

ASSEMBLY BILL

No. 248

Introduced by Assembly Member Correa

February 14, 2001

An act to amend Section 7582.2 of the Business and Professions Code, relating to private security services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 248, as introduced, Correa. Private security services: exemption from regulations.

Existing law provides that statutory provisions governing the licensing and regulation of private security services do not apply to individuals who are exclusively and regularly employed by an employer who does not provide contract security services for other entities or persons if the employee does not carry a deadly weapon.

This bill would subject individuals that do not carry deadly weapons but that are exclusively and regularly employed by an employer that does not provide contract security services for other entities or persons to the provisions governing the licensing and regulation of private security services. This would lead to an increase in the application fees that would be deposited in the Private Security Services Fund, a continuously appropriated special fund, for the purpose of licensing and regulation of private security services. By increasing the amount of money in the fund as a result of additional application fees, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7582.2 of the Business and Professions
2 Code is amended to read:

3 7582.2. This chapter does not apply to:

4 ~~(a) A person employed exclusively and regularly by any~~
5 ~~employer who does not provide contract security services for other~~
6 ~~entities or persons, in connection with the affairs of the employer~~
7 ~~only and where there exists an employer-employee relationship if~~
8 ~~that person at no time carries or uses any deadly weapon in the~~
9 ~~performance of his or her duties. For purposes of this subdivision,~~
10 ~~“deadly weapon” is defined to include any instrument or weapon~~
11 ~~of the kind commonly known as a blackjack, slungshot, billy,~~
12 ~~sandclub, sandbag, metal knuckles, any dirk, dagger, pistol,~~
13 ~~revolver, or any other firearm, any knife having a blade longer than~~
14 ~~five inches, any razor with an unguarded blade and any metal pipe~~
15 ~~or bar used or intended to be used as a club.~~

16 ~~(b)~~

17 (a) An officer or employee of the United States of America, or
18 of this state or a political subdivision thereof, while the officer or
19 employee is engaged in the performance of his or her official
20 duties, including uniformed peace officers employed part time by
21 a public agency pursuant to a written agreement between a chief
22 of police or sheriff and the public agency, provided the part-time
23 employment does not exceed 50 hours in any calendar month.

24 ~~(c)~~

25 (b) A person engaged exclusively in the business of obtaining
26 and furnishing information as to the financial rating of persons.

27 ~~(d)~~

28 (c) A charitable philanthropic society or association duly
29 incorporated under the laws of this state ~~which~~ that is organized
30 and maintained for the public good and not for private profit.

31 ~~(e)~~

32 (d) Patrol special police officers appointed by the police
33 commission of any city, county, or city and county under the
34 express terms of its charter who also under the express terms of the
35 charter (1) are subject to suspension or dismissal after a hearing on
36 charges duly filed with the commission after a fair and impartial
37 trial, (2) must be not less than 18 years of age nor more than 40
38 years of age, (3) must possess physical qualifications prescribed



1 by the commission, and (4) are designated by the police
2 commission as the owners of a certain beat or territory as may be
3 fixed from time to time by the police commission.

4 ~~(f)~~

5 (e) An attorney at law in performing his or her duties as an
6 attorney at law.

7 ~~(g)~~

8 (f) A collection agency or an employee thereof while acting
9 within the scope of his or her employment, while making an
10 investigation incidental to the business of the agency, including an
11 investigation of the location of a debtor or his or her property
12 where the contract with an assignor creditor is for the collection of
13 claims owed or due or asserted to be owed or due or the equivalent
14 thereof.

15 ~~(h)~~

16 (g) Admitted insurers and agents and insurance brokers
17 licensed by the state, performing duties in connection with
18 insurance transacted by them.

19 ~~(i)~~

20 (h) Any bank subject to the jurisdiction of the Commissioner
21 of Financial Institutions of the State of California under Division
22 1 (commencing with Section 99) of the Financial Code or the
23 Comptroller of Currency of the United States.

24 ~~(j)~~

25 (i) A person engaged solely in the business of securing
26 information about persons or property from public records.

27 ~~(k)~~

28 (j) A peace officer of this state or a political subdivision thereof
29 while the peace officer is employed by a private employer to
30 engage in off-duty employment in accordance with Section 1126
31 of the Government Code. However, nothing herein shall exempt
32 such peace officer who either contracts for his or her services or
33 the services of others as a private patrol operator or contracts for
34 his or her services as or is employed as an armed private security
35 officer. For purposes of this subdivision, "armed security officer"
36 means an individual who carries or uses a firearm in the course and
37 scope of that contract or employment.

38 ~~(l)~~

39 (k) A retired peace officer of the state or political subdivision
40 thereof when the retired peace officer is employed by a private



1 employer in employment approved by the chief law enforcement
 2 officer of the jurisdiction where the employment takes place,
 3 provided that the retired officer is in a uniform of a public law
 4 enforcement agency, has registered with the bureau on a form
 5 approved by the director, and has met any training requirements
 6 or their equivalent as established for security personnel under
 7 Section 7583.5. This officer may not carry a loaded or concealed
 8 firearm unless he or she is exempted under the provisions of
 9 subdivision (a) of Section 12027 of the Penal Code or paragraph
 10 (1) of subdivision (b) of Section 12031 of the Penal Code or has
 11 met the requirements set forth in Section 12033 of the Penal Code.
 12 However, nothing herein shall exempt the retired peace officer
 13 who contracts for his or her services or the services of others as a
 14 private patrol operator.

15 ~~(m)~~

16 (l) A licensed insurance adjuster in performing his or her duties
17 within the scope of his or her license as an insurance adjuster.

18 ~~(n)~~

19 (m) Any savings association subject to the jurisdiction of the
20 Commissioner of Financial Institutions or the Office of Thrift
21 Supervision.

22 ~~(o)~~

23 (n) Any secured creditor engaged in the repossession of the
24 creditor's collateral and any lessor engaged in the repossession of
25 leased property in which it claims an interest.

26 ~~(p)~~

27 (o) A peace officer in his or her official police uniform acting
28 in accordance with subdivisions (c) and (d) of Section 70 of the
29 Penal Code.

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