

ASSEMBLY BILL

No. 2780

Introduced by Assembly Member Corbett

February 25, 2002

An act to amend Sections 7581 and 7587.8 of, and to add Section 7583.46 to, the Business and Professions Code, relating to private security services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2780, as introduced, Corbett. Private security services.

Existing law provides for the regulation of private patrol operators by the Bureau of Security and Investigative Services in the Department of Consumer Affairs.

Existing law provides that the Director of Consumer Affairs may establish procedures so that certain public agencies may file charges with the director alleging that a registered person, or person who has applied for registration with the bureau, fails to meet registration standards.

This bill would allow any person in the state to file a complaint with the director alleging a registered person or a person who applied for registration with the bureau fails to meet registration standards. The bill would also require the bureau to issue a report to the charging or complaining party within 30 days from when the charges or complaint was filed.

Under existing law, the director is given the authority to impose fines on a person registered by the bureau for specified acts.

This bill would specify that in addition to the director's authority to impose fines, the director retains the authority to deny, suspend, or revoke a person's license.

This bill would also prohibit a private patrol operator from discharging, demoting, threatening, or otherwise discriminating against an employee in the terms and conditions of his or her employment, because that employee has disclosed information to a government or law enforcement agency relating to conduct proscribed by law. The bill authorizes a person who has been discharged or discriminated against to bring a claim against the private patrol operator within 3 years of the date of the discharge, demotion, threat, or discrimination.

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 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 as
- 8 security guards or patrolpersons, and armored contract carriers
- 9 and limiting the field and scope of the operations of a licensee to
- 10 those in which he or she is classified and qualified to engage.
- 11 (b) Fixing the qualifications of licensees and managers, in
- 12 addition to those prescribed in this chapter, necessary to promote
- 13 and protect the public welfare.
- 14 (c) Carrying out generally the provisions of this chapter,
- 15 including regulation of the conduct of licensees.
- 16 (d) Establishing the qualifications that any person employed by
- 17 a private patrol operator or any lawful business as a security guard
- 18 or patrolperson, or employed by an armored contract carrier, must
- 19 meet as a condition of becoming eligible to carry firearms pursuant
- 20 to subdivision (d) of Section 12031 of the Penal Code.
- 21 (e) Requiring each uniformed employee of a private patrol
- 22 operator and each armored vehicle guard, as defined in this
- 23 chapter, and any other person employed and compensated by a
- 24 private patrol operator or any lawful business as a security guard
- 25 or patrolperson and who in the course of this employment carries
- 26 a deadly weapon to be registered with the bureau upon application



1 on a form prescribed by the director accompanied by the
2 registration fee and by two classifiable sets of fingerprints of the
3 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, *or any*
14 *person in this state, may file a complaint with* the director alleging
15 that any registered *private patrol operator*, security guard, or
16 patrolperson, or anyone who is an applicant for registration, with
17 the bureau, fails to meet standards for registration, and providing
18 further for the investigation of the charges *and a report to the*
19 *charging or complaining party within 30 days from the day the*
20 *charge or complaint was filed.*

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

25 SEC. 2. Section 7587.8 of the Business and Professions Code
26 is amended to read:

27 7587.8. The director may assess fines for the following acts
28 pursuant to Article 4 (commencing with Section 7583) only as
29 follows:

30 (a) Violation of subdivisions (a), (b), and (c) of Section 7583.2;
31 one hundred dollars (\$100) per violation.

32 (b) Violation of subdivisions (h) and (i) of Section 7583.2; one
33 hundred dollars (\$100) for the first violation and two hundred fifty
34 dollars (\$250) per violation for each violation thereafter.

35 (c) Violation of subdivision (d) of Section 7583.2; one hundred
36 dollars (\$100) per violation.

37 (d) Violation of subdivision (g) of Section 7583.2; five
38 hundred dollars (\$500) for the first violation and one thousand five
39 hundred dollars (\$1,500) per violation for each violation
40 thereafter.



1 (e) Violation of subdivision (f) of Section 7583.2; two
2 thousand five hundred dollars (\$2,500) per violation,
3 notwithstanding any other provision of law.

4 *The assessment of a fine pursuant to this section shall not in any*
5 *way affect the authority of the director to deny, suspend, or revoke*
6 *a license pursuant to subdivision (b) of Section 7587.1.*

7 SEC. 3. Section 7583.46 is added to the Business and
8 Professions Code, to read:

9 7583.46. (a) A private patrol operator may not discharge,
10 demote, threaten, or in any manner discriminate against an
11 employee in the terms and conditions of his or her employment,
12 for disclosing information or causing information to be disclosed,
13 to a government or law enforcement agency, when the information
14 is related to conduct proscribed in this chapter.

15 (b) A person who believes that he or she has been discharged,
16 demoted, threatened, or in any other manner discriminated against
17 in the terms and conditions of his or her employment, because that
18 person disclosed or caused information to be disclosed to a
19 government or law enforcement agency, may bring a claim against
20 the private patrol operator within three years of the date of the
21 discharge, demotion, threat, or discrimination.

