

AMENDED IN ASSEMBLY JANUARY 7, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 248**

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**Introduced by Assembly Member Correa**

February 14, 2001

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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 amended, 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~~ *who* 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, *except that individuals employed by that type of employer prior to January 1, 2003, would continue to be exempted.* This *change* 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~~ *the* 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 prior to January 1, 2003, exclusively*
- 5 *and regularly by any employer who does not provide contract*
- 6 *security services for other entities or persons, in connection with*
- 7 *the affairs of the employer only and where there exists an*
- 8 *employer-employee relationship if that person at no time carries*
- 9 *or uses any deadly weapon in the performance of his or her duties.*
- 10 *For purposes of this subdivision, "deadly weapon" is defined to*
- 11 *include any instrument or weapon of the kind commonly known as*
- 12 *a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles,*
- 13 *any dirk, dagger, pistol, revolver, or any other firearm, any knife*
- 14 *having a blade longer than five inches, any razor with an*
- 15 *unguarded blade and any metal pipe or bar used or intended to be*
- 16 *used as a club.*
- 17 (b) 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 ~~(b)~~
- 25 (c) A person engaged exclusively in the business of obtaining
- 26 and furnishing information as to the financial rating of persons.
- 27 ~~(c)~~
- 28 (d) A charitable philanthropic society or association duly
- 29 incorporated under the laws of this state that is organized and
- 30 maintained for the public good and not for private profit.
- 31 ~~(d)~~
- 32 (e) Patrol special police officers appointed by the police
- 33 commission of any city, county, or city and county under the



1 express terms of its charter who also under the express terms of the  
2 charter (1) are subject to suspension or dismissal after a hearing on  
3 charges duly filed with the commission after a fair and impartial  
4 trial, (2) must be not less than 18 years of age nor more than 40  
5 years of age, (3) must possess physical qualifications prescribed  
6 by the commission, and (4) are designated by the police  
7 commission as the owners of a certain beat or territory as may be  
8 fixed from time to time by the police commission.

9 ~~(e)~~

10 (f) An attorney at law in performing his or her duties as an  
11 attorney at law.

12 ~~(f)~~

13 (g) A collection agency or an employee thereof while acting  
14 within the scope of his or her employment, while making an  
15 investigation incidental to the business of the agency, including an  
16 investigation of the location of a debtor or his or her property  
17 where the contract with an assignor creditor is for the collection of  
18 claims owed or due or asserted to be owed or due or the equivalent  
19 thereof.

20 ~~(g)~~

21 (h) Admitted insurers and agents and insurance brokers  
22 licensed by the state, performing duties in connection with  
23 insurance transacted by them.

24 ~~(h)~~

25 (i) Any bank subject to the jurisdiction of the Commissioner of  
26 Financial Institutions of the State of California under Division 1  
27 (commencing with Section 99) of the Financial Code or the  
28 Comptroller of Currency of the United States.

29 ~~(i)~~

30 (j) A person engaged solely in the business of securing  
31 information about persons or property from public records.

32 ~~(j)~~

33 (k) A peace officer of this state or a political subdivision thereof  
34 while the peace officer is employed by a private employer to  
35 engage in off-duty employment in accordance with Section 1126  
36 of the Government Code. However, nothing herein shall exempt  
37 ~~such a~~ a peace officer who either contracts for his or her services or  
38 the services of others as a private patrol operator or contracts for  
39 his or her services as or is employed as an armed private security  
40 officer. For purposes of this subdivision, "armed security officer"



1 means an individual who carries or uses a firearm in the course and  
2 scope of that contract or employment.

3 ~~(k)~~

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

20 ~~(t)~~

21 (m) A licensed insurance adjuster in performing his or her  
22 duties within the scope of his or her license as an insurance  
23 adjuster.

24 ~~(m)~~

25 (n) Any savings association subject to the jurisdiction of the  
26 Commissioner of Financial Institutions or the Office of Thrift  
27 Supervision.

28 ~~(n)~~

29 (o) Any secured creditor engaged in the repossession of the  
30 creditor’s collateral and any lessor engaged in the repossession of  
31 leased property in which it claims an interest.

32 ~~(o)~~

33 (p) A peace officer in his or her official police uniform acting  
34 in accordance with subdivisions (c) and (d) of Section 70 of the  
35 Penal Code.

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