

AMENDED IN SENATE AUGUST 22, 2002

AMENDED IN SENATE JUNE 29, 2002

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1840**

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**Introduced by Assembly Member Diaz  
(Principal coauthor: Assembly Member Shelley)  
(Coauthors: Assembly Members Bogh, Bill Campbell, Cohn,  
Dickerson, Harman, Koretz, Pavley, Salinas, and Wiggins)**

January 28, 2002

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An act to amend ~~Section 7583.9~~ *Sections 7583.9 and 7583.12* of, and to add Section ~~7588.5~~ 7588.2 to, 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, including submitting a set of fingerprints to the Department of Justice and paying specified fees for licensure, registration, and various other purposes. Existing law exempts certain peace officers and reserve officers from the provisions requiring the submission of fingerprints.

This bill would require a peace officer who is engaged as a security guard to pay registration fees and would exempt the peace officer from any other fees imposed on security guards under certain conditions. The bill would require a peace officer exempt from the provisions requiring the submission of fingerprints to submit verification of their active duty status to the Bureau of Security and Investigative Services, *subject to certain conditions.*

*Existing law regulates the possession and use of a firearm by a private patrol operator or security guard.*

*The bill would permit a peace officer who has complied with specified conditions to carry a firearm while working as a security guard or security officer.*

*The bill would incorporate additional changes in Section 7583.9 of the Business and Professions Code proposed by AB 248 or 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: no.

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

1 SECTION 1. Section 7583.9 of the Business and Professions  
 2 Code is amended to read:  
 3 7583.9. (a) Upon accepting employment by a private patrol  
 4 operator, any employee who performs the function of a security  
 5 guard or security patrolperson who is not currently registered with  
 6 the bureau, shall complete an application for registration on a form  
 7 as prescribed by the director, and obtain two classifiable  
 8 fingerprint cards for submission to the Department of Justice. The  
 9 Department of Justice shall forward one classifiable fingerprint  
 10 card to the Federal Bureau of Investigation for purposes of a  
 11 background check. The applicant shall submit the application and  
 12 registration fee to the bureau on or before the same business day  
 13 that he or she is assigned to work as a security guard or security  
 14 patrolperson performing any of the functions set forth in  
 15 subdivision (a) of Section 7582.1. If the applicant is assigned to  
 16 work on a Saturday, Sunday, or on a federal holiday, the applicant  
 17 may submit the application and registration fee to the bureau on the  
 18 first business day immediately following the Saturday, Sunday, or  
 19 federal holiday. The applicant shall submit the fingerprints to the



1 bureau within three business days after being assigned to work  
2 with a temporary registration card.

3 (b) If a private patrol operator pays the application fee on  
4 behalf of the applicant, nothing in this section shall preclude the  
5 private patrol operator from withholding the amount of the fee  
6 from the applicant's compensation.

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

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

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

24 (f) (1) The requirement of submission of fingerprint cards set  
25 forth in subdivision (a) shall not apply to currently employed,  
26 full-time peace officers holding peace officer status under Chapter  
27 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
28 Code, or to level I or level II reserve officers as described in  
29 paragraphs (1) and (2) of subdivision (a) of Section 832.6 of the  
30 Penal Code.

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

33 (g) Peace officers exempt from the submission of classifiable  
34 fingerprints pursuant to subdivision (f) shall submit verification of  
35 their active duty peace officer status to the bureau with their  
36 application for registration. A photocopy of the front and back of  
37 their peace officer identification badge shall be adequate  
38 verification.

39 (h) Peace officers exempt from the submission of classifiable  
40 fingerprints pursuant to subdivision (f) shall report a change in



1 their active duty peace officer status to the bureau within 72 hours  
2 of the change in active duty peace officer status.

3 (i) *(1) Peace officers exempt from obtaining a firearm*  
4 *qualification card pursuant to subdivision (c) of Section 7583.12*  
5 *shall submit to the bureau with their application for registration*  
6 *a letter of approval from his or her primary employer authorizing*  
7 *him or her to carry a firearm while working as a security guard or*  
8 *security officer.*

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

12 (j) In addition to the amount authorized pursuant to Section  
13 7570.1, the bureau may impose an additional fee not to exceed  
14 three dollars (\$3) for processing classifiable fingerprint cards  
15 submitted by applicants excluding those submitted into an  
16 electronic fingerprint system using electronic fingerprint  
17 technology.

18 ~~(j)~~

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

24 ~~(k)~~

25 (l) “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. 1.1. 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 Department of Justice shall forward  
12 one classifiable fingerprint card to the Federal Bureau of  
13 Investigation for purposes of a background check. The applicant  
14 shall submit the application and registration fee to the bureau on  
15 or before the same business day that he or she is assigned to work  
16 as a security guard or security patrolperson performing any of the  
17 functions set forth in subdivision (a) of Section 7582.1. If the  
18 applicant is assigned to work on a Saturday, Sunday, or on a federal  
19 holiday, the applicant may submit the application and registration  
20 fee to the bureau on the first business day immediately following  
21 the Saturday, Sunday, or federal holiday. The applicant shall  
22 submit the fingerprints to the bureau within three business days  
23 after being assigned to work with a temporary registration card.

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

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

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



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

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

12 ~~(g)~~

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

15 *(g) Peace officers exempt from the submission of classifiable*  
16 *fingerprints pursuant to subdivision (f) shall submit verification of*  
17 *their active duty peace officer status to the bureau with their*  
18 *application for registration. A photocopy of the front and back of*  
19 *their peace officer identification badge shall be adequate*  
20 *verification.*

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

25 *(i) (1) Peace officers exempt from obtaining a firearm*  
26 *qualification card pursuant to subdivision (c) of Section 7583.12*  
27 *shall submit to the bureau with their application for registration*  
28 *a letter of approval from his or her primary employer authorizing*  
29 *him or her to carry a firearm while working as a security guard or*  
30 *security officer.*

31 *(2) For purposes of this section, "primary employer" means a*  
32 *public safety agency currently employing a peace officer subject*  
33 *to this section.*

34 *(j) In addition to the amount authorized pursuant to Section*  
35 *7570.1, the bureau may impose an additional fee not to exceed*  
36 *three dollars (\$3) for processing classifiable fingerprint cards*  
37 *submitted by applicants excluding those submitted into an*  
38 *electronic fingerprint system using electronic fingerprint*  
39 *technology.*

40 ~~(h)~~



1 (k) An employee shall, on the first day of employment, display  
2 to the client his or her registration card if it is feasible and practical  
3 to comply with this disclosure requirement. The employee shall  
4 thereafter display to the client his or her registration card upon the  
5 request of the client.

6 (†)

7 (l) “Submit,” as used in subdivision (a), means any of the  
8 following:

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

12 (2) To ensure that the application and registration fee either  
13 have been mailed to the bureau and officially postmarked with a  
14 date on or before the employee is assigned to work or have been  
15 deposited with a carrier performing overnight delivery services on  
16 or before the business day that the employee is assigned to work.

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

25 *SEC. 1.2. Section 7583.9 of the Business and Professions*  
26 *Code is amended to read:*

27 7583.9. (a) Upon accepting employment by a private patrol  
28 operator, any employee who performs the function of a security  
29 guard or security patrolperson who is not currently registered with  
30 the bureau, shall complete an application for registration on a form  
31 as prescribed by the director, and obtain two classifiable  
32 fingerprint cards for submission to the Department of Justice. *The*  
33 *applicant shall submit the application, the registration fee, and his*  
34 *or her fingerprints to the bureau. The bureau shall forward the*  
35 *classifiable fingerprint cards to the Department of Justice. The*  
36 *Department of Justice shall forward one classifiable fingerprint*  
37 *card to the Federal Bureau of Investigation for purposes of a*  
38 *background check. ~~The applicant shall submit the application and~~*  
39 *registration fee to the bureau on or before the same business day*  
40 *that he or she is assigned to work as a security guard or security*



1 ~~patrolperson performing any of the functions set forth in~~  
2 ~~subdivision (a) of Section 7582.1. If the applicant is assigned to~~  
3 ~~work on a Saturday, Sunday, or on a federal holiday, the applicant~~  
4 ~~may submit the application and registration fee to the bureau on the~~  
5 ~~first business day immediately following the Saturday, Sunday, or~~  
6 ~~federal holiday. The applicant shall submit the fingerprints to the~~  
7 ~~bureau within three business days after being assigned to work~~  
8 ~~with a temporary registration card.~~

9 (b) If a private patrol operator pays the application fee on  
10 behalf of the applicant, nothing in this section shall preclude the  
11 private patrol operator from withholding the amount of the fee  
12 from the applicant's compensation.

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

15 (d) In lieu of classifiable fingerprint cards provided for in this  
16 section, the bureau may authorize applicants to submit their  
17 fingerprints into an electronic fingerprinting system administered  
18 by the Department of Justice. Applicants who submit their  
19 fingerprints by electronic means shall have their fingerprints  
20 entered into the system through a terminal operated by a law  
21 enforcement agency or other facility authorized by the Department  
22 of Justice to conduct electronic fingerprinting. The enforcement  
23 agency responsible for operating the terminal may charge a fee  
24 sufficient to reimburse it for the costs incurred in providing this  
25 service.

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

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

32 (2) *Every arrest for an offense for which the applicant is*  
33 *presently awaiting trial, whether the applicant is incarcerated or*  
34 *has been released on bail or on his or her own recognizance*  
35 *pending trial.*

36 ~~The requirement of submission of fingerprint cards to the~~  
37 ~~Federal Bureau of Investigation shall not apply to~~ (1) A currently  
38 employed, full-time peace ~~officers~~ *officer* holding peace officer  
39 status under Chapter 4.5 (commencing with Section 830) of Title  
40 3 of Part 2 of the Penal Code, or ~~to~~ a level I or level II reserve



1 ~~officers~~ officer as described in paragraphs (1) and (2) of  
2 subdivision (a) of Section 832.6 of the Penal Code-

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

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

9 (g) Peace officers exempt from the submission of classifiable  
10 fingerprints pursuant to subdivision (f) shall submit verification of  
11 their active duty peace officer status to the bureau with their  
12 application for registration. A photocopy of the front and back of  
13 their peace officer identification badge shall be adequate  
14 verification.

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

19 (i) (1) Peace officers exempt from obtaining a firearm  
20 qualification card pursuant to subdivision (c) of Section 7583.12  
21 shall submit to the bureau with their application for registration  
22 a letter of approval from his or her primary employer authorizing  
23 him or her to carry a firearm while working as a security guard or  
24 security officer.

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

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

34 ~~(h)~~

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



1 (i) ~~“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 *SEC. 1.3. Section 7583.9 of the Business and Professions*  
20 *Code is amended to read:*

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



1 ~~submit the fingerprints to the bureau within three business days~~  
2 ~~after being assigned to work with a temporary registration card.~~

3 (b) If a private patrol operator pays the application fee on  
4 behalf of the applicant, nothing in this section shall preclude the  
5 private patrol operator from withholding the amount of the fee  
6 from the applicant's compensation.

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

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

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

- 25 (1) *Every conviction rendered against the applicant.*  
26 (2) *Every arrest for an offense for which the applicant is*  
27 *presently awaiting trial, whether the applicant is incarcerated or*  
28 *has been released on bail or on his or her own recognizance*  
29 *pending trial.*

30 (f) ~~The requirement of submission of fingerprint cards to the~~  
31 ~~Federal Bureau of Investigation shall not apply to~~ (1) A currently  
32 employed, full-time peace ~~officers~~ *officer* holding peace officer  
33 status under Chapter 4.5 (commencing with Section 830) of Title  
34 3 of Part 2 of the Penal Code, or ~~to~~ a level I or level II reserve  
35 ~~officers~~ *officer* as described in paragraphs (1) and (2) of  
36 subdivision (a) of Section 832.6 of the Penal Code:

37 (g) *may immediately perform the functions of a security guard*  
38 *or security patrolperson, provided that he or she has submitted an*  
39 *application, the applicable fees, and his or her fingerprints to the*  
40 *bureau for a security guard registration*



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

3 (g) *Peace officers exempt from the submission of classifiable*  
4 *fingerprints pursuant to subdivision (f) shall submit verification of*  
5 *their active duty peace officer status to the bureau with their*  
6 *application for registration. A photocopy of the front and back of*  
7 *their peace officer identification badge shall be adequate*  
8 *verification.*

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

13 (i) (1) *Peace officers exempt from obtaining a firearm*  
14 *qualification card pursuant to subdivision (c) of Section 7583.12*  
15 *shall submit to the bureau with their application for registration*  
16 *a letter of approval from his or her primary employer authorizing*  
17 *him or her to carry a firearm while working as a security guard or*  
18 *security officer.*

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

22 (j) *In addition to the amount authorized pursuant to Section*  
23 *7570.1, the bureau may impose an additional fee not to exceed*  
24 *three dollars (\$3) for processing classifiable fingerprint cards*  
25 *submitted by applicants excluding those submitted into an*  
26 *electronic fingerprint system using electronic fingerprint*  
27 *technology.*

28 ~~(h)~~

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

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

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

39 ~~(2) To ensure that the application and registration fee either~~  
40 ~~have been mailed to the bureau and officially postmarked with a~~



1 ~~date on or before the employee is assigned to work or have been~~  
2 ~~deposited with a carrier performing overnight delivery services on~~  
3 ~~or before the business day that the employee is assigned to work.~~

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

12 SEC. 2. *Section 7583.12 of the Business and Professions*  
13 *Code is amended to read:*

14 7583.12. (a) No employee of a licensee shall carry or use a  
15 firearm unless the employee has in his or her possession both of the  
16 following:

17 (1) A valid guard registration card issued pursuant to this  
18 chapter.

19 (2) A valid firearm qualification card issued pursuant to this  
20 chapter.

21 (b) Paragraph (2) of subdivision (a) shall not apply to a duly  
22 appointed peace officer, as defined in Chapter 4.5 (commencing  
23 with Section 830) of Title 3 of Part 2 of the Penal Code, who meets  
24 all of the following:

25 (1) He or she has successfully completed a course of study in  
26 the use of firearms.

27 (2) He or she is authorized to carry a concealed firearm in the  
28 course and scope of his or her employment pursuant to subdivision  
29 (a) of Section 12027 of the Penal Code.

30 (3) He or she has proof that he or she has applied to the bureau  
31 for a firearms qualification card.

32 (c) (1) *This section shall not apply to a duly appointed peace*  
33 *officer, as defined in Chapter 4.5 (commencing with Section 830)*  
34 *of Title 3 of Part 2 of the Penal Code, who has written approval*  
35 *from his or her primary employer, as defined in paragraph (2) of*  
36 *subdivision (i) of Section 7583.9, to carry a firearm while working*  
37 *as a security guard or security officer.*

38 (2) *A peace officer exempt under this subdivision shall carry on*  
39 *his or her person a letter of approval from his or her primary*



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

3 *SEC. 3.* Section ~~7588.5~~ 7588.2 is added to the Business and  
4 Professions Code, to read:

5 ~~7588.5.~~

6 7588.2. (a) A peace officer of this state or a political  
7 subdivision thereof who engages in off-duty employment solely  
8 and exclusively as a security guard or security officer, and who is  
9 required to be registered as a security guard or security officer  
10 pursuant to this chapter, shall only be subject to the fees required  
11 by subdivision (h) of Section 7588. ~~However, a~~

12 (b) A peace officer shall also be subject to the fees required by  
13 paragraphs (1) and (2) of subdivision (i) of Section 7588 if the  
14 peace officer carries or uses a firearm as part of the off-duty  
15 employment and has not received approval of his or her primary  
16 employer, *as defined in paragraph (2) of subdivision (i) of Section*  
17 *7583.9*, to carry a firearm while working as a security guard or  
18 security officer, *and has not submitted verification of that*  
19 *approval to the bureau pursuant to subdivision (i) of Section*  
20 *7583.9.*

21 ~~For purposes of this section, “primary employer” means a~~  
22 ~~public safety agency currently employing a peace officer subject~~  
23 ~~to this section.~~

24 *SEC. 4.* (a) *Section 1.1 of this bill incorporates amendments*  
25 *to Section 7583.9 of the Business and Professions Code proposed*  
26 *by both this bill and AB 248. 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 7583.9 of the Business and*  
29 *Professions Code, (3) SB 1241 is not enacted or as enacted does*  
30 *not amend that section, and (4) this bill is enacted after AB 248,*  
31 *in which case Sections 1, 1.2, and 1.3 of this bill shall not become*  
32 *operative.*

33 (b) *Section 1.2 of this bill incorporates amendments to Section*  
34 *7583.9 of the Business and Professions Code proposed by both this*  
35 *bill and SB 1241. It shall only become operative if (1) both bills*  
36 *are enacted and become effective on or before January 1, 2003, (2)*  
37 *each bill amends Section 7583.9 of the Business and Professions*  
38 *Code, (3) AB 248 is not enacted or as enacted does not amend that*  
39 *section, and (4) this bill is enacted after SB 1241, in which case*  
40 *Sections 1, 1.1, and 1.3 of this bill shall not become operative.*



1     (c) Section 1.3 of this bill incorporates amendments to Section  
2 7583.9 of the Business and Professions Code proposed by this bill,  
3 AB 248, and SB 1241. It shall only become operative if (1) all three  
4 bills are enacted and become effective on or before January 1,  
5 2003, (2) all three bills amend Section 7583.9 of the Business and  
6 Professions Code, and (3) this bill is enacted after AB 248 and SB  
7 1241, in which case Sections 1, 1.1, and 1.2 of this bill shall not  
8 become operative.

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