meetings are published at least fourteen days prior to the meeting date in the Federal Register. Meeting minutes, publications and reports of the Council are available through the LEAA.



## DEVELOPMENT OF THE MODEL STATUTE

### Background

The Model Private Security Licensing and Regulatory Statute was initially drafted by the Guards and Investigators Committee, which was established by the Private Security Advisory Council in 1972. The Guards and Investigators Committee is composed of knowledgeable and experienced individuals drawn from contract security companies, proprietary security organizations, and the general public. Selection of committee members was made by LEAA and was based on individual credentials; committee members were appointed to the committee as individuals, not as representatives of their employers.

The Council directed this Committee to review the criticisms of the operations of private security guards and private investigators as described in the report on the private security industry commissioned by LEAA and performed by the Rand Corporation.<sup>1</sup> The committee was also asked to develop positions on industry problems which Committee members felt needed attention. Among the areas to be considered were standards for selection and training of private security personnel and the regulation of private security guards.

### Findings of the Guards and Investigators Committee

On July 16, 1973, the Guards and Investigators Committee reported by letter to the Council that, after eight meetings between October 1972 and July 1973, it had completed a report containing the Committee's findings and recommendations. The Chairman of the Committee advised that the report recommended effective and practical solutions to the most glaring deficiencies and urgent needs of the private security sector as disclosed by the Rand Study.

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<sup>1</sup>Private Police in the United States, Rand Corporation, California, 1971.

In November 1973, the Council reviewed and accepted the report of the Guards and Investigators Committee. The initial and subsequent reports of the Guards and Investigators Committee set forth several important findings concerning problems faced by certain segments of the private security industry, and recommended specific solutions for those problems.

A major finding and recommendation of the Committee was that the term "private security" should properly encompass both contract and proprietary (in-house) security personnel and that any legislation with regard to registration, minimum personnel standards, training requirements, and sanctions should apply to both contract and proprietary security personnel. Further the report recommended that any such legislation should also encompass the security service personnel of armored car and alarm response organizations.

A legal problem identified in the Committee report was the proliferation of ordinances regulating some or all segments of the private security industry. To reduce this problem, the Committee recommended that legislation regulating the industry be at the state level. Legislation at that level would do much to eliminate proliferation, duplication, inconsistencies and operational barriers.

Another finding of the Committee was that the private security officer is not a police officer; the work performed by private security personnel is not police work; and, therefore, regulations which prevent or discourage private security officers from impersonating or being mistaken for public law enforcement officers need to be adopted. To control impersonation and the possibility of mistaken identity, the Committee recommended the following:

- That all private security organizations and/or individuals be prohibited from using any business name, including initials, which project the image of a public law enforcement agency; and that all private security company names or titles clearly designate them as relating to private business organizations;
- That use of any designation of an individual as a private policeman or police officer be prohibited, and that the term "private security officer" be used to identify private security guards;

- That all uniforms and equipment, including weapons and badges, be the property of the employer; and that a statute be adopted to make failure to return the uniforms and equipment a misdemeanor; and
- That the use of metal badges and cap devices be prohibited; and that a permanently affixed cloth type badge be worn and a cloth name tape bearing words "Security Officer" be sewn to the right breast pocket.

To overcome some of the criticisms of the Rand report relating to recruitment standards for private security officers, the Committee recommended minimum qualifying standards, including a thorough background investigation conducted by the employer, a minimum employment age, a "clean" criminal history, minimum physical and mental requirements, and character and credit reference checks. An additional qualification for armed security officers was that the applicant must be a high school graduate or the equivalent and not have any physical or mental difficulties which would interfere with his ability to use a firearm properly.

It was the recommendation of the Committee that every private security officer be registered with the state regulatory body within fifteen (15) days of employment and that registration would be based upon the applicant meeting the prescribed qualifications for a private security officer. The employer would be permitted to hire an applicant on the basis of a signed, sworn notarized statement that the applicant had not been arrested or convicted of a felony or misdemeanor involving moral turpitude and that the application form signed by the applicant would indicate that any falsification of the above would subject the applicant to criminal penalties. The employer would be required to submit a certification that a background investigation was completed in compliance with the regulations and that the applicant had completed eight (8) hours of pre-assignment training. Further, the employer would be required to certify later that the security officer had completed a thirty-two (32) hour in-service training program within one hundred twenty (120) days of employment.



The Committee also dealt with the problem of gun control in relation to the private security industry. It found that employment in the private security industry today may afford access to authorized possession of firearms by unqualified persons, or allow persons to obtain a firearm legally which can subsequently be used illegally. The Committee recommended that such problems should be dealt with by: discouraging the use of lethal weapons by private security officers, requiring those who must carry firearms to obtain a firearms user permit from a regulatory body, require pre-issue classroom and range training, require annual, in-service, follow-up range training, and require that all firearms used by private security personnel be owned and issued by the employer.

Finally, to deal with the problem of untrained personnel performing duties as private security officers, the Committee recommended eight (8) hours of basic pre-assignment training for all private security officers, plus thirty-two (32) hours of annual in-service specialized training within the first one hundred and twenty (120) days of employment, and eight (8) hours annual refresher in-service training. In addition, all armed security officers would be required to complete a prescribed classroom and range program recommended by the Committee.

#### Development of this Model Statute

Following its acceptance of the standards, the Council directed the Guards and Investigators Committee to develop a model statute for the regulation and licensing of certain activities of the private security industry. The Guards and Investigators Committee then began to develop model legislation, based on the standards which had been accepted by the Council. The Committee sought assistance from attorneys in drafting the model legislation, since Committee members did not feel qualified to translate the layman's version of the standards into the format of a model statute. In addition, members of the Guards and Investigators Committee were requested to enlist assistance from their firms' attorneys to draft a model statute. A legislative drafting sub-committee was established to work under the guidance of the Committee in the development of the model statute. The drafting sub-committee produced initial draft documents which translated portions of the Committee standards into statutory format.

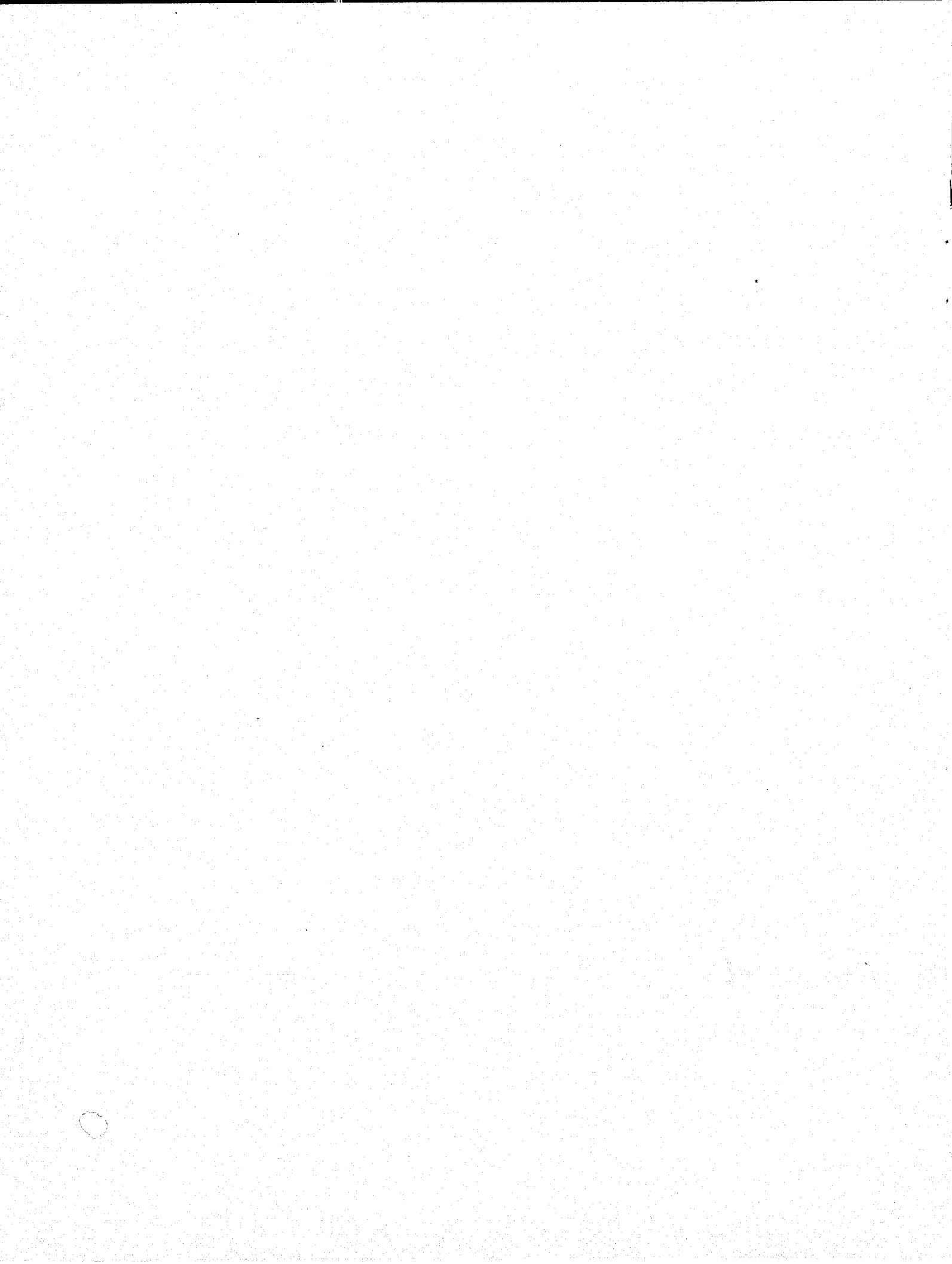
In September 1974, the Committee Chairman recommended to the Council that the Council appoint or hire a firm or individual to develop a statute which would accurately reflect the standards developed by the Guards and Investigators Committee. The Council agreed with that recommendation and assigned Dennis M. Crowley, Jr., the attorney who directed the Council's staff, to work with the Committee for such purpose.

In January 1975, the Guards and Investigators Committee met with the Council staff and members of the drafting sub-committee. The draft statute which emerged from that meeting was forwarded to the Council for review. The draft statute was disseminated widely and comments were invited from all interested parties.

A public hearing on the Guards and Investigators Committee draft was held by the Council on February 19, 1975, in Austin, Texas. Following that public hearing, the draft was further reviewed by the Council. Changes were recommended in the Committee draft, and the Council's staff was directed to re-write the model statute to reflect those changes. Upon completion of a new draft, the document was again widely disseminated; comments were invited; and a second public hearing was scheduled.

On July 9, 1975, the second public hearing on the model statute was held at the Council's meeting in Chicago, Illinois. This meeting was well attended by the public. Written and oral comments were presented by more than 100 interested parties. Extensive review and discussion by the Council followed this hearing, and Council staff then prepared a summary of all pertinent oral and written testimony. In October 1975, the Council held a special meeting to conclude its deliberations on the model statute. Each section of the model statute was discussed and debated until there was Council consensus on the entire document.

The Model Private Security Licensing and Regulatory Statute which appears in Chapter 7 of this report is the final work product of more than two years of Private Security Advisory Council activities relating to this matter. This Model Statute, together with the introductory material and commentary, constitute an advisory report from the Private Security Advisory Council to the Law Enforcement Assistance Administration, U. S. Department of Justice, on "Regulation of Private Security Guard Services".



## HIGHLIGHTS OF THE STATUTE

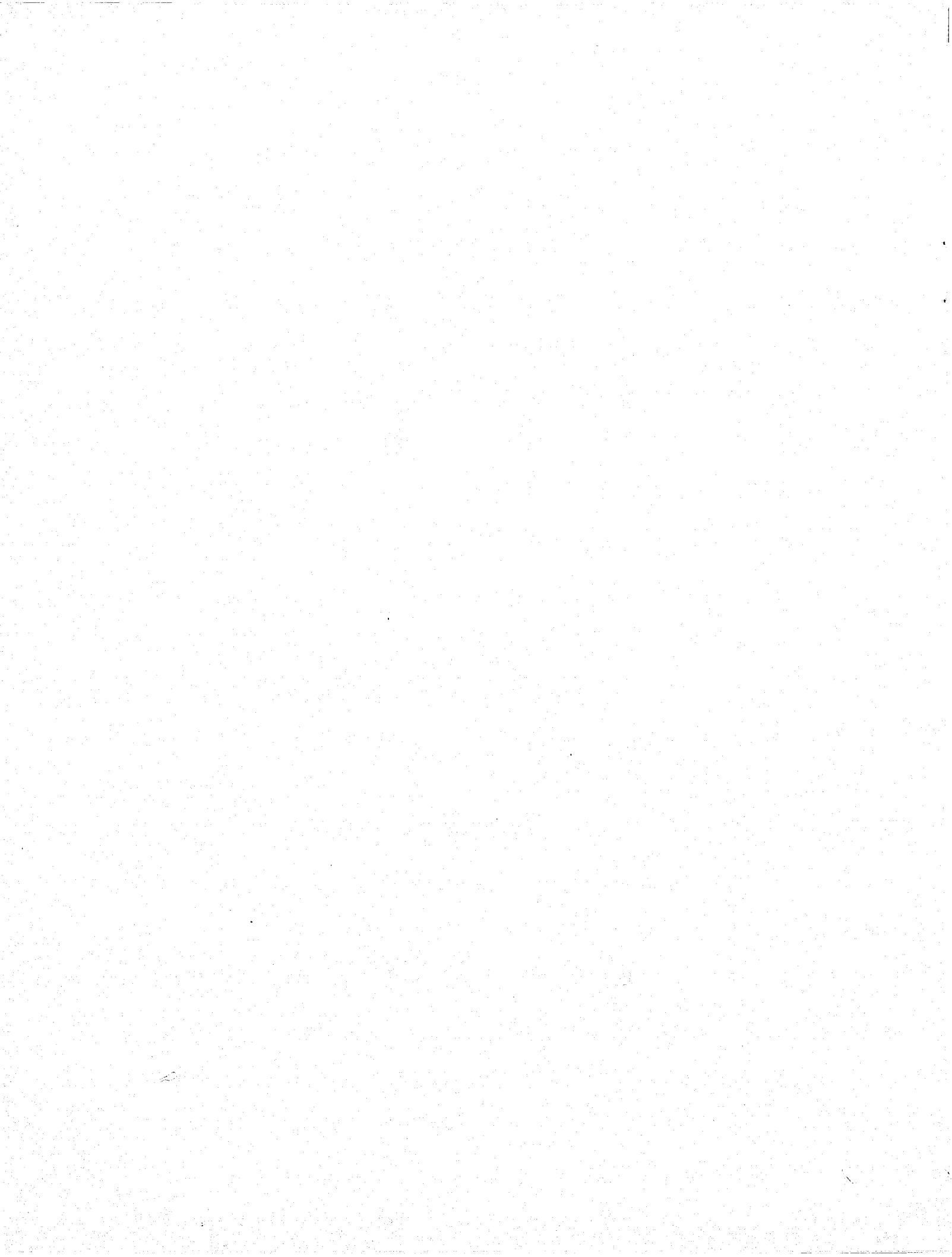
While unanimous consensus or majority approval was ultimately achieved on every provision of this Model Statute, not all members of the Private Security Advisory Council agreed with every one of its provisions. As with any proposed legislation, the drafting process resulted in significant changes as each provision of the proposed statute was debated.

As finally approved by the Council, the Model Statute does the following:

- Requires licensing of all contract security companies, but exempts proprietary security (in-house) organizations from the licensing requirements;
- Defines "Proprietary Security Organization" as a Person who provides security services solely for the benefit of such Person, thereby making some organizations, such as shopping mall and stadium operators, who provide such services for other than themselves, Contract Security Companies, which must be licensed;
- Requires applicants for a license to possess at least three years of security supervisory experience or pass an examination;
- Details license application, investigation, approval, denial and appeal procedures;
- Creates a Private Security Industry Regulatory Board to promulgate regulations, review and pass on license applications, and enforce the provisions of the Statute;

- Gives the Private Security Industry Regulatory Board subpoena power over witnesses and records;
- Recognizes two categories of private security personnel without regard to the nature of their employer (contract or in-house): armed private security officers; and unarmed, uniformed, private security officers;
- Includes in its coverage security guards, armored car guards, armed courier service guards and alarm response runners;
- Exempts watchmen and railroad police from the provisions of the statute;
- Requires all armed private security officers to be registered with the Licensing Authority before beginning employment;
- Establishes minimum criteria for registration to include: eight (8) hours pre-assignment orientation training, and added pre-assignment firearms examination and marksmanship qualification; eight (8) hours annual refresher training, plus firearms qualification; and certification of such training by a trainer approved by the Licensing Authority;
- Requires unarmed, uniformed private security officers to apply to the Licensing Authority for an Identification Card, but permits their employment while the application is being processed;
- Requires the Licensing Authority to conduct criminal history record checks, including FBI fingerprint file searches, on all applicants for a Registration or Identification Card;

- Prohibits the hiring of any person as a private security officer who fails to meet the minimum selection criteria of the Statute, which include conviction for: a felony, any crime involving moral turpitude, or illegal use or possession of a dangerous weapon, for any of which a full pardon has not been granted;
- Requires all training to be given and certified by a state-approved Trainer, who may be an individual, corporation, or institution;
- Places strict insurance and reporting requirements on employers of armed private security officers, without regard to the employer's status as a Contract Security Company or Proprietary Security Organization, and requires all firearms to be owned and issued by the employer;
- Sets minimum uniform and vehicle appearance standards to eliminate possibly mistaking private security personnel for public law enforcement officers;
- Pre-empts local governmental units in the area of licensing and regulating private security activities and organizations;
- Prescribes criminal penalties for violations of the Statute; and
- Provides a transition period for the implementation of the provisions of the Statute.



## GENERAL COMMENTARY

This section of this report provides commentary on specific sections of the Model Statute. Many hours of discussion and debate were involved in the development of this Model Statute. The transcripts of the Council meetings and public hearings concerning the Model Statute amount to more than 2,000 pages. It is impossible to set forth all of the issues debated and the subsequent voting on each provision of the Model Statute in this report. Nevertheless, this section has been written to provide readers with the intent of those responsible for drafting this proposed Model Statute, namely: the Private Security Advisory Council and its Guards and Investigators Committee.

### Differences Between the Initial Model Standards and the Committee-Recommended Statute

The Model Statute forwarded by the Guards and Investigators Committee to the Council in February 1975 deviated in certain aspects from the original private security guard standards developed by the Committee and approved by the Council. It is important in this commentary to note the differences between the recommendations of the Committee in July 1973 and those of February 1975.

#### 1. Non-Application to Proprietary Security Organizations

The original standards recommended that all legislation with regard to registration, minimum personnel standards, training requirements and sanctions should apply to both contract and proprietary (in-house) security personnel unless specifically excluded. In January 1975, the members of the Committee recommended that the licensing provisions apply only to contract security agencies. However, there was no unanimous consensus on this point. Committee members present from the proprietary (in-house) side of private security stated that they could not support any model statute which required the licensing of business firms using proprietary security forces. The argument put forth by those members was that such firms were not in the business of supplying security services to the general public.



Their security forces were used solely for the protection of their own assets, and it should not be within the purview of the state to regulate such companies. They argued that licensing carried with it the presumption of powers to prevent a company from protecting its assets by revoking or suspending its license to employ security personnel.

In their opinion, licensing of proprietary security organizations was not necessary to correct the criticisms of the Rand Report. Those criticisms were directed mainly at security guards, not companies employing security personnel solely for the protection of their own property. Therefore, it was felt that the statute should be directed at the individual guard, not the employer.

The counter argument of the Committee members from contract security companies was that the ultimate goal of licensing legislation was to protect the general public. No matter how small a company is, if it employs a security guard, that guard will come in contact with the public in the performance of his security duties. It is necessary to make someone responsible for recruiting, selecting, training and supervising security guards, particularly those who are armed, to prevent the continuation of problems as cited in the Rand Report. This responsibility should be borne equally by all employers of security guards, not just those companies which offer those services for hire.

The final outcome of this debate was that only contract security companies would be licensed. However, all private security officers, as defined in the Model Statute, would be registered, regardless of whether they are employed by a contract security company or by a proprietary security organization, and no person could employ a guard who is not properly registered.

## 2. Responsibilities for Background Investigations

The standards required a background investigation conducted by an employer within fifteen (15) days of employment. Also, the employer would be responsible for processing applications, conducting and certifying minimum training, and reporting changes in status of employees to the licensing authority. With the elimination of proprietary security organizations from the licensing process, the responsibilities described above would no longer be applicable to such organizations.

Several members of the Committee from contract security companies argued that the Committee was now significantly diluting the standards previously approved by the Committee and the Council. Furthermore, those members could see no difference in the functions actually performed by proprietary security guards and those assigned by a contract firm. The sanctions and requirements levied on an employer in the interest of the public should, therefore, be the same without regard to the employer's main line of business.

This argument was rejected by Committee members from proprietary security organizations except as to armed guards. The final compromise was that proprietary security organizations which employ armed guards would be required to obtain and file evidence of minimum insurance coverage, and would be required to purchase and issue the weapon carried. However, proprietary security organizations would not have any other responsibilities or be subject to any sanctions as long as they employed registered private security officers.

Concerning the issue of background investigations, there was consensus among the members that a fingerprint record check was necessary for all security personnel. The responsibility to conduct the background investigations was assigned to the state licensing authority.

### 3. Temporary Permits and Training

Since only a licensee could issue temporary permits, proprietary security organizations would not be able to perform this function by virtue of their exclusion. Therefore, they would have been required to either hire private security officers with permanent registration cards who had already completed all pre-assignment and annual in-service training or have prospective employees trained by an outside institution or firm. The contract security company personnel argued that this would open the licensed contract security companies to "raids" on their personnel after they had gone to the expense of selecting, training and processing applications for them. This argument was rejected by proprietary security organization personnel, who thought it was more likely that the proprietary organizations would retain the licensed firms to conduct the training for proprietary security personnel.

Finally, although the issue was never brought to a vote, the question was raised whether security guards should be registered at all. Committee members employed by

proprietary security organizations had doubts about both the legality of registering guards and the necessity for the process. Although various members expressed these doubts, no vote was taken because of the opposing responses of all the other Committee members. The Committee assumed a consensus existed on the need to register private security officers as defined in the Model Statute.

#### Differences Between the Committee-Recommended Statute and the Council-Approved Statute

This section reflects the differences between the Guards and Investigators Committee recommended Statute and the Model Statute ultimately adopted by the Council.

##### 1. General

First, the Council recognized two categories of private security guards - armed and unarmed. Since armed security officers present the greatest threat to the public if they are not carefully selected, properly trained, and closely supervised, the Council placed stringent insurance and reporting requirements on employers of armed guards without regard to their status as a contract security company or proprietary security organization. However, the Council called for the licensing of only contract security companies. Council members felt that, since such companies offer their services for sale to the general public, they are different from proprietary organizations and that the primary purpose of licensing is to provide an increased level of protection for consumers of such services.

##### 2. New Definition of "Security Guard"

A new definition of "Security Guard" was drawn. That definition which is set forth in Section 3 of the Model Statute includes all persons who are involved in protection of groups of persons and/or property from criminal activities and excludes persons whose duties are limited to custodial, observation, reporting, or enforcement of only administrative regulations. This definition excludes persons performing fire-watch duties, spotters in retail stores watching for shoplifting, provided they are required only to report the act to a guard, and monitors of fire and burglar alarms if they do not respond to the alarm.

3. Registration Requirements for Armed Private Security Officers

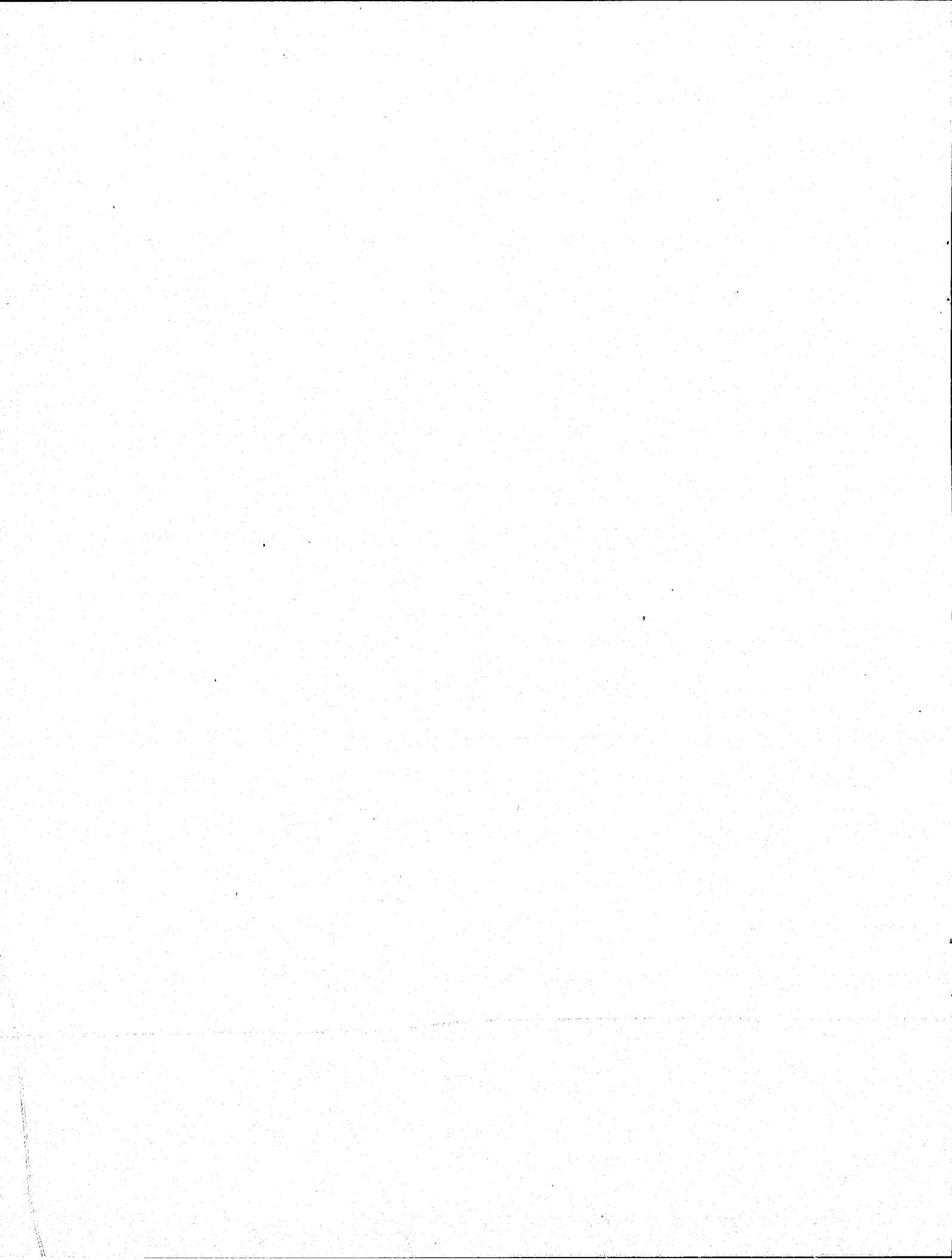
Using the new definition of "Security Guard" in Section 3, the Council required the registration of all armed private security officers. To qualify for registration, an individual must meet minimum qualifying criteria including: minimum age; eight (8) hours pre-assignment training; pre-assignment training in firearms orientation; annual firearms qualifications; no conviction for any felony or any crime involving moral turpitude or illegal use of a weapon; good moral character; and no physical disabilities. All registrants will be subjected to a background investigation conducted by the state licensing authority. No armed private security officer may begin employment until he has been issued a registration card.

4. Identification Requirements for Unarmed, Uniformed Private Security Officers

All unarmed, uniformed private security officers must complete an employment application and submit two (2) sets of classifiable fingerprints to an employer. The employer must submit the fingerprint cards and a copy of the application to the state licensing authority which will issue an identification card (sent to the employer to give to the applicant) if the applicant has not been convicted of a crime as set forth in the Statute. There are no training requirements for unarmed personnel.

5. Authority to Conduct Training

All training for armed private security officers must be given, and certified to, by a trainer approved by the state licensing authority. The certified trainer may be an individual, educational institution, corporation, or any other legal entity. Therefore, both contract security companies and proprietary security organizations may have a certified trainer on their staffs.



## SPECIFIC COMMENTARY ON STATUTE PROVISIONS

Definitions (Section 3)

The definition of "Security Guard" in this Model Statute is critical. It limits application of the Statute to those who perform specific duties related to prevention of criminal activities. It excludes those whose duties are primarily related to observation and reporting.

"Armed Private Security Officer" is defined as a person whose principal duty is that of an armed security guard, armed armored car guard, armed courier service guard, or armed alarm response runner and who carries a firearm in the performance of his duties. Definitions of "Armored Car Service", "Armed Courier Service", and "Alarm Response Runner" are also provided.

An "Unarmed Private Security Officer" is defined as a security guard, armored car guard, and alarm response runner who does not carry a firearm, but who does wear clothing of distinctive design (uniform). The "uniformed" provision does not apply to armed private security officers.

Sworn peace officers are not required to comply with this Model Statute if they are performing duties for the agency from which they derive law enforcement powers. Railroad police, who have full police powers in most states, will be exempt when performing their regularly assigned duties in those states where they have statutory police powers. Sworn officers of federal, state, county and municipal police agencies will also be exempt when performing duties assigned to them by the employing police agency. They will not be exempt, however, when they are acting in the employ of a contract security company or proprietary security organization, or when they offer their services on an individual basis to the public. The Model Statute excludes industrial security management personnel who are not armed or who do not wear clothing of a distinctive design (a uniform).

The term "Proprietary Security Organization" covers the so-called "in-house" security sector. However, the definition is drawn so that firms which provide security services other than "solely" for themselves are not "Proprietary Security Organizations". An example would be a shopping mall operator who employs individuals in an employer/employee relationship to provide security for all tenants of the mall. In such a case, the services are not "solely" for his benefit even though no fee, separate from annual rental and maintenance fees, is charged. In the example given, the Council intention was that a person or organization furnishing such services would be considered a "Contract Security Company".

The problem of covering every example of a "Proprietary Security Organization" in the definition was recognized. There has been considerable growth in recent years of the apartment complexes which provide security services for the benefit of all tenants. In many retail stores, floor space is rented under franchise to outside individuals and corporations but is given the same protection as all departments by the retail store security force. Hotels rent lobby and office space to outside organizations, but hotel security personnel do not discriminate when providing security throughout the hotel property.

While recognizing that the present definitions may cause some problems in those situations, the Council agreed that definitions which encompass all foreseen and unforeseen circumstances are impossible to prepare. Rather than create loopholes in the Model Statute, the Council chose to offer the best definition possible and to leave interpretation and enforcement to the individual states, courts, and licensing authorities. Hotels and retail stores, when faced with becoming contract security companies, and thus licensed, can rewrite contracts with their tenants and franchisees to eliminate requirements to provide security services for such persons, if they elect not to become licensed.

#### Private Security Industry Regulatory Board (Section 4)

Two forms of a licensing authority were considered by the Council: (1) an existing state agency, such as the secretary of state; and (2) a specially created board. The form selected for presentation is a specially created board, called the "Private Security Industry Regulatory Board", which would have as members representatives of:

the industry, users, public law enforcement, and the public-at-large. This representation should provide the Board with sufficient expertise on all issues which can be expected to arise. A board which is dominated by the organizations to be regulated was deemed not to be in the best interest of the public. By the same token, a regulatory board which does not have any representation from the groups to be regulated was also deemed undesirable, as it might promulgate unrealistic or unenforceable rules and regulations. It was the consensus of the Council that the form of licensing authority recommended is the one which best serves all interests.

#### Subpoenas, Oaths and Contempt Powers (Section 12)

The Council did not want to create a licensing authority which did not have sufficient power to enforce the provisions of the Model Statute. By giving subpoena, oath, and contempt powers to the Board, the licensing authority should be able to properly administer the statute. The Council also intended to insure that any trade secrets (or information which could possibly compromise the security of an installation) would not be available to the public under state-level Freedom of Information Acts. The language is intended to protect such information. It is also hoped that any court holding hearings to compel testimony will hold such hearings "in camera" to protect information from unauthorized disclosure.

#### Licensing (Section 14)

This section reflects the elimination of proprietary security organizations from the requirement to obtain a license. The license requirement applies to contract security companies only. A transition period of 180 days is provided for contract security companies which are in business on the effective date of the Statute to apply for a license. This grace period was provided because many existing companies might not be able to meet the requirements of a licensee and will need time to either make necessary corporate changes or hire a qualifying agent.

During the public hearings, representatives of the alarm and armored car industries argued that dual licensing would occur if the provisions of this Statute were applied to their industries. The armored car industry is already regulated by the Interstate Commerce Commission



and many state public utility or transportation commissions. The Model Hold-Up and Burglar Alarm Business Licensing and Regulatory Statute, previously developed and adopted by the Council, already calls for licensing of alarm businesses.

However, neither industry could demonstrate to the satisfaction of the Council that current regulations applicable to them meet the objectives of the presently proposed statute, or that its personnel currently meet its stringent selection and training requirements. The Council, therefore, did not agree that those industries shall be exempt from the Statute. Section 14(c) does provide, however, that if there is an existing regulatory statute covering armored car and alarm personnel which has provisions at least equal to this Statute, then those businesses can be exempted from the requirements of this Statute. This matter can be reviewed on an individual state-by-state basis.

#### Application (Section 15)

To ease the administrative burden of license application preparation and processing, only one person in each organization to be licensed, the qualifying agent, is required to meet the licensing qualifications in that state. Some states now require all principal corporate officers to meet the qualifications for licensing. This latter approach places an unnecessary burden on both the applicant and the licensing authority. This Model Statute requires only the names of principal corporate officers to be filed with a license application. Furthermore, the qualifying agent need not be a resident of the state.

#### Examination (Section 16)

This section provides an alternative for those who do not meet the experience requirements to obtain a license. The intent of the Council was that the scope of the examination should include not only pertinent laws and regulations, but also operational techniques.

#### Procedures (Section 20)

The procedural details in this and other sections of the Model Statute dealing with notice, hearings, and appeals may need to be governed by existing administrative procedures and laws in the state.

## License Transfers (Section 24)

Although licenses are not transferable, this section allows for the orderly transfer of a license in the case of the sale or other transfer of ownership of a business. In either event, the transferee must make application for a new license and is subject to the same general requirements for a license.

## Armed Private Security Officers (Part IV)

Part IV of the Model Statute deals with the employment, registration and training of armed private security officers, and it is probably the most important part of the Model Statute. No person can be employed as an armed private security officer unless he has been registered with the licensing authority. There is no distinction made between contract and in-house employees. Every person, regardless of employer, must meet certain minimum requirements before he can be employed in an assignment in which he will, or may, be required to carry a firearm. There is no grace period permitting an employee to work as an armed private security officer while his application for a registration card is being processed. While some earlier drafts permitted the issuance of temporary permits to armed personnel, the Council felt it was not in the best interests of the public to have untrained personnel, or those who have not had a criminal history records check, work with a firearm. Those clauses from earlier drafts of the Model Statute do not appear in this final, approved version.

There is no prohibition against employing an applicant for a registration card and assigning him duties as an unarmed private security officer while his application is being processed, provided the individual has fulfilled the requirements of an unarmed private security officer.

Applicants for a registration card deliver the application to either a licensee or the licensing authority. The application must include a statement from a certified trainer that the applicant has completed the minimum training required by the Statute and must furnish two sets of classifiable fingerprints.

Section 29 requires that the licensing authority submit the fingerprints to that agency of government in the state which is responsible for conducting criminal history checks and to the FBI for a search of the records of that

agency. This is a crucial section of the Model Statute, in view of existing and emerging security and privacy legislation.

Section 30 requires the licensing authority to complete action on applications for a registration card within thirty (30) days. In many states, the application review process takes six (6) months to one year to complete. Such a delay places an unnecessary hardship on both employers and employees. The Council was of the opinion that states can streamline the review process and should be required to do so. If the Model Statute is to achieve its objectives related to protection of the public, employers must be able to obtain critical information on prospective employees on a timely basis.

Section 33 provides for limited transferability of registration cards when the holder of a registration card changes employment. Some contract security company personnel argued that registration cards should not be portable and should be valid only while the registrant is working for the licensee or employer by whom he was trained. They were concerned that this section would encourage proprietary security organizations to "raid" their personnel and place an unfair economic burden on contract companies. However, the consensus of the Council was that a registered armed private security officer should not be required to apply for a new registration card, de novo, simply because of a change in employment, provided no significant time lapse occurred between employments.

Section 36 provides that private security officers who are properly registered are authorized to carry firearms. All firearms issued must be approved by the licensing authority and owned by the employer. The registration card authorizes carrying of the firearm when on duty or traveling to or from work. This section of the Model Statute was designed to provide positive control over the ownership and issuance of firearms. It will prevent private security officers from carrying personally owned weapons and will place responsibility for purchase and issuance of weapons directly on those employers who require their employees to carry firearms.

Section 37 describes the training requirements for armed private security officers. The amount and type of training to be required of armed security personnel was debated extensively by the Council. Early drafts required

thirty-two (32) hours of annual in-service training. Comments received on these early drafts of the Model Statute suggested that armed personnel should receive more than the 32 hours, with recommendations ranging all the way to 120 hours, the current level in the State of Ohio for commissioned private security personnel. The debate showed there was no consensus either on the type of training which should be given, since many of the suggested courses were police-oriented, or on the total number of hours. The Council thought that recommending 32 hours of training without specifying the courses would be counterproductive. However, to call for a curriculum which fit the 32-hour block was not feasible without further study. Finally, the Council voted to require orientation and firearms training only, and to appoint a special study committee to make a separate report at a later date on a model private security officer training program.

#### Unarmed Private Security Officers (Part V)

All unarmed, uniformed private security officers must submit an employment application and two sets of classifiable fingerprints to their prospective employers before beginning employment. The employer must forward those documents to the licensing authority on or before the date the person begins employment. However, the unarmed private security officer can work while the licensing authority is processing the documents. As with armed personnel, the licensing authority must complete a criminal history record check within thirty (30) days. If the record check does not reveal conviction data which would preclude employment, the licensing authority must issue an identification card to the applicant through the employer. There are no training requirements in the Model Statute for the unarmed private security officer.



MODEL PRIVATE SECURITY LICENSING  
AND REGULATORY STATUTE

PART I. TITLE, PURPOSE AND DEFINITIONS

Section 1. TITLE.

This Statute shall be known and may be cited as "Private Security Licensing and Regulatory Statute".

Section 2. PURPOSE.

The purpose of this Statute is to increase the levels of integrity, competency and performance of private security personnel in order to safeguard the public against illegal, improper or incompetent actions committed by private security personnel. To achieve that objective, this Statute prescribes uniform procedures and qualifications throughout this State for: licensing of companies providing certain security services; registration of all armed private security officers employed in this State; establishing training standards for armed private security officers; requiring public liability insurance coverage for all employers of armed private security officers; requiring criminal history checks on all private security officers; and restricting the hiring of certain persons as private security officers.

Section 3. DEFINITIONS.

For the purpose of this Statute, the following terms, phrases, words and their derivations shall have the

1 meaning given herein. When not inconsistent with the con-  
2 text, words used in the plural number shall include the  
3 singular number and words in the singular number shall include  
4 the plural number.  
5

6 (a) The term "Alarm Response Runner" means any indivi-  
7 dual person employed by a Contract Security Company or a  
8 Proprietary Security Organization to respond to security  
9 system signals, other than a person whose sole function is  
10 to maintain or repair a security system.  
11

12 (b) The term "Armed Courier Service" means any Person  
13 that transports or offers to transport under armed security  
14 guard from one place or point to another place or point,  
15 valuables, currency, documents, papers, maps, stocks, bonds,  
16 checks, or any other item that requires expeditious delivery.  
17

18 (c) The term "Armed Private Security Officer" means an  
19 individual employed by a Contract Security Company or a Pro-  
20 prietary Security Organization; whose principal duty is  
21 that of an armed security guard, armed armored car service  
22 guard, armed courier service guard or armed alarm response  
23 runner; and who at any time wears, carries, possesses or has  
24 access to a firearm in the performance of his duties.  
25

26 (d) The term "Armored Car Service" means any Person  
27 that transports or offers to transport under armed security  
28 guard from one place or point to another place or point,  
29 currency, jewels, stocks, bonds, paintings, or other valu-  
30 ables of any kind, or other items in a specially equipped  
31 motor vehicle which offers a high degree of security.  
32

33 (e) The term "Branch Office" means any office of a  
34 Licensee within the State other than its principal place of  
35 business within the State.  
36

37 (f) The term "Certified Trainer" means any Person  
38 approved and certified by the Licensing Authority as quali-  
39 fied to administer and certify to successful completion of  
40 the minimum training requirements for Private Security Offi-  
41 cers required by Section 37 of this Statute.  
42

43 (g) The term "Contract Security Company" means any Per-  
44 son engaging in the business of providing, or which undertakes  
45 to provide, a security guard, an alarm response runner,  
46 armored car service, or armed courier service, as defined in  
47 this Statute, on a contractual basis for another Person.  
48

49 (h) The term "Employer/Employee Relationship" means  
50 the performance of any service for wages or under any contract

1 of hire, written, oral, expressed or implied by an individual,  
2 and provided the employer has control or direction over the  
3 performance of such service both under this contract or ser-  
4 vice and provided that such service is performed personally by  
5 such individual.  
6

7 (i) The term "Identification Card" means a pocket  
8 card issued by a Licensing Authority to a Private Security  
9 Officer as evidence that the individual has met the minimum  
10 qualifications required to perform duties of an unarmed Pri-  
11 vate Security Officer.  
12

13 (j) The term "Licensee" means any Person to whom a  
14 license is granted in accordance with the provisions of this  
15 Statute.  
16

17 (k) The term "Licensing Authority" means the Secretary  
18 of the State or other appropriate department, agency or bureau  
19 of the State designated to administer and enforce this Statute.  
20

21 (l) The term "Person" includes individuals, firms, asso-  
22 ciations, companies, partnerships, corporations, non-profit  
23 organizations, institutions, or similar entities.  
24

25 (m) The term "Police Chief Executive" means the elected  
26 or appointed police administrator of any municipal, county, or  
27 State police department or sheriff's department, such depart-  
28 ment having full law enforcement powers in its jurisdiction.  
29

30 (n) The term "Principal Corporate Officer" means  
31 the president, vice president, treasurer, secretary or comp-  
32 troller as well as any other person who performs functions for  
33 the corporation corresponding to those performed by the fore-  
34 going officers.  
35

36 (o) The term "Proprietary Security Organization" means  
37 any Person or department of that Person which employs a secu-  
38 rity guard, an alarm response runner, armored car service, or  
39 armed courier services, as defined in this Statute, solely  
40 for such Person; and wherein an employer/employee relationship  
41 exists.  
42

43 (p) The term "Qualifying Agent" means, in the case of a  
44 corporation, an officer or an individual in a management  
45 capacity, or in the case of a partnership, a general or unlimi-  
46 ted partner, meeting the experience qualifications set forth  
47 in this Statute for operating a Contract Security Company.  
48

49 (q) The term "Registrant" means an individual who has a  
50 valid Registration Card issued by the Licensing Authority.



1 (r) The term "Registration Card" means the permanent  
2 permit issued by the Licensing Authority to a Registrant as  
3 evidence that the Registrant has met the minimum qualifica-  
4 tions required by this Statute to perform the duties of an  
5 Armed Private Security Officer.

6  
7 (s) The term "Security Alarm System" means an  
8 assembly of equipment and devices (or a single device such  
9 as a solid-state unit which plugs directly into a 110-volt  
10 AC line) designated to detect and/or signal unauthorized  
11 intrusion, movement, or exit at a premises, or to signal an  
12 attempted robbery, or other criminal acts at a protected  
13 premises; and with respect to such signals, police and/or  
14 security guards or alarm response runners are expected to  
15 respond. Fire alarm systems and alarm systems which monitor  
16 temperature, humidity or any other conditions not directly  
17 related to the detection of an unauthorized intrusion into  
18 premises or an attempted robbery at a premises are excluded  
19 from the provisions of this Statute.

20  
21 (t) The term "Security Guard" means an individual  
22 principally employed to protect a person or persons and/or  
23 property from criminal activities and whose duties include,  
24 but are not limited to the prevention of: unlawful intrusion  
25 or entry, larceny, vandalism, abuse, arson, or trespass on  
26 private property; or control regulation or direction of the  
27 flow or movements of the public, whether by vehicle, on foot  
28 or otherwise; and street patrol service or merchant patrol  
29 service. Persons whose duties are limited to custodial or  
30 observational duties or the reporting of administrative  
31 regulations only are specifically excluded from this defini-  
32 tion.

33  
34 (u) The term "Street Patrol Service" means any Contract  
35 Security Company or Proprietary Security Organization that  
36 utilizes foot patrols, motor vehicles or any other means of  
37 transportation in public areas or on public thoroughfares in  
38 the performance of its security functions.

39  
40 (v) The term "Sworn Peace Officer" means any individual  
41 who derives plenary or special law enforcement powers from,  
42 and is an employee of, the Federal Government, the State (or  
43 Commonwealth), or any political subdivision, agency, department,  
44 branch or service of either, of any municipality, or of any  
45 other unit of local government.

46  
47 (w) The term "Unarmed Private Security Officer" means  
48 an individual employed by a Contract Security Company or a  
49 Proprietary Security Organization; whose principal duty is  
50 that of a security guard, armored car service guard, or alarm

1 response runner; who never wears, carries or has access to  
2 a firearm in the performance of those duties; and who wears  
3 dress of a distinctive design or fashion, or dress having any  
4 symbol, badge, emblem, insignia or device which identifies or  
5 tends to identify the wearer as a security guard, alarm  
6 response runner, or armored car service guard.

1                   PART II.    THE LICENSING AUTHORITY  
2  
3

4   Section 4.       ESTABLISHMENT OF A LICENSING AUTHORITY  
5

6           (a)   There is hereby created a Private Security Industry  
7   Regulatory Board, hereinafter called the Licensing Authority  
8   or Board, designated to carry out the duties and functions  
9   conferred upon it by this Statute.

10           (b)   The Position of Director of the Private Security  
11   Industry Regulatory Board is hereby created. He shall serve  
12   as the chief administrator of the Board. He shall not be a  
13   member of the Board but shall be a full-time employee of the  
14   Board, fully compensable in an amount to be determined by the  
15   Legislature. The Director shall perform such duties as may be  
16   prescribed by the Board except those duties vested in the  
17   Board by Section 11 of this Statute, and shall have no financial  
18   or business interests or affiliations, contingent or otherwise,  
19   in any person rendering private security services.  
20

21  
22  
23   Section 5.       LICENSING AUTHORITY SEAL  
24

25           The Licensing Authority shall have a seal, the form  
26   of which it shall prescribe.  
27

28  
29   Section 6.       BOARD MEETING  
30

31           The board shall consist of the following members:  
32

33           (a)   The Attorney General or his duly designated repre-  
34   sentative shall serve as an ex officio member of said Board,  
35   and such service shall not jeopardize that individual's offi-  
36   cial capacity with this State; and  
37

38           (b)   The Director of the (State) Department of Public  
39   Safety or his duly designated representative shall serve as  
40   an ex officio member of said Board, and such service shall  
41   not jeopardize that individual's official capacity with this  
42   State; and  
43

44           (c)   One Police Chief Executive appointed by the Gover-  
45   nor subject to legislative confirmation; and  
46

47           (d)   Two members shall be appointed by the Governor sub-  
48   ject to legislative confirmation, who are licensed under the  
49   provisions of this Act, who have been engaged for a period of  
50   three years in the rendering of private security services,

1 and who are not employed by or affiliated with any other mem-  
2 ber of the Board; and

3  
4 (e) Two members shall be appointed by the Governor sub-  
5 ject to legislative confirmation, who are selected from the  
6 public at large, who are citizens of the United States and  
7 residents of this State, and who are not now or in the past  
8 employed by or affiliated with a person rendering private  
9 security services; and

10  
11 (f) Two members shall be appointed by the Governor sub-  
12 ject to legislative confirmation, who are citizens of the  
13 United States and residents of this State and who are full-time  
14 managers responsible for a Proprietary Security Organization  
15 Function.

16  
17  
18 Section 7. CHAIRMANSHIP OF BOARD

19  
20 The Governor shall designate one appointee to sit as  
21 Chairman of the Licensing Authority for that member's full term.

22  
23  
24 Section 8. VOTING POWERS AND PROCEDURES

25  
26 (a) No action shall be taken by the Board unless a quorum  
27 of the membership of said Board is present and accounted for.

28  
29 (b) All powers, duties and responsibilities conferred  
30 upon the Board by this Act may be exercised or taken by a  
31 majority vote of the necessary quorum then present and accoun-  
32 ted for.

33  
34  
35 Section 9. TERMS OF OFFICE

36  
37 (a) The Director of the Department of Public Safety and  
38 the Attorney General, or their representatives, shall serve on  
39 the Board during their terms of office and shall perform the  
40 duties required by this Act in addition to those duties requi-  
41 red of them in other official capacities.

42  
43 (b) The appointed members of the Board shall serve six-  
44 year terms, said terms to be staggered by the appointment of  
45 the initial appointees as follows: The police chief executive  
46 and one Proprietary Security Organization Manager for an  
47 initial term of two years; one licensee and one public at-  
48 large member for an initial term of four years; and the remain-  
49 ing members for initial terms of six years.

50

1 Section 10. VACANCIES

2  
3 The Governor shall, subject to legislative confir-  
4 mation, fill vacancies occurring among appointed members of  
5 the Board with appointments for the duration of the unexpired  
6 term. Said appointees must meet the qualification for that  
7 position to be filled as stipulated in Section 6.

8  
9 Section 11. POWERS OF THE LICENSING AUTHORITY RELATING  
10 TO RULES AND REGULATIONS; PETITIONS

11  
12 The following powers are hereby vested in the  
13 Licensing Authority:

14  
15 (a) Promulgation of rules and regulations which are rea-  
16 sonable, proper and necessary to carry out the functions of the  
17 Licensing Authority; investigations limited to determinations  
18 as to whether the provisions of this Statute are being complied  
19 with or violated; enforcement of the provisions of this Sta-  
20 tute; establishment of procedures for the preparation and  
21 processing of examinations, applications, license certificates,  
22 Registration and Identification Cards, renewals, appeals,  
23 hearings and rule-making proceedings; and determination of the  
24 qualifications of Licensees and Private Security Officers con-  
25 sistent with the provisions of this Statute.

26  
27 (b) Any interested person may petition the Licensing  
28 Authority to enact, amend or repeal any rule or regulation  
29 within the scope of paragraph (a) of this Section. The Licen-  
30 sing Authority shall prescribe by rule the form for such peti-  
31 tions and procedures for their submission, consideration and  
32 disposition.

33  
34  
35 Section 12. SUBPOENAS; OATHS; CONTEMPT POWERS

36  
37 (a) In any investigation conducted under the provisions  
38 of this Statute, the Licensing Authority may issue subpoenas  
39 to compel the attendance of witnesses and the production of  
40 relevant books, accounts, records and documents. The officer  
41 conducting a hearing may administer oaths and may require  
42 testimony or evidence to be given under oath.

43  
44 (b) If a witness refuses to obey a subpoena or to give  
45 any evidence relevant to proper inquiry by the Licensing  
46 Authority, the Licensing Authority may petition a court of  
47 competent jurisdiction within the State to compel the witness  
48 to obey the subpoena or to give the evidence. The court  
49 shall promptly issue process to the witness and shall hold a  
50 hearing on the petition as soon as possible. If the witness

1 then refuses, without reasonable cause or legal grounds, to  
2 be examined or to give evidence relevant to proper inquiry  
3 by the Licensing Authority, the court may cite the witness  
4 for contempt.

5  
6  
7 Section 13. PUBLIC NOTICE AND HEARING ON  
8 PROPOSED RULEMAKING  
9

10 (a) The Licensing Authority shall, prior to the adop-  
11 tion of any rule or regulation or the amendment or repeal  
12 thereof, or holding of any public hearings, notify in writing  
13 and by mail all Licensees and Proprietary Security Organiza-  
14 tions which have registered employees within the State, pub-  
15 lish in the State Register (or if there is no State Register,  
16 a newspaper of general circulation within the State) notice  
17 of the intended action; shall give publicity to the propo-  
18 sal in such other manner as it regards appropriate; and  
19 shall hold a public hearing at which all interested persons  
20 are given an opportunity to submit data and views either  
21 orally or in writing. Notice shall include:

- 22  
23 (1) A statement of the time, place and nature  
24 of the public rulemaking proceedings;  
25  
26 (2) Reference to the authority under which the  
27 rulemaking is proposed; and  
28  
29 (3) The exact wording of proposed rules or  
30 rule changes; or  
31  
32 (4) Either the terms or substance of the pro-  
33 posed rulemaking or a description in rea-  
34 sonable detail of the subjects and issues  
35 involved.

36  
37 The publication or service of any notice required  
38 by this Section shall be made not less than thirty (30) days  
39 prior to the date of the public hearings. The hearings shall  
40 be held not less than thirty (30) days prior to the proposed  
41 adoption, amendment, or repeal of the rule or regulation as  
42 the case may be, except as otherwise provided by the Licens-  
43 ing Authority upon good cause found and published with the  
44 notice.

1 PART III. LICENSING OF CONTRACT SECURITY COMPANIES  
2  
3

4 Section 14. REQUIREMENT FOR LICENSE.  
5

6 (a) It shall be unlawful and punishable as provided  
7 in Section 42 of this Statute, for any person to engage in  
8 the business of a Contract Security Company within this  
9 State without having first obtained a Contract Security  
10 Company License from the State Licensing Authority, subject  
11 to paragraph (b) hereof.  
12

13 (b) Every person engaged in the Contract Security Com-  
14 pany business within the State on the effective date of this  
15 Statute, however, shall have 180 days to apply to the  
16 Licensing Authority for a license to operate a Contract  
17 Security Company. Any such person filing a timely applica-  
18 tion may continue to engage in business pending a final  
19 determination of such application.  
20

21 (c) Unless there is a separate statute currently in  
22 effect in this State by which an alarm or armored car busi-  
23 ness is licensed and regulated, all provisions of this Sta-  
24 tute shall apply equally to said businesses which shall be  
25 considered as Contract Security Companies. If there is a  
26 separate statute in effect in this State by which alarm and  
27 armored car businesses are licensed and regulated, the  
28 licensing provisions of this Statute shall not apply to such  
29 businesses unless such businesses are also engaged in the  
30 business of providing security guard services.  
31

32  
33 Section 15. FORM OF APPLICATION.  
34

35 (a) Applications for licenses required by the provi-  
36 sions of this Statute shall be filed with the Licensing  
37 Authority on a form provided by the Licensing Authority.  
38 If the applicant is an individual, the applications shall  
39 be subscribed and sworn to by such person. If the applicant  
40 is a partnership, the application shall be subscribed and  
41 sworn to by each partner. If the applicant is a corporation,  
42 it shall be subscribed and sworn to by at least one principal  
43 corporate officer.  
44

- 45 (1) The full name and business address of the  
46 applicant and, if the applicant is a cor-  
47 poration or partnership, the name and  
48 address of the Qualifying Agent;  
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(2) The name under which the applicant intends to do business;

(3) The address of the principal place of business and all Branch Offices of the applicant within this State, and the corporate headquarters of the business if outside of the State;

(4) If the applicant is a corporation, the correct legal name, the state of incorporation, and the date it qualified to do business within this State;

(5) A list of principal officers of the corporation and the business address, residence address and the office or position held by each such officer in the corporation;

(6) a. As to each individual applicant, or if the applicant is a partnership, as to each partner, or if the applicant is a corporation, as to the Qualifying Agent, the following information:

- (i) full name, (ii) age, (iii) date and place of birth, (iv) all residences during the immediate past five years, (v) all employment or occupations engaged in during the immediate past five years, (vi) two sets of classifiable fingerprints, (vii) a photograph taken within the last six months of a size prescribed by the Licensing Authority, (viii) a general physical description, (ix) letters attesting to good moral character from three reputable individuals, not related by blood or marriage, who have known the applicant(s) or Qualifying Agent for at least five years, (x) three credit references from lending institutions or business firms with whom the applicant(s) or Qualifying Agent has established a credit record, and (xi) a list of all arrests, convictions, and pending criminal charges in any jurisdiction, for any felony, crime involving moral turpitude, or illegal use or possession of a dangerous weapon, for any of which a full pardon (or similar relief) has not been granted.



1 b. As to every required person, a statement  
2 of experience that meets the qualifications  
3 of Section 16.  
4

5 (7) As to each applicant which is a corporation or  
6 partnership, the names and addresses of each  
7 principal officer, director, or partner, which-  
8 ever is applicable and unless the stock of such  
9 corporation is listed on a national securities  
10 exchange or registered under Section 12 of the  
11 Securities and Exchange Act of 1934, as amended,  
12 the names and addresses of all stockholders.  
13

14 (b) The Licensing Authority may require that the appli-  
15 cation include any other information which the Licensing  
16 Authority may reasonably deem necessary to determine whether  
17 the applicant or individual signing the application meets the  
18 requirements of this Statute or to establish the truth of the  
19 facts set forth in the application.  
20

21 (c) Any individual signing a license application must  
22 be at least (the legal age for licensing generally estab-  
23 lished in the State) years of age.  
24

25  
26 Section 16. LICENSE QUALIFICATIONS.  
27

28 (a) Every applicant, or in the case of a partnership  
29 each partner, or in the case of a corporation the Qualifying  
30 Agent, shall meet the following qualifications before it may  
31 engage in the business of a Contract Security Company:  
32

- 33 (1) Be of legal age;  
34  
35 (2) Be a citizen of the United States or a  
36 resident alien;  
37  
38 (3) Not been convicted in any jurisdiction of  
39 any felony, or any crime involving moral  
40 turpitude, or illegal use or possession of  
41 a dangerous weapon, for any of which a full  
42 pardon (or similar relief) has not been  
43 granted;  
44  
45 (4) Not been declared by any court of competent  
46 jurisdiction incompetent by reason of mental  
47 defect or disease and has not been restored;  
48  
49 (5) Not suffering from habitual drunkenness or  
50 from narcotics addiction or dependence;

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(6) Be of good moral character;

(7) Possess three (3) years experience as a manager, supervisor, or administrator with a Contract Security Company or Proprietary Security Organization or possess three (3) years supervisory experience approved by the Licensing Authority with any Federal, U. S. military, state, county or municipal law enforcement agency.

(b) If the Licensing Authority determines that the applicant or Qualifying Agent has not satisfactorily complied with paragraph 16 (a) (7), it may require compliance with paragraph (c) of this Section.

(c) Examination Requirement: The Licensing Authority shall prepare and administer at least twice annually examinations designed to measure an individual's knowledge and competence in the Contract Security Company business. An applicant or Qualifying Agent successfully passing the Licensing Authority's examination may substitute that for the experience requirement of paragraph (a) (7) of this Section.

(d) In the event that the Qualifying Agent upon whom the Licensee relies to comply with paragraph (a) (7) or to qualify under paragraph (c) of this Section shall cease to perform his duties on a regular basis, the Licensee shall promptly notify the Licensing Authority by certified or registered mail and shall obtain, as promptly as possible, a substitute eligible individual within six (6) months from and after the disqualification of such individual. The Licensing Authority may revoke the license or may, in its discretion, extend for a reasonable time the period for obtaining a substitute Qualifying Agent.

(e) A corporation seeking a License shall be incorporated under the laws of this State or shall be duly qualified to do business within this State with a valid certificate of authority issued by the Secretary of State and an agent for service of process designated as required by law.

Section 17. LICENSE APPLICATION - INVESTIGATION.

After receipt of an application for a license, the Licensing Authority shall conduct an investigation to determine whether the facts set forth in the application are true and shall compare, or request that [the appropriate State agency] compare the fingerprints submitted with the applica-

1 tion to fingerprints filed with [the Division of Criminal  
2 Identification, Records and Statistics of the State Depart-  
3 ment of Corrections, or its equivalent]. The Licensing  
4 Authority [or the State agency comparing the fingerprints]  
5 shall also submit the fingerprints to the Federal Bureau  
6 of Investigation for a search of the fingerprint files of  
7 that agency to determine if the individual fingerprinted  
8 has any convictions recorded in the FBI files.  
9

10  
11 Section 18. ACTION ON LICENSE APPLICATION.  
12

13 Within thirty (30) days after receipt of an appli-  
14 cation, the Licensing Authority shall either issue a license  
15 to the applicant or notify the applicant of a denial of  
16 the license application. In the event that additional infor-  
17 mation is required from the applicant by the Licensing Autho-  
18 rity to complete its investigation or otherwise to satisfy  
19 the requirements of this Statute, or if the applicant has  
20 not submitted all of the required information, the thirty-  
21 day period for action by the Licensing Authority shall com-  
22 mence when all such information has been received by the  
23 Licensing Authority.  
24

25  
26 Section 19. GROUND FOR DENIAL OF APPLICATION.  
27

28 The Licensing Authority shall deny the application  
29 for a license if it finds that the applicant or the Quali-  
30 fying Agent or any of the applicant's owners, partners or  
31 principal corporate officers have:  
32

33 (a) Violated any of the provisions of this Statute  
34 or the rules and regulations promulgated hereunder;  
35

36 (b) Practiced fraud, deceit or misrepresentation;  
37

38 (c) Knowingly made a material misstatement in the  
39 application for a license; or  
40

41 (d) Have not met the qualifications of Section 16,  
42 paragraph (a) of this Statute.  
43

44  
45 Section 20. PROCEDURE FOR APPROVAL OR DENIAL  
46 OF APPLICATION; HEARINGS.  
47

48 (a) The procedure of the Licensing Authority in approv-  
49 ing or denying an application shall be as follows:  
50

1 (1) If the application is approved, the Licensing  
2 Authority shall notify the applicant in writ-  
3 ing that a license will be issued. Such noti-  
4 fication shall state that the license so  
5 issued will expire in two (2) years, unless  
6 renewed in accordance with Sections 21 and 24  
7 of this Statute, and shall set forth the time  
8 within which application for renewal must be  
9 made.

10  
11 (2) If the application is denied, the Licensing  
12 Authority shall notify the applicant in writ-  
13 ing and shall set forth the grounds for denial.  
14 If the grounds for denial are subject to correc-  
15 tion by the applicant, the notice of denial  
16 shall so state and the applicant shall be given  
17 ten (10) days after receipt of such notice or,  
18 upon application, reasonable additional period  
19 of time within which to make the required  
20 correction.

21  
22 (b) If the application is denied, the applicant may  
23 within thirty (30) days after receipt of notice of denial from  
24 the Licensing Authority request a hearing on the denial.  
25 Within ten (10) days after the filing of such request for hear-  
26 ing by the applicant, the Licensing Authority shall schedule a  
27 hearing to be held before the Licensing Authority after due  
28 notice to the applicant. The hearing shall be held within  
29 fifteen (15) days after such notice is mailed to the applicant,  
30 unless postponed at the request of the applicant. The appli-  
31 cant shall have the right to make an oral presentation at the  
32 hearing, including the right to present witnesses and to con-  
33 front and cross-examine adverse witnesses. Applicant may be  
34 represented by counsel. If the hearing is before a hearing  
35 officer, such officer shall submit his report in writing to  
36 the Licensing Authority within ten(10) days after the hearing.  
37 The Licensing Authority shall issue its decisions within ten  
38 (10) days after the hearing or within ten (10) days after  
39 receiving the report of the hearing officer. The decision of  
40 the Licensing Authority shall be in writing and shall set  
41 forth the Licensing Authority's findings and conclusions. A  
42 copy thereof shall be promptly mailed to the principal office  
43 of the applicant within the State.

44  
45  
46 Section 21. RENEWAL OF LICENSE.

47  
48 Each license shall expire two (2) years after its  
49 date of issuance. Application for renewal of a license must  
50 be received by the Licensing Authority on a form provided by

1 the Licensing Authority not less than thirty (30) days prior  
2 to the expiration date of the license, subject to the right  
3 of the Licensing Authority to refuse to renew a license for  
4 any of the grounds set forth in Section 25 paragraph (a),  
5 and it shall promptly notify the licensee of its intent to  
6 refuse to renew the license. The licensee may, within fif-  
7 teen (15) days after receipt of such notice of intent to  
8 refuse to renew a license, request a hearing on such refusal  
9 in the manner prescribed by Section 25 (b). A Licensee shall  
10 be permitted to continue to engage in the Contract Security  
11 Company business while its renewal application is pending.  
12  
13

14 Section 22. APPLICATION, LICENSE AND RENEWAL FEES.

15  
16 (a) A non-refundable application fee of Five Hundred  
17 Dollars (\$500.00) shall be remitted with each initial license  
18 application.  
19

20 (b) A fee of Two Hundred Fifty Dollars (\$250.00), refund-  
21 able in the event the license renewal is denied, shall be  
22 remitted with each application for renewal of a license.  
23  
24

25 Section 23. FORM OF LICENSE.

26  
27 The license, when issued, shall be in a form pre-  
28 scribed by the Licensing Authority and shall include:  
29

30 (a) The name of the Licensee;

31  
32 (b) The business name under which the Licensee is to  
33 operate;

34  
35 (c) The addresses of the locations where the Licensee  
36 is authorized to operate; and  
37

38 (d) The number and date of the license and its date  
39 of expiration.  
40  
41

42 Section 24. LICENSE - TRANSFERABILITY.

43  
44 (a) No license issued pursuant to the provisions of  
45 this Statute shall be assigned or transferred, either by  
46 operation of law or otherwise.  
47

48 (b) If the license is held by an owner who is not  
49 already a licensee, other than a corporation, and such owner  
50 shall die, become disabled or otherwise cease to engage in

1 the business, the successor, heir, devisee, or personal  
2 representative of such owner shall, within thirty (30) days  
3 of such death, disablement, or other termination of opera-  
4 tion by the original licensee, apply for a license on a form  
5 prescribed by the Licensing Authority, which form shall  
6 include the same general information required by Section 15  
7 of this Statute. The transfers shall be subject to the same  
8 general requirements and procedures set forth in Sections 16  
9 through 21 of this Statute to the extent such Sections are  
10 applicable.

11  
12 (c) If a sale, assignment, transfer, merger or consoli-  
13 dation of a business licensed under this Statute is consumma-  
14 ted, the purchaser, assignee, transferee, surviving or new  
15 corporation who is not already a licensee shall immediately  
16 apply for a license on a form prescribed by the Licensing  
17 Authority which shall include the general information requi-  
18 red by Section 15 of this Statute. The purchaser, assignee,  
19 transferee, surviving or new corporation shall be subject to  
20 the same general requirements and procedures set forth in  
21 Section 16 through Section 21 of this Statute to the extent  
22 such Sections are applicable and may continue the operation  
23 of that licensed business until notified by the Licensing  
24 Authority of its final decision on the new application for  
25 a license.

26  
27 (d) With good cause, the Licensing Authority may extend  
28 the period of time for filing the application required by  
29 paragraph (b) and paragraph (c) of this Section.

30  
31  
32 Section 25. LICENSES - REVOCATION; HEARINGS;  
33 APPEALS; NOTICES

34  
35 (a) Licenses may be revoked by the Licensing Authority  
36 in the manner herinafter set forth if the licensee or any of  
37 its owners, partners, principal corporate officers or Quali-  
38 fying Agent are:

- 39  
40 (1) Found to have violated any of the provisions  
41 of this Statute; or any rule or regulation  
42 of the Licensing Authority which violation  
43 the Licensing Authority determines to  
44 reflect unfavorably upon the fitness of  
45 the licensee to engage in the Contract  
46 Security Company business  
47  
48 (2) Found to have knowingly and willfully given  
49 any false information of a material nature  
50 in connection with an application for a

1 license or a renewal or reinstatement of a  
2 license or in a notice of transfer of a  
3 business licensed under this Statute.

4  
5 (3) Found to have been convicted in any jurisdic-  
6 tion of a felony or a misdemeanor if the  
7 Licensing Authority determines that such con-  
8 viction reflects unfavorably on the fitness of  
9 the applicant to engage in the Contract Secu-  
10 rity Company business; or

11  
12 (4) Found to have committed any act while the  
13 license was not in effect which would have  
14 been cause for the revocation of a license,  
15 or grounds for the denial of an application  
16 for a license.

17  
18 (b) Prior to revocation of a license, the Licensing  
19 Authority shall promptly notify the licensee of its intent  
20 to issue an order of revocation, setting forth in reasonable  
21 detail the grounds for revocation. Within Thirty (30) days  
22 of receipt of notice of intent to revoke from the Licensing  
23 Authority, the licensee may request a hearing. Within ten  
24 (10) days after the filing of a request for hearing by the  
25 licensee, the Licensing Authority shall, upon due notice to  
26 the licensee, schedule a hearing to be held before the  
27 Licensing Authority or an officer designated by the Licensing  
28 Authority. The hearing shall be held within fifteen (15) days  
29 after such notice is mailed to the licensee, unless post-  
30 poned at the request of the licensee. The licensee shall  
31 have the right to make an oral presentation at the hearing,  
32 including the right to present witnesses and to confront and  
33 cross-examine adverse witnesses. The licensee may be repre-  
34 sented by counsel. If the hearing is held before a hearing  
35 officer, such officer shall submit his report in writing to  
36 the Licensing Authority within ten (10) days after the hear-  
37 ing. The Licensing Authority shall issue its decision  
38 within ten (10) days after the hearing or within ten (10)  
39 days after receiving the report of the hearing officer.  
40 The decision of the Licensing Authority shall be in writing  
41 and shall set forth the Licensing Authority's findings and  
42 conclusions. A copy thereof shall be promptly mailed to the  
43 principal office of the licensee within the State.

44  
45 (c) Within ninety (90) days after the licensee has  
46 exhausted all rights of appeal under this Statute or, if the  
47 licensee does not seek a hearing after receipt of a notice  
48 of intent to revoke, the licensee shall notify all of its  
49 clients within the State of such revocation and shall main-  
50 tain in its records a copy of such notices. The licensee

1 shall cease to perform any services for which it has been  
2 licensed under this Statute within sixty (60) days of its  
3 receipt of the final notice of intent to revoke from the  
4 Licensing Authority.

5  
6 (d) Under circumstances in which the Licensing Authority  
7 determines that the public health, welfare or safety  
8 may be jeopardized by the termination of a licensee's ser-  
9 vices, the Licensing Authority may upon its own motion or  
10 upon application by the licensee or any party affected by  
11 such termination extend the time for the termination of the  
12 licensee's operations, subject to such reasonable, necessary  
13 and proper conditions or restrictions as it deems appropri-  
14 ate.

15  
16 (e) After the Licensing Authority has issued a notice  
17 of intent to revoke a license, the licensee may request  
18 that it be permitted to continue to operate subject to the  
19 terms of a written order of consent issued by the Licensing  
20 Authority, requiring the licensee to correct the conditions  
21 set forth as grounds for revocation in the notice of intent  
22 to revoke and imposing reasonable conditions and restric-  
23 tions on the licensee in the conduct of its business. The  
24 Licensing Authority may in its sole discretion grant or deny  
25 such a request and may stay or postpone any proceeding being  
26 conducted pursuant to paragraph (b) of this Section. Nego-  
27 tiations for such an order of consent may be requested at  
28 any time during revocation proceedings and stay of pending  
29 proceedings during such negotiations shall be within the  
30 sole discretion of the Licensing Authority. If revocation  
31 proceedings are before a court and the Licensing Authority  
32 and Licensee have agreed upon the terms of a proposed con-  
33 sent order, the Licensing Authority shall submit the proposed  
34 order to the court which may approve or disapprove the pro-  
35 posed order or require modification of the proposed consent  
36 order before approval.

37  
38 (f) The Licensing Authority shall enact reasonable  
39 rules and regulations for determination of whether a licen-  
40 see has complied with a consent order issued pursuant to  
41 paragraph (e) of this Section. If the Licensing Authority  
42 determines that a licensee has failed to comply, it may  
43 revoke such order and conduct proceedings for revocation  
44 of the license. If the consent order has been approved by  
45 a court, the Licensing Authority shall petition such court  
46 for vacation of the order. The court shall hold a hearing  
47 to determine if the order should be vacated. If the court  
48 vacates the consent order, the Licensing Authority may  
49 initiate proceedings for revocation of the license.  
50



1 Section 26. POSTING AND SURRENDER OF LICENSE CERTIFICATE.

2  
3 (a) Within seventy-two (72) hours after receipt of the  
4 license certificate, the Licensee shall cause such license  
5 certificate to be posted and to be displayed at all times in  
6 a conspicuous place in the principal office of the Licensee  
7 within the State and copies thereof to be displayed at all  
8 times in any other offices within the State where the  
9 Licensee transacts business with its customers, so that all  
10 persons visiting such place or places may readily see the  
11 license. Such license certificates or copies thereof shall  
12 be subject to inspection at all reasonable times by the  
13 Licensing Authority.

14  
15 (b) It shall be unlawful for any person holding such a  
16 license certificate to knowingly and willfully post such  
17 license certificate or permit such license certificate to be  
18 posted upon premises other than those described in the  
19 license certificate or to knowingly and willfully alter such  
20 license certificate. Each license certificate shall be sur-  
21 rendered to the Licensing Authority within seventy-two (72)  
22 hours after it has been revoked or after the licensee ceases  
23 to do business, subject, however, to Section 25 paragraph (d)  
24 and paragraph (e). If, however, the Licensing Authority or  
25 a court of competent jurisdiction has pending before it any  
26 matter relating to the renewal, revocation or transfer of a  
27 license, the Licensee shall not be required to surrender the  
28 license until the matter has been adjudicated and all appeals  
29 have been exhausted. When the Licensee receives final notice  
30 that its license has been revoked, a copy of such notice  
31 shall be displayed and posted in close proximity to the  
32 license certificate until the Licensee terminates its opera-  
33 tions.

34  
35  
36 Section 27. CHANGE IN STATUS OF LICENSEE.

37  
38 The Licensee shall notify the Licensing Authority  
39 within thirty (30) days of any change in its officers, direc-  
40 tors, or material change in the information previously fur-  
41 nished or required to be furnished to the Licensing Authority  
42 or any occurrence which could reasonably be expected to affect  
43 the Licensee's right to a license under this Statute.  
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were used;

- (12) Two sets of classifiable fingerprints recorded in such manner as may be prescribed by the Licensing Authority;
- (13) Two recent color photographs;
- (14) A statement whether the applicant has ever been denied a Registration Card and whether such card has been revoked or suspended in any jurisdiction;
- (15) A statement that the applicant will notify the Licensing Authority of any material changes of information set forth in the application within ten (10) days after the change;
- (16) A statement that the application does not suffer from habitual drunkenness or from narcotics addiction or dependence and does not possess any disability which would prevent him from performing the duties of an Armed Private Security Officer; and
- (17) A statement from a Certified Trainer to the effect that the applicant has completed the training required by Section 37 (a) and 37 (b) of this Statute.

(d) To be eligible to apply for a Registration Card an individual must:

- (1) Be at least of legal majority age;
- (2) Be a citizen of the United States or a resident alien;
- (3) Not have been convicted in any jurisdiction of any felony or any crime involving moral turpitude or illegal use or possession of a dangerous weapon for any of which a full pardon (or similar relief) has not been granted;
- (4) Not have been declared by any court of competent jurisdiction incompetent by reason of mental disease or defect and has not been restored;
- (5) Not suffer from habitual drunkenness or from narcotics addiction or dependence;

1 (6) Be of good moral character; and  
2

3 (7) Not possess any disability which in the opinion  
4 of the Licensing Authority prevents him from  
5 performing the duties of an Armed Private Security  
6 Officer.  
7

8 (e) The Registration Card shall be carried by an individual  
9 required to be registered under this Statute whenever such indi-  
10 vidual is performing the duties of an Armed Private Security  
11 Officer and shall be exhibited upon request.  
12

13 (f) Application for a Registration Card to the Licensing  
14 Authority shall be accompanied by a Fifteen Dollar (\$15.00) fee.  
15

16 (g) A Registration Card shall entitle the Registrant to  
17 perform the duties of an Armed Private Security Officer provided  
18 the Registrant continues in the employ of the employer listed on  
19 the Card and maintains his eligibility to hold a registration  
20 card under the provisions of this Statute.  
21

22  
23 Section 29. INVESTIGATION.  
24

25 After receipt of an application for a Registration  
26 Card, the Licensing Authority shall conduct an investigation to  
27 determine whether the facts set forth in the application are  
28 true and shall cause the applicant's fingerprints to be com-  
29 pared with fingerprints filed with (*the State's department or*  
30 *agency maintaining criminal history records*). The Licensing  
31 Authority or the agency shall, within five days, forward a copy  
32 of the fingerprint card of the applicant to the Federal Bureau  
33 of Investigation and request a search of the fingerprint files  
34 of the FBI for any record of convictions of the Registration  
35 Card applicant.  
36

37  
38 Section 30. ACTION ON REGISTRATION CARD APPLICATION.  
39

40 Action to approve or deny an application of an indi-  
41 vidual for a Registration Card shall be taken as expeditiously  
42 as possible by the Licensing Authority but such action shall  
43 be completed within thirty (30) days after receipt of the  
44 application unless the Licensing Authority shall require addi-  
45 tional information from the applicant. In that event or if  
46 additional facts are required to satisfy the requirements of  
47 this Statute, or if the applicant has not submitted all the  
48 information required, the period for action by the Licensing  
49 Authority shall commence when all such information has been  
50 received by the Licensing Authority. Upon acceptance of a

1 Registrant's application, the Licensing Authority shall enter  
2 the Registrant on its permanent register and shall issue to  
3 the Registrant a permanent Registration Card which shall be  
4 valid for one (1) year.

5  
6  
7 Section 31. REGISTRATION CARDS - DENIAL, SUSPENSION  
8 OR REVOCATION; HEARINGS, NOTICES.  
9

10 (a) Registration Cards shall be denied, suspended or  
11 revoked by the Licensing Authority in the manner hereinafter  
12 set forth if the cardholder has:

- 13  
14 (1) Failed to meet the qualifications of Section 28,  
15 paragraph (d) of this Statute;  
16  
17 (2) Been found to have violated any of the provi-  
18 sions of this Statute or any rule or regula-  
19 tion of the Licensing Authority if the Licens-  
20 ing Authority determines that such violation  
21 reflects unfavorably upon the fitness of the  
22 Registrant to function as an Armed Private  
23 Security Officer;  
24  
25 (3) Knowingly and willfully given any material  
26 false information to the Licensing Authority  
27 in connection with an application for a Regis-  
28 tration Card or a renewal or reinstatement of  
29 a Registration Card or in the submission of  
30 any material fact to the Licensing Authority;  
31  
32 (4) Been convicted in any jurisdiction of a  
33 felony or a crime involving moral turpitude  
34 or illegal use or possession of a dangerous  
35 weapon, for any of which a full pardon (or  
36 similar relief) has not been granted.  
37

38 (b) Prior to denial, suspension or revocation of a  
39 Registration Card, the Licensing Authority shall promptly notify  
40 the Registrant and the employer with whom the cardholder is  
41 employed of the proposed action setting forth in a reasonable  
42 detail the ground or grounds for denial, suspension or revoca-  
43 tion. The Registrant may request a hearing in the same manner  
44 and in accordance with the same procedures as that provided in  
45 Section 25 (b) of this Statute.  
46

47 (c) In the event that the Licensing Authority denies,  
48 suspends or revokes a Registration Card, the cardholder, upon  
49 receipt of the notice of denial, suspension or revocation, shall  
50 immediately cease to perform the duties of an Armed Private

1 Security Officer.  
2

3 (d) Both the cardholder and the employer shall be noti-  
4 fied by the Licensing Authority of final action to deny, sus-  
5 pend or revoke a Registration Card.  
6

7  
8 Section 32. RENEWAL OF REGISTRATION CARD -  
9 NOTIFICATION OF CHANGES

10  
11 (a) Registration Cards issued by the Licensing Authority  
12 shall be valid for a period of one (1) year. A Registration  
13 Card renewal form must be filed by the cardholder with the  
14 Licensing Authority not less than thirty (30) days prior to  
15 the expiration of the card. The fee for renewal of the Card  
16 shall be Five Dollars (\$5.00). The renewal application shall  
17 include a statement by the Registrant that the Registrant con-  
18 tinues to meet the qualifications for an Armed Private Security  
19 Officer as set forth in Section 28, paragraph (e). The renewal  
20 application shall be accompanied by a statement from a Certi-  
21 fied Trainer that the Registrant has satisfactorily completed  
22 the prescribed refresher training required by Section 37 of  
23 this Statute. A renewed Registration Card shall be valid for  
24 one (1) year.  
25

26 (b) The Licensing Authority may refuse to renew a Regis-  
27 tration Card for any of the grounds set forth in Section 28  
28 (d) of this Statute and it shall promptly notify the cardhol-  
29 der of its intent to refuse to renew the license. The card-  
30 holder may, within fifteen (15) days after receipt of such  
31 notice, request a hearing on such refusal, in the same manner  
32 and in accordance with the same procedure as that provided in  
33 Section 25 (b) of this Statute.  
34

35 (c) Licensees and employers subject to this Statute  
36 shall notify the Licensing Authority within ten (10) days  
37 after the death or termination of employment of any of its  
38 employees who are Registrants.  
39

40 (d) Licensees and employers subject to this Statute  
41 shall immediately notify the Licensing Authority upon receipt  
42 of information relating to a Registrant's continuing eligi-  
43 bility to hold such a card under the provisions of this Sta-  
44 tute.  
45

46  
47 Section 33. TRANSFERABILITY OF REGISTRATION CARDS

48  
49 (a) In the event that a Registrant terminates employment  
50 with one employer and is re-employed within five (5) business

1 days as an Armed Private Security Officer with another employ-  
2 yer, the Registrant shall within twenty-four (24) hours of  
3 such re-employment submit to the Licensing Authority a notice  
4 of the change on a form prescribed by the Licensing Authority,  
5 together with a transfer fee of Five Dollars (\$5.00). The  
6 Licensing Authority shall issue a new Registration Card  
7 reflecting the name of the new employer. Upon receipt of the  
8 new card, the Registrant must immediately return the old card  
9 to the Licensing Authority. The Registrant may continue to  
10 work as an Armed Private Security Officer for the new employer  
11 while the Licensing Authority is processing the application.  
12

13 (b) A Registrant who terminates employment and who is  
14 not re-employed as an Armed Private Security Officer within  
15 five (5) business days, shall within twenty-four (24) hours  
16 of the fifth (5th) business day surrender the Registration  
17 Card to the employer. The employer shall return the cancelled  
18 Registration Card to the Licensing Authority within five (5)  
19 business days by placing the card in the U. S. mail addressed  
20 to the Licensing Authority. If the Registrant fails to sur-  
21 render the card as required by this paragraph, the employer  
22 shall notify the Licensing Authority of that fact within ten  
23 (10) business days after the Registrant terminates employment.  
24

25 (c) Any individual who changes his permanent residence  
26 to this State from any other State which the Licensing Autho-  
27 rity determines has selection, training, and all other simi-  
28 lar requirements at least equal to those required by this  
29 Statute, and who holds a valid Registration, Commission, Iden-  
30 tification or similar Card issued by said State through a  
31 Licensee which is licensed by said State and who wishes to  
32 continue to be employed by said Licensee, may apply for a  
33 Registration Card on a form prescribed by the Licensing Autho-  
34 rity upon the payment of a processing fee of Five Dollars  
35 (\$5.00) and certification by said Licensee that such indivi-  
36 dual has completed the training prescribed by said State.  
37 The Licensing Authority shall issue the individual a Regis-  
38 tration Card.  
39

40 (d) A Registration Card issued by any other state of  
41 the United States shall be valid in this State for a period  
42 of ninety (90) days, provided the Registrant is on temporary  
43 assignment for the employer shown on his Registration Card.  
44

45  
46 Section 34. EXPIRATION AND RENEWAL DURING SUSPENSION  
47 OF USE OF A REGISTRATION CARD  
48

49 A Registration Card shall be subject to expiration  
50 and renewal during the period in which the holder of the card

1 is subject to an order of suspension.  
2  
3

4 Section 35. ACTIVITIES OF REGISTRANTS DURING SUSPENSION  
5 OF USE OF A REGISTRATION CARD.  
6

7 After a Registrant has received a notice of suspen-  
8 sion or revocation of his Registration Card, such individual  
9 shall not perform the duties of an Armed Private Security Offi-  
10 cer unless specifically authorized to do so by order of the  
11 Licensing Authority or by (*a court of competent jurisdiction*  
12 *within the State*).  
13

14  
15 Section 36. FIREARMS.  
16

17 (a) It shall be unlawful for any person performing the  
18 duties of an Armed Private Security Officer to carry a fire-  
19 arm in the performance of those duties without having first  
20 been issued a Registration Card by the Licensing Authority.  
21

22 (b) A Registration Card will grant authority to the  
23 holder, while in the performance of his duties, to carry a  
24 standard police .38 caliber handgun or any other firearm  
25 approved by the Licensing Authority, not otherwise prohibited  
26 by any State law, and with which the Registrant has met the  
27 training requirements of Section 37. The use of any firearm  
28 not approved by the Licensing Authority is prohibited.  
29

30 (c) The Registrant must be in possession of the Regis-  
31 tration Card when carrying a firearm and shall exhibit it  
32 upon request. Registration Cards shall authorize possession  
33 of an approved firearm only when the Registrant is on duty  
34 or travelling directly to and from work.  
35

36 (d) All firearms carried by authorized Armed Private  
37 Security Officers in the performance of their duties shall be  
38 owned by the employer and, if required by law, shall be fully  
39 registered with the proper agency or government. Personally-  
40 owned weapons will not be carried by Armed Private Security  
41 Officers in the performance of their duties.  
42

43  
44 Section 37. ARMED PRIVATE SECURITY OFFICER TRAINING  
45 REQUIREMENTS.  
46

47 (a) Prior to being issued a Registration Card, all  
48 Armed Private Security Officers shall receive at least eight  
49 (8) hours of general training as prescribed by the Licensing  
50 Authority and be required to successfully pass an examination



1 on the prescribed material which include the following topics:

- 2  
3 (1) Orientation: Two (2) hours;  
4  
5 (2) Legal powers and limitations of a Security  
6 Officer - two (2) hours;  
7  
8 (3) Emergency procedures - two (2) hours; and  
9  
10 (4) General duties - Two (2) hours.

11  
12 (b) All Armed Private Security Officers shall also  
13 receive firearms training before being issued a firearm. The  
14 following minimum firearms pre-assignment training shall be  
15 required:

- 16  
17 (1) Pre-issue weapon instruction and successful  
18 examination including but not limited to  
19 the following topics:  
20  
21 a. Legal limitations on use of weapons;  
22 b. Handling of a weapon; and  
23 c. Safety and maintenance.  
24  
25 (2) Minimum Marksmanship Qualification Requirement:  
26  
27 A minimum of 60% on any approved silhouette  
28 target course prescribed by the Licensing  
29 Authority.  
30

31 (c) All Armed Private Security Officers must complete an  
32 annual eight (8) hour refresher course in the subjects pre-  
33 scribed by paragraph (a) above and be re-qualified in the use  
34 of firearms prior to applying for a renewal Registration Card  
35 under the provisions of Section 32.

36  
37 (d) Upon a Registrant's completion of any training requi-  
38 red above, the Licensee, Registrant or employer shall furnish  
39 to the Licensing Authority a written notice of such completion  
40 signed by a Certified Trainer.

41  
42 (e) All training required by this Statute shall be admini-  
43 stered by a Certified Trainer who is approved by the Licensing  
44 Authority and meets the following minimum qualifications:

- 45  
46 (1) Of legal age;  
47  
48 (2) Have a minimum of one (1) year supervisory  
49 experience with a Contract Security Company,  
50 Proprietary Security Organization or with

1 any Federal, U. S. Military, State, County  
2 or Municipal law enforcement agency; and

3  
4 (3) Who is personally qualified to teach the  
5 training required by this Act.  
6

7 (f) The Certified Trainer may, in his discretion, instruct  
8 personally or use a combination of personal instruction, audio  
9 and/or visual training aids. The Certified Trainer shall have  
10 authority to appoint one or more instructors to assist in the  
11 implementation of the training program.  
12

13  
14 Section 38. EMPLOYMENT BY NON-LICENSEES.  
15

16 It shall be unlawful, as provided in Section 42, for  
17 any person, other than a Licensee, to employ an Armed Private  
18 Security Officer unless prior to such employment such person  
19 shall notify the Licensing Authority on a form prescribed by  
20 the Licensing Authority of its intent to employ an Armed Pri-  
21 vate Security Officer; designate an individual who will be  
22 responsible for the compliance with the applicable provisions  
23 of this Statute on behalf of such person; furnish the Licens-  
24 ing Authority with evidence of insurance required by Section  
25 41 of this Statute; and furnish such other information as the  
26 Licensing Authority may require regarding the names, titles,  
27 business and resident addresses and other pertinent background  
28 of such person, the officers, principals, as appropriate of  
29 such person and the individual designated by such person.  
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1                   PART V.   EMPLOYMENT OF UNARMED PRIVATE  
2                                   SECURITY OFFICERS  
3  
4

5   Section 39.       FINGERPRINTING AND APPLICATION  
6

7           (a) Except as otherwise provided in this Statute, no  
8 person shall perform the duties of an Unarmed Private Security  
9 Officer without having first submitted two sets of  
10 classifiable fingerprints to his employer and having completed  
11 an employment application on a form approved by the  
12 Licensing Authority.  
13

14           (b) On or before the date an Unarmed Private Security  
15 Officer begins employment, the employer must submit the  
16 employee's fingerprints and the application to the Licensing  
17 Authority. The Licensing Authority shall compare or request  
18 that (*the appropriate State agency*) compare the fingerprints  
19 filed with the application to fingerprints filed with (*the*  
20 *Division of Criminal Identification, Records and Statistics*  
21 *of the State Department of Corrections, or its equivalent*).  
22 The Licensing Authority (*or the State agency comparing the*  
23 *fingerprints*) shall also submit the fingerprints to the  
24 Federal Bureau of Investigation for a search of the fingerprint  
25 files of that agency.  
26

27           (c) The application for an Identification Card shall  
28 be accompanied by a Five Dollar (\$5.00) fee.  
29

30           (d) Within thirty (30) days after an employment application  
31 and fingerprints have been submitted by an employer,  
32 the Licensing Authority shall inform the employer of any  
33 criminal conviction data resulting from the records search.  
34

35           (e) No person may employ an individual as an Unarmed  
36 Private Security Officer if the individual has been convicted  
37 in any jurisdiction of a felony or of any crime involving  
38 moral turpitude or illegal use or possession of a dangerous  
39 weapon, for any of which a full pardon (or similar relief)  
40 has not been granted.  
41

42   Section 40.       IDENTIFICATION CARD.  
43

44           (a) The Licensing Authority shall issue an Identification  
45 Card for every individual who has been subjected to a  
46 criminal history records check and does not have a conviction  
47 for a felony or any crime as stated in Section 39(d). The  
48 Identification Card will be sent to the employer submitting  
49 the fingerprint records and the card will then be issued to  
50 the employee if he is still employed. Identification Cards

1 issued by the Licensing Authority under this paragraph shall  
2 be carried by that individual while performing his duties  
3 and shall be exhibited upon request.  
4

5 (b) In the event that a holder of an Identification Card  
6 terminates employment with one employer and is re-employed  
7 within five (5) business days as an Unarmed Private Security  
8 Officer with another employer, the holder shall within twenty-  
9 four (24) hours of such re-employment submit to the Licensing  
10 Authority a notice of the change on a form prescribed by the  
11 Licensing Authority, together with a transfer fee of Five Dol-  
12 lars (\$5.00). The Licensing Authority shall issue a new  
13 Identification Card reflecting the name of the new employer.  
14 Upon receipt of that new card, the holder must immediately  
15 return the old card to the Licensing Authority. The holder  
16 may continue to work as an Unarmed Private Security Officer  
17 for the new employer while the Licensing Authority is proces-  
18 sing the application  
19

20 (c) The holder of an Identification Card who terminates  
21 employment, and who is not re-employed as an Unarmed Private  
22 Security Officer within five (5) business days, shall within  
23 twenty-four (24) hours of the fifth (5th) business day sur-  
24 render the Identification Card to the employer. The employer  
25 shall return the cancelled Identification Card to the Licens-  
26 ing Authority within five (5) business days by placing the  
27 card in the U. S. Mail addressed to the Licensing Authority.  
28 If the holder fails to surrender the card as required by this  
29 paragraph, the employer shall notify the Licensing Authority  
30 of that fact within ten (10) business days after the holder  
31 has terminated employment.  
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PART VI. GENERAL PROVISIONS

Section 41. UNIFORMS AND EQUIPMENT.

(a) No individual, while performing the duties of an armed or unarmed private security officer shall wear or display any badge, insignia, device, shield, patch or pattern which shall indicate or tend to indicate that he is a sworn peace officer or which contains or includes the word "police" or the equivalent thereof, or is similar in wording to any law enforcement agency in this State.

(b) No person shall, while performing any private security services, have or utilize any vehicle or equipment displaying the words "police", "law enforcement officer", or the equivalent thereof, or have any sign, shield, marking, accessory or insignia that may indicate that such vehicle is a vehicle of a public law enforcement agency.

(c) If a Private Security Officer is required to wear a uniform, it shall be furnished by the employer. All military or police style uniforms shall, except for rainwear or other foul weather clothing have:

- (1) Affixed over the left breast pocket, on the outermost garment and on all caps worn by such persons, badges, distinct in design from those utilized by law enforcement agencies within the State and approved by the Licensing Authority;
- (2) Affixed over the right breast pocket of such outermost garment a plate or tape of the size 5" x 1" with the words "Security Officer".

(d) An employer may require a reasonable deposit to secure the return of the uniform, weapon, or any equipment provided by the employer.

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Section 42. INSURANCE REQUIREMENTS.

All Licensees and employers of Armed Private Security Officers shall file with the Licensing Authority a certificate of insurance evidencing comprehensive general liability coverage for bodily injury, personal injury, and property damage with endorsements for assault and battery and personal injury, including false arrest, libel, slander, and invasion of privacy, in the minimum amount of \$300,000 for bodily or personal injury and \$100,000 for property damage. Licensees shall also file endorsements for damage to property in their care, custody and control and for errors and omissions. Licensees and employers of Armed Private Security Officers shall also file a certificate of Workman's Compensation Insurance as required by the statutes of this State. The certificates shall provide that the insurance shall not be modified or cancelled unless ten (10) days prior notice shall be given to the Licensing Authority. All persons required to be insured by this Statute must be insured by a carrier licensed in the State in which the insurance has been purchased or in this State.

Section 43. UNLAWFUL ACTS.

(a) It is unlawful for any person to knowingly commit any of the following:

- (1) Provide Contract Security Services without possessing a valid license;
- (2) Employ any individual to perform the duties of an Armed Private Security Officer who is not the holder of a valid Registration Card or to employ any individual to perform the duties of an Unarmed Private Security Officer who has not filed an application for an Identification Card as required by Section 39;
- (3) Publish any advertisement, letterhead, circular, statement or phrase of any sort which suggests that the Licensee is an official police agency or any other agency, instrumentality, or division of this State or any of its political subdivisions or of the Federal Government;

- 1 (4) Issue any badge or shield not in confor-  
2 mance with this Statute;
- 3
- 4 (5) Designate an individual as other than a  
5 Private Security Officer;
- 6
- 7 (6) Knowingly make any false statement or  
8 material omission in any application  
9 filed with the Licensing Authority;
- 10
- 11 (7) Falsely represent that the person is the  
12 holder of a valid license or registration;
- 13
- 14 (8) Violate any provision of this Statute or  
15 any rule or regulation of the Licensing  
16 Authority.
- 17
- 18 (b) It is unlawful for any Private Security Officer to  
19 knowingly commit any of the following:
- 20
- 21 (1) Fail to return immediately on demand or  
22 within twenty-four (24) hours of termina-  
23 tion of employment, a firearm issued by an  
24 employer. Violation of this provision  
25 shall constitute a felony;
- 26
- 27 (2) To carry a firearm in the performance of  
28 his duties if not the holder of a valid  
29 Registration Card. Violation of this pro-  
30 vision will constitute a felony;
- 31
- 32 (3) Fail to return immediately on demand or  
33 within seven (7) days of termination of  
34 employment any uniform, badge or other  
35 item of equipment issued to the Private  
36 Security Officer by an employer;
- 37
- 38 (4) Make any statement which would reasonably  
39 cause another person to believe that the  
40 Private Security Officer functions as a  
41 sworn peace officer or other official of  
42 this State or of any of its political sub-  
43 divisions or agency of the Federal Govern-  
44 ment;
- 45
- 46 (5) Fail to comply with the regulations issued  
47 by the Licensing Authority or with any other  
48 requirements under the provisions of this  
49 Statute;
- 50

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- (6) Divulge to anyone other than his employer or to such persons as his employer may direct or as may be required by law, any information acquired during such employment that may compromise the security of any premises to which he shall have been assigned by such employer;
- (7) Fail to return to the employer or the Licensing Authority a Registration Card or Identification Card as required by the provisions of this Statute;
- (8) Possess a license, Registration Card, or Identification Card issued to another person;
- (9) Use any badge or shield not in conformance with this Statute.

(c) The violation of any of the provisions of this Section, unless otherwise specified, shall constitute a misdemeanor punishable by fine of not more than One Thousand Dollars (\$1,000) or up to one (1) year of imprisonment, or both. The Licensing Authority is also authorized to suspend or revoke a License, Registration Card or Identification Card issued under this Statute.

Section 44. SWORN PEACE OFFICER

Any individual who is regularly employed as a sworn peace officer, who also is employed as an Armed or Unarmed Private Security Officer must comply with the requirements of this Statute.

Section 45. FEES AND DEPOSITS.

Any fees payable by a Registrant under this Statute and paid by a Licensee on the Registrant's behalf, or any deposits which may be required by Licensee from a Registrant under this Statute, may be deducted from any wages payable to the Registrant by the Licensee, provided that such deduction does not reduce the hourly wage below the applicable minimum wage law.



1 Section 46. LOCAL GOVERNMENT REGULATION OF CONTRACT  
2 SECURITY COMPANIES OR PRIVATE SECURITY  
3 OFFICERS.  
4

5 (a) From and after the effective date of this Statute,  
6 no governmental subdivision of this State shall enact any  
7 legislation, code or ordinance or promulgate any rules or  
8 regulations relating to the licensing, training or regulation  
9 of Contract Security companies or individuals functioning as  
10 Private Security Officers, Armed or Unarmed, other than the  
11 imposition of a bonafide business tax.  
12

13 (b) Upon the effective date of this Statute, any provi-  
14 sion of any legislation, code or ordinance or rules promulga-  
15 ted by any local governmental subdivision of this State, relat-  
16 ing to the licensing, training or regulation of Contract Secu-  
17 rity companies or individuals functioning as Private Security  
18 Officers, Armed or Unarmed, shall be deemed superseded by  
19 this Statute.  
20

21  
22 Section 47. JUDICIAL REVIEW.  
23

24 (a) Any person aggrieved by any final action of the  
25 Licensing Authority under this Statute shall have the right  
26 to judicial review by a (*court of competent jurisdiction*)  
27 within the State.  
28

29 (b) In proceedings in any court pursuant to the provi-  
30 sions of this Statute, trial shall be de novo. When a court  
31 has acquired jurisdiction, all administrative action taken  
32 prior thereto shall be stayed, except as provided in Section  
33 35 of this Statute. The rights of the parties shall be deter-  
34 mined by the court upon a trial of the matter or matters in  
35 controversy under rules governing the trial of other civil  
36 suits in the same manner and to the same extent as if the  
37 matter had been committed to the court in the first instance  
38 and there had been no intervening administrative or execu-  
39 tive action or decision.  
40

41  
42 Section 48. RECIPROCITY.  
43

44 Full reciprocity shall be accorded to Armed and  
45 Unarmed Private Security Officers who are properly registered  
46 and certified in another state having selection and training  
47 requirements at least equal to the requirements of this State  
48 when the duties of such individuals require them to operate  
49 across state lines.  
50

1 Section 49. SEVERABILITY CLAUSE.

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If any provision of this Statute or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Statute which can be given effect without the invalid provision or application, and to this end the provisions of this Statute are declared to be severable.

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11 Section 50. EFFECTIVE DATE.

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This Statute shall become effective ninety (90) days after its approval by the Governor or by operation of law without the Governor's approval. On or after the effective date of this Statute, no person shall engage in any activity regulated by this Statute unless said person is in compliance with the provisions of this Statute; except, any person who, on the effective date of this Statute, is engaged in the business of a Contract Security company shall have One Hundred Eighty (180) days from the effective date to apply for a license; and any individual who is required by this Statute to have a Registration Card or Identification Card, and who is employed as a Private Security Officer on the effective date of this Statute, shall have One Hundred Eighty (180) days after the effective date to comply with the provisions of this Statute.



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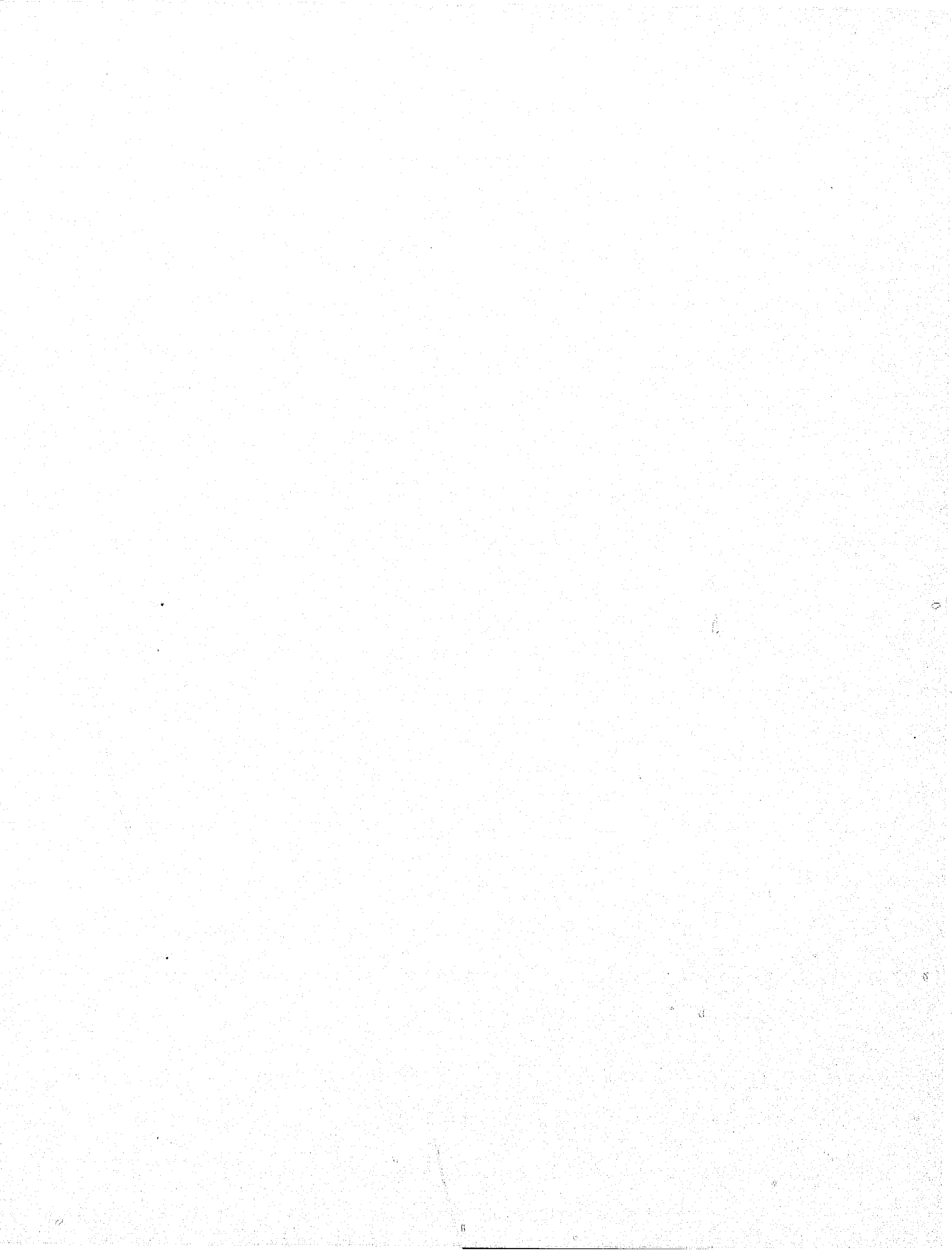
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**END**