

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1225

By: Matthews

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5
6 AS INTRODUCED

7 An Act relating to security guards; amending 59 O.S.
8 2011, Sections 1750.5, as last amended by Section 11,
9 Chapter 373, O.S.L. 2014, 1750.6, as last amended by
10 Section 1, Chapter 398, O.S.L. 2014 (59 O.S. Supp.
11 2015, Sections 1750.5 and 1750.6), which relate to
12 qualification for licensure and liability coverage;
13 requiring additional qualifications for renewals;
14 increasing liability coverage amounts; and providing
15 an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1750.5, as
18 last amended by Section 11, Chapter 373, O.S.L. 2014 (59 O.S. Supp.
19 2015, Section 1750.5), is amended to read as follows:

20 Section 1750.5. A. Licenses authorized to be issued by the
21 Council on Law Enforcement Education and Training (CLEET) shall be
22 as follows:

- 23 1. Security Agency License;
- 24 2. Investigative Agency License;
3. Private Investigator License (unarmed);
4. Security Guard License (unarmed);

- 1 5. Armed Security Guard License;
- 2 6. Special Event License (unarmed);
- 3 7. Armed Private Investigator License;
- 4 8. Bail Enforcer License; and
- 5 9. Armed Bail Enforcer License.

6 B. Any qualified applicant meeting the requirements for more
7 than one of the positions of private investigator, security guard, ~~7~~
8 armed security guard, bail enforcer, or armed bail enforcer may be
9 issued a separate license for each position for which qualified, or
10 in the discretion of the Council, a combination license provided the
11 required license fees are paid.

12 C. 1. A private investigator may carry a firearm, if the
13 private investigator also performs the functions of an armed
14 security guard, under the authority of the armed security guard
15 license.

16 2. If the private investigator performs no functions of an
17 armed security guard, the Council may issue an armed private
18 investigator license. If a person has been issued an armed private
19 investigator license, the Council may issue an armed bail enforcer
20 license if the applicant is otherwise eligible and qualified. The
21 applicant for an armed private investigator license must complete
22 Phase I, III and IV training and pass the psychological examination
23 and state test; provided however, active certified peace officers
24 and retired certified peace officers shall be exempt from the

1 psychological examination as provided in Section 1750.3A of this
2 title, and active certified peace officers of any state, county or
3 municipal law enforcement agency in this state shall be exempt from
4 the Phase I, III and IV training and state test for an armed private
5 investigator. The Council will charge the same fee for the armed
6 private investigators license as the cost of the armed security
7 guard license; provided however, an active certified peace officer
8 who is an applicant for an armed private investigator or armed
9 security guard license shall be charged only twenty percent (20%) of
10 the required fee.

11 3. Any person issued an armed private investigator license may
12 carry a concealed or unconcealed firearm when on and off duty,
13 provided the person is in possession of a valid driver license and a
14 valid armed private investigator license.

15 4. Any person issued an armed bail enforcer license may carry a
16 concealed approved pistol, or may open-carry an approved pistol with
17 a visible bail enforcer badge affixed to the holster or belt
18 immediately next to the firearm while wearing clearly marked apparel
19 designating the person as a "Bail Enforcer" or "Bail Enforcement"
20 when actively engaged in the recovery of a defendant, subject to all
21 rules for use and conduct of firearms promulgated by the Council.
22 An armed bail enforcer shall be permitted to carry a concealed
23 pistol when not actively engaged in the recovery of a defendant
24 provided the bail enforcer badge authorized or issued by CLEET and a

1 state-issued driver license or identification card are in the
2 possession of the person while carrying the firearm.

3 D. Any identification card or badge issued to a person meeting
4 the license requirements for an armed security guard, an armed
5 private investigator or armed bail enforcer shall be distinct and
6 shall explicitly state that the person is authorized to carry a
7 firearm pursuant to the provisions of the Oklahoma Security Guard
8 and Private Investigator Act or the Bail Enforcement and Licensing
9 Act. Upon receipt of the license and identification card, the armed
10 security guard, armed private investigator or armed bail enforcer is
11 authorized to carry a firearm subject to the respective provisions
12 of the Oklahoma Security Guard and Private Investigator Act or the
13 Bail Enforcement and Licensing Act and the rules promulgated by the
14 Council.

15 E. The Council may issue a conditional license to a person
16 employed by a security or investigative agency as a trainee for a
17 security guard, armed security guard, or private investigator
18 position, when the person has submitted a properly completed
19 application, made under oath, subject to the following conditions:

20 1. A conditional license shall authorize employees to perform
21 the same functions that regular licensees perform, but subject to
22 supervision by the employing agency as the Council may prescribe;

23 2. The holder of a conditional license shall complete the
24 necessary training requirements within one hundred eighty (180) days

1 from the effective date of the conditional license, after which the
2 conditional license shall expire;

3 3. The holder of a conditional license as an armed security
4 guard shall not carry a firearm in the performance of duties until
5 after completing a course of firearms training as prescribed by the
6 Council, and having been issued a regular license by the Council;

7 4. A conditional license may be renewed at the discretion of
8 the Council, if necessary to allow an applicant to complete any
9 training required for a regular license;

10 5. When the Council finds that a conditional license holder has
11 completed the required training and is otherwise qualified for a
12 license pursuant to the provisions of the Oklahoma Security Guard
13 and Private Investigator Act, the Council shall issue a regular
14 license; and

15 6. The Council shall be prohibited from issuing a conditional
16 license to a bail enforcer under the Bail Enforcement and Licensing
17 Act.

18 F. A Security Agency License may be issued to an individual,
19 corporation, or other legal entity meeting the following
20 qualifications:

21 1. If the license is to be issued in the name of a legal entity
22 other than a natural person, the applicant must furnish proof that
23 the entity is legally recognized, such as the issuance of a
24 corporate charter; and

1 2. The executive officer, manager, or other person in charge of
2 supervising security guards in the performance of their duties shall
3 be a licensed security guard.

4 G. An Investigative Agency License may be issued to an
5 individual, corporation, or other legal entity meeting the following
6 qualifications:

7 1. If the license is to be issued in the name of a legal entity
8 other than a natural person, the applicant must furnish proof that
9 the entity is legally recognized, such as the issuance of a
10 corporate charter;

11 2. Any person, otherwise qualified, may own a private
12 investigation agency; and

13 3. A self-employed private investigator who employs no other
14 investigators shall also be licensed as an investigative agency, but
15 shall only be required to be insured or bonded as a self-employed
16 private investigator.

17 H. A Security Guard License, Armed Security Guard License,
18 Private Investigator License, Armed Private Investigator License, or
19 combination thereof may be issued to an applicant meeting the
20 following qualifications. The applicant shall:

21 1. Be a citizen of the United States or an alien legally
22 residing in the United States;

1 2. Be at least eighteen (18) years of age, except that an
2 applicant for an Armed Security Guard License shall be at least
3 twenty-one (21) years of age;

4 3. Have successfully completed training requirements for the
5 license applied for, as prescribed by the Council;

6 4. Be of good moral character;

7 5. Not have a record of a felony conviction;

8 6. Not have a record of conviction for larceny, theft, false
9 pretense, fraud, embezzlement, false personation of an officer, any
10 offense involving moral turpitude, any offense involving a minor as
11 a victim, any nonconsensual sex offense, any offense involving the
12 possession, use, distribution, or sale of a controlled dangerous
13 substance, any offense involving a firearm, or any other offense as
14 prescribed by the Council, as provided herein.

15 a. If any conviction which disqualifies an applicant
16 occurred more than five (5) years prior to the
17 application date and the Council is convinced the
18 offense constituted an isolated incident and the
19 applicant has been rehabilitated, the Council may, in
20 its discretion, waive the conviction disqualification
21 as provided for in this paragraph and issue an unarmed
22 security guard license or a private investigator
23 license, but shall not issue an armed guard license to
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1 the applicant if the felony involved the use of a
2 firearm or was violent in nature.

3 b. If an Oklahoma State Bureau of Investigation records
4 check and a local records check reveal that there are
5 no felony convictions, criminal convictions involving
6 moral turpitude, or any other disqualifying
7 convictions as specified in the Oklahoma Security
8 Guard and Private Investigator Act or prescribed by
9 the Council, then the Council may conditionally issue
10 an armed security guard license pending completion of
11 the criminal history and background check.

12 c. Under oath, the applicant shall certify that he or she
13 has no disqualifying convictions as specified in the
14 Oklahoma Security Guard and Private Investigator Act
15 or by the Council.

16 d. The applicant shall further meet all other
17 qualifications.

18 e. If upon completion of the required background
19 investigation it is discovered that a disqualifying
20 conviction exists, the Council shall immediately
21 revoke the armed guard license of the applicant;

22 7. Make a statement that the applicant is not currently
23 undergoing treatment for a mental illness, condition, or disorder,
24 make a statement whether the applicant has ever been adjudicated

1 incompetent or committed to a mental institution, and make a
2 statement regarding any history of illegal drug use or alcohol
3 abuse. Upon presentation by the Council on Law Enforcement
4 Education and Training of the name, gender, date of birth, and
5 address of the applicant to the Department of Mental Health and
6 Substance Abuse Services, the Department of Mental Health and
7 Substance Abuse Services shall notify the Council within ten (10)
8 days whether the computerized records of the Department indicate the
9 applicant has ever been involuntarily committed to an Oklahoma state
10 mental institution. For purposes of this subsection, "currently
11 undergoing treatment for a mental illness, condition, or disorder"
12 means the person has been diagnosed by a licensed physician or
13 psychologist as being afflicted with a substantial disorder of
14 thought, mood, perception, psychological orientation, or memory that
15 significantly impairs judgment, behavior, capacity to recognize
16 reality, or ability to meet the ordinary demands of life and such
17 condition continues to exist; and

18 8. Make a statement regarding misdemeanor domestic violence
19 charges.

20 I. A special event license may be issued to an employee of a
21 security agency who is hired on a temporary basis as an unarmed
22 security guard for a particular event. An application for a special
23 event license shall be made by the agency employing the applicant.
24 The agency shall certify to the Council that the applicant meets the

1 qualifications for security guards, pursuant to subsection H of this
2 section.

3 J. 1. All persons and agencies shall obtain and maintain
4 liability coverage in accordance with the following minimum
5 standards:

6 a. general liability insurance coverage for bodily
7 injury, personal injury, and property damage, with
8 endorsements for personal injury including false
9 arrest, libel, slander, and invasion of privacy, or

10 b. a surety bond that allows persons to recover for
11 actionable injuries, loss, or damage as a result of
12 the willful or wrongful acts or omissions of the
13 principal and protects this state, its agents,
14 officers and employees from judgments against the
15 principal or insured licensee, and is further
16 conditioned upon the faithful and honest conduct of
17 the principal's business.

18 2. Liability coverages and bonds outlined in this section shall
19 be in the minimum amounts of ~~One Hundred Thousand Dollars~~
20 ~~(\$100,000.00)~~ One Million Dollars (\$1,000,000.00) for agencies, ~~Ten~~
21 ~~Thousand Dollars (\$10,000.00)~~ One Million Dollars (\$1,000,000.00)
22 for armed security guards and armed private investigators, or
23 combination armed license; and ~~Five Thousand Dollars (\$5,000.00)~~ One
24 Hundred Thousand Dollars (\$100,000.00) for unarmed security guards

1 and self-employed unarmed private investigators who employ no other
2 investigators.

3 3. Security agencies and investigative agencies shall ensure
4 that all employees of these agencies have met the minimum liability
5 coverages as prescribed in this section.

6 4. Insurance policies and bonds issued pursuant to this section
7 shall not be modified or canceled unless ten (10) days' prior
8 written notice is given to the Council. All persons and agencies
9 insured or bonded pursuant to this section shall be insured or
10 bonded by an insurance carrier or a surety company licensed in the
11 state in which the insurance or bond was purchased, or in this
12 state.

13 5. In lieu of the requirements of this subsection, the Council
14 may accept a written statement from a corporation which is
15 registered with the Oklahoma Secretary of State attesting that the
16 corporation self-insures the general operation of business for the
17 types of liability set out in paragraphs 1 and 2 of this subsection.

18 K. Upon written notice, any license may be placed on inactive
19 status.

20 L. Similar or duplicate agency names will not be issued. Each
21 agency name must be distinguishably different.

22 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1750.6, as
23 last amended by Section 1, Chapter 398, O.S.L. 2014 (59 O.S. Supp.
24 2015, Section 1750.6), is amended to read as follows:

1 Section 1750.6. A. 1. Application for a license shall be made
2 on forms provided by the Council on Law Enforcement Education and
3 Training and shall be submitted in writing by the applicant under
4 oath. The application shall require the applicant to furnish
5 information reasonably required by the Council to implement the
6 provisions of the Oklahoma Security Guard and Private Investigator
7 Act, including classifiable fingerprints to enable the search of
8 criminal indices for evidence of a prior criminal record, including,
9 but not limited to, a national criminal history record check as
10 defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

11 2. Upon request of the Council, the Oklahoma State Bureau of
12 Investigation and other state and local law enforcement agencies
13 shall furnish a copy of any existent criminal history data relating
14 to an applicant, including investigation reports which are otherwise
15 required by law to be deemed confidential, to enable the Council to
16 determine the qualifications and fitness of such applicant for a
17 license.

18 B. 1. a. An original application and any license renewal shall
19 be accompanied by a fee of Fifty Dollars (\$50.00) for
20 each original application and renewal of a private
21 investigator or an unarmed security guard, One Hundred
22 Dollars (\$100.00) for each original application and
23 renewal of an armed security guard or an armed private
24 investigator; provided however, an active certified

1 peace officer upon application or renewal of an armed
2 security guard or armed private investigator shall be
3 charged only twenty percent (20%) of the required fee,
4 Seven Dollars (\$7.00) for each special event license,
5 and Three Hundred Dollars (\$300.00) for either the
6 original application or each renewal for a security
7 agency or investigative agency. If an individual or
8 agency does not qualify for the type of license or
9 renewal license requested, CLEET shall retain twenty
10 percent (20%) of the licensing fee as a processing fee
11 and refund the remaining amount, if any, to the
12 remitter. The individual license fee paid by a
13 licensed agency will be refunded to the agency.

14 b. In addition to the fees provided in this subsection,
15 the original application of an unarmed private
16 investigator, unarmed security guard, armed security
17 guard or armed private investigator shall be
18 accompanied by a nonrefundable fee for a national
19 criminal history record with fingerprint analysis, as
20 provided in Section 150.9 of Title 74 of the Oklahoma
21 Statutes.

22 c. A refund request for any reason other than
23 disqualification or denial shall be made in writing
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1 and submitted within six (6) months of the date
2 payment was received.

3 2. A licensee whose license has been suspended may apply for
4 reinstatement of license after the term of the suspension has
5 passed. Any application for reinstatement following a suspension of
6 licensure shall be accompanied by a nonrefundable fee of Twenty-five
7 Dollars (\$25.00) for the reinstatement of a private investigator or
8 unarmed security guard, Fifty Dollars (\$50.00) for the reinstatement
9 of an armed security guard or armed private investigator, and Two
10 Hundred Dollars (\$200.00) for reinstatement of a security or
11 investigative agency.

12 3. A licensee who fails to file a renewal application on or
13 before the expiration of a license shall pay a late fee of Twenty-
14 five Dollars (\$25.00) for an individual license and a late fee of
15 One Hundred Dollars (\$100.00) for an agency license.

16 4. The fees charged and collected pursuant to the provisions of
17 this subsection shall be deposited to the credit of the CLEET
18 Private Security Revolving Fund. The prevailing fingerprint
19 processing fee for the original application for a private
20 investigator, an unarmed security guard, an armed security guard or
21 an armed private investigator shall be deposited in the OSBI
22 Revolving Fund.

23 C. A Security Guard License, Armed Security Guard License,
24 Private Investigator License, or Armed Private Investigator License

1 shall be valid for a period of three (3) years and may be renewed
2 for additional three-year terms. A Security Agency License or
3 Investigative Agency License shall be valid for a period of five (5)
4 years and may be renewed for additional five-year terms. A special
5 event license shall be valid only for the duration of the event for
6 which it is expressly issued. Any individual may be issued up to
7 two special event licenses during any calendar year.

8 D. Armed Security Guards must annually fulfill the following
9 duties for their license to stay active during the three-year
10 licenses period:

11 1. Complete eight (8) hours of continuing education;

12 2. Submit to and successfully pass a drug test administered by
13 a CLEET acceptable facility, vendor or provider;

14 3. Provide a list to CLEET of all prescription medications he
15 or she is currently taking or has been prescribed to treat a
16 persistent medical condition or illness or has been prescribed for a
17 recurrent medical condition or illness on an as-needed or refillable
18 basis;

19 4. Report any arrest or a protective order entered against him
20 or her within three (3) business days of the arrest or a protective
21 order being granted.

22 E. The Council shall devise a system for issuance of licenses
23 for the purpose of evenly distributing the expiration dates of the
24 licenses.

1 ~~E.~~ F. Pursuant to its rules, the Council may issue a duplicate
2 license to a person licensed pursuant to the provisions of the
3 Oklahoma Security Guard and Private Investigator Act. The Council
4 may assess a fee of Eight Dollars (\$8.00) for the issuance of a
5 duplicate license. The fee must accompany the request for a
6 duplicate license.

7 SECTION 3. This act shall become effective November 1, 2016.

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