

1 HB473  
2 197052-1  
3 By Representative Robertson  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 18-APR-19

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8 SYNOPSIS: Under existing law, the Alabama Security  
9 Regulatory Board is responsible for the regulation  
10 and licensing of security officers, armed security  
11 officers, and contract security companies.

12 This bill would provide further for the  
13 compensation of board members and would authorize  
14 the board to hold hearings, issue subpoenas, and  
15 administer oaths.

16 This bill would authorize the board, by  
17 rule, to establish license and certification  
18 application fees, would limit the amount by which  
19 each fee could be increased per licensing period,  
20 and would authorize the board to impose reasonable  
21 late fees on late renewals.

22 This bill would clarify that hearings held  
23 on appeals of decisions of the board be in  
24 accordance with the rules of the board and the  
25 Administrative Procedure Act.

26 This bill would clarify the authority of the  
27 board to refuse to issue or renew a license or

1 certification, place a licensee on probation, or  
2 suspend or revoke a license or certification for a  
3 violation of the licensing law or rule of the  
4 board.

5 This bill would provide further for the  
6 obligations of a contract security company to the  
7 board relating to security officers and armed  
8 security officers employed by the company.

9 This bill would require the board, by rule,  
10 to outline, define, and modify specific training  
11 requirements for applicants for original and  
12 renewal licensure or certification, or both, as a  
13 security officer or armed security officer.

14 This bill would provide that any person who  
15 practices or offers to practice as a security  
16 officer or armed security officer in this state  
17 without a license or certification issued by the  
18 board is guilty of a Class A misdemeanor.

19 This bill would provide further for  
20 reciprocity and would clarify that all sworn peace  
21 officers are exempt.

22 Amendment 621 of the Constitution of Alabama  
23 of 1901, now appearing as Section 111.05 of the  
24 Official Recompilation of the Constitution of  
25 Alabama of 1901, as amended, prohibits a general  
26 law whose purpose or effect would be to require a  
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local  
2 governmental entity without enactment by a 2/3 vote  
3 unless: it comes within one of a number of  
4 specified exceptions; it is approved by the  
5 affected entity; or the Legislature appropriates  
6 funds, or provides a local source of revenue, to  
7 the entity for the purpose.

8 The purpose or effect of this bill would be  
9 to require a new or increased expenditure of local  
10 funds within the meaning of the amendment. However,  
11 the bill does not require approval of a local  
12 governmental entity or enactment by a 2/3 vote to  
13 become effective because it comes within one of the  
14 specified exceptions contained in the amendment.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT  
19

20 To amend Sections 34-27C-1, 34-27C-2, 34-27C-3,  
21 34-27C-4, 34-27C-5, 34-27C-7, 34-27C-8, 34-27C-9, 34-27C-10,  
22 34-27C-11, 34-27C-12, 34-27C-13, 34-27C-16, 34-27C-17, and  
23 34-27C-18, Code of Alabama 1975, relating to the Alabama  
24 Security Regulatory Board; to provide further for the  
25 compensation of board members; to authorize the board to hold  
26 hearings, issue subpoenas, and administer oaths; to authorize  
27 the board, by rule, to establish license and certification

1 application fees and limit the amount by which each fee may be  
2 increased per licensing period; to authorize the board to  
3 impose reasonable late fees on late renewals; to clarify that  
4 hearings held on appeals of decisions of the board be in  
5 accordance with the rules of the board and the Administrative  
6 Procedure Act; to clarify the authority of the board to refuse  
7 to issue or renew a license or certification, place a licensee  
8 on probation, or suspend or revoke a license or certification  
9 for a violation of the licensing law or rule of the board; to  
10 provide further for the obligations of a contract security  
11 company to the board relating to employee security officers  
12 and armed security officers; to require the board, by rule, to  
13 outline, define, and modify specific training requirements for  
14 applicants for original and renewal licensure or  
15 certification, or both, as a security officer or armed  
16 security officer; to provide that any person who practices or  
17 offers to practice as a security officer or armed security  
18 officer without a license or certification is guilty of a  
19 Class A misdemeanor; to provide further for reciprocity; to  
20 clarify that all sworn peace officers are exempt; and in  
21 connection therewith would have as its purpose or effect the  
22 requirement of a new or increased expenditure of local funds  
23 within the meaning of Amendment 621 of the Constitution of  
24 Alabama of 1901, now appearing as Section 111.05 of the  
25 Official Recompilation of the Constitution of Alabama of 1901,  
26 as amended.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1                   Section 1. Sections 34-27C-1, 34-27C-2, 34-27C-3,  
2                   34-27C-4, 34-27C-5, 34-27C-7, 34-27C-8, 34-27C-9, 34-27C-10,  
3                   34-27C-11, 34-27C-12, 34-27C-13, 34-27C-16, 34-27C-17, and  
4                   34-27C-18 of the Code of Alabama 1975, are amended to read as  
5                   follows:

6                   "§34-27C-1.

7                   "For the purposes of this chapter, the following  
8                   terms shall have the following meanings:

9                   "(1) ARMED SECURITY OFFICER. An individual whose  
10                  principal duty is that of a security officer and who at any  
11                  time wears, carries, possesses, or has access to a firearm in  
12                  the performance of his or her duties. ~~This definition does not  
13                  include an off-duty law enforcement officer employed by and  
14                  working for a public entity.~~

15                  "(2) BOARD. The Alabama Security Regulatory Board.

16                  "(3) CERTIFICATION CARD or LICENSURE CARD. The  
17                  identification card issued by the board to an individual as  
18                  evidence that he or she has met the basic qualifications  
19                  required by this chapter and is currently certified or  
20                  licensed with the board to perform the duties of a security  
21                  officer.

22                  "(4) CERTIFIED TRAINER. Any person approved and  
23                  certified by the board as qualified to administer, and certify  
24                  as to the successful completion of, the basic training  
25                  requirements for security officers required by this chapter.

26                  "(5) CONTRACT SECURITY COMPANY. Any individual,  
27                  firm, association, company, partnership, limited liability

1 company, corporation, institution, or similar business entity  
2 engaged in the business of providing, or which undertakes to  
3 provide, a security officer on a contractual basis to another  
4 person or entity. The security officer provided by a contract  
5 security company is a contract security officer. In addition,  
6 any person who provides security services for more than one  
7 employer in any one week period, except for a permanent change  
8 of employment, shall be deemed to be engaged in the contract  
9 security company business and shall be licensed pursuant to  
10 this chapter.

11 "(6) EMPLOYER-EMPLOYEE RELATIONSHIP. The performance  
12 of any service for wages or under any contract of hire,  
13 written, oral, expressed, or implied by an individual,  
14 provided the employer has control or direction over the  
15 performance of the employee and provided the service is  
16 performed personally by the employee. ~~This definition does not  
17 include the employer-employee relationship between a law  
18 enforcement officer and the public entity employing that law  
19 enforcement officer.~~

20 "(7) LICENSEE. Any person or contract security  
21 company to which a license is granted in accordance with this  
22 chapter.

23 "(8) PUBLIC ENTITY. The federal government, the  
24 state, or any political subdivision, agency, department,  
25 branch, or service of either the state or federal government,  
26 or any county or municipality, or any other unit of local  
27 government.

1           "(9) SECURITY OFFICER.

2           "a. A person employed under contract, whose  
3 principal purpose is to protect a person or persons or  
4 property from criminal activity, and whose duties include, but  
5 are not limited to, the following:

6           "a.1. The detection and prevention of unauthorized  
7 intrusion or entry, larceny, vandalism, abuse, arson, or  
8 trespass on private property.

9           "b.2. The prevention, observation, or detection of  
10 any unauthorized activity on private property.

11           "c.3. The control, regulation, or direction of the  
12 flow or movements of individuals, whether by vehicle, on foot,  
13 or otherwise.

14           "~~d. The wearing of a uniform prescribed by his or  
15 her employer identifying him or her as a security officer.~~

16 ~~Persons~~ b. The term does not include persons whose duties are  
17 limited to custodial duties or the reporting of violations of  
18 inhouse administrative regulations only, and who do not wear a  
19 security uniform, are specifically excluded from this  
20 definition. ~~This definition does not include an off-duty law  
21 enforcement officer employed by and working for a public  
22 entity.~~

23           "(10) SWORN PEACE OFFICER. Any individual who  
24 derives plenary or special law enforcement powers from, and is  
25 an employee of, or certified by, the federal government, the  
26 state, or any political subdivision, agency, department,



1 branch, or service of either, or of any county or  
2 municipality, or of any other unit of local government.

3 "§34-27C-2.

4 "(a) The Alabama Security Regulatory Board is  
5 created. Each member of the board shall be a citizen of the  
6 United States and a resident of this state, and the ~~membership~~  
7 ~~of the board, which shall reflect the racial, gender,~~  
8 ~~geographic, urban and rural, and economic diversity of the~~  
9 ~~state,~~ appointing authorities shall coordinate their  
10 appointments so that diversity of gender, race, and  
11 geographical areas is reflective of the makeup of this state.  
12 The board shall consist of the following members:

13 "(1) Two members appointed by the Governor. The  
14 appointees shall ~~be residents of the state who are not~~ be  
15 qualified to be licensed under this chapter, who have not been  
16 not be engaged in the rendering of contract security service  
17 for a minimum of three years prior to appointment, ~~who are not~~  
18 not be employed by or affiliated with any other member of the  
19 board, and ~~who~~ shall have served for five or more years in a  
20 supervisory position in law enforcement in any municipality,  
21 county, state, or district attorney's office. The members  
22 appointed by the Governor shall be selected from a list of  
23 names submitted by a recognized security association such as  
24 the American Society of Industrial Security (ASIS), the  
25 National Association of Security Companies (NASCO), or any  
26 state or private security service association which may be  
27 organized. ~~The initial term of one of the members appointed by~~

1 ~~the Governor shall be two years and the initial term of one of~~  
2 ~~the members appointed by the Governor shall be three years.~~  
3 ~~Subsequent terms shall be for three years.~~

4           "(2) One member appointed by the Lieutenant  
5 Governor. The appointee shall represent consumers and shall ~~be~~  
6 ~~a citizen of the United States, a resident of this state, not~~  
7 ~~have been~~ not be engaged in the rendering of contract security  
8 service, and not employed by, related to, or affiliated with  
9 any other member of the board or licensee of the board. ~~The~~  
10 ~~initial term of the member appointed by the Lieutenant~~  
11 ~~Governor shall be one year. Subsequent terms shall be for~~  
12 ~~three years.~~

13           "(3) One member appointed by the Speaker of the  
14 House of Representatives. The appointee shall be from an  
15 entity that employs, or has an employer-employee relationship  
16 with, a contract security company.

17           "(4) One member appointed by the Attorney General.  
18 The appointee ~~shall reside in the state and~~ shall be selected  
19 from a list of names submitted by the Alabama Sheriff's  
20 Association.

21           "(b) Unless otherwise provided in subsection (a),  
22 board members shall serve three-year terms of office. A  
23 vacancy in any board position shall be filled for the duration  
24 of the unexpired term in the same manner as the original  
25 appointment. Should an appointing authority fail to make an  
26 appointment to fill an unexpired or new term within 60 days  
27 after receiving notice from the board of the vacancy, the

1 board shall make the appointment of a qualified person within  
2 the appropriate category by majority vote of the board members  
3 present. The board shall annually elect a chair from among the  
4 membership of the board at its first meeting. The board shall  
5 meet on a quarterly basis at a date, time, and place  
6 designated by the chair. No compensation shall be paid to  
7 members of the board. Actual expenses incurred by board  
8 members in the performance of duties on behalf of the board  
9 shall be reimbursed from the funds of the board. Decisions of  
10 the board shall be determined by a majority vote of the board  
11 members present and voting.

12 "(c) The members of the board shall receive up to  
13 three hundred dollars (\$300) per day, for a maximum of 12 days  
14 per year, while performing their official duties, in addition  
15 to the same per diem and mileage as provided to state  
16 employees.

17 ~~"(c)(d) The Alabama Security Regulatory Board board~~  
18 shall be subject to the Alabama Sunset Law, Title 41, Chapter  
19 20, as an enumerated agency as provided in Section 41-20-3,  
20 and shall have a termination date of October 1, 2011, and  
21 every four years thereafter, unless continued pursuant to the  
22 Alabama Sunset Law.

23 "§34-27C-3.

24 "(a) The board shall have the following powers:

25 "(1) In accordance with the Administrative Procedure  
26 Act, to promulgate rules not in conflict with the laws of this  
27 state which are reasonable, proper, and necessary to carry out

1 the functions of the board in the regulation of persons  
2 engaged in providing security officers within this state. Any  
3 interested person may petition the board to adopt, amend, or  
4 repeal any rule and the board shall prescribe by rule any  
5 necessary forms for petitions and procedures for submission,  
6 consideration, and disposition of petitions.

7 "(2) To enforce compliance with this chapter.

8 "(3) To establish rules and procedures for the  
9 preparation and processing of examinations, applications,  
10 license certificates, certification cards, licensure cards,  
11 renewals, appeals, hearings, and rule making proceedings.

12 "(4) To determine the qualifications of licensees,  
13 certified trainers, and security officers consistent with this  
14 chapter.

15 "(5) To levy and collect fees in amounts determined  
16 necessary by the board for licensing, application processing,  
17 background checks, including fingerprints, inspections,  
18 investigations, and hearings.

19 "(6) To employ or contract for necessary personnel,  
20 including a director, pursuant to the state Merit System,  
21 provided such persons are employed by the board on a full-time  
22 basis exceeding 32 hours per calendar week, and provide for  
23 necessary offices, supplies, and equipment to fulfill the  
24 requirements of this chapter.

25 "(7) To delegate its power and duties by resolution  
26 to a named designee.

1           "(8) To enter into contracts and expend funds of the  
2 board to fulfill the requirements of this chapter.

3           "(9) To borrow money.

4           "(10) To work with the Attorney General and other  
5 law enforcement agencies to prohibit and punish any violation  
6 of this chapter.

7           "(11) To establish volunteer procedures for those  
8 persons or businesses that are exempt from this chapter.

9           "(12) To engage in dialogue and to enter into  
10 reciprocal licensing agreements with governmental entities in  
11 other states that supervise and regulate the provision of  
12 private contract security services in order to ensure that  
13 security officers and armed security officers licensed by the  
14 State of Alabama have full reciprocity to operate in other  
15 states.

16           "(13) Upon the declaration of the Governor of a  
17 state of emergency, to authorize the operation of out-of-state  
18 contract security companies and staff within the state for the  
19 duration of the state of emergency, and up to a maximum of 30  
20 days after the expiration of the state of emergency. To be  
21 eligible to operate within the state pursuant to this  
22 subdivision, the out-of-state contract security company shall  
23 satisfy all of the following requirements:

24           "a. Be licensed in another state in which the  
25 qualifications, insurance, training, and other requirements  
26 for licensure are substantially similar to those required by  
27 this chapter, as determined by the board.

1           "b. Provide notice to the board of an intention to  
2 operate in the state and submit to the board any information  
3 requested by the board.

4           "(14) To inspect the business premises of any  
5 licensee, licensed contract security company, or unlicensed  
6 contract security company during normal business hours.

7           ~~"The inspection of a licensed contract security~~  
8 ~~company shall be limited to an inspection of training records.~~  
9 ~~The inspection of an unlicensed contract security company~~  
10 ~~shall be limited to licensure compliance.~~

11           "(15) To hold hearings, conduct investigations,  
12 subpoena witnesses, subpoena documents, administer oaths, and  
13 take testimony as necessary to provide for the implementation  
14 of this chapter.

15           "(b) All powers granted in this chapter and any  
16 other powers granted to the board are public and governmental  
17 functions, exercised for a public purpose, and matters of  
18 public necessity.

19           "§34-27C-4.

20           "(a) Commencing on May 21, 2009, any security ~~guard~~  
21 ~~officer~~, armed security ~~guard officer~~, or contract security  
22 company providing private security services in this state  
23 shall apply to the board for a license or certification. Any  
24 security ~~guard officer~~, armed security ~~guard officer~~, or  
25 contract security company providing security services in this  
26 state before May 21, 2009, may continue to engage in business  
27 operations pending a final determination by the board,

1 provided such security ~~guard~~ officer, armed security ~~guard~~  
2 officer, or contract security company files an application for  
3 license. This chapter shall not abrogate the terms of a  
4 contract existing on May 21, 2009.

5 "(b) An application for licensure or certification  
6 shall include all of the following information:

7 "(1) The full name, home address, post office box,  
8 and actual street address of the business of the applicant.

9 "(2) The name under which the applicant intends to  
10 do business.

11 "(3) The full name and address of any partners in  
12 the business, principal officers, directors, and business  
13 manager, if applicable.

14 "(4) The names of at least three unrelated and  
15 disinterested persons to be used as references for board  
16 inquiries regarding the character, standing, and reputation of  
17 the applicant.

18 "(5) Such other information, evidence, statements,  
19 or documents as may be required by the board.

20 "(c) (1) A contract security company applying for a  
21 license or certification shall include proof that the business  
22 entity has at least one person in its employ serving as a  
23 qualifying agent who is licensed by the board as a security  
24 ~~guard~~ officer that, in addition to meeting the requirements of  
25 subsection (d), possesses three years of experience as a  
26 manager, supervisor, or administrator with a contract security  
27 company or possesses three years of supervisory experience

1 with any federal, military, state, county, or municipal law  
2 enforcement agency.

3 "(2) No person may serve as the qualifying agent for  
4 more than one contract security company without prior written  
5 approval of the board.

6 "(3) A contract security company shall notify the  
7 board within 10 working days if the qualifying agent for the  
8 company ceases to perform his or her duties as qualifying  
9 agent and shall obtain a substitute qualifying agent within 30  
10 days after the original qualifying agent ceases to serve. The  
11 board may grant an extension to the company for good cause,  
12 for not more than three months.

13 "(d) Every applicant for licensure or certification  
14 shall provide the following to the board:

15 "(1) Proof that the applicant is 21 years of age or  
16 older, or 18 years of age if the person is not allowed to  
17 carry any type of firearm in the course of his or her  
18 employment with the contract security company.

19 "(2) Proof that the applicant is a citizen of the  
20 United States or, if not a citizen of the United States, a  
21 person who is legally present in the United States with  
22 appropriate documentation from the federal government.

23 "(3) A statement of the applicant, made under oath,  
24 declaring all of the following:

25 "a. That he or she has never been convicted in any  
26 jurisdiction of the United States of any felony or crime



1 involving moral turpitude for which a full pardon has not been  
2 granted.

3 "b. That he or she has never been declared, by any  
4 court of competent jurisdiction, incompetent by reason of  
5 mental defect or disease, and competency has not been  
6 restored.

7 "c. That he or she is not suffering from habitual  
8 drunkenness or from narcotics addiction or dependence. The  
9 board may require certified results of medical tests for drug  
10 or alcohol use.

11 "(e) In addition to the requirements of subsection  
12 (d), an applicant for licensure or certification or renewal  
13 shall submit to the board a form, sworn to by the applicant,  
14 containing the name, date of birth, and Social Security number  
15 for completion of a criminal history background check. The  
16 applicant shall submit two complete sets of fingerprints to  
17 the board. The board shall submit the fingerprints to the  
18 ~~Alabama Bureau of Investigation (ABI)~~ State Law Enforcement  
19 Agency (ALEA) for a state criminal history record check. The  
20 fingerprints shall be forwarded by ~~the ABI~~ ALEA to the Federal  
21 Bureau of Investigation (FBI) for a national criminal history  
22 record check. Costs associated with conducting a criminal  
23 history background check shall be borne by the applicant. The  
24 board shall keep information received pursuant to this section  
25 confidential, except that such information received and relied  
26 upon in denying the issuance of a certificate of qualification  
27 for a license or certification to a security officer in this

1 state may be disclosed if necessary to support the denial of  
2 the license or certification, if required by court order, or  
3 for any other reason allowed by law.

4 "(f) Applications for licensure and certification  
5 shall be filed with the board on a form developed by the  
6 board. The board shall prescribe the procedures and methods of  
7 submission, consideration, and disposition of applications. An  
8 applicant corporation incorporated under the laws of this  
9 state or any other state shall be required to qualify with a  
10 certificate of authority issued by the Secretary of State and  
11 shall designate an agent for service of process. The applicant  
12 shall be issued a license or denied a license in writing  
13 within a reasonable period after receipt by the board of all  
14 required information.

15 "(g) (1) Each contract security company requesting or  
16 renewing a license shall pay a security license fee upon  
17 application to be determined by the board that ~~does not exceed~~  
18 ~~three hundred fifty dollars (\$350)~~ and may not be increased  
19 more than fifty dollars (\$50) per licensing period. A license  
20 shall expire on September 30 and an application for renewal  
21 shall be submitted to the board before October 1. A renewal  
22 application may not be accepted by the board after October 31.  
23 The board may impose a reasonable late fee on renewals not  
24 filed by October 1. The board shall promptly notify an  
25 applicant if the board refuses to issue or renew a license or  
26 certification. An If the board refuses to issue or renew a  
27 license or certification, the applicant or licensee may appeal

1 ~~any~~ the decision of the board and may request a hearing, in  
2 accordance with the rules of the board and the Administrative  
3 Procedure Act, ~~on the decision of the board to refuse to issue~~  
4 ~~or renew a license~~. A licensee may continue to engage in the  
5 security business while his or her appeal or renewal  
6 application is pending. The board may impose a reasonable late  
7 fee on any renewal that is not filed before the expiration  
8 date of the license.

9 "(2) Each security officer or armed security officer  
10 requesting or renewing a license or certification shall pay a  
11 nonrefundable security license fee to the board upon  
12 application to be determined by the board that ~~does not exceed~~  
13 ~~one hundred dollars (\$100)~~ and may not be increased more than  
14 twenty-five dollars (\$25) per licensing period. The license or  
15 certification issued to a security officer or armed security  
16 officer shall expire two years from the date of issuance. If  
17 the board refuses to issue or renew a license or  
18 certification, the applicant or licensee shall be promptly  
19 notified. ~~The~~ If the board refuses to issue or renew a license  
20 or certification, the applicant or licensee may appeal ~~any~~ the  
21 decision of the board and may request a hearing, in accordance  
22 with the rules of the board and the Administrative Procedure  
23 Act, ~~on the refusal of the board to issue or renew a license~~.  
24 A licensee may continue to serve as a security officer or  
25 armed security officer while his or her appeal or renewal  
26 application is pending. The board may impose a reasonable late

1 fee on renewals not filed before the date of expiration of the  
2 license.

3 "(h) No license or certification issued pursuant to  
4 this chapter shall be assigned or transferred by operation of  
5 law or in any other manner. A new license for an assignee or  
6 transferee of a business shall be applied for using the same  
7 procedures and requirements as set forth in this chapter for  
8 an initial license or certification applicant. The security  
9 operation of a security company may continue until the final  
10 disposition of the pending license or certification  
11 application.

12 "(i) The current license or certificate or duplicate  
13 copy of the license or certificate shall be posted and  
14 displayed at all times at all business offices of the licensee  
15 within the state.

16 "(j) The board shall be notified within 30 days of  
17 any changes in officers, directors, or management of a  
18 licensee or any changes that may reasonably affect the right  
19 of a licensee to hold a license or certificate under this  
20 chapter.

21 "§34-27C-5.

22 "(a) ~~Ⓐ~~ The board may refuse to issue or renew a  
23 license or certification, place a licensee on probation, or  
24 suspend or revoke a license ~~may be revoked or suspended by the~~  
25 ~~board~~ or certification for any violation of this chapter or  
26 rule of the board.

1           "(b) In the event of a denial, probation,  
2           revocation, or suspension of a license, an applicant or a  
3           licensee shall be notified of the action of the board. The  
4           applicant or licensee may request a hearing and appeal the  
5           decision of the board in accordance with rules of the board  
6           and the Administrative Procedure Act. The licensee shall cease  
7           to provide security services to clients immediately upon  
8           receipt of a final notice from the board of revocation or  
9           suspension of its license or certification.

10           "(c) The board may grant a stay or postponement of  
11           probation or a revocation or suspension under certain  
12           circumstances and with certain conditions attached, upon a  
13           majority vote of the board.

14           "§34-27C-7.

15           "(a) Within 30 days after initial employment, a  
16           security officer or armed security officer shall apply to the  
17           board for a license or certification. On or after May 21,  
18           2009, all security officers or armed security officers not  
19           exempted under Section 34-27C-17, shall apply to the board for  
20           a license or certification in accordance with this chapter. A  
21           license or certification card issued by the board shall be  
22           carried by each security officer and armed security officer  
23           while performing his or her duties. A temporary card ~~may~~ shall  
24           be issued by the board and be in the possession of the  
25           applicant or licensee while working as a security officer or  
26           armed security officer pending the application process, the  
27           completion of training, and the issuance of his or her license

1 or certification. Licensure and certification shall be renewed  
2 every two years on the date on which original licensure or  
3 certification was granted. A contract security company that  
4 employs a security officer or armed security officer who is in  
5 violation of this subsection shall be in violation of this  
6 chapter.

7 "(b) Each applicant for licensure or certification  
8 or renewal of licensure or certification shall submit to the  
9 board, within 30 days after initial employment or 30 days  
10 before licensure or certification expiration, the appropriate  
11 form as developed by the board, a fee of twenty-five dollars  
12 (\$25), and proof of completion of a certified training program  
13 or refresher course.

14 "(c) Licensure or certification shall be denied or  
15 ~~may be revoked~~ not renewed if a security officer or armed  
16 security officer does not meet the standards of a security  
17 officer or armed security officer established by the board  
18 pursuant to this chapter. In the event of denial or ~~revocation~~  
19 nonrenewal of a license or certification by the board, the  
20 applicant may appeal the action of the board. Upon receipt of  
21 a notice of appeal from the applicant, the board shall set a  
22 hearing date and promptly notify the applicant of the hearing  
23 date. The hearing shall be held in accordance with the rules  
24 of the board and the Administrative Procedure Act.

25 "(d) A contract security company shall notify the  
26 board within 10 days after discovering any adverse information  
27 pertaining to the eligibility of an individual to be licensed

1 ~~as~~ or certified, or any adverse information that may affect  
2 the licensure or certification status of a security officer or  
3 armed security officer.

4 "(e) The board may issue a license or certification  
5 to a security officer who has been licensed or certified as a  
6 security officer in another state if the board determines that  
7 the applicant is currently a resident of this state and the  
8 qualifying and training requirements of the issuing state are  
9 equivalent, or substantially similar, to those required by  
10 this chapter.

11 "(f) A security officer or armed security officer  
12 who works as such for six months or less per year may pay a  
13 one time fee for special licensure by the board. Any security  
14 officer or armed security officer who works as such for more  
15 than six months in a year shall be subject to all fees and  
16 requirements of this chapter. The board, by rule, may  
17 establish the one time fee ~~may not exceed one hundred dollars~~  
18 ~~(\$100)~~ at a reasonable amount.

19 "§34-27C-8.

20 "(a) A person seeking initial licensure or  
21 certification as a security officer or ~~an~~ armed security  
22 officer shall have completed ~~at least eight hours of board~~  
23 approved ~~classroom~~ training with a certified trainer. ~~This~~  
24 ~~training shall include, but may not be limited to, fire~~  
25 ~~prevention, legal information relevant to providing security~~  
26 ~~services, detention procedures, methods of handling crisis~~  
27 ~~situations, methods of crowd control, and the use of equipment~~

1 ~~needed in providing security services. Training shall be~~  
2 ~~completed as follows:~~ Initial board approved training shall  
3 consist of a minimum of eight hours. Specific initial training  
4 requirements may be outlined, defined, and modified by board  
5 rule.

6 ~~"(1) Security officers and armed security officers~~  
7 ~~employed as such on or before May 21, 2009, shall have until~~  
8 ~~January 1, 2010, to complete the first four hours of training.~~  
9 ~~The second four hours of training shall be completed by July~~  
10 ~~1, 2011.~~

11 ~~"(2) Persons hired as security officers or armed~~  
12 ~~security officers after May 21, 2009, shall complete the first~~  
13 ~~four hours of training within 30 days after their initial~~  
14 ~~employment, and the second four hours of training shall be~~  
15 ~~completed within six months after their initial employment.~~

16 "(b) After initial licensure or certification in  
17 accordance with this chapter, security officers and armed  
18 security officers shall complete ~~eight hours of~~ board approved  
19 refresher training before submitting an application for  
20 licensure or certification renewal. Specific refresher  
21 training requirements may be outlined, defined, and modified  
22 by board rule.

23 "(c) In addition to the requirements of subsections  
24 (a) and (b), a person seeking initial licensure or  
25 certification as an armed security officer shall ~~initially~~  
26 ~~complete four hours of~~ have completed board approved firearms  
27 safety training ~~and annually complete two hours of board~~



1 ~~approved firearms refresher training~~ Specific requirements for  
2 firearms safety training may be outlined, defined, and  
3 modified by board rule.

4 "(d) After initial licensure or certification, an  
5 armed security officer shall complete board approved refresher  
6 firearms safety training before submitting an application for  
7 licensure or certification renewal. Specific refresher  
8 training requirements may be outlined, defined, and modified  
9 by board rule.

10 "(e) In addition to the requirements of subsections  
11 (a) to (d), inclusive, a person seeking initial licensure or  
12 certification as a security officer or armed security officer  
13 shall have completed board approved use of force training.  
14 Specific requirements for use of force training may be  
15 outlined, defined, and modified by board rule.

16 "(f) After initial licensure or certification,  
17 security officers and armed security officers shall complete  
18 board approved refresher use of force training before  
19 submitting an application for licensure or certification  
20 renewal. Specific refresher training requirements may be  
21 outlined, defined, and modified by board rule.

22 ~~(d)~~(g) The following persons are exempt from the  
23 basic training requirements of subsections (a), ~~(b)~~, and ~~(c)~~  
24 to (f), inclusive, except to the extent set forth below:

25 "(1) Any security officer or armed security officer  
26 who, within three years before applying for licensure or  
27 certification, completed basic security training through a

1 military, government, or security training institute that  
2 meets or exceeds the training required by this chapter. The  
3 board shall examine proof of training before declaring an  
4 applicant exempt. An initial exemption granted pursuant to  
5 this subdivision does not exempt an applicant from annual  
6 training requirements or refresher training requirements.

7 "(2) Any security officer or armed security officer  
8 employed by a contract security company that has a training  
9 curriculum and standards that the board determines, upon  
10 presentation of proof of training, meet or exceed those  
11 required by this chapter. The board shall examine proof of  
12 training before declaring an applicant exempt. An initial  
13 exemption granted pursuant to this subdivision does not exempt  
14 an applicant from annual training requirements or refresher  
15 training requirements.

16 "(3) Any person who is employed as a sworn peace  
17 officer ~~or who is a retired sworn peace officer.~~

18 ~~"(4) Any person who has a minimum of five years of~~  
19 ~~continuous experience as a security officer or armed security~~  
20 ~~officer is not subject to the eight hours of classroom~~  
21 ~~training required in subsection (a). Notwithstanding the~~  
22 ~~foregoing, such individual shall be required to complete~~  
23 ~~annual training pursuant to subsections (b) and (c).~~

24 ~~"(e)~~ (h) The minimum training standards provided in  
25 this section are in addition to any qualifications required by  
26 an employing contract security company.

27 "§34-27C-9.

1           "Any person conducting training of security officers  
2 shall be licensed or certified as a certified trainer by the  
3 board. Any person seeking licensure or certification as a  
4 certified trainer shall pay all fees required by the board and  
5 meet all of the following qualifications:

6           "(1) Be 21 years of age or older.

7           "(2) Have a minimum of two years of supervisory  
8 experience with a contract security company, a proprietary  
9 company, or in federal, state, county, or municipal law  
10 enforcement.

11           "(3) Have a minimum of one year of experience in  
12 teaching security-related courses or have attended a board  
13 approved two-week instructor's course.

14           "(4) Submit proof of compliance with all instruction  
15 and training requirements established by the board.

16           "§34-27C-10.

17           "(a) A contract security company, at the request of  
18 a security officer in its employ, may withhold from the wages  
19 of the security officer those amounts necessary to pay for the  
20 licensure or certification fees, uniforms, or other required  
21 equipment of the security officer.

22           "(b) A reasonable deposit may be required of a  
23 security officer by an employer to ensure the return of  
24 uniforms and equipment. The total amount of deposit required  
25 under this section may not exceed the actual cost of uniforms  
26 and equipment provided to the security officer.

27           "§34-27C-11.

1           "An armed security officer shall apply for and have  
2 his or her pistol permit issued by the sheriff of the county  
3 of his or her residence. It is a violation of this chapter for  
4 any security officer to carry a firearm in the performance of  
5 his or her duties without holding a valid license or  
6 certification card for an armed security officer issued by the  
7 board.

8           "§34-27C-12.

9           "(a) It is unlawful for any person or entity to do  
10 any of the following:

11           "(1) Issue a shield or badge not in conformance with  
12 this chapter. Except for sworn peace officers, no person or  
13 entity shall wear or display any badge, insignia, device,  
14 shield, patch, or pattern containing words which would  
15 indicate that he or she is a sworn peace officer or that  
16 includes the Great Seal of the State of Alabama. The words  
17 "security officer," or a similar term, shall be displayed on  
18 any badge, insignia, device, shield, patch, or pattern worn by  
19 a security officer or armed security officer. Except for the  
20 vehicle of a sworn peace officer, no vehicle used by a  
21 security officer or an armed security officer shall have any  
22 equipment or markings denoting a law enforcement vehicle.

23           "(2) Publish, advertise, use printed letterhead or  
24 circulars, or give statements, or use words or phrases which  
25 in any way suggest or imply that the security ~~guard~~ officer,  
26 armed security ~~guard~~ officer, or contract security company is

1 a law enforcement organization or sworn peace officer, or an  
2 official of the state or federal government.

3 "(3) Designate an individual meeting the definition  
4 of a security officer or armed security officer as anything  
5 other than a security officer or armed security officer.

6 "(4) Knowingly ~~quote~~ make or provide false  
7 statements to the board or omit any document or information  
8 required to be filed with the board.

9 "(5) Falsely represent a person to be a holder of a  
10 license or ~~a~~ certification card.

11 "(6) Engage in criminal conduct that would prohibit  
12 licensing or certification.

13 "(b) In addition to subsection (a), it shall be  
14 unlawful for a security officer, or armed security officer, or  
15 contract security company to do any of the following:

16 "(1) Fail to comply with or violate this chapter and  
17 the published rules of the board.

18 "(2) Divulge to anyone other than his or her  
19 employer, unless required by law, any information that would  
20 jeopardize the property for which he or she is providing  
21 security.

22 "(3) Fail to return his or her license or  
23 certification card, or license or certification of the  
24 contract security company, to the board, if required.

25 "(4) Possess a certification card or licensure card  
26 issued to any other person.

1           "(5) Use a badge or shield not in conformance with  
2 this chapter.

3           "§34-27C-13.

4           "(a) A violation of this chapter by a security  
5 officer or an armed security officer shall be punishable by a  
6 fine of not less than seventy-five dollars (\$75) nor more than  
7 ~~two~~ five thousand dollars ~~(\$2,000)~~ (\$5,000) per violation and  
8 may result in the probation, revocation, or suspension of the  
9 license or certification, or both, of the violator.

10           "(b) Any person who practices or offers to practice  
11 as a security officer or an armed security officer in this  
12 state without a license or certification issued and approved  
13 by the board shall be guilty of a Class A misdemeanor.

14           "§34-27C-16.

15           "To the extent that other states which provide for  
16 licensing and certification of any security ~~guard~~ officer,  
17 armed security ~~guard~~ officer, or contract security company  
18 provide for similar action for citizens of this state, the  
19 board may grant a ~~contract security~~ license or certification  
20 to a nonresident or out-of-state contract security company who  
21 holds a valid ~~contract security~~ license or certification of  
22 the same type from another state upon satisfactory proof  
23 furnished to the board that the standards of licensure ~~and~~ or  
24 certification in ~~such~~ the other state are ~~at least~~ equivalent  
25 or substantially equivalent similar to those prevailing in  
26 this state.

27           "§34-27C-17.

1           "The following persons and entities, including  
2 affiliated entities under common control, are exempt from this  
3 chapter:

4           "(1) Any person or entity which uses the employees  
5 of the person or entity for security services.

6           "(2) Any employee who provides security services  
7 only for his or her employer and not for any third party.

8           "~~(3) A sworn peace officer who only provides  
9 security services within the scope of his or her employment  
10 with a public entity and who does not contract for or  
11 otherwise provide in any manner private contract security  
12 services.~~

13           "§34-27C-18.

14           "~~(a) Commencing on May 21, 2009, no~~ No governmental  
15 subdivision of this state shall enact any legislation, code,  
16 or ordinance, or promulgate any rule relating to the  
17 licensing, training, or regulation of contract security  
18 companies or individuals functioning as security ~~guards~~  
19 officers, other than for the imposition of a bona fide  
20 business tax or occupational tax, or both.

21           "~~(b) Commencing on May 21, 2009, any~~ Any provision  
22 of any legislative code, ordinance, or rule promulgated by any  
23 local governmental subdivision of this state, relating to  
24 licensing, training, or regulation of contract security  
25 companies or security ~~guards~~ officers, shall be superseded by  
26 this chapter."

1                   Section 2. Although this bill would have as its  
2                   purpose or effect the requirement of a new or increased  
3                   expenditure of local funds, the bill is excluded from further  
4                   requirements and application under Amendment 621, now  
5                   appearing as Section 111.05 of the Official Recompilation of  
6                   the Constitution of Alabama of 1901, as amended, because the  
7                   bill defines a new crime or amends the definition of an  
8                   existing crime.

9                   Section 3. This act shall become effective on the  
10                  first day of the third month following its passage and  
11                  approval by the Governor, or its otherwise becoming law.