



**2019**  
**State Legislative and Regulatory Report**  
**06/28/19**

This Report contains state legislation and regulations that effect private security companies/officers that has been introduced and/or acted upon since the last Report in early April 2019. It also contains updates on other state governmental activity of interest during that time.

**Most of the Bill Links will take you to the home page for the bills from the official state legislative websites, or to the latest text.**

---

**ALABAMA**

[AL SB 161](#)

**Summary**

Under existing law, the Alabama Security Regulatory Board is responsible for the regulation and licensing of security officers, armed security officers, and contract security companies. The bill would provide further for the compensation of board members and would authorize the board to hold hearings, issue subpoenas, and administer oaths. The bill would authorize the board, by rule, to establish license and certification application fees and the bill clarifies the processes for appeals and discipline. The bill would provide further for the obligations of a contract security company to the board relating to security officers and armed security officers employed by the company. The bill would require the board, by rule, to outline, define, and modify specific training requirements for applicants for original and renewal licensure or certification, or both, as a security officer or armed security officer.

**Specific new provisions/changes:** The bill newly authorizes the board to impose a reasonable fee for late renewal of licenses up to the max fine for a violation of the chapter from \$2000 to \$5000. It also allows for companies to be held in violation for officer licensing/renewal violations. The bill creates a new provision that makes unlicensed activity a Class A misdemeanor. The bill scraps the statutory 8 hours of refresher training and 4 hours of initial firearms safety training, and leaves that training up to the Board to determine by Rule. The bill though does require the Board to provide (by Rule) refresher firearms safety training, and initial and refresher use of force training. There also seem to be some changes (or not) to how off-duty/retired police officers are treated. If you operate in Alabama, take a look.

**Status**

**05/15/19: ENACTED. Assigned Act No. 2019-230 The Act becomes effective "the first day of the third month" after becoming law. So that's August 1, 2019?**

---

## ARIZONA

[HB2620](#) (See the House engrossed version for original text and Senate Committee version for current).

### Summary:

This bill originally would have prohibited law enforcement agencies from using a third party to coordinate the agency's off-duty work assignments if third party is a "broker" or the third party "has an agency license" and "employs licensed security guards." I watched the hearings on this bill and there was much confusion. Some legislators said the bill would stop cops from running their own side businesses, while others were concerned about persons knowing cops' schedules, but I think the bill was introduced to try to limit the use of off-duty cops by essentially requiring police agencies to do all the off duty scheduling directly with clients. The bill barely passed the House, and then when it was taken up by a Senate Committee, the bill's language was essentially erased through a "strike everything amendment" and replaced with language related to impounding vehicles. I called the Senate Committee and they confirmed that was the case and said that the House bill "was not ready for prime time." I bet police officers weighed in against it. The Committee staff said there was still a remote chance that off duty cop work language could be re-added, but not likely. I contacted the Arizona security company association and they are looking into the bill.

### Status:

**The bill died when the Legislature went out in late April. However, I am still trying to get to the bottom of this bill.**

---

## CALIFORNIA

[CA SB 385](#)

### Summary as Amended:

Amends a provision allowing the unlicensed practice of private investigation to be punished as an infraction in specified situations instead of a misdemeanor into a new misdemeanor; establishes, commencing January 1, 2021, a new "enhanced photo identification card" that will replace the current private investigator "pocket card"; and deletes the requirement that pocket cards contain the signature of the licensee and the Chief of the Bureau of Security and Investigative services.

The bill will make operating/acting/representing as a private investigator a misdemeanor, up from an infraction. The bill also requires the department to make available and provide to consumers, through its internet website, the ability to search and identify licensees by individual name. Finally, it provides for new enhanced photo identification card.

### Status:

**05/09/19 Amended a couple times and passed the Senate (39-0) and sent to Assembly. 06/17/19 Out of Assembly Committee (with Amendments).**

## CALIFORNIA – cont ---

### [CA SB 390](#)

#### **Summary as Amended:**

Under existing law, every school security officer employed by a school district or community college district, and every security guard working on the property of a school district or community college district pursuant to a contract with a private licensed security agency, who works more than 20 hours a week as a school security officer or security guard is required to complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training.

This bill would require, starting July 1, 2021, that every school security officer employed by a school district (including charter school, county office of education, or community college district), and every contract security guard working on the property of a school district to complete that training course regardless of the number of hours worked per week. The bill would require school districts to provide the training required for their school security officer employees during regular work hours (unless otherwise negotiated). School districts would not be required to provide training to security guards who are not employees of the school district, but who work on district property pursuant to a contract with a private licensed security agency.

#### **Status:**

**05/23/19 Passed the Senate (39-0) and referred to two Assembly Committees. 06/20/19 Amended and passed out of one Committee.**

---

## FLORIDA

### [FL HB 515](#)

#### **Summary:**

This bill, of which a similar version was introduced last year, would have allowed the 40 hours of training for a Class “D” (unarmed) security officer license to be provided online (now must do in-person) by a licensed (DS) security officer school. Last year, the Florida Association of Security Companies (FASCO) actively opposed the bill because they claimed it lacked sufficient quality control mechanisms, and they argued that some training elements are better taught in person. The 2018 bill got through several Committees before FASCO was able to derail it. The Florida Division of Licensing also had some concerns about their ability/authority to regulate the online training. This year, the bill was amended to include additional security/oversight requirements and give DOL more authority. For instance, the 2019 version added language that DOL will establish “the method of delivery and the security protocols for online training and testing” and it gives DOL authority to write “any other rules necessary for the regulation of” online schools. The 2019 bill passed three House Committee and was on the House Calendar but FASCO was still opposed, and they were able to kill it again.

#### **Status:**

**05/03/19 Died on Second Reading of Calendar.**

---

## MASSACHUSETTS

### [MA HB 3405](#)

#### **Summary:**

While in the past some “police impersonation” bills called for measures that would really impact private security services (e.g. a MN bill once tried to restrict private security to a single-color uniform and car) this bill is pretty on point. The most noteworthy restriction is on the use/possession of “flashing, rotating or oscillating blue or red lights or strobe lights in a vehicle.”

#### **Status:**

**04/30/19 Hearing Held on Bill and 50 others by the Committee on Judiciary.**

### [MA HB 1689](#)

#### **Summary:**

Section 27H of chapter 149 of the General Laws requires that any contract for the cleaning and maintenance of public buildings or space rented by the Commonwealth must “contain a stipulation requiring prescribed rates of wages as determined by the commissioners.” This bill will make security guard contracts for such building also subject to a prevailing wage.

#### **Status:**

**06/18/19 Hearing held on Bill (and many others) by Labor and Workforce Committee.**

---

## NEBRASKA

### [NE LB 390](#)

#### **Summary as Amended:**

This bill requires the NE Department of Education (not the Crime Commission), on or before December 1, 2019, to develop and distribute a model memorandum of understanding between law enforcement or security agencies and school districts 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 (or a different MOU that is substantially similar) starting in 2021. Specifically, every MOU must include “a minimum of 20 hours of training focused on school-based law enforcement. including, but not limited to, coursework focused on school law, student rights, understanding special needs students and students with disabilities ,conflict de-escalation techniques, ethics for school resource officers, teenage brain development, adolescent behavior (GOOD LUCK WITH THAT ONE) , implicit bias training, diversity and cultural awareness, trauma-informed responses, and preventing violence in school settings;

#### **Status:**

**04/24/19 Approved by the Governor.**

---

## NEW HAMPSHIRE

### [NH HB 115](#)

#### **Summary:**

From the official description, “This bill recodifies [Chapter 106-F](#), the much amended and very confusing statute on private investigators and security guards. “The way the bill is drafted It is very hard to discern what changes are being made to the current statute, but they are described as minor. Some relevant ones that I have found are: The security agency registration fee is lowered from \$500 to \$350 but the employee license fee is raised from \$50 to \$100. A maximum of 10 hours “per license period” is put on “certain initial and continuing education requirements.” There is no limit now. The bill also provides explicit recognition of the fact that a license is not required to carry a firearm for personal protection. If you do business in New Hampshire, it is worth eyeballing as it is on its way to Governor’s desk and will **become effective on July 1, 2019.**

#### **Status:**

05/30/19 Passed/Adopted with Amendment by Senate. 06/13/19 House Concurs with Senate Amendment

[NH Proposed Rule](#) related to FBI fingerprinting for state license (See Page 17)

#### **Summary:**

Chapter Saf-C 2200 is concerned with the licensing of private investigators, security guards, and bail recovery agents. The rules establish criteria for licensing, establish fees, and establish criteria for suspension or revocation. Specifically in this proposal:

Saf-C 2203.02, 2203.04, and 2204.02 address individual applications, employee applications, and renewal applications, respectively. They are proposed to be readopted with amendments as follows:

An amendment in paragraph (a) in each rule updates the DSSP 157, 247, and 259 forms due to a change in the fees charged by the FBI for non-criminal background fingerprint checks authorized by 83 FR 48335. The cost savings associated with this intended action are due to a change in the fee charged by the Federal Bureau of Investigation (FBI) for non-criminal background fingerprint checks to the state for private investigators, security guards and bail recovery agents. The savings will be passed on to the applicants, who pay for the checks, unless, in the case of employees, the employing agency pays the fee, in which case the employing agency would see the cost savings; and

A second amendment is the addition of a new paragraph (e) in each rule to require presentation of a government-issued photo identification at the time of application.

Saf-C 2205.01(a) on the fingerprint check fee is proposed to be amended to authorize the Department to automatically charge the federal fee for non-criminal background fingerprint checks (without the need for a rulemaking process for each change in the federal fees)

#### **Status:**

**07/05/19 Public Comment Period Ends.**

---

## NEW YORK

### [NY AB 7752](#)

#### **Summary:**

This fast-moving bill went from introduction to passage by both chambers in 30 days. It appears this new law will benefit security companies.

Currently in New York State, premise licenses for firearms allow a license holder to possess a firearm in a specific location, either their home or place of work, the address of which is specified on the license. This bill, recognizing that premise license holders may have a legitimate reason to transport their firearms to another location, seeks to clarify the ability of premise license holders to transport their firearms to and from locations where they may legally possess such firearm. In order to ensure that any transportation of firearms that occurs is done safely and responsibly, this bill requires that, during transport, such firearms must be kept in a locked container separate from the ammunition. As provided for under existing law, properly licenses individuals would not be prohibited from transporting a pistol through New York City in a continuous/uninterrupted manner and would not be required to obtain written authorization to do so.

#### **Status:**

**06/19/19 Passed Assembly. 06/20/19 Passed Senate and Returned to Assembly.**

On a related note, on 06/21/19 New York City amended its rules restricting where licensed guns can be taken outside the home. The change allows gun owners to take their firearms to a home, business or shooting range outside city limits. Until now, the city had limited those with possession licenses to seven shooting ranges inside city limits.

Gun owners who sought to take their firearms to locations outside the city challenged the rules in federal court, but the rules were upheld last year by the Second Circuit Appeals Court. The Supreme Court agreed in January to hear the case next fall. Gun control groups had urged the city to change its rules in hopes a quick surrender would prompt the justices to drop the case, and thus prevent the conservative court from further expanding its interpretation of the Second Amendment. The new rule will take effect in 30 days.

---

## OKLAHOMA

### [OK SB 222](#)

#### **Summary:**

This bill would have addressed the serious delays in the State in obtaining a conditional license to work as an unarmed security guard. At certain times in the past it could take just a couple days or a week to get a conditional license to work unarmed once a completed application/state background check was submitted. Now, it can take 4-8 weeks. This bill would have allowed a person employed or operating as an unarmed security guard to have 30 days from the date of employment to secure a (conditional or regular) security guard license from CLEET. Armed guards would still need a license first to work. NASCO and NASCO members operating in Oklahoma worked hard to get this bill enacted but fell short. The bill passed the Senate unanimously, it passed a House Committee unanimously, but with just a few weeks left in the session (goes only from Jan to May) we were unable to get it scheduled for a floor vote. The House sponsor of the bill never got an explanation from the House Floor Whip about why it was not scheduled. If the situation has not improved, we can try to get similar legislation introduced and passed next year.

#### **Status:**

**04/10/19 Passed the House Business and Commerce Committee. 04/28/19 Died Sine Die.**

**OKLAHOMA --- cont ----**

[OK SB 235](#)

**Summary**

This new law also affects security guard licensing but does not seem to be beneficial. The two major provision are: 1) Previously, a guard or agency could renew a license after the date of expiration if a late fee was paid. The bill would now not allow any renewals if a license has been expired for over 30 days, and one would have to get a new license. 2) The bill also makes changes related to conditional security licenses. It seems to give CLEET more authority related to conditional licenses as it authorizes CLEET to issues such licenses under “procedures and/or rules established by CLEET” in addition to what is in the statute. Perhaps that could be helpful in getting CLEET to address the conditional licensing delays. It also creates two types of conditional licenses, one for “training” that can only be for unarmed, and one “pending a background investigation.”

**Status:**

**04/30/19 Enacted.**

[OK HB 1373](#)

**Summary:**

This new law 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:**

**05/14/19 Enacted.**

---

**OREGON**

[OR SB 576](#)

**Summary:**

This new law 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:**

**05/24/19 Signed by Governor. Effective Date 05/24/19.**

---

## PENNSYLVANIA

### [PA SB 621](#)

#### **Summary**

This new law will specifically allow school districts the option to arm school security personnel including, as already allowed, contract security personnel. It is in response to a controversial interpretation by the state Department of Education of a school safety and security law passed last year (Act 44) in which the DOE said the new law took away the previous authority of school districts to arm school security. The bill also identifies a baseline training that will be required for all armed security personnel, regardless of title, and that training has to be completed by current school security personnel within six months of enactment.

#### **Status:**

**06/11/19 Passed the Senate. 06/27/19 Passed the House. Sent to Governor.**

---

## TEXAS

### [TX SB 616](#)

#### **Summary:**

This new law enacts some of the Sunset Advisory Commission's recommendations for the Texas Department of Public Safety (DPS) related to administrative operations and non-law enforcement functions. As to private security related changes the new law (See Article 5 Page 30):

- 1) Reconstitutes the Private Security Board (made up of persons from the security and investigative industry) as an advisory committee to DPS and clarifies that all regulatory authority for the private security program in Texas exists solely with the Public Safety Commission and DPS.
- 2) Deregulates seven licenses and registrations for individuals and entities that do not directly provide private security services (partners, shareholders, corporate officers, managers, supervisors, branch offices, and certain administrative employees that operate under a company license).
- 3) Requires individuals who provide private security services to obtain a license rather than a registration or endorsement.
- 4) Discontinues regulation of guard dog companies and trainers, security and alarm system salespersons, private security consultants, and telematics companies like OnStar.
- 5) Stipulates the company and individual licenses will have a two-year expiration period (up from 1 year).
- 6) Directs DPS to create a registry of commissioned security officers who have received disciplinary actions

#### **Analysis:**

Proponents of demoting the Board argued that "conflicting authority between the Private Security Board and the Public Safety Commission created significant inefficiencies and overregulation of the industry" and hence the need to take away the Board's rulemaking and other authority. Opponents stated that the Board "has the real-world experience necessary to effectively oversee the industry." Based on past experiences with Board (the way they set up the FBI fingerprinting process), this move seems to be more positive than negative. Getting rid of the licensing requirements for corporate officers and others not directly providing security services is positive.

#### **Status:**

**06/10/19 Signed by the Governor. Effective Date: September 1, 2019**

---

## UTAH

### [New Rule](#) Increasing Continuing Education Requirements for Security Guards

As reported, 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 for armed and unarmed security officers from 24 hours to “a minimum of eight 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, which was never consulted about the reduction in initial/Basic training hours, was concerned about the reduction, and while they do not have authority to set Basic training hours, they do have authority to set the hours for Continuing training. As such last Fall, the Board started work on a new Rule that in addition to making the changes required by the new law, would increase the continuing training from 16 hours to 32 hours. (Armed officers also have an existing continuing education/training requirement of 16 hours for firearms).

#### **Status:**

**05/13/19 New Rule Issued and in Effect. On July 29, 2019 there will be a “Continuing Education Requirements Overview” at the SLC Library Auditorium**

However, at the Board meeting on June 13, 2019, serious issues about the Rule were raised over a provision in the continuing education requirement that states: *“(8) The initial licensure education and training programs defined in Subsections R156-63a- 102(1) and (2) may not be used to satisfy, in whole or in part, any of the continuing education requirements of this section.”* The concern raised by industry reps was that this language means that important education/training provided in the Basic training cannot be provided in the continuing education. After MUCH discussion, they changed the language to just say that the initial licensure education and training “certificate” could not be used to satisfy the continuing education requirement. So can’t take the same exact basic course for your continuing education requirement.

---

## WISCONSIN

### [WI AB 135](#)

#### **Summary:**

Under current law, it is a Class H felony to carry an electric weapon (such as a Taser). Current law provides exceptions to the prohibition for certain persons such as law enforcement or correctional officers on official duty or persons with a license to carry a concealed weapon. This bill creates an exception for a person who holds a license or permit as a private detective, a private investigator, or private security personnel while the person is on official duty if the person may carry a firearm while on official duty.

#### **Status:**

**06/20/19: Passed the Senate and Sent to Assembly.**

---