

AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1840

Introduced by Assembly Member Diaz

January 28, 2002

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1840, as amended, Diaz. Private security services: peace officers.

Existing law, the Private Security Services Act, provides for the licensure of private patrol operators and the registration of security guards by the Director of Consumer Affairs and requires that they comply with certain terms in the conduct of their operations. Existing law exempts a peace officer who is not employed as an armed private security officer from these provisions.

This bill would extend this exemption to a peace officer who is employed as an armed private security guard if he or she satisfies specified conditions, including, among other things, registration with the department's Bureau of Security and Investigative Services and compliance with certain training requirements.

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

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

1 SECTION 1. Section 7582.2 of the Business and Professions
2 Code is amended to read:
3 7582.2. This chapter does not apply to:
4 (a) A person employed exclusively and regularly by any
5 employer who does not provide contract security services for other
6 entities or persons, in connection with the affairs of the employer
7 only and where there exists an employer-employee relationship if
8 that person at no time carries or uses any deadly weapon in the
9 performance of his or her duties. For purposes of this subdivision,
10 “deadly weapon” is defined to include any instrument or weapon
11 of the kind commonly known as a blackjack, slungshot, billy,
12 sandclub, sandbag, metal knuckles, any dirk, dagger, pistol,
13 revolver, or any other firearm, any knife having a blade longer than
14 five inches, any razor with an unguarded blade and any metal pipe
15 or bar used or intended to be used as a club.
16 (b) An officer or employee of the United States of America, or
17 of this state or a political subdivision thereof, while the officer or
18 employee is engaged in the performance of his or her official
19 duties, including uniformed peace officers employed part time by
20 a public agency pursuant to a written agreement between a chief
21 of police or sheriff and the public agency, provided the part-time
22 employment does not exceed 50 hours in any calendar month.
23 (c) A person engaged exclusively in the business of obtaining
24 and furnishing information as to the financial rating of persons.
25 (d) A charitable philanthropic society or association duly
26 incorporated under the laws of this state which is organized and
27 maintained for the public good and not for private profit.
28 (e) Patrol special police officers appointed by the police
29 commission of any city, county, or city and county under the
30 express terms of its charter who also under the express terms of the
31 charter (1) are subject to suspension or dismissal after a hearing on
32 charges duly filed with the commission after a fair and impartial
33 trial, (2) must be not less than 18 years of age nor more than 40
34 years of age, (3) must possess physical qualifications prescribed
35 by the commission, and (4) are designated by the police
36 commission as the owners of a certain beat or territory as may be
37 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) (1) A peace officer of this state or a political subdivision
20 thereof while the peace officer is employed by a private employer
21 to engage in off-duty employment, including employment as an
22 armed security officer, in accordance with Section 1126 of the
23 Government Code. A peace officer employed as an armed security
24 officer shall satisfy all of the following conditions in order to be
25 exempt from the provisions of this chapter:

26 (A) He or she is employed solely and exclusively as an armed
27 security officer.

28 (B) He or she has registered with the bureau on a form approved
29 by the director and has met any training requirements or their
30 equivalent as established for security personnel under Section
31 7583.5. *However, in registering with the bureau, he or she shall not*
32 *be required to satisfy the fingerprinting requirements of Section*
33 *7583.9.*

34 (C) He or she is authorized to carry a loaded and concealed
35 firearm in accordance with the exemptions set forth in subdivision
36 (a) of Section 12027 of the Penal Code.

37 (2) For purposes of this subdivision, “armed security officer”
38 means a peace officer who is employed as a security guard and who
39 carries or uses a firearm in the course and scope of his or her
40 employment as a security guard.



1 (3) Notwithstanding the provisions of this subdivision, a peace
2 officer who either contracts for his or her services or the services
3 of others as a private patrol operator is not exempt from the
4 provisions of this chapter.

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

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

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

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

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

