



2019 State Legislative and Regulatory Report

This Report contains new or updated state legislation and regulations that effect private security companies/officers since the last report in mid-September 2018. Only legislatures in two states, New Jersey and Virginia, carried over legislation from 2018, I have included such bills.

All Highlighted Bills and Regulations are Links to the Final or Latest Version of those Measures

DELAWARE

[Rule Change](#)

1300 Board of Examiners of Private Investigators & Private Security Agencies
Makes Changes to Rule 4.0 Training Requirements.

Summary

Main focus is on the certification process/requirements for training instructors.

Status:

Effective 11/11/18

FLORIDA

[FL HB 515](#)

Summary:

This bill, identical to one introduced last year, will allow the 40 hours of training for a Class "D" (unarmed) security officer to be provided online (now must do in-person). There was also a similar Senate bill that added the requirement that for online training "the applicant's identity, attendance, and successful completion of the training are verified by the department."

The Florida Association of Security Companies (FASCO) was actively opposed to the bills because they claim they lacked sufficient quality control mechanisms. FASCO took the position that while some of the Class D training can be provided online, there are some elements that are better taught in-person and it is also important for Instructors to be able to have personal contact (and observation) of applicants. The bill got through several Committees before FASCO was able to kill it.

Status:

Introduced 01/22/19. Should NASCO take a position?

MISSISSIPPI

[MS SB 2480](#)

Summary

This bill authorizes off-duty use of municipal and county police vehicles by law enforcement officers engaging in private employment, provide that such use is approved by the local government entity whose vehicle is involved.

Status:

Introduced 01/21/19 and referred to Committee on Accountability, Efficiency and Transparency.

NEBRASKA

[NE LB 390](#)

Summary:

This bill requires the NE Commission on Law Enforcement and Criminal Justice to develop and distribute a model memorandum of understanding between law enforcement or security agencies and school officials that will delineate the roles and responsibilities of school resource officers, security guards, and school officials as set forth in the bill. Law enforcement agencies and private security agencies will be required adopt such a MOU with school districts starting in 2021.

NEW HAMPSHIRE

[NH HB 115](#)

Summary:

This bill makes changes to the current statute governing private security companies/officers.

[Chapter 106-F](#) The way the bill is drafted It is very hard to discern what changes are being made to the current statute. Some that I have found are: It adds execution protection to the definition of security guard, but at the same time provides an exception for “any persons from other states accompanying national political candidates on visits to the state or persons providing temporary security to entertainers at live performances.” It lowers the agency fee from \$500 to \$350 but raises license fee from \$50 to \$100. If you do business in New Hampshire, worth eyeballing.

Status:

Introduced 1/02/19, Referred to Committee on Executive Departments and Admin. Hearing scheduled for 1/24/19.

NEW JERSEY

[NJ AB 1418](#)

[NJ SB 3142](#)

Summary

These identical bills (which have been introduced in past sessions) require the owners of senior citizen high-rise buildings having 50 units or more to provide 24-hour security if the building is located in a municipality with a violent crime rate exceeding six per 1,000 persons, according to the average of the three most recent Uniform Crime Reports issued by the New Jersey State Police.

Status:

AB 1418: Voted out of Housing and Community Development Committee on 12/03/2018

SB 3142: Introduced 10/22/2018

[NJ AB 4861](#)

Summary

This bill provides that an employee of a licensed security officer company contracted by a board of education to provide school security is permitted to wear a body vest on school grounds and at school-sponsored functions.

Why is it needed you may ask? Current regulation, N.J.A.C.13:55A-6.1, provides that an employee of a licensed security officer company cannot use a title, badge, uniform, or other insignia, which is likely to be confused with that of any law enforcement officer. These bills are intended to prevent the application of that regulation from restricting the use of body armor by employees of a licensed security officer company providing school security.

Status:

Introduced 01/15/19

[NJ AB 2287](#)

Summary:

This bill clarifies, and specifically adds language stating, that a criminal background check is also required to renew a security officer registration.

Status:

02/01/18: Introduced and Referred to Law and Public Safety Committee.

[NJ AB 2289](#)

Summary:

Requires drug tests for “controlled dangerous substances” for the initial registration and renewal of security officer registration. (Same guy introduced this bill and the bill above).

Status:

02/01/18: Introduced and Referred to Law and Public Safety Committee.

NEW MEXICO

Final Rule Changes

Private Investigations Advisory Board

16.48.1 NMAC [General Provisions](#)

16.48.2 NMAC [Requirements for Licensure](#)

16.48.4 NMAC [Mandatory Firearms Training](#)

16.48.7 NMAC [License Renewal, Inactive Status and Reinstatement](#)

Summary

16.48.1 NMAC -General Provisions: Add definitions and change language for uniformity and clarification purposes.

16.48.2 NMAC – Requirements for Licensure: Add definitions and clarify guidelines; clarify new process to submit fingerprints; incorporate all instructor requirements into one section and add language to allow for military and federal government entities regarding approved training providers.

16.48.4 NMAC – Mandatory Firearms Training: Add language to allow military and federal government entities regarding approved training providers.

16.48.7 NMAC – License Renewal, Inactive Status and Reinstatement: Change language to correct bi-annual to biennial and **add language to allow for a (30 day) renewal grace period and for electronic notifications.**

Status:

Effective: January 15, 2019

NEW YORK

[NY AO 1755](#)

Summary:

Allows security guards licensed as armed security guards and licensed private investigators to possess high capacity magazines. Under current law, licensed armed security guards in New York State may only possess handgun magazines of no more than 10 rounds of ammunition. This bill will allow them to carry 15 rounds.

Status:

01/17/19 Introduced and referred to Codes.

NORTH CAROLINA

[Proposed Regulatory Amendments](#) (See Pages 1270-1277)

Summary:

This proposed rule touches every section under Chapter 16 – Private Protection Services Board. The vast majority sections are simply “Readoption without Substantive Changes;” however, some sections get some substantive changes/ additions. Those sections are:

14B NCAC 16 .0110 REPORTING REQUIREMENTS – adds a new requirement to self-report any charge of a criminal offense that would constitute grounds to deny, suspend or revoke a license.

14B NCAC 16 .0807 TRAINING REQUIREMENTS FOR ARMED SECURITY GUARDS -- adds a new provision that “a firearm training certificate of an armed security guard remains valid even if the guard leaves the employment of one company for the employment of another. The range qualifications shall remain valid if the guard will be carrying a firearm of the same make, model, and caliber, then no additional firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm.”

ALSO some changes in the sections related to Trainers.

Status:

Filed on 12/17/2018. Hearing on 1/10/19 Comment Period Ends on 02/1519

OHIO

[New Rule 1](#)

[New Rule 2](#)

Summary:

This rule package consists of two new rules and five amended rules submitted by the Ohio Department of Public Safety (ODPS) regarding firearms licensing and firearms bearers’ notations. The Rules clarify language dealing with firearm bearer (FAB) notations. These notations permit registered investigators and security guards to carry firearms while performing their job duties. The amended rules make only non-substantive changes to accommodate and reference the two new rules.

Status:

Effective: 12/01/2018

OKLAHOMA

[OK HB 1258](#)

Summary:

Allows person issued an armed security guard license to carry a concealed or unconcealed firearm when on or off duty if the person has a valid driver’s license and valid armed security guard license.

Status:

02/04/19 Prefiled for Introduction

OKLAHOMA --- cont. ---

[OK HB 1383](#)

Summary:

The bill changes (lessens) the criminal conviction disqualification for a number of licensed professions including security guards. Current law says any felony conviction means no security guard license. The bill will make it “not have a conviction for a felony crime that substantially relates to the occupation of a security guard...and poses a reasonable threat to public safety.” Also eliminates convictions for “crimes of moral turpitude” as a disqualifying offense. (See pages 164-165).

Status:

02/04/19 Prefiled for Introduction

[OK HB 2376](#)

Summary:

This bill creates active shooter training requirement for armed security guards and “upon successful completion of active shooter training, armed security guard licensees shall be permitted to respond to active shooter crisis situations.” The training is to be developed by CLEET.

Status:

02/04/19 Prefiled for Introduction

[OK SB 222](#)

Summary:

This bill allows a person employed or operating as an unarmed security guard to have 30 days to secure a security guard license from CLEET. Armed guards will still need a license first.

Status:

02/04/19 Prefiled for Introduction

OREGON

[OR SB 576](#)

Summary:

This bill imposes requirements on private security providers who provide security at Oregon colleges (as well as on in-house campus security). Called “Kaylee’s Law” it’s in response to a 2016 incident where a campus security officer killed college student. The new requirements would draw clearer distinctions between campus security guards and law enforcement. The vehicles would have to be clearly marked as campus security — not law enforcement. They also could not have cages, red and blue lights like police cars, or bumpers to ram other vehicles. Additionally, campus security vehicles would be required to be equipped with GPS and video cameras to record activity in the vehicle.

Status:

01/17/19 Introduced, First Reading, and Referred to Judiciary Committee.

UTAH

Update on Recently Enacted Legislation and Implementation.

[UT SB 197](#)

As reported on last year, in a span of 20 days, a bill was introduced and signed by the Governor, which reduced the pre-license/pre-hire “basic education and training” requirement from 24 hours to “a minimum of eight hours.” It also specified that the armed security officer firearms training requirement should be a “minimum of 12 hours. “

The bill sponsor, and a representative of the “Professional Association of Contract Security Companies” said the existing 24 hour “pre-hire” training requirement was causing a fiscal burden on applicants and companies and was a barrier to employment. They also pointed to a 16 hour requirement for continuing education training every 2 years, so there was still 24 hours of training required. However, the 16 hour continuing education requirement was already in existing law.

The Utah Department of Professional Licensing Security Services Licensing Board is currently working on amendments to the related Administrative Rules to incorporate the law changes. I have been in contact with the Board, and they too were taken by surprise by the quick passage of SB 197 and said they were never consulted about the bill. They too are concerned with the reduction in initial training hours but cannot do anything as the new hour figure is statutorily set. However, the hour figure for continuing training is not statutorily set, and the Board has the power to set that figure, and so they have put out a draft Rule that makes the changes required by the new law and increases the continuing training requirement from 16 hours to 32 hours (to make up for the lost 16 hours in initial training). With the new hour figures for initial and continuing training, they are also redoing the related curriculum requirements. At a December 2018 Board meeting there was no objection to the increase in continuing training hours. If you operate in Utah, this will be a big change and you will need to redo your training courses and get them re-approved.

Status:

There should be another comment period on the Proposed Rule and there is another Board meeting on February 14, 2019 where the Rule will be discussed.

VIRGINIA

[New Rule](#)

Summary

A law passed in 2018 [Chapter 214](#) made two changes related to private security.

- 1) Eliminated the background work experience requirements for the compliance agent at a licensed private security business. (The previous requirement was either five years of experience or three years of managerial or supervisory experience in a private security services business, a state or local law-enforcement agency, or a related field.)
- 2) Removed the option for a private security services business or a private security services training school to be covered by a surety bond in lieu of liability insurance.

These new rules amend the VA Rules to reflect the new statutory provisions.

Status: Effective: 11/28/2018
