

1 determined by the director. An applicant shall substantiate the
2 claimed year of qualifying experience and the exact details as
3 to the character and nature thereof by written certifications
4 from the employer, subject to independent verification by the
5 director as the director may determine. In the event of
6 inability of an applicant to supply the written certifications
7 from the employer in whole or in part, applicants may offer
8 other written certifications from other than employers
9 substantiating employment for consideration by the director.

10 (b) An individual who, upon the determination of the
11 director, has served in the armed services and possesses the
12 proper skills may be eligible to take the private patrol
13 operator licensing examination. In that case, the director may
14 waive any other required training courses, as the director
15 determines. However, if the applicant fails the licensing
16 examination, the director may not thereafter waive completion of
17 any required training courses.

18 **§ -3 Acts prohibited of a licensed private patrol**

19 **operator.** (a) No person licensed as a private patrol operator
20 shall do any of the following:

21 (1) Fail to properly maintain an accurate and current
22 record of all firearms or other deadly weapons that



1 are in the possession of the licensee or of any
2 employee while on duty. Within seven days after a
3 licensee or the licensee's employees discover that a
4 deadly weapon that has been recorded as being in the
5 licensee's possession has been misplaced, lost, or
6 stolen, or is in any other way missing, the licensee
7 or the licensee's manager shall mail or deliver to any
8 local law enforcement agency that has jurisdiction, a
9 written report concerning the incident. The report
10 shall describe fully the circumstances surrounding the
11 incident, any injuries or damages incurred, the
12 identity of all participants, and whether a police
13 investigation was conducted.

14 (2) Fail to properly maintain an accurate and current
15 record of the name, address, commencing date of
16 employment, and position of each employee, and the
17 date of termination of employment when an employee is
18 terminated.

19 (3) Fail to properly maintain an accurate and current
20 record of proof of completion by each employee of the
21 licensee of the course of training in the exercise of
22 the power to arrest as required by section -6, the



1 security officer skills training required by section
2 -7(b), and the annual practice and review required by
3 section -7(f).

4 (4) Fail to certify an employee's completion of the course
5 of training in the exercise of the power to arrest
6 prior to placing the employee at a duty station.

7 (5) Fail to certify proof of current and valid
8 registration for each employee who is subject to
9 registration.

10 (6) Permit any employee to carry a firearm or other deadly
11 weapon without first ascertaining that the employee is
12 proficient in the use of each weapon to be carried.

13 With respect to firearms, evidence of proficiency
14 shall include a certificate from a firearm training
15 facility approved by the director certifying that the
16 employee is proficient in the use of that specified
17 caliber of firearm and a current and valid firearm
18 qualification permit issued by the department. With
19 respect to other deadly weapons, evidence of
20 proficiency shall include a certificate from a
21 training facility approved by the director certifying



1 that the employee is proficient in the use of that
2 particular deadly weapon.

3 (7) Fail to deliver to the director a written report
4 describing fully the circumstances surrounding the
5 discharge of any firearm, or physical altercation with
6 a member of the public while on duty, by a licensee or
7 any officer, partner, or employee of a licensee while
8 acting within the course and scope of the employee's
9 employment within seven days after the incident. For
10 the purposes of this paragraph, a report shall be
11 required only for physical altercations that result in
12 any of the following:

- 13 (A) The arrest of a security guard;
- 14 (B) The filing of a police report by a member of the
15 public;
- 16 (C) Injury on the part of a member of the public that
17 requires medical attention; or
- 18 (D) The discharge, suspension, or reprimand of a
19 security guard by the security guard's employer.

20 The report shall include, but not be limited to, a
21 description of any injuries or damages incurred, the
22 identity of all participants, and whether a police



1 investigation was conducted. Any report may be
2 investigated by the director to determine if any
3 disciplinary action is necessary.

4 (8) Fail to notify the director in writing and within
5 thirty days that a manager previously qualified
6 pursuant to this chapter is no longer connected with
7 the licensee.

8 (9) Fail to administer to each registered employee of the
9 licensee, the review or practice training required by
10 section -7(f).

11 **§ -4 Acts prohibited of a registered security guard.** No
12 person required to be registered as a security guard pursuant to
13 this chapter shall do any of the following:

14 (1) Fail to carry on the person, while on duty, a valid
15 and current security guard registration card;

16 (2) Fail to carry on the person a valid and current
17 firearms permit when carrying a firearm on duty;

18 (3) Carry or use a firearm unless the person possesses a
19 valid and current firearms permit issued pursuant to
20 this chapter; or

21 (4) Fail to report to the person's employer within twenty-
22 four hours of the incident, the circumstances



1 surrounding any incident involving the discharge of
2 any firearm in which the person is involved while
3 acting within the course and scope of the person's
4 employment.

5 **§ -5 Required reports of firearms discharge.** Any person
6 registered as a security guard or patrolperson shall deliver to
7 the director a written report describing fully the circumstances
8 surrounding any incident involving the discharge of any firearm
9 in which the person was involved while acting within the course
10 and scope of the person's employment, within seven days after
11 the incident. The report shall be made on a form prescribed by
12 the director which shall include, but not be limited to, the
13 following:

- 14 (1) The name, address, and date of birth of the guard or
15 patrolperson;
- 16 (2) The registration number of the guard or patrolperson;
- 17 (3) The firearm permit number and baton permit number of
18 the guard or patrolperson, if applicable;
- 19 (4) The name of the employer of the patrolperson;
- 20 (5) The description of any injuries and damages that
21 occurred;
- 22 (6) The identity of all participants in the incident;



1 (7) Whether a police investigation was conducted relating
2 to the incident; and

3 (8) The date and location of the incident. Any report may
4 be investigated by the director to determine if any
5 disciplinary action is necessary.

6 A copy of the report delivered to the director pursuant to
7 this section shall also be delivered within seven days of the
8 incident to the local police which has jurisdiction over the
9 geographic area where the incident occurred.

10 **§ -6 Required course of training in arrests and use of**

11 **firearms.** (a) Every licensee and any person employed and
12 compensated by a licensee (other lawful business, or public
13 agency), as a security guard or patrolperson, and who in the
14 course of that employment or business carries a firearm, shall
15 complete a course of training in the exercise of the powers to
16 arrest and a course of training in the carrying and use of
17 firearms. Armored vehicle guards shall complete a course of
18 training in the carrying and use of firearms, but shall not be
19 required to complete a course of training in the exercise of the
20 powers to arrest. The course of training in the carrying and
21 use of firearms shall not be required of any employee who is not
22 required or permitted by a licensee to carry or use firearms.



1 The course in the carrying and use of firearms and the course of
2 training in the exercise of the powers to arrest shall meet the
3 standards which shall be prescribed by the department. The
4 department shall encourage restraint and caution in the use of
5 firearms.

6 (b) No uniformed employee of a licensee shall carry or use
7 any firearm unless the employee has in the employee's possession
8 a valid firearm qualification card.

9 **§ -7 Course of training in arrests; completion required**
10 **prior to duty location.** (a) A person entering the employ of a
11 licensee to perform the functions of a security guard or a
12 security patrolperson shall complete a course in the exercise of
13 the power to arrest prior to being assigned to a duty location.

14 (b) Except for a registrant who has completed the course
15 of training required by section -43, a person registered
16 pursuant to this chapter shall complete not less than thirty-two
17 hours of training in security officer skills within six months
18 from the date the registration card is issued. Sixteen of the
19 thirty-two hours shall be completed within thirty days from the
20 date the registration card is issued.

21 (c) A course provider shall issue a certificate to a
22 security guard upon satisfactory completion of a required



1 course, conducted in accordance with the department's
2 requirements. A private patrol operator may provide training
3 programs and courses in addition to the training required in
4 this section. A registrant who is unable to provide the
5 registrant's employing licensee the certificate of satisfactory
6 completion required by this subsection shall complete sixteen
7 hours of the training required by subsection (b) within thirty
8 days of the date of the registrant's employment and shall
9 complete the sixteen remaining hours within six months of the
10 registrant's employment date.

11 (d) The department shall develop and approve by rule a
12 standard course and curriculum for the skills training required
13 by subsection (b) to promote and protect the safety of persons
14 and the security of property. For this purpose, the department
15 shall consult with consumers, labor organizations representing
16 private security officers, private patrol operators, educators,
17 and subject matter experts.

18 (e) The course of training required by subsection (b) may
19 be administered, tested, and certified by any licensee, or by
20 any organization or school approved by the department. The
21 department may approve any person or school to teach the course.



1 (f) (1) A licensee shall annually provide each employee,
2 registered pursuant to this chapter, with eight hours
3 of specifically dedicated review or practice of
4 security officer skills prescribed in either course
5 required in this section or section -8.

6 (2) A licensee shall maintain at the principal place of
7 business or branch office a record verifying
8 completion of the review or practice training for a
9 period of not less than two years. The records shall
10 be available for inspection by the department upon
11 request.

12 (g) This section does not apply to police officers or
13 armored vehicle guards.

14 **§ -8 Courses of training in arrests; content.** (a) The
15 course of training in the exercise of the power to arrest may be
16 administered, tested, and certified by any licensee or by any
17 organization or school approved by the department. The
18 department may approve any person or school to teach the course
19 in the exercise of the power to arrest. The course of training
20 shall be approximately eight hours in length and shall include
21 the following topics:

22 (1) Responsibilities and ethics in citizen arrest;



- 1 (2) Relationship between a security guard and a police
- 2 officer in making an arrest;
- 3 (3) Limitations on security guard power to arrest;
- 4 (4) Restrictions on searches and seizures;
- 5 (5) Criminal and civil liabilities;
- 6 (A) Personal liability; and
- 7 (B) Employer liability;
- 8 (6) Trespass law;
- 9 (7) Ethics and communications;
- 10 (8) Emergency situation response, including response to
- 11 medical emergencies;
- 12 (9) Security officer safety; and
- 13 (10) Any other topic deemed appropriate by the department.
- 14 (b) The department shall make available a guidebook as a
- 15 standard for teaching the course in the exercise of the power to
- 16 arrest. The department shall encourage additional training and
- 17 may provide a training guide recommending additional courses to
- 18 be taken by security personnel.
- 19 (c) Private patrol operators shall provide a copy of the
- 20 guidebook described in subsection (b) to each person that they
- 21 currently employ as a security guard and to each individual that
- 22 they intend to hire as a security guard. The private patrol



1 operator shall provide the guidebook to each person the private
2 patrol operator intends to hire as a security guard in a
3 reasonable time prior to the time the person begins the course
4 in the exercise of the power to arrest.

5 (d) The department may inspect, supervise, or view the
6 administration of the test at any time and without any prior
7 notification. Any impropriety in the administration of the
8 course or the test shall constitute grounds for disciplinary
9 action.

10 **§ -9 Registration card; required of certain employees of**
11 **licensees.** No employee of a licensee who performs the function
12 of a security guard or security patrolperson shall be issued a
13 registration card until there is proper certification by the
14 instructor that the exercise of the power to arrest course has
15 been taught and the employee's certification that the
16 instruction was received has been delivered to the department.
17 Except as provided in section -10(f), no security guard
18 registration shall be issued until a criminal history background
19 check has been completed pursuant to section -10(e) and a
20 determination has been made by the department.

21 **§ -10 Application procedures for registration of certain**
22 **employees of licensees.** (a) Upon accepting employment by a



1 private patrol operator, any employee who performs the function
2 of a security guard or security patrolperson who is not
3 currently registered with the department, shall complete an
4 application for registration on a form as prescribed by the
5 director, and obtain two classifiable fingerprint cards for
6 submission to the department of the attorney general. The
7 applicant shall submit the application, the registration fee,
8 and the applicant's fingerprints to the department. The
9 department shall forward the classifiable fingerprint cards to
10 the department of the attorney general. The department of the
11 attorney general shall forward one classifiable fingerprint card
12 to the Federal Bureau of Investigation for purposes of a
13 background check.

14 (b) If a private patrol operator pays the application fee
15 on behalf of the applicant, nothing in this section shall
16 preclude the private patrol operator from withholding the amount
17 of the fee from the applicant's compensation.

18 (c) The licensee shall maintain supplies of applications
19 and fingerprint cards that shall be provided by the department
20 upon request.

21 (d) In lieu of classifiable fingerprint cards provided for
22 in this section, the department may authorize applicants to



1 submit their fingerprints into an electronic fingerprinting
2 system administered by the department of the attorney general.
3 Applicants who submit their fingerprints by electronic means
4 shall have their fingerprints entered into the system through a
5 terminal operated by a law enforcement agency or other facility
6 authorized by the department of the attorney general to conduct
7 electronic fingerprinting. The enforcement agency responsible
8 for operating the terminal may charge a fee sufficient to
9 reimburse it for the costs incurred in providing this service.

10 (e) Upon receipt of an applicant's electronic or hard card
11 fingerprints as provided in this section, the department of the
12 attorney general shall disseminate the following information to
13 the department:

14 (1) Every conviction rendered against the applicant; and

15 (2) Every arrest for an offense for which the applicant is
16 presently awaiting trial, whether the applicant is
17 incarcerated or has been released on bail or on the
18 applicant's own recognizance pending trial.

19 (f) (1) The requirement in subsection (a) to submit a
20 fingerprint card does not apply to a currently
21 employed, full-time police officer.



1 (2) A currently employed, full-time police officer may
2 immediately perform the functions of a security guard
3 or security patrolperson provided that the police
4 officer has submitted an application, the applicable
5 fees, and the police officer's fingerprints, if
6 required to submit fingerprints pursuant to subsection
7 (a), to the department for a security guard
8 registration.

9 (3) This subsection does not apply to a police officer
10 required to obtain a firearm qualification card
11 pursuant to section -12.

12 (g) Police officers exempt from the submission of
13 classifiable fingerprints pursuant to subsection (f) shall
14 submit verification of their active duty police officer status
15 to the department with their application for registration. A
16 photocopy of the front and back of their police officer
17 identification badge shall be adequate verification.

18 (h) Police officers exempt from the submission of
19 classifiable fingerprints pursuant to subsection (f) shall
20 report a change in their active duty police officer status to
21 the department within seventy-two hours of the change.



1 (i) Police officers exempt from obtaining a firearm
2 qualification card pursuant to section -12(c) shall submit to
3 the department with their application for registration a letter
4 of approval from the police department primary employer
5 authorizing the police officer to carry a firearm while working
6 as a security guard or security officer.

7 (j) The department may impose a fee not to exceed \$3 for
8 processing classifiable fingerprint cards submitted by
9 applicants excluding those submitted into an electronic
10 fingerprint system using electronic fingerprint technology.

11 (k) An employee, on the first day of employment, shall
12 display to the client the employee's registration card if it is
13 feasible and practical to comply with this disclosure
14 requirement. The employee shall thereafter display to the
15 client the employee's registration card upon the request of the
16 client.

17 **§ -11 Contents of application for registration of**
18 **certain employees of licensee.** The application shall be
19 verified and shall include all of the following:

20 (1) The full name, residence address, telephone number,
21 and date of birth of the employee;



- 1 (2) The name, address, telephone number, and license
2 number of the employer and the date the employment
3 commenced;
- 4 (3) The signature of the employee and the employer's
5 certification that the employee has received a course
6 in the exercise of the power to arrest;
- 7 (4) A statement as to whether the employee has been
8 convicted of a misdemeanor, excluding minor traffic
9 violations;
- 10 (5) A statement as to whether the employee has been
11 convicted of a felony; and
- 12 (6) The application fee provided for in this chapter or
13 the rules adopted pursuant thereto, except as provided
14 in section -10.

15 **§ -12 Requirements for employees of licensees who carry**
16 **or use firearms; exemptions.** (a) No employee of a licensee
17 shall carry or use a firearm unless the employee has in the
18 employee's possession both of the following:

- 19 (1) A valid guard registration card issued pursuant to
20 this chapter; and
- 21 (2) A valid firearm qualification card issued pursuant to
22 this chapter.



1 (b) Subsection (a)(2) shall not apply to a duly appointed
2 police officer, who meets all of the following:

3 (1) The police officer has successfully completed a course
4 of study in the use of firearms;

5 (2) The police officer is authorized to carry a concealed
6 firearm in the course and scope of the police
7 officer's employment; and

8 (3) The police officer has proof that the police officer
9 has applied to the department for a firearms
10 qualification card.

11 (c) (1) This section shall not apply to a duly appointed
12 police officer, who has written approval from the
13 department to carry a firearm while working as a
14 security guard or security officer.

15 (2) A police officer exempt under this subsection shall
16 carry on the police officer's person a letter of
17 approval from the police department authorizing the
18 police officer to carry a firearm while working as a
19 security guard or security officer.

20 **§ -13 Determinations of fitness of employees based on**
21 **criminal history.** (a) The department, upon receipt of a
22 criminal offense record or record of a subsequent arrest from



1 the department of the attorney general, shall make an immediate
2 determination of fitness of:

3 (1) Applicants for registration under this chapter, or

4 (2) Applicants for firearm qualification cards,

5 when information contained in the records of the department of
6 the attorney general makes this determination possible.

7 Applications of those determined to be unfit shall be
8 immediately denied.

9 (b) The department shall keep a current and accurate
10 record of the individuals who have applied for and been denied
11 registration under this chapter or a firearms qualification
12 card. A list consisting of individual names and other pertinent
13 identifying information may be made of those individuals who
14 have been denied registration. The list may be updated
15 bimonthly and made available to interested licensees and law
16 enforcement agencies.

17 **§ -14 Further documentation to determine fitness of**

18 **employees; open arrests.** (a) If the director determines that

19 an applicant's criminal history contains open arrest

20 information, the director shall issue a notice to the applicant

21 allowing forty-five days for the applicant to provide



1 documentation concerning the disposition of the arrest or
2 arrests.

3 (b) The notice shall be sent to the applicant at the
4 applicant's last known residential address and shall provide
5 sufficient information to assist the applicant in complying with
6 the director's request. If the applicant fails to respond
7 within forty-five days, the applicant's employment shall be
8 automatically suspended until the department obtains the
9 necessary documentation to approve or deny the application or
10 suspend the registration.

11 **§ -15 Suspensions from employment; when required.** If
12 the director determines that continued employment of an
13 applicant, firearms qualification cardholder, or registrant, in
14 the registrant's current capacity, may present an undue hazard
15 to the public safety, the licensee, upon proper notification
16 from the director, shall suspend the applicant, firearms
17 qualification cardholder, or registrant from employment.

18 **§ -16 Refusals to register employees; when authorized.**

19 (a) The director may refuse to register any employee, or may
20 suspend or revoke a previously issued registration, if the
21 individual has committed any action which, if committed by a
22 licensee, would be grounds for refusing to issue a license, or



1 for the suspension or revocation of a license issued under this
2 chapter.

3 (b) The denial of an application for registration under
4 this part shall be in writing and shall describe the basis for
5 the denial. The denial shall inform the applicant that if the
6 applicant desires a review by a disciplinary review committee to
7 contest the denial, the review shall be requested of the
8 director within thirty days following notice of the issuance of
9 the denial.

10 § -17 Issuance, receipt, replacement of registration

11 cards. (a) Upon approval of an application for registration,
12 the director shall cause to be issued to the applicant at the
13 applicant's last known residential address a registration card
14 in a form approved by the director.

15 (b) A person may work as a security guard or security
16 patrolperson pending receipt of the registration card if the
17 person has been approved by the department and carries on the
18 person a hardcopy printout of the department's approval from the
19 department's web site and a valid picture identification.

20 (c) In the event of the loss or destruction of the card,
21 the cardholder may apply to the department for a certified
22 replacement of the card, stating the circumstances surrounding



1 the loss, and pay a \$10 certification fee, whereupon the
2 department shall issue a certified replacement of the card.

3 **§ -18 Managers; exemption.** A manager of a licensee's
4 operations is not required to register under this part.

5 **§ -19 Licensee's duties with regard to employees who**
6 **should be registered.** A licensee shall at all times be
7 responsible for ascertaining that the licensee's employees who
8 are subject to registration are currently registered or have
9 made proper application for registration as provided in this
10 chapter. A licensee may not have in the licensee's employment a
11 person whose registration has expired or been revoked, denied,
12 suspended, or canceled.

13 **§ -20 Registration card renewals.** (a) A registration
14 issued under this chapter expires two years following the date
15 of issuance or on the assigned renewal date.

16 Every security guard issued a registration under this
17 chapter and who is also issued or renews a firearms
18 qualification card shall be placed on a cyclical renewal so that
19 the registration expires on the expiration date of the firearms
20 qualification card. Notwithstanding any other provision of law,
21 the department is authorized to extend or shorten the first term
22 of registration and to prorate the required registration fee in



1 order to implement this cyclical renewal. At least sixty days
2 prior to the expiration, a registrant seeking to renew a
3 security guard registration shall forward to the department a
4 completed registration renewal application and the renewal fee.
5 The renewal application shall be on a form prescribed by the
6 director, dated and signed by the applicant, certifying under
7 penalty of perjury that the information in the application is
8 true and correct.

9 (b) The licensee shall provide to any employee information
10 regarding procedures for renewal or registration.

11 (c) In the event a registrant fails to request a renewal
12 of the registrant's registration as provided for in this
13 chapter, the registration shall expire as indicated on the
14 registration. If the registration is renewed within sixty days
15 after its expiration, the registrant, as a condition precedent
16 to renewal, shall pay the renewal fee and the delinquency fee.

17 (d) The delinquency fee is fifty per cent of the renewal
18 fee in effect on the date of expiration, but not less than \$25.

19 (e) If the renewed registration card has not been
20 delivered to the registrant prior to the expiration of the prior
21 registration, the registrant may present evidence of renewal to



1 substantiate continued registration for a period not to exceed
2 ninety days after the date of expiration.

3 (f) A registration may not be renewed or reinstated unless
4 a registrant has paid all fines assessed pursuant to this
5 chapter.

6 **§ -21 Automatic suspensions of registration; when**
7 **required.** The registration of a security guard shall be
8 automatically suspended if the guard is convicted of any crime
9 which is substantially related to the functions, duties, and
10 responsibilities of a security guard. The automatic suspension
11 shall be effectuated by the mailing of a notice of conviction
12 and suspension of license to be sent by the department to the
13 registered guard at the registered guard's address of record. A
14 copy of the notice shall be sent to the private patrol operator
15 employing the guard with notice that the employer shall suspend
16 any and all employment of the guard forthwith. The notice shall
17 contain a statement of preliminary determination by the director
18 or the director's designee that the crime stated is reasonably
19 related to the functions, duties, and responsibilities of a
20 security guard. Upon proper request by the guard, a hearing
21 shall be convened within sixty days of the request before the
22 director for a determination as to whether the automatic



1 suspension shall be made permanent or whether the registration
2 shall be revoked or the guard otherwise disciplined.

3 **§ -22 Prerequisites to carrying firearms; training;**

4 **firearms qualification card.** (a) A licensee, manager of a
5 licensee, or security guard who, in the course of employment,
6 may be required to carry a firearm shall, prior to carrying a
7 firearm, shall:

8 (1) Complete a course of training in the carrying and use
9 of firearms; and

10 (2) Receive a firearms qualification card or be otherwise
11 qualified to carry a firearm as provided in section
12 -12;

13 (b) A licensee shall not permit an employee to carry or
14 use a loaded or unloaded firearm, whether or not it is
15 serviceable or operative, unless the employee possesses a valid
16 and current firearms qualification card issued by the department
17 or is so otherwise qualified to carry a firearm as provided in
18 section -12.

19 (c) A pocket card issued by the department may also serve
20 as a firearms qualification card if so indicated on the face of
21 the card.



1 (d) Subsection (a)(1) shall not apply to a police officer
2 who has successfully completed a course of study in the use of
3 firearms.

4 **§ -23 Issuance of firearms permit; prerequisites.** The
5 department shall issue a firearms permit when all of the
6 following conditions are satisfied:

- 7 (1) The applicant is a licensee, a manager of a licensee,
8 or a registered uniformed security guard;
- 9 (2) A certified firearms training instructor has certified
10 that the applicant has successfully completed a
11 written examination prepared by the department and
12 training course in the carrying and use of firearms
13 approved by the department;
- 14 (3) The applicant has filed with the department a
15 classifiable fingerprint card, a completed application
16 for a firearms permit on a form prescribed by the
17 director, dated and signed by the applicant,
18 certifying under penalty of perjury that the
19 information in the application is true and correct;
- 20 (4) The department has determined, after investigation,
21 that the carrying and use of a firearm by the
22 applicant, in the course of the applicant's duties,



1 presents no apparent threat to the public safety, or
2 that the carrying and use of a firearm by the
3 applicant is not in violation of the penal code;

4 (5) The applicant has produced evidence to the firearm
5 training facility that the applicant is a citizen of
6 the United States or has permanent legal alien status
7 in the United States. Evidence of citizenship or
8 permanent legal alien status shall be that deemed
9 sufficient by the department to ensure compliance with
10 federal laws prohibiting possession of firearms by
11 persons unlawfully in the United States and may
12 include, but not be limited to, Department of Justice,
13 Immigration and Naturalization Service Form I-151 or
14 I-551, Alien Registration Receipt Card, naturalization
15 documents, or birth certificates evidencing lawful
16 residence or status in the United States; and

17 (6) The application is accompanied by the application fees
18 prescribed in this chapter.

19 **§ -24 Issuance of firearms permit; when prohibited. (a)**

20 The department shall not issue a firearms permit if the
21 applicant is prohibited from possessing, receiving, owning, or
22 purchasing a firearm under chapter 134.



1 (b) Before issuing an initial firearm permit, the
2 department shall provide the department of the attorney general
3 with the name, address, social security number, and fingerprints
4 of the applicant.

5 (c) The department of the attorney general shall inform
6 the department, within sixty days from receipt of the
7 information specified in subsection (b), of the applicant's
8 eligibility to possess, receive, purchase, or own a firearm.

9 (d) An applicant who has been denied a firearm permit
10 under subsection (a) may reapply for the permit after the
11 prohibition expires. The department shall treat this
12 application as an initial application and shall follow the
13 required screening process as specified in this section.

14 **§ -25 Renewals of firearms permit; when prohibited.** (a)
15 The department shall not renew a firearm permit if the applicant
16 is prohibited from possessing, receiving, purchasing, or owning
17 a firearm under chapter 134.

18 (b) Before renewing a firearm permit, the department shall
19 provide the department of the attorney general with the
20 information necessary to identify the renewal applicant. No
21 firearm permit shall be renewed unless the application for



1 renewal is also accompanied by a classifiable fingerprint card
2 and the fingerprint processing fees for that card.

3 (c) The department of the attorney general shall inform
4 the department, within thirty days of receipt of the information
5 specified in subsection (b), of the renewal applicant's
6 eligibility to possess, receive, purchase, or own a firearm.

7 (d) An applicant who is denied a firearm permit renewal
8 under subsection (a) may reapply for the permit after the
9 prohibition expires. The department shall treat this as an
10 initial application and shall follow the screening process
11 specified in section -24.

12 **§ -26 Department to reimburse attorney general for**
13 **firearms information.** (a) The department of the attorney
14 general may charge the department a fee sufficient to reimburse
15 the department of the attorney general's costs for furnishing
16 firearm eligibility information upon submission of the
17 application for issuance or renewal of a firearm permit. The
18 fee charged shall not exceed the actual costs for system
19 development, maintenance, and processing necessary to provide
20 this service.

21 (b) The department shall collect the fee for all initial
22 and renewal applications for firearm permits.



1 **§ -27 Firearms permit; when automatically revoked.** A
2 firearm permit shall be automatically revoked if at any time the
3 department of the attorney general notifies the department that
4 the holder of the firearm permit is prohibited from possessing,
5 receiving, or purchasing a firearm. Following the automatic
6 revocation, an administrative hearing shall be provided upon
7 written request to the department in accordance with chapter 91.

8 **§ -28 Application for firearm permit; abandonment.** If
9 an applicant fails to complete the application within one year
10 after it has been filed, the application shall be considered to
11 be abandoned. An application submitted subsequent to the
12 abandonment of the former application shall be treated as a new
13 application.

14 **§ -29 Denial of firearms permit; request for review.** If
15 a firearms permit is denied, the denial of the permit shall be
16 in writing and shall describe the basis for the denial. The
17 denial shall inform the applicant that if the applicant desires
18 a review to contest the denial, the review shall be requested of
19 the director within thirty days following notice of the issuance
20 of the denial. However, no review or hearing shall be granted
21 to an individual who is otherwise prohibited by law from
22 carrying a firearm.



1 **§ -30 Issuance, replacement of firearms qualification**

2 **card.** The firearms qualification card, if issued, shall be
3 mailed to the applicant at the address which appears on the
4 application. In the event of the loss or destruction of the
5 card, the cardholder may apply to the department for a certified
6 replacement of the card, stating the circumstances surrounding
7 the loss, and pay a \$10 certification fee, whereupon the
8 department shall issue a certified replacement of the card.

9 **§ -31 Concealment of firearm prohibited.** A firearms
10 qualification card does not authorize the holder thereof to
11 carry a pistol, revolver, or other firearm capable of being
12 concealed on the person.

13 **§ -32 Renewals of firearms qualification card.** (a) A
14 firearms qualification card expires two years from the date of
15 issuance, if not renewed. A person who wishes to renew a
16 firearms qualification card shall file an application for
17 renewal at least sixty days prior to the card's expiration. A
18 person whose card has expired shall not carry a firearm until
19 the person has been issued a renewal card by the department.

20 (b) The department shall not renew a firearms
21 qualification card unless all of the following conditions are
22 satisfied:



- 1 (1) The cardholder has filed with the department a
2 completed application for renewal of a firearms
3 qualification card, on a form prescribed by the
4 director, dated and signed by the applicant under
5 penalty of perjury certifying that the information on
6 the application is true and correct;
- 7 (2) The applicant has requalified on the range and has
8 successfully passed a written examination based on
9 course content as specified in the firearms training
10 manual approved by the department and taught at a
11 training facility approved by the department;
- 12 (3) The application is accompanied by a firearms
13 requalification fee as prescribed in this chapter; and
- 14 (4) The applicant has produced evidence to the firearm
15 training facility, either upon receiving the
16 applicant's original qualification card or upon filing
17 for renewal of that card, that the applicant is a
18 citizen of the United States or has permanent legal
19 alien status in the United States. Evidence of
20 citizenship or permanent legal alien status is that
21 deemed sufficient by the department to ensure
22 compliance with federal laws prohibiting possession of



1 firearms by persons unlawfully in the United States
2 and may include, but not be limited to, Department of
3 Justice, Immigration and Naturalization Service Form
4 I-151 or I-551, Alien Registration Receipt Card,
5 naturalization documents, or birth certificates
6 evidencing lawful residence or status in the United
7 States.

8 (c) An expired firearms qualification card may not be
9 renewed. A person with an expired registration is required to
10 apply for a new firearms qualification in the manner required of
11 persons not previously registered. A person whose card has
12 expired shall not carry a firearm until he or she has been
13 issued a new firearms qualification card by the department.

14 **§ -33 Carrying a baton; qualification required under**
15 **part II.** (a) Any licensee, manager, or a registered uniformed
16 security guard who wishes to carry a baton in the performance of
17 the person's duties, shall qualify to carry the weapon pursuant
18 to part II.

19 (b) Subsection (a) shall not apply to a police officer who
20 has successfully completed a course of study in the use of
21 batons.



1 **§ -34 Carrying a baton; duty of licensee.** A licensee
2 shall not permit any employee to carry a baton prior to
3 ascertaining that the employee is proficient in the use of the
4 weapon. Evidence of proficiency shall include a certificate
5 from a baton training facility approved by the department, which
6 certifies that the employee is proficient in the use of the
7 baton.

8 **§ -35 Carrying tear gas; course training.** Every
9 licensee, manager, or a registered uniformed security guard, who
10 in the course of the person's employment carries tear gas or any
11 other nonlethal chemical agent, shall complete any course
12 required by the employer.

13 **§ -36 Carrying tear gas; proficiency in use.** A licensee
14 shall not permit any employee to carry tear gas or any other
15 nonlethal chemical agent prior to ascertaining that the employee
16 is proficient in the use of tear gas or other nonlethal chemical
17 agent. Evidence of proficiency shall include a certificate from
18 a training facility approved by the department that the person
19 is proficient in the use of tear gas or any other nonlethal
20 chemical agent.

21 **§ -37 Assessment of fines; other prohibited acts.** The
22 director may assess fines. Assessment of administrative fines



1 shall be independent of any other action by the director or any
2 local, state, or federal governmental agency that may result
3 from a violation of this chapter. In addition to other
4 prohibited acts under this chapter, no licensee, qualified
5 manager, or registered security guard shall, during the course
6 and scope of licensed activity, do any of the following:

- 7 (1) Carry any inoperable, replica, or other simulated
8 firearm;
- 9 (2) Use a firearm in violation of the law, or in knowing
10 violation of the standards for the carrying and usage
11 of firearms as taught in the course of training in the
12 carrying and use of firearms;
- 13 (3) Illegally use, carry, or possess a dangerous weapon;
- 14 (4) Brandish a weapon;
- 15 (5) Draw a weapon without proper cause;
- 16 (6) Provoke a shooting incident without cause;
- 17 (7) Carry or using a firearm while on duty while under the
18 influence of alcohol or dangerous drugs;
- 19 (8) Carry or use a firearm of a caliber for which a
20 firearms permit has not been issued by the department;



1 (9) Carry or use a baton in the performance of one's
2 duties, unless one is in one's possession a valid
3 baton certificate issued pursuant to section 7585.14;

4 (10) Carry or use tear gas or any other nonlethal chemical
5 agent in the performance of one's duties unless one
6 has in one's possession proof of completion of a
7 course in the carrying and use of tear gas or any
8 other nonlethal chemical agent;

9 (11) Carry a concealed pistol, revolver, or other firearm
10 capable of being concealed upon the person unless one
11 of the following circumstances applies:

12 (A) The person has been issued a permit to carry a
13 pistol, revolver, or other firearm capable of
14 being concealed upon the person in a concealed
15 manner by a local law enforcement agency;

16 (B) The person is employed as a guard or messenger of
17 a common carrier, bank, or other financial
18 institution and the person carries the weapon
19 while actually employed in and about the
20 shipment, transportation, or delivery of any
21 money, treasure, bullion, bonds, or other thing
22 of value within this State;



1 (C) The person is an honorably retired police officer
2 authorized to carry a concealed firearm; or

3 (D) The person is a duly appointed police officer who
4 is authorized to carry a concealed firearm in the
5 course and scope of the person's employment.

6 § -38 **Uniforms and insignias; distinguishable from law**
7 **enforcement.** The counties may regulate the uniforms and
8 insignias worn by uniformed employees of a private patrol
9 operator and vehicles used by a private patrol operator to make
10 the uniforms and vehicles clearly distinguishable from the
11 uniforms worn by, and the vehicles used by, local regular law
12 enforcement officers.

13 § -39 **Insurance policy; required.** No private patrol
14 operator who employs a security guard who carries a firearm as
15 part of the security guard's duties shall engage in any of the
16 practices for which the private patrol operator is required to
17 be licensed by this chapter, unless the private patrol operator
18 maintains an insurance policy as defined in section -40.

19 § -40 **Insurance policy; defined.** "Insurance policy," as
20 used in this chapter, means a contract of liability insurance
21 issued by an insurance company authorized to transact business
22 in this State which provides minimum limits of insurance of



1 \$500,000 for any one loss due to bodily injury or death and
2 \$500,000 for any one loss due to injury or destruction of
3 property.

4 **§ -41 Insurance policy; proof.** Proof that a licensee
5 maintains an insurance policy as required by this chapter shall
6 be provided by the licensee to the department upon demand.

7 **§ -42 Insurance policy; failure to maintain.** The
8 failure of a private patrol operator to maintain an insurance
9 policy as required by this chapter shall constitute grounds for
10 the suspension of the private patrol operator's license.

11 **§ -43 Guarding school property; requirements.** (a)
12 Every security guard working on the property of a public school
13 or community college pursuant to a contract with a private
14 licensed security agency who works more than twenty hours per
15 week, shall complete a course of training developed by the
16 department.

17 (b) No security guard required to register pursuant to
18 this chapter who completes the course of training specified in
19 subsection (a) shall be hired on contract to work or shall
20 continue to work as a school security officer on the property of
21 a public school or community college school unless both of the
22 following conditions are met:



1 a community college, and had been determined by the
2 department of the attorney general not to be a person
3 prohibited from possessing a firearm if the applicant
4 is required to carry a firearm.

5 The department of the attorney general may participate in
6 the National Instant Criminal Background Check System in lieu of
7 submitting fingerprints to the United States Federal Bureau of
8 Investigation in order to meet the requirements of this
9 subdivision relating to firearms.

10 (c) For the purposes of this section, "security guard"
11 means any person primarily employed or assigned to provide
12 security services as a watchperson, security guard, or
13 patrolperson on or about premises operated by a school to
14 protect persons or property, to prevent the theft or unlawful
15 taking of school property of any kind, or to report any unlawful
16 activity to local law enforcement agencies.

17 **§ -44 Unfair labor practices defined; prohibited.** (a)
18 It shall be an unfair labor practice for a private patrol
19 operator to discharge, demote, threaten, or in any manner
20 discriminate against an employee in the terms and conditions of
21 the private patrol operator's employment, for disclosing
22 information or causing information to be disclosed, to a



1 government or law enforcement agency, when the information is
2 related to conduct proscribed in this chapter.

3 A private patrol operator who intentionally violates this
4 subsection shall be liable in an action for damages brought
5 against the private patrol operator by the injured party.

6 (b) A person who believes that the person has been
7 discharged, demoted, threatened, or in any other manner
8 discriminated against in the terms and conditions of the
9 person's employment, because that person disclosed or caused
10 information to be disclosed to a government or law enforcement
11 agency, may bring a claim against the private patrol operator
12 within three years of the date of the discharge, demotion,
13 threat, or discrimination.

14 (c) The department is not responsible for resolving claims
15 under this section.

16 **§ -45 Firearms qualification card; course of training.**

17 The course of training in the carrying and usage of firearms,
18 the satisfactory completion of which shall be required of
19 applicants who wish to obtain a firearms qualification card,
20 shall be in the format prescribed by the department's "firearms
21 training manual." The course of training contained in the
22 manual shall include, but not be limited to, the following:



- 1 (1) Moral and legal aspects of firearms usage;
- 2 (2) Firearms nomenclature and maintenance;
- 3 (3) Weapon handling and shooting fundamentals;
- 4 (4) Emergency procedures;
- 5 (5) Prequalification range training, including the firing
- 6 of practice rounds;
- 7 (6) Qualification course of fire; and
- 8 (7) Examination which has been provided by the bureau of
- 9 the subject matter taught.

10 **PART II. FIREARMS AND BATON TRAINING FACILITIES**

11 **§ -46 Firearms course; defined; other definitions.** For
12 purposes of this article:

13 "Department" means the department of commerce and consumer
14 affairs.

15 "Director" means the director of commerce and consumer
16 affairs.

17 "Firearms course" means the firearms training course as
18 outlined in section -45.

19 **§ -47 Firearms requalification course.** The firearms
20 requalification course shall consist of the successful
21 completion of a firearms requalification course approved by the
22 department.



1 **§ -48 Firearms training facility; certification**

2 **required.** (a) Any institution, firm, or individual wishing the
3 approval of the department to offer the firearms course shall
4 complete an application for certification as a firearms training
5 facility. The application shall be in a form prescribed by the
6 director and shall include, but not be limited to, the following
7 information:

8 (1) The name, business address, and telephone number of
9 the institution, firm, or individual;

10 (2) A detailed description of the places, days, and times
11 the course will be offered;

12 (3) An estimate of the minimum and maximum class size;

13 (4) The location and description of the range facilities;
14 and

15 (5) The name or names of the firearms training instructors
16 who will teach the course who have been certified by
17 the department, and their certificate numbers, if
18 available.

19 (b) The application shall be accompanied by the fee
20 prescribed in this chapter.

21 **§ -49 Firearms training facility; issuance of**

22 **certificate.** Upon approval by the department of a firearms



1 training facility, the director shall issue to the facility a
2 "firearms training facility certificate." The certificate shall
3 be valid only when the firearms training facility has in its
4 employ a firearms training instructor who has been certified by
5 the department. The certificate shall be posted in a
6 conspicuous place at the facility.

7 **§ -50 Firearms training instructor; certification**

8 **required.** (a) Any individual who desires certification by the
9 department to instruct a firearms course shall complete an
10 application for a firearms training instructor certificate. An
11 application shall be made on a form provided by the department.

12 (b) An applicant for a firearms training instructor
13 certificate shall meet the following minimum qualifications:

14 (1) Possess an associate of arts degree in the
15 administration of justice or one year of teaching or
16 training experience in firearms or the equivalent
17 thereof; and

18 (2) Possess a police or security firearms instructor
19 training certificate issued by the National Rifle
20 Association or a firearms instructor training
21 certificate issued by a federal, state, or local
22 agency.



1 (c) The application shall be accompanied by a fee
2 prescribed by the director.

3 (d) Upon approval of an applicant for certification as a
4 firearms training instructor, the director shall issue to the
5 applicant a "firearms training instructor certificate." The
6 certificate shall be posted at the training site.

7 **§ -51 Firearms training manual; range instruction.** (a)
8 All firearms course material provided to the certificate holder
9 in the "firearms training manual" issued by the department shall
10 be covered in each class session. Any course textbook or manual
11 developed to be used by a firearm training facility as a course
12 in the carrying and usage of firearms shall include the aspects
13 of employee restraint and defensive missions of security guards
14 in addition to following the format delineated in the
15 department's "firearms training manual" and shall be examined
16 and approved by the department prior to use. Once the
17 department has approved the textbooks or manuals, all firearm
18 training facilities shall be required to instruct in accordance
19 with one of the textbooks or manuals. In no event shall the
20 class instruction total less than eight hours for the initial
21 firearms qualification.



1 The range instruction for the initial firearms
2 qualification shall not exceed eight hours and shall cover the
3 following subjects:

- 4 (1) Range safety and procedure;
- 5 (2) Demonstration and dry firing;
- 6 (3) Practice rounds; and
- 7 (4) Qualification firing.

8 (b) If a person fails to successfully complete the range
9 instruction, that person may, at the discretion of the firearms
10 training facility, continue range instruction for an additional
11 eight hours. However, the person shall, in order to receive a
12 firearms qualification card, be required to successfully pass
13 the range instruction within thirty days of the passage of the
14 classroom instruction.

15 (c) Prior to range instruction a person shall participate
16 in the classroom instruction and pass a departmentally developed
17 examination of the subject matter with a minimum score of
18 eighty-five per cent. If a person fails to pass the written
19 examination, the person shall once more participate in the
20 entire classroom instruction prior to retaking the examination.
21 In no event shall a firearm instructor review the examination
22 question by question with a person, allow a person to review the



1 examination questions and answers, or in any manner assist a
2 person with the examination.

3 **§ -52 Firearms training facility; retention of student**

4 **records.** (a) Each firearms training facility shall be required
5 to retain for two years the following information regarding each
6 student:

- 7 (1) The student's name;
- 8 (2) The date of course completion;
- 9 (3) Any information regarding the passage or failure of
10 the firearms training course;
- 11 (4) The instructor's name;
- 12 (5) The make and caliber of the qualifying weapon;
- 13 (6) The range scores; and
- 14 (7) The written examination scores.

15 (b) Records shall be made available for examination by the
16 department on demand.

17 (c) Each firearm training facility shall have a written
18 procedure for the security of the written examination which
19 shall be made available for inspection by the department on
20 demand.

21 **§ -53 Firearms training facility; documentation of**

22 **student's citizenship.** (a) Each firearm training facility



1 shall, prior to allowing any person to participate in the course
2 of training in the carrying and usage of firearms, verify and
3 certify on the firearms qualification application that they have
4 seen documentation verifying that the person to whom they are
5 providing firearms training is a citizen of the United States or
6 possesses permanent legal alien status in the United States in
7 accordance with section -23.

8 (b) Each firearm training facility shall, prior to
9 allowing any person to participate in the requalification course
10 in the carrying and usage of firearms, verify and certify on the
11 firearm requalification application that they have seen
12 documentation verifying that the person to whom they are
13 providing firearms training is a citizen of the United States or
14 possesses permanent legal alien status in the United States in
15 accordance with section -32.

16 **§ -54 Baton permit; training required.** The course of
17 training in the carrying and usage of the baton, the
18 satisfactory completion of which shall be required of applicants
19 who wish to obtain a baton permit, shall be in the format
20 prescribed by the department's "baton training manual." The
21 course of training contained in the manual shall include, but
22 not be limited to, the following subjects:



- 1 (1) Moral and legal aspects of baton usage;
- 2 (2) Use of force;
- 3 (3) Baton familiarization and uses;
- 4 (4) First aid for baton injuries;
- 5 (5) Fundamentals of baton handling, including:
 - 6 (A) Stances and grips;
 - 7 (B) Target areas;
 - 8 (C) Defensive techniques;
 - 9 (D) Control techniques; and
 - 10 (E) Arrest and control techniques; and
- 11 (6) Examination of the subject matter as taught in the
- 12 classroom and as provided by the department.

13 **§ -55 Baton course; defined.** For purposes of this part,
14 "a baton course" means the baton training course as outlined in
15 section -54.

16 **§ -56 Baton training facility; certification required.**

17 (a) Any institution, firm, or individual wishing approval of
18 the department to offer the baton course shall complete an
19 application for certification as a baton training facility. The
20 application shall be in a form prescribed by the director and
21 shall include, but not be limited to, all of the following
22 information:



- 1 (1) The name, business address, and telephone number of
2 the institution, firm or individual;
- 3 (2) A detailed description of the places, days, and times
4 the course will be offered;
- 5 (3) An estimate of the minimum and maximum class size;
- 6 (4) Location and description of the facilities; and
- 7 (5) The name or names of the baton instructors who will
8 teach the course who have been certified by the
9 department, and their certificate numbers if
10 available.

11 (b) The application shall be accompanied by a fee
12 prescribed by the director.

13 (c) No approval shall be given, and no certification shall
14 be issued, to a baton training facility until a baton training
15 instructor who has been certified by the director has been
16 approved to teach the course.

17 (d) Upon approval by the director of a baton training
18 facility, the director shall issue to the facility a "baton
19 training facility certificate." The certificate is valid only
20 when the baton training facility has in its employ a baton
21 training instructor who has been certified by the department.



1 The certificate shall be posted in a conspicuous place at the
2 facility.

3 § -57 Baton training instructor; certification required.

4 (a) Any individual who desires certification by the director to
5 instruct the baton course shall complete an application for a
6 baton training instructor certificate. An application shall be
7 made on a form provided by the department.

8 An applicant for a baton training instructor certificate
9 shall meet the following minimum qualifications:

10 (1) Possess an associate of arts degree in the
11 administration of justice or the equivalent thereof;
12 and

13 (2) Possess a baton instructor certificate issued by a
14 federal, state, or local agency or one year of
15 verifiable baton teaching or training experience or
16 the equivalent thereof to be determined by the
17 director.

18 (b) The application shall be accompanied by a fee
19 prescribed by the director.

20 (c) Upon approval by the department of an applicant for
21 certification as a baton training instructor, the director shall
22 issue to the applicant a "baton training instructor



1 certificate." The certificate shall be posted at the baton
2 training site.

3 **§ -58 Baton training manual.** All baton course material
4 provided to the certificate holder in the "baton training
5 manual" issued by the department shall be covered in each class
6 session. In no event shall the class instruction for the course
7 required for baton certification total less than eight hours.

8 **§ -59 Baton training facility; issuance of baton permit.**

9 (a) A baton training facility shall issue a departmentally
10 developed baton permit to any person who successfully completes
11 a baton training course as described in section -54 and
12 possesses a valid security guard registration card issued
13 pursuant to part I or who has made application for that
14 registration card. The permit is valid only when the holder
15 possesses a valid guard registration card.

16 (b) The department shall issue baton permits to a baton
17 training facility, in good standing, upon request and upon
18 payment of the fees as adopted by the director.

19 (c) Each baton training facility shall submit to the
20 department, on forms as prescribed by the director, no later
21 than five working days following the issuance of a permit for
22 each person, the name, address, registration or license number,



1 date of birth, and baton permit number of each person issued a
2 permit.

3 **§ -60 Baton training facility; retention of student**

4 **records.** (a) Each baton training facility shall be required to
5 retain for two years the following information regarding each
6 student:

7 (1) The student's name;

8 (2) The date of course completion;

9 (3) Any information regarding the passage or failure of
10 the baton training course;

11 (4) The instructor's name; and

12 (5) Written examination scores.

13 (b) Records shall be made available for examination by the
14 department on demand.

15 (c) Each baton training facility shall have a written
16 procedure for the security of the examinations and the baton
17 certificates which shall be made available for inspection by the
18 department on demand.

19 **§ -61 Baton permit; replacement permits.** In the event
20 of the loss, theft, or destruction of a baton permit, a
21 permitholder may request the department to issue a replacement
22 permit. The request shall be in writing, shall state the



1 circumstances surrounding the loss, theft, or destruction of the
2 permit and the name of the instructor, training facility, and
3 date of instruction relating to the issuance of the original
4 baton permit.

5 The request shall be accompanied by a \$5 replacement fee.
6 The department may issue a replacement baton permit upon
7 verification of successful baton training.

8 **§ -62 Employment of training instructor; notification**
9 **required.** Each firearms training facility or baton training
10 facility shall notify the department within five working days
11 whenever any training instructor certified by the department is
12 employed or ceases to be employed with the training facility.

13 **§ -63 Student posing undue hazard; report required.**
14 Each firearms training facility, firearms training instructor,
15 baton training facility, or baton training instructor shall
16 report to the department the name of any person who, while
17 taking the course, demonstrated that the carrying and usage of a
18 firearm or the carrying and usage of a baton by that person
19 would present an undue hazard to the safety of the public. The
20 report shall contain the name and address of the student, the
21 name of the student's employer, if available, and the reasons or
22 specific incident which caused the certificate holder to make



1 the report. All substantiating documents, including, but not
2 limited to, an affidavit from the instructor regarding the
3 incident, or reasons, shall be included in the report.

4 **§ -64 Certificates; cancellation; grounds.** The director
5 may refuse to issue or may cancel a previously issued firearms
6 training facility certificate, firearms training instructor
7 certificate, baton training facility certificate, or baton
8 training instructor certificate, or may assess fines, on the
9 grounds that one or more instructors have done any of the
10 following:

- 11 (1) Failed to maintain the records required by sections
12 -52 or -60;
- 13 (2) Failed to submit the records to the department as
14 required by section -59;
- 15 (3) Given inaccurate instructions regarding the laws of
16 the State and the rules of the department, including,
17 but not limited to, the necessity of an individual to
18 possess a valid firearms qualification card issued by
19 the department prior to carrying any firearm; or the
20 necessity of an individual to possess a valid baton
21 permit issued by the department prior to carrying any
22 baton;



- 1 (4) Used improper caution while instructing students, so
2 as to endanger the safety of students;
- 3 (5) Failed to instruct completely in accordance with the
4 department's "firearms training manual" as required by
5 section -51;
- 6 (6) Failed to instruct completely in accordance with the
7 department's "baton training manual" as required by
8 section -54;
- 9 (7) Allowed a noncertified instructor to teach any portion
10 of the firearms course, including range qualification.
11 This does not include range coaches employed to assist
12 the instructor;
- 13 (8) Allowed a noncertified instructor to teach any portion
14 of the baton course;
- 15 (9) Falsified any application for registration, firearms
16 qualification card, firearms requalification permit,
17 or baton certificate;
- 18 (10) Failed to inform the department of any range or
19 classroom incident as required by section -63;
- 20 (11) Failed to notify the department of any change of
21 employment pursuant to section -62; or



1 (12) Made any false statement of fact required to be
2 revealed in the application for certification as a
3 firearms training facility or as a firearms training
4 instructor.

5 **§ -65 Renewal of certificates.** (a) A firearms training
6 facility certificate, a firearms training instructor
7 certificate, a baton training facility certificate, or a baton
8 training instructor certificate shall be placed on a cyclical
9 renewal and shall expire two years following the date of
10 issuance or assigned renewal date. To renew an unexpired
11 certificate, the certificate holder shall apply for renewal on a
12 form prescribed by the director and pay the renewal fee
13 prescribed by this chapter.

14 (b) If renewal is granted, evidence of renewal of the
15 certificate that the director may prescribe shall be issued to
16 the certificate holder.

17 (c) In the event the certificate holder fails to renew the
18 training facility certificate, the certificate shall be
19 automatically canceled, but may be reinstated within three years
20 of the date of cancellation upon application for reinstatement
21 and upon the payment of the reinstatement fee provided by this
22 chapter. In the event the certificate holder fails to renew the



1 training instructor certificate, the certificate shall be
2 automatically canceled, but may be reinstated within thirty days
3 of the date of cancellation upon application for reinstatement
4 and upon the payment of the reinstatement fee provided by this
5 chapter. Reinstatement of a canceled certificate shall not
6 prohibit the bringing of disciplinary proceedings for any act
7 committed in violation of this chapter during the period the
8 certificate is canceled.

9 (d) A firearms training facility, a firearms training
10 instructor, a baton training facility, or a baton training
11 instructor whose certificate has not been renewed may obtain a
12 new license only upon compliance with all of the provisions of
13 this article relating to the issuance of an original
14 certificate.

15 (e) A firearms training facility, firearms training
16 instructor, baton training facility, or a baton training
17 instructor certificate shall not be renewed until any and all
18 fines assessed pursuant to section -52 and not resolved in
19 accordance with that section have been paid."

20 SECTION 2. Section 463-1, Hawaii Revised Statutes, is
21 amended by deleting the definitions of "guard", "guard agency",
22 and "principal guard".



1 [~~"Guard" means a licensed uniformed or nonuniformed person~~
2 ~~responsible for the safekeeping of a client's properties and~~
3 ~~persons within contractually prescribed boundaries, and for~~
4 ~~observation and reporting relative to such safekeeping.~~

5 ~~"Guard agency" means a licensed firm engaged in the guard~~
6 ~~business.~~

7 ~~"Principal guard" means a licensed guard designated as the~~
8 ~~guard agency's primary licensee who is fully responsible for the~~
9 ~~direct management and control of the agency and the agency's~~
10 ~~employees."]~~

11 SECTION 3. Chapter 463, Hawaii Revised Statutes, is
12 amended by amending its title to read as follows:

13 **"PRIVATE INVESTIGATORS [~~AND GUARDS~~]"**

14 SECTION 4. Section 463-1, Hawaii Revised Statutes, is
15 amended by amending the definition of "board" to read as
16 follows:

17 "~~Board" means the board of private detectives [~~and guards~~~~
18 ~~described in section 463-2."~~

19 SECTION 5. Section 463-2, Hawaii Revised Statutes, is
20 amended to read as follows:

21 **"§463-2 Board of private detectives [~~and guards~~];**
22 **appointment; qualifications; term.** Appointment and removal.



1 There shall be a board of detectives [~~and guards~~] consisting of
2 seven members, six of whom shall be nominated, and by and with
3 the advice and consent of the senate, appointed by the governor.
4 The terms of the members shall be for four years. Each term
5 shall commence on July 1 and expire on June 30. No person shall
6 be appointed consecutively to more than two terms, provided that
7 membership shall not exceed eight consecutive years. The
8 director of commerce and consumer affairs shall be an ex officio
9 nonvoting seventh member of the board and may designate a
10 representative to sit in the director's stead.

11 Of the six appointed members, two shall be chiefs of police
12 of any of the four counties, two shall be private citizens not
13 engaged in [~~any of the licensed practices,~~] the licensed
14 practice, and two shall be persons actively engaged in [~~any of~~
15 ~~the licensed practices,~~] the licensed practice; provided that
16 one person shall be a licensed private detective [~~and one person~~
17 ~~shall be a licensed guard~~]."

18 SECTION 6. Section 463-3, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§463-3 Policy; powers and duties.** It is the policy of
21 this State to protect the general public from unlawful and
22 unethical conduct and operation of the business of private



1 detectives [~~and guards~~]. In addition to any other powers and
2 duties authorized by law, the board may adopt, amend, or repeal
3 rules, which shall have the force and effect of law, relating to
4 qualifications for licensing of private detectives [~~and guards~~],
5 to the conduct and operation of the businesses of such license,
6 and to the denial, renewal, reactivation, revocation, or
7 suspension for cause of such licenses. The board shall consult
8 with appropriate state and federal agencies and any appropriate
9 industry or trade organization in establishing those rules. The
10 rules so established shall be on the basis of what the board
11 deems best suited to the public interest. The board also shall
12 examine applicants for private detective [~~or guard~~] licenses,
13 grant licenses, and revoke or suspend licenses of licensees who
14 violate this chapter."

15 SECTION 7. Section 463-10, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By amending subsection (a) to read:

18 "(a) The license shall state the name and address of the
19 principal office or place of business of the licensee, the name
20 under which the licensed business is to be conducted, and the
21 name of the principal detective [~~or principal guard~~], if the
22 licensee is a detective agency [~~or guard agency~~]."



1 2. By amending subsection (d) to read:

2 "(d) Upon written request by a licensee, the board may
3 place that licensee's active license on an inactive status. The
4 licensee, upon payment of the inactive license fee, may continue
5 on inactive status for the biennial period. A licensee may
6 renew an inactive license upon notification to the board. The
7 failure, neglect, or refusal of any licensee on inactive status
8 to pay the inactive license fee shall result in the automatic
9 forfeiture of the licensee's license. While on inactive status,
10 a licensee shall not be engaged in the practice of a private
11 detective[~~, guard,~~] or agency. Any person who violates this
12 prohibition shall be subject to discipline under this chapter
13 and the board's rules. The license may be reactivated at any
14 time by filing an application for reactivation with the board
15 and:

16 (1) Fulfilling all requirements established by the board,
17 including the payment of the appropriate fees the
18 licensee would have paid had the licensee continued to
19 maintain the license on an active status; and

20 (2) Providing any information regarding any arrest or
21 conviction of any crime that reflects unfavorably on
22 the fitness of the licensee to engage in the



1 profession, and information that the licensee, while
2 on inactive status, has suffered a psychiatric or
3 psychological disorder that is directly related and
4 detrimental to the licensee's performance in the
5 profession.

6 The board may deny an application for reactivation as
7 provided in its rules."

8 SECTION 8. Section 463-14, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§463-14 Contingent fee.** Compensation for services of
11 detectives [~~or guards~~] shall not be based upon promissory notes
12 or property other than that allegedly stolen which have been
13 obtained from suspects or others in their behalf as
14 restitution."

15 SECTION 9. Section 463-15, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§463-15 Penalties.** Any employee or former employee of a
18 licensee who divulges any information gained by the employee or
19 former employee in the course of such employment except as the
20 employee's or former employee's employer directs or as required
21 by law, or who wilfully makes a false report to the employee's
22 or former employee's employer, shall be fined not more than \$100



1 or imprisoned not more than six months, or both. Any person who
2 violates any other provision of this chapter or any rule or
3 regulation adopted by the board of detectives [~~and guards~~] under
4 this chapter shall be fined not more than \$500 or imprisoned not
5 more than one year, or both."

6 SECTION 10. Section 463-7, Hawaii Revised Statutes, is
7 repealed.

8 [~~"§463-7 Guard and guard agencies, license required. (a)~~
9 ~~No individual shall engage in the business of guard for the~~
10 ~~purpose of protecting persons or property or to prevent theft or~~
11 ~~unlawful taking of goods, wares, merchandise, money, bonds,~~
12 ~~documents, or other articles of value for hire or reward or~~
13 ~~represent oneself to be, or hold oneself out as such without~~
14 ~~first obtaining a license as guard from the board and paying the~~
15 ~~application and license fees.~~

16 ~~(b) No firm shall engage in the business of guard for the~~
17 ~~purpose of protecting persons or property or to prevent theft or~~
18 ~~unlawful taking of goods, wares, merchandise, money, bonds,~~
19 ~~documents, or other articles of value for hire or reward or~~
20 ~~represent itself to be, hold itself out as, list itself as, or~~
21 ~~advertise as a guard agency without first obtaining a license as~~
22 ~~a guard agency from the board and paying the application and~~



1 ~~license fees. A guard agency shall have in its employ at least~~
2 ~~one principal guard who shall be fully responsible for the~~
3 ~~direct management and control of the guard agency and the~~
4 ~~agency's employees when guard services are being provided."]~~

5 SECTION 11. Section 463-8, Hawaii Revised Statutes, is
6 repealed.

7 ["~~§463-8 Guards and guard agencies, qualifications for~~
8 ~~license.~~ (a) ~~The board may grant a guard license to any~~
9 ~~suitable individual, or a guard agency license to any suitable~~
10 ~~firm making written application therefor. The applicant, if an~~
11 ~~individual, or the principal guard of a firm shall:~~

- 12 (1) ~~Be not less than eighteen years of age;~~
- 13 (2) ~~Have had a high school education or its equivalent;~~
- 14 (3) ~~Have had experience reasonably equivalent to at least~~
15 ~~four years of full time guard work;~~
- 16 (4) ~~Not be presently suffering from any psychiatric or~~
17 ~~psychological disorder which is directly related and~~
18 ~~detrimental to a person's performance in the~~
19 ~~profession;~~
- 20 (5) ~~Not have been convicted in any jurisdiction of a crime~~
21 ~~which reflects unfavorably on the fitness of the~~
22 ~~applicant to engage in the profession, unless the~~



1 ~~conviction has been annulled or expunged by court~~
2 ~~order; and~~

3 ~~(6) Possess a history of honesty, truthfulness, financial~~
4 ~~integrity, and fair dealing.~~

5 ~~A firm applying for a guard agency license shall have in its~~
6 ~~employ an individual who is licensed as a guard and who shall be~~
7 ~~designated as the principal guard for the firm, and shall~~
8 ~~provide a bond as required under section 463 12.~~

9 ~~(b) A guard agency may employ as many agents, operatives,~~
10 ~~and assistants in a guard capacity and as necessary for the~~
11 ~~conduct of business; provided that the principal guard shall be~~
12 ~~held responsible for, and have direct management and control of,~~
13 ~~the agency and the agency's employees while they are acting~~
14 ~~within the scope and purpose of the guard agency's business.~~
15 ~~These employees shall not be required to have guard licenses,~~
16 ~~and shall:~~

17 ~~(1) Have had an eighth grade education or its equivalent;~~
18 ~~(2) Not be presently suffering from any psychiatric or~~
19 ~~psychological disorder which is directly related and~~
20 ~~detrimental to a person's performance in the~~
21 ~~profession;~~



1 ~~(3) Not have been convicted in any jurisdiction of a crime~~
2 ~~which reflects unfavorably on the fitness of the~~
3 ~~employee to engage in the profession, unless the~~
4 ~~conviction has been annulled or expunged by court~~
5 ~~order; and~~

6 ~~(4) Be registered with the board upon employment with the~~
7 ~~agency.~~

8 ~~The employer, with the written authorization of the employee,~~
9 ~~shall conduct a criminal history records check of all new~~
10 ~~employees employed in a guard capacity directly through the~~
11 ~~Hawaii criminal justice data center upon certification to the~~
12 ~~board that the signature on the authorization is authentic."]~~

13 SECTION 12. All officers and employees whose functions are
14 transferred by this Act shall be transferred with their
15 functions and shall continue to perform their regular duties
16 upon their transfer, subject to the state personnel laws and
17 this Act.

18 No officer or employee of the State having tenure shall
19 suffer any loss of salary, seniority, prior service credit,
20 vacation, sick leave, or other employee benefit or privilege as
21 a consequence of this Act, and such officer or employee may be
22 transferred or appointed to a civil service position without the



1 necessity of examination; provided that the officer or employee
2 possesses the minimum qualifications for the position to which
3 transferred or appointed; and provided that subsequent changes
4 in status may be made pursuant to applicable civil service and
5 compensation laws.

6 An officer or employee of the State who does not have
7 tenure and who may be transferred or appointed to a civil
8 service position as a consequence of this Act shall become a
9 civil service employee without the loss of salary, seniority,
10 prior service credit, vacation, sick leave, or other employee
11 benefits or privileges and without the necessity of examination;
12 provided that such officer or employee possesses the minimum
13 qualifications for the position to which transferred or
14 appointed.

15 If an office or position held by an officer or employee
16 having tenure is abolished, the officer or employee shall not
17 thereby be separated from public employment, but shall remain in
18 the employment of the State with the same pay and classification
19 and shall be transferred to some other office or position for
20 which the officer or employee is eligible under the personnel
21 laws of the State as determined by the head of the department or
22 the governor.



1 SECTION 13. All appropriations, records, equipment,
2 machines, files, supplies, contracts, books, papers, documents,
3 maps, and other personal property heretofore made, used,
4 acquired, or held by the board of private detectives and guards
5 relating to the functions transferred to the department of
6 commerce and consumer affairs shall be transferred with the
7 functions to which they relate.

8 SECTION 14. All rules, policies, procedures, guidelines,
9 and other material adopted or developed by the board of private
10 detectives and guards to implement provisions of the Hawaii
11 Revised Statutes which are made applicable to the department of
12 commerce and consumer affairs by this Act, shall remain in full
13 force and effect until amended or repealed by the board of
14 private detectives and guards pursuant to chapter 91, Hawaii
15 Revised Statutes. In the interim, every reference to the board
16 of private detectives and guards or chairperson of the board of
17 private detectives and guards in those rules, policies,
18 procedures, guidelines, and other material is amended to refer
19 to the department of commerce and consumer affairs as
20 appropriate.

21 SECTION 15. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2008-2009 for
2 the purposes of this Act.

3 The sum appropriated shall be expended by the department of
4 commerce and consumer affairs for the purposes of this Act.

5 SECTION 16. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 17. This Act shall take effect on July 1, 2009.

8

INTRODUCED BY:

Cindy Evans

(BR)



Report Title:

Security guards; Licensing

Description:

Repeals authority of the board of private detectives and guards to license guards. Requires private patrol operators to be licensed and security guards to be registered by the director of commerce and consumer affairs. Requires security guards and patrolpersons to take training courses in arrests and firearms. Requires firearms and baton training facilities to be certified by the director. Makes appropriation.

