

PRIVATE SECURITY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Security Personnel Licensing Act.

Highlighted Provisions:

This bill:

► modifies training requirements for licensed armed private security officers and licensed unarmed private security officers.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-63-302, as last amended by Laws of Utah 2017, Chapter 197

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-63-302** is amended to read:

58-63-302. Qualifications for licensure.

(1) Each applicant for licensure as an armored car company or a contract security company shall:

(a) submit an application in a form prescribed by the division;



- 28 (b) pay a fee determined by the department under Section 63J-1-504;
- 29 (c) have a qualifying agent who:
 - 30 (i) shall meet with the division and the board and demonstrate that the applicant and
 - 31 the qualifying agent meet the requirements of this section;
 - 32 (ii) is a resident of the state and is a corporate officer or owner of the applicant;
 - 33 (iii) exercises material day-to-day authority in the conduct of the applicant's business
 - 34 by making substantive technical and administrative decisions and whose primary employment
 - 35 is with the applicant;
 - 36 (iv) is not concurrently acting as a qualifying agent or employee of another armored car
 - 37 company or contract security company and is not engaged in any other employment on a
 - 38 regular basis;
 - 39 (v) is not involved in any activity that would conflict with the qualifying agent's duties
 - 40 and responsibilities under this chapter to ensure that the qualifying agent's and the applicant's
 - 41 performance under this chapter does not jeopardize the health or safety of the general public;
 - 42 (vi) is not an employee of a government agency;
 - 43 (vii) passes an examination component established by rule by the division in
 - 44 collaboration with the board; and
 - 45 (viii) (A) demonstrates 6,000 hours of compensated experience as a manager,
 - 46 supervisor, or administrator of an armored car company or a contract security company; or
 - 47 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division in
 - 48 collaboration with the board with a federal, United States military, state, county, or municipal
 - 49 law enforcement agency;
- 50 (d) if a corporation, provide:
 - 51 (i) the names, addresses, dates of birth, and social security numbers of all corporate
 - 52 officers, directors, and those responsible management personnel employed within the state or
 - 53 having direct responsibility for managing operations of the applicant within the state; and
 - 54 (ii) the names, addresses, dates of birth, and social security numbers, of all
 - 55 shareholders owning 5% or more of the outstanding shares of the corporation, unless waived by
 - 56 the division if the stock is publicly listed and traded;
- 57 (e) if a limited liability company, provide:
 - 58 (i) the names, addresses, dates of birth, and social security numbers of all company

59 officers, and those responsible management personnel employed within the state or having
60 direct responsibility for managing operations of the applicant within the state; and

61 (ii) the names, addresses, dates of birth, and social security numbers of all individuals
62 owning 5% or more of the equity of the company;

63 (f) if a partnership, provide the names, addresses, dates of birth, and social security
64 numbers of all general partners, and those responsible management personnel employed within
65 the state or having direct responsibility for managing operations of the applicant within the
66 state;

67 (g) if a proprietorship, provide the names, addresses, dates of birth, and social security
68 numbers of the proprietor, and those responsible management personnel employed within the
69 state or having direct responsibility for managing operations of the applicant within the state;

70 (h) have good moral character in that officers, directors, shareholders described in
71 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel have not
72 been convicted of:

73 (i) a felony;

74 (ii) a misdemeanor involving moral turpitude; or

75 (iii) a crime that when considered with the duties and responsibilities of a contract
76 security company or an armored car company by the division and the board indicates that the
77 best interests of the public are not served by granting the applicant a license;

78 (i) document that none of the applicant's officers, directors, shareholders described in
79 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel:

80 (i) have been declared by a court of competent jurisdiction incompetent by reason of
81 mental defect or disease and not been restored; and

82 (ii) currently suffer from habitual drunkenness or from drug addiction or dependence;

83 (j) file and maintain with the division evidence of:

84 (i) comprehensive general liability insurance in a form and in amounts established by
85 rule by the division in collaboration with the board;

86 (ii) workers' compensation insurance that covers employees of the applicant in
87 accordance with applicable Utah law;

88 (iii) registration with the Division of Corporations and Commercial Code; and

89 (iv) registration as required by applicable law with the:

- 90 (A) Unemployment Insurance Division in the Department of Workforce Services, for
91 purposes of Title 35A, Chapter 4, Employment Security Act;
- 92 (B) State Tax Commission; and
93 (C) Internal Revenue Service; and
94 (k) meet with the division and board if requested by the division or board.
- 95 (2) Each applicant for licensure as an armed private security officer shall:
96 (a) submit an application in a form prescribed by the division;
97 (b) pay a fee determined by the department under Section [63J-1-504](#);
98 (c) have good moral character in that the applicant has not been convicted of:
99 (i) a felony;
100 (ii) a misdemeanor involving moral turpitude; or
101 (iii) a crime that when considered with the duties and responsibilities of an armed
102 private security officer by the division and the board indicates that the best interests of the
103 public are not served by granting the applicant a license;
- 104 (d) not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec.
105 922(g);
106 (e) not have been declared incompetent by a court of competent jurisdiction by reason
107 of mental defect or disease and not been restored;
- 108 (f) not be currently suffering from habitual drunkenness or from drug addiction or
109 dependence;
- 110 (g) successfully complete basic education and training requirements established by rule
111 by the division in collaboration with the board, which shall include ~~[24]~~ a minimum of eight
112 hours of classroom or online curriculum;
- 113 (h) successfully complete firearms training requirements established by rule by the
114 division in collaboration with the board, which shall include a minimum of 12 hours of
115 training;
- 116 (i) pass the examination requirement established by rule by the division in
117 collaboration with the board; and
118 (j) meet with the division and board if requested by the division or the board.
- 119 (3) Each applicant for licensure as an unarmed private security officer shall:
120 (a) submit an application in a form prescribed by the division;

- 121 (b) pay a fee determined by the department under Section 63J-1-504;
- 122 (c) have good moral character in that the applicant has not been convicted of:
 - 123 (i) a felony;
 - 124 (ii) a misdemeanor involving moral turpitude; or
 - 125 (iii) a crime that when considered with the duties and responsibilities of an unarmed
 - 126 private security officer by the division and the board indicates that the best interests of the
 - 127 public are not served by granting the applicant a license;
- 128 (d) not have been declared incompetent by a court of competent jurisdiction by reason
- 129 of mental defect or disease and not been restored;
- 130 (e) not be currently suffering from habitual drunkenness or from drug addiction or
- 131 dependence;
- 132 (f) successfully complete basic education and training requirements established by rule
- 133 by the division in collaboration with the board, which shall include [24] a minimum of eight
- 134 hours of classroom or online curriculum;
- 135 (g) pass the examination requirement established by rule by the division in
- 136 collaboration with the board; and
- 137 (h) meet with the division and board if requested by the division or board.
- 138 (4) Each applicant for licensure as an armored car security officer shall:
 - 139 (a) submit an application in a form prescribed by the division;
 - 140 (b) pay a fee determined by the department under Section 63J-1-504;
 - 141 (c) have good moral character in that the applicant has not been convicted of:
 - 142 (i) a felony;
 - 143 (ii) a misdemeanor involving moral turpitude; or
 - 144 (iii) a crime that when considered with the duties and responsibilities of an armored car
 - 145 security officer by the division and the board indicates that the best interests of the public are
 - 146 not served by granting the applicant a license;
 - 147 (d) not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec.
 - 148 922(g);
 - 149 (e) not have been declared incompetent by a court of competent jurisdiction by reason
 - 150 of mental defect or disease and not been restored;
 - 151 (f) not be currently suffering from habitual drunkenness or from drug addiction or

152 dependence;

153 (g) successfully complete basic education and training requirements established by rule
154 by the division in collaboration with the board;

155 (h) successfully complete firearms training requirements established by rule by the
156 division in collaboration with the board;

157 (i) pass the examination requirements established by rule by the division in
158 collaboration with the board; and

159 (j) meet with the division and board if requested by the division or the board.

160 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
161 division may make a rule establishing when the division shall request a Federal Bureau of
162 Investigation records' review for an applicant.

163 (6) To determine if an applicant meets the qualifications of Subsections (1)(h), (2)(c),
164 (3)(c), and (4)(c), the division shall provide an appropriate number of copies of fingerprint
165 cards to the Department of Public Safety with the division's request to:

166 (a) conduct a search of records of the Department of Public Safety for criminal history
167 information relating to each applicant for licensure under this chapter and each applicant's
168 officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and
169 responsible management personnel; and

170 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
171 requiring a check of records of the FBI for criminal history information under this section.

172 (7) The Department of Public Safety shall send the division:

173 (a) a written record of criminal history, or certification of no criminal history record, as
174 contained in the records of the Department of Public Safety in a timely manner after receipt of
175 a fingerprint card from the division and a request for review of Department of Public Safety
176 records; and

177 (b) the results of the FBI review concerning an applicant in a timely manner after
178 receipt of information from the FBI.

179 (8) (a) The division shall charge each applicant a fee, in accordance with Section
180 [63J-1-504](#), equal to the cost of performing the records reviews under this section.

181 (b) The division shall pay the Department of Public Safety the costs of all records
182 reviews, and the Department of Public Safety shall pay the FBI the costs of records reviews

183 under this chapter.

184 (9) The division shall use or disseminate the information it obtains from the reviews of
185 criminal history records of the Department of Public Safety and the FBI only to determine if an
186 applicant for licensure under this chapter is qualified for licensure.

Legislative Review Note
Office of Legislative Research and General Counsel