

House Bill 364 (COMMITTEE SUBSTITUTE)

By: Representatives Collins of the 68<sup>th</sup>, Powell of the 32<sup>nd</sup>, Hitchens of the 161<sup>st</sup>, Nix of the 69<sup>th</sup>, and Kelley of the 16<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 43-38-7 of the Official Code of Georgia Annotated, relating to  
2 licensing of armed employees of private detective and private security businesses,  
3 qualifications, continuing education, fingerprints, license card, and suspension, so as to  
4 authorize persons having completed Georgia Peace Officer Standards and Training to serve  
5 as a private guard, watchman, or patrolman while awaiting licensure approval; to provide  
6 such certification to serve as evidence of citizenship; to exempt such person from submission  
7 of fingerprints upon application; to provide for related matters; to repeal conflicting laws;  
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Code Section 43-38-7 of the Official Code of Georgia Annotated, relating to licensing of  
12 armed employees of private detective and private security businesses, qualifications,  
13 continuing education, fingerprints, license card, and suspension, is amended by revising  
14 subsections (b) through (e) as follows:

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15       "(b)(1) Except as provided in paragraph (2) of this subsection, within 180 days of  
16 completing board mandated prelicensure training, potential licensees shall make  
17 application to be licensed with the board.

18       (2)(A) Any guard, watchman, or patrolman who will be unarmed and who will be  
19 employed in the private security business shall not be required to be licensed by the  
20 board but shall be governed by Code Section 43-38-7.1.

21       (B) Any potential licensee currently certified by the Georgia Peace Officer Standards  
22 and Training Council as having successfully completed the course training required by  
23 Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' shall be  
24 authorized to serve as a guard, watchman, or patrolman provided that an application to  
25 be licensed by the board pursuant to this Code section is submitted no later than 60 days  
26 from the start of employment.

27       (c)(1) Except as otherwise provided in ~~paragraph (2) of subsection (b)~~  
28 ~~subparagraph (b)(2)(A)~~ of this Code section, upon being satisfied of the applicant's  
29 character, competency, and eligibility for licensure, the board may license such applicant  
30 if he or she:

31       (A) Is at least 18 years of age;

32       (B) Is a citizen of the United States or a registered resident alien;

33       (C) Is of good moral character;

34       (D) Has not been convicted of a felony or any crime involving the illegal use, carrying,  
35 or possession of a dangerous weapon or any crime involving moral turpitude; provided,  
36 however, that, if the applicant has been convicted of such crime, or has entered a plea  
37 of nolo contendere to such crime, or has entered a plea pursuant to Article 3 of  
38 Chapter 8 of Title 42 or otherwise been granted first offender treatment, the board may  
39 inquire into the nature of the crime, the date of conviction or plea, and other underlying  
40 facts and circumstances surrounding such criminal proceedings and, in its discretion,  
41 may allow the applicant to be licensed;

42 (E) Has not committed an act constituting dishonesty or fraud; and

43 (F) Meets such other qualifications as the board may prescribe by rule.

44 (2) The board shall accept certification by the Georgia Peace Officer Standards and  
45 Training Council as having successfully completed the course training required by  
46 Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' as  
47 evidence that subparagraph (B) of paragraph (1) of this subsection has been satisfied.

48 (3) The board shall be authorized to require continuing education as a condition of  
49 renewal for all persons required to be licensed or registered with the board under this  
50 chapter. The board shall be authorized to promulgate rules and regulations addressing  
51 the requirement for continuing education and circumstances for which a waiver of this  
52 requirement may be granted.

53 (d) The license application shall be made under oath and on a form to be furnished by the  
54 division director. The application shall state the applicant's full name, age, and date and  
55 place of birth; residences and employment within the past five years; experience in the  
56 position applied for or held; the date and place of conviction or arrest for any crime,  
57 including the entry of a plea of nolo contendere or the entry of a plea entered pursuant to  
58 Article 3 of Chapter 8 of Title 42 or other first offender treatment; and such other  
59 information as the board may require. The license application shall be accompanied by two  
60 sets of fingerprints of the applicant, except for those applicants who are currently certified  
61 by the Georgia Peace Officer Standards and Training Council as having successfully  
62 completed the course training required by Chapter 8 of Title 35, the 'Georgia Peace Officer  
63 Standards and Training Act,' and one photograph of the applicant, two inches wide by three  
64 inches high, full face, and taken within six months prior to the application. The board shall  
65 have discretion to deny a license to any individual when the information and supporting  
66 documentation required by this subsection are not provided.

67 (e) Any applicant currently certified by the Georgia Peace Officer Standards and Training  
68 Council as having successfully completed the course training required by Chapter 8 of

69 Title 35, the 'Georgia Peace Officer Standards and Training Act,' shall be authorized to  
70 serve as a guard, watchman, or patrolman during any period of time awaiting a decision of  
71 the board to grant or deny a license pursuant to this Code section. Upon granting a license  
72 pursuant to this Code section, the board shall so notify the licensee. An employer shall  
73 notify the board within 30 days of the hiring or termination of employment of any  
74 employee licensed under this Code section."

75 **SECTION 2.**

76 All laws and parts of laws in conflict with this Act are repealed.