

AMENDED IN SENATE AUGUST 28, 2002

AMENDED IN SENATE AUGUST 22, 2002

AMENDED IN SENATE AUGUST 20, 2002

AMENDED IN SENATE JUNE 27, 2002

AMENDED IN ASSEMBLY JANUARY 7, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 248

Introduced by Assembly Member Correa

February 14, 2001

An act to amend Sections 7581, 7582.2, 7583.2, 7583.6, 7583.7, 7583.8, 7583.9, 7583.11, 7583.34, 7583.36, and 7587.7 of the Business and Professions Code, relating to private security services.

LEGISLATIVE COUNSEL'S DIGEST

AB 248, as amended, Correa. Private security services.

(1) Existing law authorizes the Director of Consumer Affairs to adopt and enforce reasonable rules regarding persons employed by any lawful business as security guards or patrolpersons. Existing law requires specified uniformed employees acting as a security guard or a patrolperson and carrying a deadly weapon to register with the Bureau of Security and Investigative Services.

This bill would expand the scope of these provisions to include public agencies that employ security guards or patrolpersons. The bill would require an employee acting as a security guard or patrolperson to

register with the bureau, including employees not carrying a deadly weapon.

(2) 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 on January 1, 2004, subject individuals who do not carry deadly weapons but 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.

(3) Existing law prohibits persons licensed as a private patrol operator from, among other things, failing to maintain accurate records of firearms in their possession, failing to maintain accurate records on employees, and failing to inform the director in a written report about the discharge of a firearm within 7 days of the incident.

This bill would extend these conditions to any lawful business or public agency that employs security guards.

(4) Existing law requires a person who begins working for a licensee as a security guard or patrolperson to complete a course regarding the power to arrest.

This bill would additionally require any person who begins working for any lawful business or public agency as a security guard or patrolperson to complete a course regarding the power to arrest.

(5) Existing law requires private patrol operators to provide a copy of a guidebook regarding the power to arrest to individuals the operator currently employs or intends to hire as a security guard.

This bill would additionally require any lawful business or public agency to supply this book to its registered security guards or any person it intends to hire as a registered security guard.

(6) Existing law prohibits an employee of a licensee who acts as a security guard or patrolperson from having a registration card until the department receives proof that the employee has been certified regarding the power to arrest. Existing law does, however, authorize an employee of a licensee to receive a temporary registration card that indicates the employee has completed the course regarding the power to arrest if certain conditions are met.

This bill would additionally prohibit an employee of a lawful business or public agency acting as a security guard or patrolperson



from having a registration card until the department receives proof that the employee has been certified regarding the power to arrest. The bill would authorize an employee of a licensee, lawful business, or public agency to receive a temporary registration card that indicates the employee has completed the course regarding the power to arrest if certain conditions are met.

(7) Existing law requires an employee of a private patrol operator who acts as a security guard or patrolperson to register with the bureau on a form prescribed by the bureau.

This bill would require an employee of a lawful business or public agency who acts as a security guard or patrolperson to register with the bureau.

(8) Existing law prohibits a licensee from allowing an employee to carry a baton, tear gas, or any other nonlethal chemical agent unless the employee is proficient in the use of a baton, tear gas, or nonlethal chemical agent.

This bill would additionally prohibit any lawful business or public agency that employs registered security guards from allowing a registered security guard to carry a baton, tear gas, or any other nonlethal chemical agent unless the registered security guard is proficient in the use of a baton, tear gas, or nonlethal chemical agent.

(9) Existing law authorizes the director to issue a citation to a licensee, including a corporation, if the director determines a licensee has violated specified provisions regarding private security services. Existing law provides a citation recipient with a review and appeal process.

This bill would authorize the director to issue a citation to a lawful business or public agency if the director determines the lawful business or public agency has violated specified provisions regarding private security services. The bill would provide a review and appeal process to any lawful business or public agency that received a citation from the director.

(10) Because a violation of the provisions of the bill relating to private security services would be a crime, the bill would impose a state-mandated local program.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.



This bill would provide that no reimbursement is required by this act for a specified reason.

(12) *The bill would incorporate additional changes in Sections 7581, 7583.2, 7583.6, 7583.7, 7583.8, and 7583.9 of the Business and Professions Code proposed by AB 1840, AB 2780, AB 2880, and SB 1241, to be operative only if any or all of the other bills are enacted and become effective on or before January 1, 2003, and this bill is enacted last.*

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

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

- 1 SECTION 1. Section 7581 of the Business and Professions
- 2 Code is amended to read:
- 3 7581. The director may adopt and enforce reasonable rules, as
- 4 follows:
- 5 (a) Classifying licensees according to the type of business
- 6 regulated by this chapter in which they are engaged, including, but
- 7 not limited to, persons employed by any lawful business or public
- 8 agency as security guards or patrolpersons, and armored contract
- 9 carriers and limiting the field and scope of the operations of a
- 10 licensee to those in which he or she is classified and qualified to
- 11 engage.
- 12 (b) Fixing the qualifications of licensees and managers, in
- 13 addition to those prescribed in this chapter, necessary to promote
- 14 and protect the public welfare.
- 15 (c) Carrying out generally the provisions of this chapter,
- 16 including regulation of the conduct of licensees.
- 17 (d) Establishing the qualifications that any person employed by
- 18 a private patrol operator, any lawful business, or public agency as
- 19 a security guard or patrolperson, or employed by an armored
- 20 contract carrier, must meet as a condition of becoming eligible to
- 21 carry firearms pursuant to subdivision (d) of Section 12031 of the
- 22 Penal Code.
- 23 (e) Requiring each employee of a private patrol operator and
- 24 each armored vehicle guard, as defined in this chapter, and any
- 25 other person employed and compensated by a private patrol
- 26 operator, any lawful business, or a public agency as a security
- 27 guard or patrolperson to be registered with the bureau upon



1 application on a form prescribed by the director accompanied by
2 the registration fee and by two classifiable sets of fingerprints of
3 the applicant or its equivalent as determined by the director and
4 approved by the Department of Justice, establishing the term of the
5 registration for a period of not less than two nor more than four
6 years, and providing for the renewal thereof upon proper
7 application and payment of the renewal fee. The director may,
8 after opportunity for a hearing, refuse this registration to any
9 person who lacks good moral character, and may impose
10 reasonable additional requirements as are necessary to meet local
11 needs that are not inconsistent with the provisions of this chapter.

12 (f) Establishing procedures whereby the local authorities of
13 any city, county, or city and county may file charges with the
14 director alleging that any registered security guard or
15 patrolperson, or anyone who is an applicant for registration, with
16 the bureau fails to meet standards for registration, and providing
17 further for the investigation of the charges.

18 (g) Requiring private patrol operators and any lawful business
19 or public agency to maintain detailed records identifying all
20 firearms in their possession or under their control, and the
21 employees or persons authorized to carry or have access to those
22 firearms.

23 *SEC. 1.5. Section 7581 of the Business and Professions Code*
24 *is amended to read:*

25 7581. The director may adopt and enforce reasonable rules, as
26 follows:

27 (a) Classifying licensees according to the type of business
28 regulated by this chapter in which they are engaged, including, but
29 not limited to, persons employed by any lawful business *or a*
30 *public agency* as security guards or patrolpersons, and armored
31 contract carriers and limiting the field and scope of the operations
32 of a licensee to those in which he or she is classified and qualified
33 to engage.

34 (b) Fixing the qualifications of licensees and managers, in
35 addition to those prescribed in this chapter, necessary to promote
36 and protect the public welfare.

37 (c) Carrying out generally the provisions of this chapter,
38 including regulation of the conduct of licensees.

39 (d) Establishing the qualifications that any person employed by
40 a private patrol operator ~~or~~, any lawful business, *or a public*



1 agency as a security guard or patrolperson, or employed by an
2 armored contract carrier, must meet as a condition of becoming
3 eligible to carry firearms pursuant to subdivision (d) of Section
4 12031 of the Penal Code.

5 (e) Requiring each ~~uniformed~~ employee of a private patrol
6 operator and each armored vehicle guard, as defined in this
7 chapter, and any other person employed and compensated by a
8 private patrol operator ~~or~~, any lawful business, *or public agency*
9 as a security guard or patrolperson ~~and who in the course of this~~
10 ~~employment carries a deadly weapon~~ to be registered with the
11 bureau upon application on a form prescribed by the director
12 accompanied by the registration fee and by two classifiable sets of
13 fingerprints of the applicant or its equivalent as determined by the
14 director and approved by the Department of Justice, establishing
15 the term of the registration for a period of not less than two nor
16 more than four years, and providing for the renewal thereof upon
17 proper application and payment of the renewal fee. The director
18 may, after opportunity for a hearing, refuse this registration to any
19 person who lacks good moral character, and may impose
20 reasonable additional requirements as are necessary to meet local
21 needs that are not inconsistent with the provisions of this chapter.

22 (f) Establishing procedures whereby the local authorities of
23 any city, county, or city and county may file charges with, *or any*
24 *person in this state, may file a complaint with* the director alleging
25 that any *licensed private patrol operator*, registered security
26 guard, or patrolperson, or anyone who is an applicant for
27 registration, *or licensure* with the bureau, fails to meet standards
28 for registration *or licensure, or violates any provision of this*
29 *chapter*, and providing further for the investigation of the charges
30 *and a response to the charging or complaining party in the manner*
31 *described in subdivision (b) of Section 129.*

32 (g) Requiring private patrol operators and any lawful business
33 *or public agency* to maintain detailed records identifying all
34 firearms in their possession or under their control, and the
35 employees or persons authorized to carry or have access to those
36 firearms.

37 SEC. 2. Section 7582.2 of the Business and Professions Code
38 is amended to read:

39 7582.2. This chapter does not apply to:



1 (a) A person employed exclusively and regularly by any
2 employer who does not provide contract security services for other
3 entities or persons, in connection with the affairs of the employer
4 only and where there exists an employer-employee relationship if
5 that person at no time carries or uses any deadly weapon in the
6 performance of his or her duties. For purposes of this subdivision,
7 “deadly weapon” is defined to include any instrument or weapon
8 of the kind commonly known as a blackjack, slungshot, billy,
9 sandclub, sandbag, metal knuckles, any dirk, dagger, pistol,
10 revolver, or any other firearm, any knife having a blade longer than
11 five inches, any razor with an unguarded blade and any metal pipe
12 or bar used or intended to be used as a club. This subdivision shall
13 be inoperative on January 1, 2004. Prior to January 1, 2004, the
14 Employment Development Department shall notify businesses
15 registered with the Employment Development Department
16 regarding the need for employees acting as security guards or
17 patrol persons to register with the bureau, including employees
18 who do not carry a deadly weapon.

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

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

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 (e) Patrol special police officers appointed by the police
32 commission of any city, county, or city and county under the
33 express terms of its charter who also under the express terms of the
34 charter (1) are subject to suspension or dismissal after a hearing on
35 charges duly filed with the commission after a fair and impartial
36 trial, (2) must be not less than 18 years of age nor more than 40
37 years of age, (3) must possess physical qualifications prescribed
38 by the commission, and (4) are designated by the police
39 commission as the owners of a certain beat or territory as may be
40 fixed from time to time by the police commission.



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

3 (g) A collection agency or an employee thereof while acting
4 within the scope of his or her employment, while making an
5 investigation incidental to the business of the agency, including an
6 investigation of the location of a debtor or his or her property
7 where the contract with an assignor creditor is for the collection of
8 claims owed or due or asserted to be owed or due or the equivalent
9 thereof.

10 (h) Admitted insurers and agents and insurance brokers
11 licensed by the state, performing duties in connection with
12 insurance transacted by them.

13 (i) Any bank subject to the jurisdiction of the Commissioner of
14 Financial Institutions of the State of California under Division 1
15 (commencing with Section 99) of the Financial Code or the
16 Comptroller of Currency of the United States.

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

19 (k) A peace officer of this state or a political subdivision thereof
20 while the peace officer is employed by a private employer to
21 engage in off-duty employment in accordance with Section 1126
22 of the Government Code. However, nothing herein shall exempt
23 a peace officer who either contracts for his or her services or the
24 services of others as a private patrol operator or contracts for his
25 or her services as or is employed as an armed private security
26 officer. For purposes of this subdivision, “armed security officer”
27 means an individual who carries or uses a firearm in the course and
28 scope of that contract or employment.

29 (l) A retired peace officer of the state or political subdivision
30 thereof when the retired peace officer is employed by a private
31 employer in employment approved by the chief law enforcement
32 officer of the jurisdiction where the employment takes place,
33 provided that the retired officer is in a uniform of a public law
34 enforcement agency, has registered with the bureau on a form
35 approved by the director, and has met any training requirements
36 or their equivalent as established for security personnel under
37 Section 7583.5. This officer may not carry a loaded or concealed
38 firearm unless he or she is exempted under the provisions of
39 subdivision (a) of Section 12027 of the Penal Code or paragraph
40 (1) of subdivision (b) of Section 12031 of the Penal Code or has



1 met the requirements set forth in Section 12033 of the Penal Code.
2 However, nothing herein shall exempt the retired peace officer
3 who contracts for his or her services or the services of others as a
4 private patrol operator.

5 (m) A licensed insurance adjuster in performing his or her
6 duties within the scope of his or her license as an insurance
7 adjuster.

8 (n) Any savings association subject to the jurisdiction of the
9 Commissioner of Financial Institutions or the Office of Thrift
10 Supervision.

11 (o) Any secured creditor engaged in the repossession of the
12 creditor's collateral and any lessor engaged in the repossession of
13 leased property in which it claims an interest.

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

17 SEC. 3. Section 7583.2 of the Business and Professions Code
18 is amended to read:

19 7583.2. A licensed private patrol operator, lawful business, or
20 public agency that employs a security guard registered pursuant to
21 this chapter shall do the following:

22 (a) Maintain an accurate and current record of all firearms or
23 other deadly weapons that are in the possession of the licensee,
24 lawful business, public agency, or of any employee while on duty.
25 Within seven days after a licensee, lawful business, public agency,
26 or his or her employees discover that a deadly weapon which has
27 been recorded as being in his or her possession has been misplaced,
28 lost, or stolen, or in any other way missing, the licensee or his or
29 her manager, lawful business, or public agency shall mail or
30 deliver to any local law enforcement agency who has jurisdiction,
31 a written report concerning the incident. The report shall describe
32 fully the circumstances surrounding the incident, any injuries or
33 damages incurred, the identity of all participants, and whether a
34 police investigation was conducted.

35 (b) Maintain an accurate and current record of the name,
36 address, commencing date of employment, and position of each
37 employee, and the date of termination of employment when an
38 employee is terminated.

39 (c) Maintain an accurate and current record of proof of
40 completion by each employee of the licensee, lawful business, or



1 public agency of the course of training in the exercise of the power
2 to arrest as required by Section 7583.5.

3 (d) Certify an employee's completion of the course of training
4 in the exercise of the power to arrest prior to placing the employee
5 at a duty station.

6 (e) Certify proof of current and valid registration for each
7 employee who is subject to registration or fail to comply with the
8 provisions of Section 7583.11 if employing an individual who
9 does not possess a current and valid registration from the bureau.

10 (f) Certify within three business days after assigning an
11 employee to work with a temporary registration card that the
12 employee has submitted fingerprint cards as required by Section
13 7583.9.

14 (g) Prohibit an employee from carrying a firearm or other
15 deadly weapon until first ascertaining that the employee is
16 proficient in the use of each weapon to be carried. With respect to
17 firearms, evidence of proficiency shall include a certificate from
18 a firearm training facility approved by the director certifying that
19 the employee is proficient in the use of that specified caliber of
20 firearm and a current and valid firearm qualification permit issued
21 by the department. With respect to other deadly weapons, evidence
22 of proficiency shall include a certificate from a training facility
23 approved by the director certifying that the employee is proficient
24 in the use of that particular deadly weapon.

25 (h) Deliver to the director a written report describing fully the
26 circumstances surrounding the discharge of any firearm, or
27 physical altercation with a member of the public while on duty, by
28 a licensee or any officer, partner, or employee of a licensee, lawful
29 business, or public agency while acting within the course and
30 scope of his or her employment within seven days after the
31 incident. For the purposes of this subdivision, a report shall be
32 required only for physical altercations that result in any of the
33 following: (1) the arrest of a security guard, (2) the filing of a
34 police report by a member of the public, (3) injury on the part of
35 a member of the public that requires medical attention, or (4) the
36 discharge, suspension, or reprimand of a security guard by his or
37 her employer. The report shall include, but not be limited to, a
38 description of any injuries or damages incurred, the identity of all
39 participants, and whether a police investigation was conducted.



1 Any report may be investigated by the director to determine if any
2 disciplinary action is necessary.

3 (i) (1) Notify the bureau in writing and within 30 days that a
4 manager previously qualified pursuant to this chapter is no longer
5 connected with the licensee.

6 (2) This subdivision shall not apply to any lawful business or
7 public agency that employs registered security guards.

8 *SEC. 3.3. Section 7583.2 of the Business and Professions*
9 *Code is amended to read:*

10 7583.2. ~~No person~~ A licensed as a private patrol operator shall
11 ~~do any of the following:~~, *lawful business, or public agency that*
12 *employs a security guard registered pursuant to this chapter shall*
13 *do the following:*

14 (a) ~~Fail to properly maintain~~ *Maintain* an accurate and current
15 record of all firearms or other deadly weapons that are in the
16 possession of the licensee, *lawful business, public agency,* or of
17 any employee while on duty. Within seven days after a licensee,
18 *lawful business, public agency,* or his or her employees discover
19 that a deadly weapon ~~which~~ *that* has been recorded as being in his
20 or her possession has been misplaced, lost, or stolen, or *is* in any
21 other way missing, the licensee or his or her manager, *lawful*
22 *business, or public agency* shall mail or deliver to any local law
23 enforcement agency ~~who~~ *that* has jurisdiction, a written report
24 concerning the incident. The report shall describe fully the
25 circumstances surrounding the incident, any injuries or damages
26 incurred, the identity of all participants, and whether a police
27 investigation was conducted.

28 (b) ~~Fail to properly maintain~~ *Maintain* an accurate and current
29 record of the name, address, commencing date of employment,
30 and position of each employee, and the date of termination of
31 employment when an employee is terminated.

32 (c) ~~Fail to properly maintain~~ *Maintain* an accurate and current
33 record of proof of completion by each employee of the licensee,
34 *lawful business, or public agency* of the course of training in the
35 exercise of the power to arrest as required by Section 7583.5.

36 (d) ~~Fail to certify~~ *Certify* an employee's completion of the
37 course of training in the exercise of the power to arrest prior to
38 placing the employee at a duty station.

39 (e) ~~Fail to certify~~ *Certify* proof of current and valid registration
40 for each employee who is subject to registration ~~or fail to comply~~



1 ~~with the provisions of Section 7583.11 if employing an individual~~
2 ~~who does not possess a current and valid registration from the~~
3 ~~bureau.~~

4 ~~(f) Fail to certify within three business days after assigning an~~
5 ~~employee to work with a temporary registration card that the~~
6 ~~employee has submitted fingerprint cards as required by Section~~
7 ~~7583.9.~~

8 ~~(g) Permit any~~

9 ~~(f) Prohibit an employee to carry from carrying a firearm or~~
10 ~~other deadly weapon without until first ascertaining that the~~
11 ~~employee is proficient in the use of each weapon to be carried.~~
12 ~~With respect to firearms, evidence of proficiency shall include a~~
13 ~~certificate from a firearm training facility approved by the director~~
14 ~~certifying that the employee is proficient in the use of that~~
15 ~~specified caliber of firearm and a current and valid firearm~~
16 ~~qualification permit issued by the department. With respect to~~
17 ~~other deadly weapons, evidence of proficiency shall include a~~
18 ~~certificate from a training facility approved by the director~~
19 ~~certifying that the employee is proficient in the use of that~~
20 ~~particular deadly weapon.~~

21 ~~(h) Fail to deliver~~

22 ~~(g) Deliver to the director a written report describing fully the~~
23 ~~circumstances surrounding the discharge of any firearm, or~~
24 ~~physical altercation with a member of the public while on duty, by~~
25 ~~a licensee or any officer, partner, or employee of a licensee, *lawful*~~
26 ~~*business, or public agency* while acting within the course and~~
27 ~~scope of his or her employment within seven days after the~~
28 ~~incident. For the purposes of this subdivision, a report shall be~~
29 ~~required only for physical altercations that result in any of the~~
30 ~~following: (1) the arrest of a security guard, (2) the filing of a~~
31 ~~police report by a member of the public, (3) injury on the part of~~
32 ~~a member of the public that requires medical attention, or (4) the~~
33 ~~discharge, suspension, or reprimand of a security guard by his or~~
34 ~~her employer. The report shall include, but not be limited to, a~~
35 ~~description of any injuries or damages incurred, the identity of all~~
36 ~~participants, and whether a police investigation was conducted.~~
37 ~~Any report may be investigated by the director to determine if any~~
38 ~~disciplinary action is necessary.~~

39 ~~(i) Fail to notify~~



1 (h) (1) Notify the bureau in writing and within 30 days that a
2 manager previously qualified pursuant to this chapter is no longer
3 connected with the licensee.

4 (2) This subdivision shall not apply to any lawful business or
5 public agency that employs registered security guards.

6 SEC. 3.5. Section 7583.2 of the Business and Professions
7 Code is amended to read:

8 7583.2. ~~No person~~ A licensed as a private patrol operator shall
9 ~~do any of the following:~~, lawful business, or public agency that
10 employs a security guard registered pursuant to this chapter shall
11 do the following:

12 (a) ~~Fail to properly maintain~~ Maintain an accurate and current
13 record of all firearms or other deadly weapons that are in the
14 possession of the licensee, lawful business, public agency, or of
15 any employee while on duty. Within seven days after a licensee,
16 lawful business, or public agency or his or her employees discover
17 that a deadly weapon ~~which~~ that has been recorded as being in his
18 or her possession has been misplaced, lost, or stolen, or in any
19 other way missing, the licensee or his or her manager, lawful
20 business, public agency shall mail or deliver to any local law
21 enforcement agency ~~who~~ that has jurisdiction, a written report
22 concerning the incident. The report shall describe fully the
23 circumstances surrounding the incident, any injuries or damages
24 incurred, the identity of all participants, and whether a police
25 investigation was conducted.

26 (b) ~~Fail to properly maintain~~ Maintain an accurate and current
27 record of the name, address, commencing date of employment,
28 and position of each employee, and the date of termination of
29 employment when an employee is terminated.

30 (c) ~~Fail to properly maintain~~ Maintain an accurate and current
31 record of proof of completion by each employee of the licensee,
32 lawful business, or public agency of the course of training in the
33 exercise of the power to arrest as required by Section 7583.5, the
34 security officer skills training required by subdivision (b) of
35 Section 7583.6, and the annual practice and review required by
36 subdivision (f) of Section 7583.6.

37 (d) ~~Fail to certify~~ Certify an employee's completion of the
38 course of training in the exercise of the power to arrest prior to
39 placing the employee at a duty station.



1 (e) ~~Fail to certify~~ *Certify* proof of current and valid registration
2 for each employee who is subject to registration or fail to comply
3 with the provisions of Section 7583.11 if employing an individual
4 who does not possess a current and valid registration from the
5 bureau.

6 (f) ~~Fail to certify~~ *Certify* within three business days after
7 assigning an employee to work with a temporary registration card
8 that the employee has submitted fingerprint cards as required by
9 Section 7583.9.

10 (g) ~~Permit any~~ *Prohibit an employee to carry from carrying* a
11 firearm or other deadly weapon ~~without~~ *until* first ascertaining that
12 the employee is proficient in the use of each weapon to be carried.
13 With respect to firearms, evidence of proficiency shall include a
14 certificate from a firearm training facility approved by the director
15 certifying that the employee is proficient in the use of that
16 specified caliber of firearm and a current and valid firearm
17 qualification permit issued by the department. With respect to
18 other deadly weapons, evidence of proficiency shall include a
19 certificate from a training facility approved by the director
20 certifying that the employee is proficient in the use of that
21 particular deadly weapon.

22 (h) ~~Fail to deliver~~ *Deliver* to the director a written report
23 describing fully the circumstances surrounding the discharge of
24 any firearm, or physical altercation with a member of the public
25 while on duty, by a licensee or any officer, partner, or employee of
26 a licensee, *lawful business, or public agency* while acting within
27 the course and scope of his or her employment within seven days
28 after the incident. For the purposes of this subdivision, a report
29 shall be required only for physical altercations that result in any of
30 the following: (1) the arrest of a security guard, (2) the filing of a
31 police report by a member of the public, (3) injury on the part of
32 a member of the public that requires medical attention, or (4) the
33 discharge, suspension, or reprimand of a security guard by his or
34 her employer. The report shall include, but not be limited to, a
35 description of any injuries or damages incurred, the identity of all
36 participants, and whether a police investigation was conducted.
37 Any report may be investigated by the director to determine if any
38 disciplinary action is necessary.



1 (i) ~~Fail to notify~~ (1) *Notify* the bureau in writing and within 30
2 days that a manager previously qualified pursuant to this chapter
3 is no longer connected with the licensee.

4 (2) *This subdivision shall not apply to any lawful business or*
5 *public agency that employs registered security guards.*

6 (j) *Fail to administer to each registered employee of the*
7 *licensee, the review or practice training required by subdivision (f)*
8 *of Section 7583.6.*

9 *SEC. 3.7. Section 7583.2 of the Business and Professions*
10 *Code is amended to read:*

11 7583.2. ~~No person~~ A licensed as a private patrol operator shall
12 ~~do any of the following~~, *lawful business, or public agency that*
13 *employs a security guard registered pursuant to this chapter shall*
14 *do the following:*

15 (a) ~~Fail to properly maintain~~ *Maintain* an accurate and current
16 record of all firearms or other deadly weapons that are in the
17 possession of the licensee, *lawful business, public agency,* or of
18 any employee while on duty. Within seven days after a licensee,
19 *lawful business, public agency,* or his or her employees discover
20 that a deadly weapon ~~which~~ *that* has been recorded as being in his
21 or her possession has been misplaced, lost, or stolen, or *is* in any
22 other way missing, the licensee or his or her manager, *lawful*
23 *business, or public agency* shall mail or deliver to any local law
24 enforcement agency ~~who~~ *that* has jurisdiction, a written report
25 concerning the incident. The report shall describe fully the
26 circumstances surrounding the incident, any injuries or damages
27 incurred, the identity of all participants, and whether a police
28 investigation was conducted.

29 (b) ~~Fail to properly maintain~~ *Maintain* an accurate and current
30 record of the name, address, commencing date of employment,
31 and position of each employee, and the date of termination of
32 employment when an employee is terminated.

33 (c) ~~Fail to properly maintain~~ *Maintain* an accurate and current
34 record of proof of completion by each employee of the licensee,
35 *lawful business, or public agency* of the course of training in the
36 exercise of the power to arrest as required by Section 7583.5, *the*
37 *security officer skills training required by subdivision (b) of*
38 *Section 7583.6, and the annual practice and review required by*
39 *subdivision (f) of Section 7583.6.*



1 ~~(d) Fail to certify~~ *Certify* an employee's completion of the
2 course of training in the exercise of the power to arrest prior to
3 placing the employee at a duty station.

4 ~~(e) Fail to certify~~ *Certify* proof of current and valid registration
5 for each employee who is subject to registration ~~or fail to comply~~
6 ~~with the provisions of Section 7583.11 if employing an individual~~
7 ~~who does not possess a current and valid registration from the~~
8 ~~bureau.~~

9 ~~(f) Fail to certify within three business days after assigning an~~
10 ~~employee to work with a temporary registration card that the~~
11 ~~employee has submitted fingerprint cards as required by Section~~
12 ~~7583.9.~~

13 ~~(g) Permit any~~

14 ~~(f) Prohibit an employee to carry~~ *Prohibit an employee from carrying* a firearm or
15 other deadly weapon ~~without~~ *until* first ascertaining that the
16 employee is proficient in the use of each weapon to be carried.
17 With respect to firearms, evidence of proficiency shall include a
18 certificate from a firearm training facility approved by the director
19 certifying that the employee is proficient in the use of that
20 specified caliber of firearm and a current and valid firearm
21 qualification permit issued by the department. With respect to
22 other deadly weapons, evidence of proficiency shall include a
23 certificate from a training facility approved by the director
24 certifying that the employee is proficient in the use of that
25 particular deadly weapon.

26 ~~(h) Fail to deliver~~

27 ~~(g) Deliver~~ *Deliver* to the director a written report describing fully the
28 circumstances surrounding the discharge of any firearm, or
29 physical altercation with a member of the public while on duty, by
30 a licensee or any officer, partner, or employee of a licensee, *lawful*
31 *business, or public agency* while acting within the course and
32 scope of his or her employment within seven days after the
33 incident. For the purposes of this subdivision, a report shall be
34 required only for physical altercations that result in any of the
35 following: (1) the arrest of a security guard, (2) the filing of a
36 police report by a member of the public, (3) injury on the part of
37 a member of the public that requires medical attention, or (4) the
38 discharge, suspension, or reprimand of a security guard by his or
39 her employer. The report shall include, but not be limited to, a
40 description of any injuries or damages incurred, the identity of all



1 participants, and whether a police investigation was conducted.
2 Any report may be investigated by the director to determine if any
3 disciplinary action is necessary.

4 ~~(i) Fail to notify~~

5 (h) (1) *Notify* the bureau in writing and within 30 days that a
6 manager previously qualified pursuant to this chapter is no longer
7 connected with the licensee.

8 (2) *This subdivision shall not apply to any lawful business or*
9 *public agency that employs registered security guards.*

10 (j) *Fail to administer to each registered employee of the*
11 *licensee, the review or practice training required by subdivision (f)*
12 *of Section 7583.6.*

13 SEC. 4. Section 7583.6 of the Business and Professions Code
14 is amended to read:

15 7583.6. (a) A person entering the employ of a licensee, any
16 lawful business, or a public agency to perform the functions of a
17 security guard or a security patrolperson shall complete a course
18 in the exercise of the power to arrest prior to being assigned to a
19 duty location.

20 (b) This section shall not apply to a peace officer as defined in
21 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of
22 the Penal Code who has successfully completed a course of study
23 in the exercise of the power of arrest.

24 SEC. 4.5. Section 7583.6 of the Business and Professions
25 Code is amended to read:

26 7583.6. (a) A person entering the employ of a licensee, *any*
27 *lawful business, or a public agency* to perform the functions of a
28 security guard or a security patrolperson shall complete a course
29 in the exercise of the power to arrest prior to being assigned to a
30 duty location.

31 (b) This section shall not apply to a peace officer as defined in
32 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of
33 the Penal Code who has successfully completed a course of study
34 in the exercise of the power ~~of~~ to arrest.

35 (c) *The department shall develop and approve by regulation a*
36 *standard course and curriculum for security officer skills training,*
37 *as will be required on and after July 1, 2004, to promote and*
38 *protect the safety of persons and the security of property. For this*
39 *purpose, the department shall consult with consumers, labor*



1 organizations representing private security officers, private patrol
2 operators, educators, and subject matter experts.

3 (d) This section shall remain in effect only until July 1, 2004,
4 and as of January 1, 2005, is repealed, unless a later enacted
5 statute, that is enacted before January 1, 2005, deletes or extends
6 those dates.

7 SEC. 4.7. Section 7583.6 is added to the Business and
8 Professions Code, to read:

9 7583.6. (a) A person entering the employ of a licensee, any
10 lawful business, or a public agency to perform the functions of a
11 security guard or a security patrolperson shall complete a course
12 in the exercise of the power to arrest prior to being assigned to a
13 duty location.

14 (b) Except for a registrant who has completed the course of
15 training required by Section 7583.45, a person registered pursuant
16 to this chapter shall complete not less than 32 hours of training in
17 security officer skills within six months from the day the
18 registration card is issued. Sixteen of the 32 hours must be
19 completed within 30 days from the day the registration card is
20 issued.

21 (c) A course provider shall issue a certificate to a security
22 guard upon satisfactory completion of a required course,
23 conducted in accordance with the department's requirements. A
24 private patrol operator may provide training programs and
25 courses in addition to the training required in this section.

26 (d) The department shall develop and approve by regulation a
27 standard course and curriculum for the skills training required by
28 subdivision (b) to promote and protect the safety of persons and the
29 security of property. For this purpose, the department shall consult
30 with consumers, labor organizations representing private security
31 officers, private patrol operators, educators, and subject matter
32 experts.

33 (e) The course of training required by subdivision (b) may be
34 administered, tested, and certified by any licensee, or by any
35 organization or school approved by the department. The
36 department may approve any person or school to teach the course.

37 (f) (1) On and after January 1, 2005, a licensee shall annually
38 provide each employee registered pursuant to this chapter with
39 eight hours of specifically dedicated review or practice of security



1 *officer skills prescribed in either course required in Section 7583.6*
2 *or 7583.7.*

3 (2) *A licensee shall maintain at the principal place of business*
4 *or branch office a record verifying completion of the review or*
5 *practice training for a period of not less than two years. The*
6 *records shall be available for inspection by the bureau upon*
7 *request.*

8 (g) *This section shall not apply to a peace officer as defined in*
9 *Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of*
10 *the Penal Code who has successfully completed a course of study*
11 *in the exercise of the power to arrest approved by the Commission*
12 *on Peace Officer Standards and Training.*

13 (h) *This section shall become operative on July 1, 2004.*

14 SEC. 5. Section 7583.7 of the Business and Professions Code
15 is amended to read:

16 7583.7. (a) The course of training in the exercise of the power
17 to arrest may be administered, tested, and certified by any licensee.
18 The department may approve any person or school to teach the
19 course in the exercise of the power to arrest. The course of training
20 shall be approximately three hours in length and shall cover the
21 following topics:

22 (1) Responsibilities and ethics in citizen arrest.

23 (2) Relationship between a security guard and a peace officer
24 in making an arrest.

25 (3) Limitations on security guard power to arrest.

26 (4) Restrictions on searches and seizures.

27 (5) Criminal and civil liabilities.

28 (A) Personal liability.

29 (B) Employer liability.

30 (6) Any other topic deemed appropriate by the bureau.

31 (b) The majority of the course shall be taught by means of
32 verbal instruction. This instruction may include the use of a video
33 presentation.

34 (c) The department shall make available a guidebook as a
35 standard for teaching the course in the exercise of the power to
36 arrest. The department shall encourage additional training and
37 may provide a training guide recommending additional courses to
38 be taken by security personnel.

39 (d) Private patrol operators, or any lawful business or public
40 agency that employs a security guard registered pursuant to this



1 chapter shall provide a copy of the guidebook described in
2 subdivision (c) to each person they currently employ as a security
3 guard and to each individual they intend to hire as a security guard.
4 The private patrol operator, lawful business, or public agency shall
5 provide the guidebook to each person he or she intends to hire as
6 a security guard a reasonable time prior to the time the person
7 begins the course in the exercise of the power to arrest.

8 (e) The bureau may inspect, supervise, or view the
9 administration of the test at any time and without any prior
10 notification. Any impropriety in the administration of the course
11 or the test shall constitute grounds for disciplinary action.

12 *SEC. 5.5. Section 7583.7 of the Business and Professions*
13 *Code is amended to read:*

14 7583.7. (a) The course of training in the exercise of the power
15 to arrest may be administered, tested, and certified by any licensee
16 *or by any organization or school approved by the department.* The
17 department may approve any person or school to teach the course
18 in the exercise of the power to arrest. The course of training shall
19 be approximately three hours in length and shall cover the
20 following topics:

- 21 (1) Responsibilities and ethics in citizen arrest.
 - 22 (2) Relationship between a security guard and a peace officer
23 in making an arrest.
 - 24 (3) Limitations on security guard power to arrest.
 - 25 (4) Restrictions on searches and seizures.
 - 26 (5) Criminal and civil liabilities.
 - 27 (A) Personal liability.
 - 28 (B) Employer liability.
 - 29 (6) Any other topic deemed appropriate by the bureau.
- 30 (b) The majority of the course shall be taught by means of
31 verbal instruction. This instruction may include the use of a video
32 presentation.

33 (c) The department shall make available a guidebook as a
34 standard for teaching the course in the exercise of the power to
35 arrest. The department shall encourage additional training and
36 may provide a training guide recommending additional courses to
37 be taken by security personnel.

38 (d) Private patrol operators, *or any lawful business or public*
39 *agency that employs a security guard registered pursuant to this*
40 *chapter* shall provide a copy of the guidebook described in



1 subdivision (c) to each person *that* they currently employ as a
2 security guard and to each individual *that* they intend to hire as a
3 security guard. The private patrol operator, *lawful business, or*
4 *public agency* shall provide the guidebook to each person he or she
5 intends to hire as a security guard a reasonable time prior to the
6 time the person begins the course in the exercise of the power to
7 arrest.

8 (e) The bureau may inspect, supervise, or view the
9 administration of the test at any time and without any prior
10 notification. Any impropriety in the administration of the course
11 or the test shall constitute grounds for disciplinary action.

12 (f) *This section shall remain in effect only until July 1, 2004,*
13 *and as of January 1, 2005, is repealed, unless a later enacted*
14 *statute, that is enacted before January 1, 2005, deletes or extends*
15 *those dates.*

16 *SEC. 5.7. Section 7583.7 is added to the Business and*
17 *Professions Code, to read:*

18 7583.7. (a) *The course of training in the exercise of the power*
19 *to arrest may be administered, tested, and certified by any licensee*
20 *or by any organization or school approved by the department. The*
21 *department may approve any person or school to teach the course*
22 *in the exercise of the power to arrest. The course of training shall*
23 *be approximately eight hours in length and shall cover the*
24 *following topics:*

- 25 (1) *Responsibilities and ethics in citizen arrest.*
- 26 (2) *Relationship between a security guard and a peace officer*
27 *in making an arrest.*
- 28 (3) *Limitations on security guard power to arrest.*
- 29 (4) *Restrictions on searches and seizures.*
- 30 (5) *Criminal and civil liabilities.*
- 31 (A) *Personal liability.*
- 32 (B) *Employer liability.*
- 33 (6) *Trespass law.*
- 34 (7) *Ethics and communications.*
- 35 (8) *Emergency situation response, including response to*
36 *medical emergencies.*
- 37 (9) *Security officer safety.*
- 38 (10) *Any other topic deemed appropriate by the bureau.*



1 (b) *The majority of the course shall be taught by means of*
2 *verbal instruction. This instruction may include the use of a video*
3 *presentation.*

4 (c) *The department shall make available a guidebook as a*
5 *standard for teaching the course in the exercise of the power to*
6 *arrest. The department shall encourage additional training and*
7 *may provide a training guide recommending additional courses to*
8 *be taken by security personnel.*

9 (d) *Private patrol operators, or any lawful business or public*
10 *agency that employs a security guard registered pursuant to this*
11 *chapter shall provide a copy of the guidebook described in*
12 *subdivision (c) to each person that they currently employ as a*
13 *security guard and to each individual that they intend to hire as a*
14 *security guard. The private patrol operator, lawful business, or*
15 *public agency shall provide the guidebook to each person he or she*
16 *intends to hire as a security guard a reasonable time prior to the*
17 *time the person begins the course in the exercise of the power to*
18 *arrest.*

19 (e) *The bureau may inspect, supervise, or view the*
20 *administration of the test at any time and without any prior*
21 *notification. Any impropriety in the administration of the course*
22 *or the test shall constitute grounds for disciplinary action.*

23 (f) *This section shall become operative on July 1, 2004.*

24 SEC. 6. Section 7583.8 of the Business and Professions Code
25 is amended to read:

26 7583.8. No employee of a licensee, lawful business, or public
27 agency who performs the function of a security guard or security
28 patrolperson shall be issued a registration card until proper
29 certification by the instructor that the exercise of the power to
30 arrest course has been taught and the employee's certification that
31 the instruction was received has been delivered to the department.

32 SEC. 6.5. Section 7583.8 of the Business and Professions
33 Code is amended to read:

34 7583.8. No employee of a licensee, *lawful business, or public*
35 *agency* who performs the function of a security guard or security
36 patrolperson shall be issued a registration card until *there is* proper
37 certification by the instructor that the exercise of the power to
38 arrest course has been taught and the employee's certification that
39 the instruction was received has been delivered to the department.
40 *Except as provided in subdivision (f) of Section 7583.9, no security*



1 *guard registration shall be issued until a criminal history*
2 *background check has been completed pursuant to subdivision (e)*
3 *of Section 7583.9 and a determination has been made by the*
4 *bureau.*

5 SEC. 7. Section 7583.9 of the Business and Professions Code
6 is amended to read:

7 7583.9. (a) Upon accepting employment by a private patrol
8 operator, lawful business, or public agency, any employee who
9 performs the function of a security guard or security patrolperson
10 who is not currently registered with the bureau, shall complete an
11 application for registration on a form as prescribed by the director,
12 and obtain two classifiable fingerprint cards for submission to the
13 Department of Justice. The Department of Justice shall forward
14 one classifiable fingerprint card to the Federal Bureau of
15 Investigation for purposes of a background check. The applicant
16 shall submit the application and registration fee to the bureau on
17 or before the same business day that he or she is assigned to work
18 as a security guard or security patrolperson performing any of the
19 functions set forth in subdivision (a) of Section 7582.1. If the
20 applicant is assigned to work on a Saturday, Sunday, or on a federal
21 holiday, the applicant may submit the application and registration
22 fee to the bureau on the first business day immediately following
23 the Saturday, Sunday, or federal holiday. The applicant shall
24 submit the fingerprints to the bureau within three business days
25 after being assigned to work with a temporary registration card.

26 (b) If a private patrol operator pays the application fee on
27 behalf of the applicant, nothing in this section shall preclude the
28 private patrol operator from withholding the amount of the fee
29 from the applicant's compensation.

30 (c) The licensee shall maintain supplies of applications and
31 fingerprint cards that shall be provided by the bureau upon request.

32 (d) In lieu of classifiable fingerprint cards provided for in this
33 section, the bureau may authorize applicants to submit their
34 fingerprints into an electronic fingerprinting system administered
35 by the Department of Justice. Applicants who submit their
36 fingerprints by electronic means shall have their fingerprints
37 entered into the system through a terminal operated by a law
38 enforcement agency or other facility authorized by the Department
39 of Justice to conduct electronic fingerprinting. The enforcement
40 agency responsible for operating the terminal may charge a fee



1 sufficient to reimburse it for the costs incurred in providing this
2 service.

3 (e) Upon receipt of an applicant's electronic fingerprints as
4 provided in this section, the Department of Justice shall determine
5 whether the applicant has been convicted of any crime and forward
6 the information to the bureau.

7 (f) The requirement of submission of fingerprint cards to the
8 Federal Bureau of Investigation shall not apply to currently
9 employed, full-time peace officers holding peace officer status
10 under Chapter 4.5 (commencing with Section 830) of Title 3 of
11 Part 2 of the Penal Code, or to level I or level II reserve officers
12 as described in paragraphs (1) and (2) of subdivision (a) of Section
13 832.6 of the Penal Code.

14 (g) In addition to the amount authorized pursuant to Section
15 7570.1, the bureau may impose an additional fee not to exceed
16 three dollars (\$3) for processing classifiable fingerprint cards
17 submitted by applicants excluding those submitted into an
18 electronic fingerprint system using electronic fingerprint
19 technology.

20 (h) An employee shall, on the first day of employment, display
21 to the client his or her registration card if it is feasible and practical
22 to comply with this disclosure requirement. The employee shall
23 thereafter display to the client his or her registration card upon the
24 request of the client.

25 (i) "Submit," as used in subdivision (a), means any of the
26 following:

27 (1) To ensure that the application and registration fee have been
28 received by the bureau on or before the business day that the
29 employee is assigned to work.

30 (2) To ensure that the application and registration fee either
31 have been mailed to the bureau and officially postmarked with a
32 date on or before the employee is assigned to work or have been
33 deposited with a carrier performing overnight delivery services on
34 or before the business day that the employee is assigned to work.

35 (3) To ensure, if the applicant is assigned to work on a Saturday,
36 Sunday, or on a federal holiday, that the application and
37 registration fee either have been mailed to the bureau and officially
38 postmarked with a date on the first business day immediately
39 following that Saturday, Sunday, or federal holiday or have been
40 deposited with a carrier performing overnight delivery services on



1 the first business day immediately following that Saturday,
2 Sunday, or federal holiday.

3 *SEC. 7.3. Section 7583.9 of the Business and Professions*
4 *Code is amended to read:*

5 7583.9. (a) Upon accepting employment by a private patrol
6 operator, *lawful business, or public agency*, any employee who
7 performs the function of a security guard or security patrolperson
8 who is not currently registered with the bureau, shall complete an
9 application for registration on a form as prescribed by the director,
10 and obtain two classifiable fingerprint cards for submission to the
11 Department of Justice. *The applicant shall submit the application,*
12 *the registration fee, and his or her fingerprints to the bureau. The*
13 *bureau shall forward the classifiable fingerprint cards to the*
14 *Department of Justice.* The Department of Justice shall forward
15 one classifiable fingerprint card to the Federal Bureau of
16 Investigation for purposes of a background check. ~~The applicant~~
17 ~~shall submit the application and registration fee to the bureau on~~
18 ~~or before the same business day that he or she is assigned to work~~
19 ~~as a security guard or security patrolperson performing any of the~~
20 ~~functions set forth in subdivision (a) of Section 7582.1. If the~~
21 ~~applicant is assigned to work on a Saturday, Sunday, or on a federal~~
22 ~~holiday, the applicant may submit the application and registration~~
23 ~~fee to the bureau on the first business day immediately following~~
24 ~~the Saturday, Sunday, or federal holiday. The applicant shall~~
25 ~~submit the fingerprints to the bureau within three business days~~
26 ~~after being assigned to work with a temporary registration card.~~

27 (b) If a private patrol operator pays the application fee on
28 behalf of the applicant, nothing in this section shall preclude the
29 private patrol operator from withholding the amount of the fee
30 from the applicant's compensation.

31 (c) The licensee shall maintain supplies of applications and
32 fingerprint cards that shall be provided by the bureau upon request.

33 (d) In lieu of classifiable fingerprint cards provided for in this
34 section, the bureau may authorize applicants to submit their
35 fingerprints into an electronic fingerprinting system administered
36 by the Department of Justice. Applicants who submit their
37 fingerprints by electronic means shall have their fingerprints
38 entered into the system through a terminal operated by a law
39 enforcement agency or other facility authorized by the Department
40 of Justice to conduct electronic fingerprinting. The enforcement



1 agency responsible for operating the terminal may charge a fee
2 sufficient to reimburse it for the costs incurred in providing this
3 service.

4 (e) Upon receipt of an applicant's electronic *or hard card*
5 fingerprints as provided in this section, the Department of Justice
6 shall ~~determine whether the applicant has been convicted of any~~
7 ~~crime and forward the~~ *disseminate the following* information to the
8 bureau:

9 ~~(f) The requirement of submission of fingerprint cards to the~~
10 ~~Federal Bureau of Investigation shall not apply to:~~

11 (1) *Every conviction rendered against the applicant.*

12 (2) *Every arrest for an offense for which the applicant is*
13 *presently awaiting trial, whether the applicant is incarcerated or*
14 *has been released on bail or on his or her own recognizance*
15 *pending trial.*

16 (f) A currently employed, full-time peace ~~officers~~ *officer*
17 holding peace officer status under Chapter 4.5 (commencing with
18 Section 830) of Title 3 of Part 2 of the Penal Code, or ~~to a level I~~
19 or level II reserve ~~officers~~ *officer* as described in paragraphs (1)
20 and (2) of subdivision (a) of Section 832.6 of the Penal Code *may*
21 *immediately perform the functions of a security guard or security*
22 *patrolperson, provided that he or she has submitted an*
23 *application, the applicable fees, and his or her fingerprints to the*
24 *bureau for a security guard registration.*

25 (g) In addition to the amount authorized pursuant to Section
26 7570.1, the bureau may impose an additional fee not to exceed
27 three dollars (\$3) for processing classifiable fingerprint cards
28 submitted by applicants excluding those submitted into an
29 electronic fingerprint system using electronic fingerprint
30 technology.

31 (h) An employee shall, on the first day of employment, display
32 to the client his or her registration card if it is feasible and practical
33 to comply with this disclosure requirement. The employee shall
34 thereafter display to the client his or her registration card upon the
35 request of the client.

36 ~~(i) "Submit," as used in subdivision (a), means any of the~~
37 ~~following:~~

38 ~~(1) To ensure that the application and registration fee have been~~
39 ~~received by the bureau on or before the business day that the~~
40 ~~employee is assigned to work.~~



1 ~~(2) To ensure that the application and registration fee either~~
2 ~~have been mailed to the bureau and officially postmarked with a~~
3 ~~date on or before the employee is assigned to work or have been~~
4 ~~deposited with a carrier performing overnight delivery services on~~
5 ~~or before the business day that the employee is assigned to work.~~

6 ~~(3) To ensure, if the applicant is assigned to work on a Saturday,~~
7 ~~Sunday, or on a federal holiday, that the application and~~
8 ~~registration fee either have been mailed to the bureau and officially~~
9 ~~postmarked with a date on the first business day immediately~~
10 ~~following that Saturday, Sunday, or federal holiday or have been~~
11 ~~deposited with a carrier performing overnight delivery services on~~
12 ~~the first business day immediately following that Saturday,~~
13 ~~Sunday, or federal holiday.~~

14 *SEC. 7.5. Section 7583.9 of the Business and Professions*
15 *Code is amended to read:*

16 7583.9. (a) Upon accepting employment by a private patrol
17 operator, *lawful business, or public agency*, any employee who
18 performs the function of a security guard or security patrolperson
19 who is not currently registered with the bureau, shall complete an
20 application for registration on a form as prescribed by the director,
21 and obtain two classifiable fingerprint cards for submission to the
22 Department of Justice. The Department of Justice shall forward
23 one classifiable fingerprint card to the Federal Bureau of
24 Investigation for purposes of a background check. The applicant
25 shall submit the application and registration fee to the bureau on
26 or before the same business day that he or she is assigned to work
27 as a security guard or security patrolperson performing any of the
28 functions set forth in subdivision (a) of Section 7582.1. If the
29 applicant is assigned to work on a Saturday, Sunday, or on a federal
30 holiday, the applicant may submit the application and registration
31 fee to the bureau on the first business day immediately following
32 the Saturday, Sunday, or federal holiday. The applicant shall
33 submit the fingerprints to the bureau within three business days
34 after being assigned to work with a temporary registration card.

35 (b) If a private patrol operator pays the application fee on
36 behalf of the applicant, nothing in this section shall preclude the
37 private patrol operator from withholding the amount of the fee
38 from the applicant's compensation.

39 (c) The licensee shall maintain supplies of applications and
40 fingerprint cards that shall be provided by the bureau upon request.



1 (d) In lieu of classifiable fingerprint cards provided for in this
2 section, the bureau may authorize applicants to submit their
3 fingerprints into an electronic fingerprinting system administered
4 by the Department of Justice. Applicants who submit their
5 fingerprints by electronic means shall have their fingerprints
6 entered into the system through a terminal operated by a law
7 enforcement agency or other facility authorized by the Department
8 of Justice to conduct electronic fingerprinting. The enforcement
9 agency responsible for operating the terminal may charge a fee
10 sufficient to reimburse it for the costs incurred in providing this
11 service.

12 (e) Upon receipt of an applicant's electronic fingerprints as
13 provided in this section, the Department of Justice shall determine
14 whether the applicant has been convicted of any crime and forward
15 the information to the bureau.

16 (f) *(1)* The requirement of submission of fingerprint cards to
17 ~~the Federal Bureau of Investigation~~ *set forth in subdivision (a)*
18 shall not apply to currently employed, full-time peace officers
19 holding peace officer status under Chapter 4.5 (commencing with
20 Section 830) of Title 3 of Part 2 of the Penal Code, or to level I or
21 level II reserve officers as described in paragraphs (1) and (2) of
22 subdivision (a) of Section 832.6 of the Penal Code.

23 ~~(g)~~

24 *(2) This subdivision does not apply to a peace officer required*
25 *to obtain a firearm qualification card pursuant to Section 7583.12.*

26 *(g) Peace officers exempt from the submission of classifiable*
27 *fingerprints pursuant to subdivision (f) shall submit verification of*
28 *their active duty peace officer status to the bureau with their*
29 *application for registration. A photocopy of the front and back of*
30 *their peace officer identification badge shall be adequate*
31 *verification.*

32 *(h) Peace officers exempt from the submission of classifiable*
33 *fingerprints pursuant to subdivision (f) shall report a change in*
34 *their active duty peace officer status to the bureau within 72 hours*
35 *of the change in active duty peace officer status.*

36 *(i) (1) Peace officers exempt from obtaining a firearm*
37 *qualification card pursuant to subdivision (c) of Section 7583.12*
38 *shall submit to the bureau with their application for registration*
39 *a letter of approval from his or her primary employer authorizing*



1 *him or her to carry a firearm while working as a security guard or*
2 *security officer.*

3 (2) *For purposes of this section, “primary employer” means a*
4 *public safety agency currently employing a peace officer subject*
5 *to this section.*

6 (j) *In addition to the amount authorized pursuant to Section*
7 *7570.1, the bureau may impose an additional fee not to exceed*
8 *three dollars (\$3) for processing classifiable fingerprint cards*
9 *submitted by applicants excluding those submitted into an*
10 *electronic fingerprint system using electronic fingerprint*
11 *technology.*

12 ~~(h)~~
13 (k) *An employee shall, on the first day of employment, display*
14 *to the client his or her registration card if it is feasible and practical*
15 *to comply with this disclosure requirement. The employee shall*
16 *thereafter display to the client his or her registration card upon the*
17 *request of the client.*

18 ~~(i)~~
19 (l) *“Submit,” as used in subdivision (a), means any of the*
20 *following:*

21 (1) *To ensure that the application and registration fee have been*
22 *received by the bureau on or before the business day that the*
23 *employee is assigned to work.*

24 (2) *To ensure that the application and registration fee either*
25 *have been mailed to the bureau and officially postmarked with a*
26 *date on or before the employee is assigned to work or have been*
27 *deposited with a carrier performing overnight delivery services on*
28 *or before the business day that the employee is assigned to work.*

29 (3) *To ensure, if the applicant is assigned to work on a Saturday,*
30 *Sunday, or on a federal holiday, that the application and*
31 *registration fee either have been mailed to the bureau and officially*
32 *postmarked with a date on the first business day immediately*
33 *following that Saturday, Sunday, or federal holiday or have been*
34 *deposited with a carrier performing overnight delivery services on*
35 *the first business day immediately following that Saturday,*
36 *Sunday, or federal holiday.*

37 *SEC. 7.7. Section 7583.9 of the Business and Professions*
38 *Code is amended to read:*

39 7583.9. (a) *Upon accepting employment by a private patrol*
40 *operator, lawful business, or public agency, any employee who*



1 performs the function of a security guard or security patrolperson
2 who is not currently registered with the bureau, shall complete an
3 application for registration on a form as prescribed by the director,
4 and obtain two classifiable fingerprint cards for submission to the
5 Department of Justice. *The applicant shall submit the application,*
6 *the registration fee, and his or her fingerprints to the bureau. The*
7 *bureau shall forward the classifiable fingerprint cards to the*
8 *Department of Justice.* The Department of Justice shall forward
9 one classifiable fingerprint card to the Federal Bureau of
10 Investigation for purposes of a background check. ~~The applicant~~
11 ~~shall submit the application and registration fee to the bureau on~~
12 ~~or before the same business day that he or she is assigned to work~~
13 ~~as a security guard or security patrolperson performing any of the~~
14 ~~functions set forth in subdivision (a) of Section 7582.1. If the~~
15 ~~applicant is assigned to work on a Saturday, Sunday, or on a federal~~
16 ~~holiday, the applicant may submit the application and registration~~
17 ~~fee to the bureau on the first business day immediately following~~
18 ~~the Saturday, Sunday, or federal holiday. The applicant shall~~
19 ~~submit the fingerprints to the bureau within three business days~~
20 ~~after being assigned to work with a temporary registration card.~~

21 (b) If a private patrol operator pays the application fee on
22 behalf of the applicant, nothing in this section shall preclude the
23 private patrol operator from withholding the amount of the fee
24 from the applicant's compensation.

25 (c) The licensee shall maintain supplies of applications and
26 fingerprint cards that shall be provided by the bureau upon request.

27 (d) In lieu of classifiable fingerprint cards provided for in this
28 section, the bureau may authorize applicants to submit their
29 fingerprints into an electronic fingerprinting system administered
30 by the Department of Justice. Applicants who submit their
31 fingerprints by electronic means shall have their fingerprints
32 entered into the system through a terminal operated by a law
33 enforcement agency or other facility authorized by the Department
34 of Justice to conduct electronic fingerprinting. The enforcement
35 agency responsible for operating the terminal may charge a fee
36 sufficient to reimburse it for the costs incurred in providing this
37 service.

38 (e) Upon receipt of an applicant's electronic *or hard card*
39 fingerprints as provided in this section, the Department of Justice
40 shall ~~determine whether the applicant has been convicted of any~~



1 ~~crime and forward the~~ disseminate the following information to
2 the bureau:

3 (1) Every conviction rendered against the applicant.

4 (2) Every arrest for an offense for which the applicant is
5 presently awaiting trial, whether the applicant is incarcerated or
6 has been released on bail or on his or her own recognizance
7 pending trial.

8 ~~(f) The requirement of submission of fingerprint cards to the~~
9 ~~Federal Bureau of Investigation shall not apply to-~~ (1) A currently
10 employed, full-time peace-officers officer holding peace officer
11 status under Chapter 4.5 (commencing with Section 830) of Title
12 3 of Part 2 of the Penal Code, or ~~to~~ a level I or level II reserve
13 officers officer as described in paragraphs (1) and (2) of
14 subdivision (a) of Section 832.6 of the Penal Code-

15 ~~(g)~~ may immediately perform the functions of a security guard
16 or security patrolperson, provided that he or she has submitted an
17 application, the applicable fees, and his or her fingerprints to the
18 bureau for a security guard registration.

19 (2) This subdivision does not apply to a peace officer required
20 to obtain a firearm qualification card pursuant to Section 7583.12.

21 (g) Peace officers exempt from the submission of classifiable
22 fingerprints pursuant to subdivision (f) shall submit verification of
23 their active duty peace officer status to the bureau with their
24 application for registration. A photocopy of the front and back of
25 their peace officer identification badge shall be adequate
26 verification.

27 (h) Peace officers exempt from the submission of classifiable
28 fingerprints pursuant to subdivision (f) shall report a change in
29 their active duty peace officer status to the bureau within 72 hours
30 of the change in active duty peace officer status.

31 (i) (1) Peace officers exempt from obtaining a firearm
32 qualification card pursuant to subdivision (c) of Section 7583.12
33 shall submit to the bureau with their application for registration
34 a letter of approval from his or her primary employer authorizing
35 him or her to carry a firearm while working as a security guard or
36 security officer.

37 (2) For purposes of this section, "primary employer" means a
38 public safety agency currently employing a peace officer subject
39 to this section.



1 (j) In addition to the amount authorized pursuant to Section
 2 7570.1, the bureau may impose an additional fee not to exceed
 3 three dollars (\$3) for processing classifiable fingerprint cards
 4 submitted by applicants excluding those submitted into an
 5 electronic fingerprint system using electronic fingerprint
 6 technology.

7 ~~(h)~~

8 (k) An employee shall, on the first day of employment, display
 9 to the client his or her registration card if it is feasible and practical
 10 to comply with this disclosure requirement. The employee shall
 11 thereafter display to the client his or her registration card upon the
 12 request of the client.

13 ~~(i) “Submit,” as used in subdivision (a), means any of the~~
 14 ~~following:~~

15 ~~(1) To ensure that the application and registration fee have been~~
 16 ~~received by the bureau on or before the business day that the~~
 17 ~~employee is assigned to work.~~

18 ~~(2) To ensure that the application and registration fee either~~
 19 ~~have been mailed to the bureau and officially postmarked with a~~
 20 ~~date on or before the employee is assigned to work or have been~~
 21 ~~deposited with a carrier performing overnight delivery services on~~
 22 ~~or before the business day that the employee is assigned to work.~~

23 ~~(3) To ensure, if the applicant is assigned to work on a Saturday,~~
 24 ~~Sunday, or on a federal holiday, that the application and~~
 25 ~~registration fee either have been mailed to the bureau and officially~~
 26 ~~postmarked with a date on the first business day immediately~~
 27 ~~following that Saturday, Sunday, or federal holiday or have been~~
 28 ~~deposited with a carrier performing overnight delivery services on~~
 29 ~~the first business day immediately following that Saturday,~~
 30 ~~Sunday, or federal holiday.~~

31 SEC. 8. Section 7583.11 of the Business and Professions
 32 Code is amended to read:

33 7583.11. (a) Except as provided in subdivision (b), an
 34 employee of a licensee, any lawful business, or a public agency
 35 may be assigned to work with a temporary registration card that
 36 indicates completion of the course in the exercise of the power to
 37 arrest until the bureau issues a registration card or denies the
 38 application for registration. However, a licensee, any lawful
 39 business, or a public agency shall not assign an employee to work
 40 with a temporary registration card unless the licensee, lawful



1 business, or public agency submits the employee's application and
2 registration fee to the bureau on or before the same business day
3 that the employee is assigned to work as a security guard or
4 security patrolperson performing any of the functions set forth in
5 subdivision (a) of Section 7582.1. If a licensee, lawful business,
6 or public agency assigns an employee to work with a temporary
7 registration card on a Saturday, Sunday, or on a federal holiday, the
8 licensee, lawful business, or public agency may submit the
9 employee's application and registration fee to the bureau on the
10 first business day immediately following the Saturday, Sunday, or
11 federal holiday. A temporary registration card shall in no event be
12 valid for more than 120 days. However, the director may extend
13 the expiration date beyond the 120 days at any time when there is
14 an abnormal delay in processing applications for prospective
15 security guards. For purposes of this section, the 120-day period
16 shall commence on the date the applicant signs the application.

17 (b) An employee who has been convicted of a crime prior to
18 applying for a position as a security guard shall not be issued a
19 temporary registration card and shall not be assigned to work as a
20 security guard until the bureau issues a permanent registration
21 card. This subdivision shall apply only if the applicant for
22 registration as a security guard has disclosed the conviction to the
23 bureau on his or her application form or if the fact of the conviction
24 has come to the attention of the bureau through official court or
25 other governmental documents. In no event shall the director, the
26 department, the bureau, the chief, or the State of California be
27 liable for any civil damages in the event of the issuance of a
28 temporary registration if the applicant has falsified his or her
29 application to conceal a prior criminal conviction.

30 (c) A temporary registration card issued pursuant to this section
31 shall include the name, address, and license number of the private
32 patrol operator employer or training facility that issued the
33 temporary registration card.

34 (d) An employee shall, on the first day of employment, display
35 to the client his or her registration card or temporary registration
36 card, when it is feasible and practical to comply with this
37 disclosure requirement. The employee shall thereafter display to
38 the client his or her registration card or temporary registration card
39 upon the request of the client.



1 (e) “Submit,” as used in subdivision (a), means any of the
2 following:

3 (1) To ensure that the application and registration fee have been
4 received by the bureau on or before the business day that the
5 employee is assigned to work.

6 (2) To ensure that the application and registration fee either
7 have been mailed to the bureau and officially postmarked with a
8 date on or before the employee is assigned to work or have been
9 deposited with a carrier performing overnight delivery services on
10 or before the business day that the employee is assigned to work.

11 (3) To ensure, if the applicant is assigned to work on a Saturday,
12 Sunday, or on a federal holiday, that the application and
13 registration fee either have been mailed to the bureau and officially
14 postmarked with a date on the first business day immediately
15 following that Saturday, Sunday, or federal holiday or have been
16 deposited with a carrier performing overnight delivery services on
17 the first business day immediately following that Saturday,
18 Sunday, or federal holiday.

19 (f) This section shall become inoperative on June 30, 2003,
20 and, as of January 1, 2004, is repealed, unless a later enacted statute
21 that is enacted before January 1, 2004, deletes or extends the dates
22 on which it becomes inoperative and is repealed.

23 SEC. 9. Section 7583.34 of the Business and Professions
24 Code is amended to read:

25 7583.34. A licensee, or any lawful business or public agency
26 that employs a security guard registered pursuant to this chapter
27 shall not permit any employee to carry a baton prior to ascertaining
28 that the employee is proficient in the use of the weapon. Evidence
29 of proficiency shall include a certificate from a baton training
30 facility approved by the bureau which certifies that the employee
31 is proficient in the use of the baton.

32 SEC. 10. Section 7583.36 of the Business and Professions
33 Code is amended to read:

34 7583.36. A licensee, or any lawful business or public agency
35 that employs a security guard registered pursuant to this chapter
36 shall not permit any employee to carry tear gas or any other
37 nonlethal chemical agent prior to ascertaining that the employee
38 is proficient in the use of tear gas or other nonlethal chemical
39 agent. Evidence of proficiency shall include a certificate from a
40 training facility approved by the Department of Justice or by the



1 Commission on Peace Officers Standards and Training that the
2 person is proficient in the use of tear gas or any other nonlethal
3 chemical agent.

4 SEC. 11. Section 7587.7 of the Business and Professions
5 Code is amended to read:

6 7587.7. If, upon investigation, the director determines a
7 licensee, including a corporation, or registrant, or any lawful
8 business or public agency that employs a security guard registered
9 pursuant to this chapter is in violation of Section 7583.2, 7583.3,
10 7583.37, 7585.19, 7587.2, or 7587.14, the director may issue a
11 citation to the licensee, registrant, lawful business, or public
12 agency. The citation shall be in writing and shall describe with
13 particularity the nature of the violation, including specific
14 reference to the provision of law determined to have been violated.
15 If the director deems it appropriate, the citation may contain an
16 order of abatement fixing a reasonable time for abatement of the
17 violation and may contain an assessment of an administrative fine.
18 The amount of the fine shall in no event exceed two thousand five
19 hundred dollars (\$2,500) or as otherwise provided in this chapter,
20 whichever is less.

21 A citation or fine assessment shall inform the licensee,
22 registrant, lawful business, or public agency that if he or she
23 contests the finding of a violation, he or she may request a review
24 by a disciplinary review committee in accordance with Section
25 7581.3. If a review is not requested pursuant to this section,
26 payment of any fine shall not constitute an admission of the
27 violation charged. If a review is not allowed under this chapter, a
28 licensee, registrant, lawful business, or public agency may request
29 a hearing in accordance with the provisions of Chapter 5
30 (commencing with Section 11500) of Part 1 of Division 3 of Title
31 2 of the Government Code if he or she wishes to contest the
32 findings of a violation, and if a hearing is not requested, payment
33 of any fines shall not constitute an admission of the violation
34 charged.

35 If the licensee or registrant neither requests a review, nor pays
36 the assessed fine within 30 days of the assessment, the license or
37 registration of the person shall not be renewed pursuant to the
38 provisions of this chapter until the assessed fine is paid.



1 Administrative fines collected pursuant to this article shall be
2 deposited in the Private Security Services Fund, which fund is
3 hereby created to carry out the purposes of this chapter.

4 SEC. 12. *Section 1.5 of this bill incorporates amendments to*
5 *Section 7581 of the Business & Professions Code proposed by both*
6 *this bill and AB 2780. It shall only become operative if (1) both*
7 *bills are enacted and become effective on or before January 1,*
8 *2003, (2) each bill amends Section 7581 of the Business &*
9 *Professions Code, and (3) this bill is enacted after AB 2780, in*
10 *which case Section 1 of this bill shall not become operative.*

11 SEC. 13. (a) *Section 3.3 of this bill incorporates*
12 *amendments to Section 7583.2 of the Business & Professions Code*
13 *proposed by both this bill and SB 1241. It shall only become*
14 *operative if (1) both bills are enacted and become effective on or*
15 *before January 1, 2003, (2) each bill amends Section 7583.2 of the*
16 *Business & Professions Code, (3) AB 2880 is not enacted or as*
17 *enacted does not amend that section, and (4) this bill is enacted*
18 *after SB 1241, in which case Sections 3, 3.5, and 3.7 of this bill*
19 *shall not become operative.*

20 (b) *Section 3.5 of this bill incorporates amendments to Section*
21 *7583.2 of the Business & Professions Code proposed by both this*
22 *bill and AB 2880. It shall only become operative if (1) both bills*
23 *are enacted and become effective on or before January 1, 2003, (2)*
24 *each bill amends Section 7583.2 of the Business & Professions*
25 *Code, (3) SB 1241 is not enacted or as enacted does not amend that*
26 *section, and (4) this bill is enacted after AB 2880, in which case*
27 *Sections 3, 3.3, and 3.7 of this bill shall not become operative.*

28 (c) *Section 3.7 of this bill incorporates amendments to Section*
29 *7583.2 of the Business & Professions Code proposed by this bill,*
30 *SB 1241, and AB 2880. It shall only become operative if (1) all*
31 *three bills are enacted and become effective on or before January*
32 *1, 2003, (2) all three bills amend Section 7583.2 of the Business*
33 *& Professions Code, and (3) this bill is enacted after SB 1241, and*
34 *AB 2880, in which case Sections 3, 3.3, and 3.5 of this bill shall*
35 *not become operative.*

36 SEC. 14. *Section 4.5 of this bill incorporates amendments to*
37 *Section 7583.6 of the Business & Professions Code proposed by*
38 *both this bill and AB 2880. It shall only become operative if (1)*
39 *both bills are enacted and become effective on or before January*
40 *1, 2003, (2) each bill amends Section 7583.6 of the Business &*



1 *Professions Code, and (3) this bill is enacted after AB 2880, in*
2 *which case Section 4 of this bill shall not become operative.*

3 *SEC. 15. Section 4.7 of this bill incorporates amendments to*
4 *Section 7583.6 of the Business & Professions Code proposed by*
5 *both this bill and AB 2880. It shall only become operative if (1)*
6 *both bills are enacted and become effective on or before January*
7 *1, 2003, (2) each bill amends Section 7583.6 of the Business &*
8 *Professions Code, and (3) this bill is enacted after AB 2880, in*
9 *which case Section 4 of this bill shall not become operative.*

10 *SEC. 16. Section 5.5 of this bill incorporates amendments to*
11 *Section 7583.7 of the Business & Professions Code proposed by*
12 *both this bill and AB 2880. It shall only become operative if (1)*
13 *both bills are enacted and become effective on or before January*
14 *1, 2003, (2) each bill amends Section 7583.7 of the Business &*
15 *Professions Code, and (3) this bill is enacted after AB 2880, in*
16 *which case Section 5 of this bill shall not become operative.*

17 *SEC. 17. Section 5.7 of this bill incorporates amendments to*
18 *Section 7583.7 of the Business & Professions Code proposed by*
19 *both this bill and AB 2880. It shall only become operative if (1)*
20 *both bills are enacted and become effective on or before January*
21 *1, 2003, (2) each bill amends Section 7583.7 of the Business &*
22 *Professions Code, and (3) this bill is enacted after AB 2880, in*
23 *which case Section 5 of this bill shall not become operative.*

24 *SEC. 18. Section 6.5 of this bill incorporates amendments to*
25 *Section 7583.8 of the Business & Professions Code proposed by*
26 *both this bill and SB 1241. It shall only become operative if (1)*
27 *both bills are enacted and become effective on or before January*
28 *1, 2003, (2) each bill amends Section 7583.8 of the Business &*
29 *Professions Code, and (3) this bill is enacted after SB 1241, in*
30 *which case Section 6 of this bill shall not become operative.*

31 *SEC. 19. (a) Section 7.3 of this bill incorporates*
32 *amendments to Section 7583.9 of the Business & Professions Code*
33 *proposed by both this bill and SB 1241. It shall only become*
34 *operative if (1) both bills are enacted and become effective on or*
35 *before January 1, 2003, (2) each bill amends Section 7583.9 of the*
36 *Business & Professions Code, (3) AB 1840 is not enacted or as*
37 *enacted does not amend that section, and (4) this bill is enacted*
38 *after SB 1241, in which case Sections 7, 7.5, and 7.7 of this bill*
39 *shall not become operative.*



1 **(b)** Section 7.5 of this bill incorporates amendments to Section
 2 7583.9 of the Business & Professions Code proposed by both this
 3 bill and AB 1840. It shall only become operative if (1) both bills
 4 are enacted and become effective on or before January 1, 2003, (2)
 5 each bill amends Section 7583.9 of the Business & Professions
 6 Code, (3) SB 1241 is not enacted or as enacted does not amend that
 7 section, and (4) this bill is enacted after AB 1840, in which case
 8 Sections 7, 7.3, and 7.7 of this bill shall not become operative.

9 **(c)** Section 7.7 of this bill incorporates amendments to Section
 10 7583.9 of the Business & Professions Code proposed by this bill,
 11 SB 1241, and AB 1840. It shall only become operative if (1) all
 12 three bills are enacted and become effective on or before January
 13 1, 2003, (2) all three bills amend Section 7583.9 of the Business
 14 & Professions Code, and (3) this bill is enacted after SB 1241, and
 15 AB 1840, in which case Sections 7, 7.3, and 7.5 of this bill shall
 16 not become operative.

17 **SEC. 20.** No reimbursement is required by this act pursuant
 18 to Section 6 of Article XIII B of the California Constitution
 19 because the only costs that may be incurred by a local agency or
 20 school district will be incurred because this act creates a new crime
 21 or infraction, eliminates a crime or infraction, or changes the
 22 penalty for a crime or infraction, within the meaning of Section
 23 17556 of the Government Code, or changes the definition of a
 24 crime within the meaning of Section 6 of Article XIII B of the
 25 California Constitution.

