

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 65

By: Paddack

4
5 AS INTRODUCED

6 An Act relating to professions and occupations;
7 amending 59 O.S. 2011, Section 1750.3, as amended by
8 Section 1, Chapter 136, O.S.L. 2014, and 1750.3A, (59
9 O.S. Supp. 2014, Section 1750.3), which relate to the
10 Oklahoma Security Guard and Private Investigator Act;
11 establishing training for certain persons; modifying
12 requirements for licenses; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1750.3, as
16 amended by Section 1, Chapter 136, O.S.L. 2014 (59 O.S. Supp. 2014,
17 Section 1750.3), is amended to read as follows:

18 Section 1750.3. A. The director of the Council on Law
19 Enforcement Education and Training, and any staff member designated
20 by the director, shall have all the powers and authority of peace
21 officers of this state for the purposes of enforcing the provisions
22 of the Oklahoma Security Guard and Private Investigator Act, and all
23 other duties which are or may be conferred upon the Council by the
24 Oklahoma Security Guard and Private Investigator Act. The powers
and duties conferred on the director or any staff member appointed
by the director as a peace officer shall not limit the powers and

1 duties of other peace officers of this state or any political
2 subdivision thereof. The director, or any staff member appointed by
3 the director as a peace officer shall, upon request, assist any
4 federal, state, county, or municipal law enforcement agency.

5 B. The Council on Law Enforcement Education and Training shall
6 have the following powers and duties:

7 1. To promulgate rules to carry out the purposes of the
8 Oklahoma Security Guard and Private Investigator Act;

9 2. To establish and enforce standards governing the training of
10 persons required to be licensed pursuant to the Oklahoma Security
11 Guard and Private Investigator Act with respect to:

12 a. issuing, denying, or revoking certificates of approval
13 to security training schools, and programs
14 administered by the state, a county, a municipality, a
15 private corporation, or an individual,

16 b. certifying instructors at approved security training
17 schools,

18 c. establishing minimum requirements for security
19 training schools and periodically reviewing these
20 standards, and

21 d. providing for periodic inspection of all security
22 training schools or programs;

23 3. To establish minimum curriculum requirements for training as
24 the Council may require for security guards, armed security guards,

1 and private investigators. Training requirements for unarmed
2 security guards shall not exceed forty (40) hours of instruction;

3 4. To establish minimum requirements for a mandatory continuing
4 education program for all licensed private investigators and
5 security guards which shall include, but not be limited to:

6 a. establishing a designated minimum number of clock
7 hours of required attendance, not to exceed twenty-
8 four (24) clock hours during the licensing period, at
9 accredited educational functions,

10 b. establishing the penalties to be imposed upon a
11 licensee for failure to comply with the continuing
12 education requirements,

13 c. designating the Private Security Advisory Committee to
14 assist the Council in establishing the criteria for
15 determining the qualifications of proposed continuing
16 education programs that would be submitted to the
17 Council for accreditation to meet this requirement,
18 ~~and~~

19 d. providing that the expense of such continuing
20 education shall be paid by the licensee participating
21 therein, and

22 e. establishing a refresher course for a security guard,
23 armed security guard or private investigator who has
24 been inactive for five (5) or more years.

1 5. To grant a waiver of any training requirement, except
2 firearms training which shall be required for an armed security
3 guard license, if the applicant has completed not less than one (1)
4 year of full-time employment as a security guard, armed security
5 guard, private investigator, or law enforcement officer within a
6 three-year period immediately preceding the date of application and
7 the applicant provides sufficient documentation thereof as may be
8 required by the Council;

9 6. To grant an applicant credit for fulfilling any prescribed
10 course or courses of training, including firearms training, upon
11 submission of acceptable documentation of comparable training. The
12 Council may grant or refuse any such credit at its discretion;

13 7. To issue the licenses and identification cards provided for
14 in the Oklahoma Security Guard and Private Investigator Act;

15 8. To investigate alleged violations of the Oklahoma Security
16 Guard and Private Investigator Act or rules relating thereto and to
17 deny, suspend, or revoke licenses and identification cards if
18 necessary, or to issue notices of reprimand to licensees with or
19 without probation under rules to be prescribed by the Council;

20 9. To investigate alleged violations of the Oklahoma Security
21 Guard and Private Investigator Act by persons not licensed pursuant
22 to such act and to impose administrative sanctions pursuant to rules
23 or to seek an injunction pursuant to Section 1750.2A of this title;

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1 10. To provide all forms for applications, identification
2 cards, and licenses required by the Oklahoma Security Guard and
3 Private Investigator Act;

4 11. To enter into reciprocal agreements with officials of other
5 states;

6 12. To immediately suspend a license if a licensee's actions
7 present a danger to the licensee or to the public, a family
8 household member, or involve a crime against a minor; and

9 13. To require additional testing for continuation or
10 reinstatement of a license if a licensee exhibits an inability to
11 exercise reasonable judgment, skill, or safety.

12 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1750.3A, is
13 amended to read as follows:

14 Section 1750.3A. A. Each applicant for an armed security guard
15 license shall be administered any current standard form of the
16 Minnesota Multiphasic Personality Inventory (MMPI), or other
17 psychological evaluation instrument approved by the Council on Law
18 Enforcement Education and Training, which shall be administered
19 during the firearms training phase required by Section 1750.3 of
20 this title. The security training school administering such
21 instrument shall forward the response data to a psychologist
22 licensed by the State Board of Examiners of Psychologists for
23 evaluation. The licensed psychologist shall be of the applicant's
24 choice. Applicants with comparable training shall complete the

1 psychological test and evaluation requirements prior to licensing.
2 It shall be the responsibility of the applicant to bear the cost of
3 the psychological evaluation.

4 B. If the licensed psychologist is unable to certify the
5 applicant's psychological capability to exercise appropriate
6 judgment, restraint, and self-control, after evaluating the data,
7 the psychologist shall employ whatever other psychological measuring
8 instruments or techniques deemed necessary to form a professional
9 opinion. The use of any psychological measuring instruments or
10 techniques shall require a full and complete written explanation to
11 the Council on Law Enforcement Education and Training.

12 C. 1. The psychologist shall forward a written psychological
13 evaluation, on a form prescribed by the Council, to the Council
14 within fifteen (15) days of the evaluation, even if the applicant is
15 found to be psychologically at risk. The Council may utilize the
16 results of the psychological evaluation for up to six (6) months
17 from the date of the evaluation after which the applicant shall be
18 reexamined. No person who has been found psychologically at risk in
19 the exercise of appropriate judgment, restraint, or self-control
20 shall reapply for certification until one (1) year from the date of
21 being found psychologically at risk.

22 2. Any armed security guard or armed private investigator who
23 has a break in license period that exceeds five (5) years must
24 complete a new psychological evaluation in accordance with the

1 provisions of this section, notwithstanding subsection D of this
2 section.

3 D. 1. Active peace officers who have been certified by the
4 Council on Law Enforcement Education and Training shall be exempt
5 from the provisions of this section.

6 2. Retired peace officers who have been certified by the
7 Council on Law Enforcement Education and Training shall be exempt
8 from the provisions of this section for a period of one year from
9 retirement.

10 3. Retired peace officers who are not exempt from this section
11 and who have previously undergone treatment for a mental illness,
12 condition, or disorder which required medication or supervision, as
13 defined by paragraph 7 of Section 1290.10 of Title 21 of the
14 Oklahoma Statutes may apply for an armed security guard license only
15 after three (3) years from the last date of treatment or upon
16 presentation of a certified statement from a licensed physician
17 stating that the person is either no longer disabled by any mental
18 or psychiatric illness, condition, or disorder or that the person
19 has been stabilized on medication for ten (10) years or more.

20 SECTION 3. This act shall become effective November 1, 2015.

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