

**ASSEMBLY BILL**

**No. 2880**

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**Introduced by Assembly Member Chavez**

February 25, 2002

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An act to amend Sections 7581, 7583.6, 7583.7, 7583.9, 7583.20, and 7587.8 of, and to add Sections 7581.6, 7583.46, and 7588.5 to, the Business and Professions Code, relating to private security services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2880, as introduced, Chavez. Private security services.

Existing law provides for the regulation of private security services by the Bureau of Security and Investigative Services in the Department of Consumer Affairs. Existing law authorizes the Director of the Department of Consumer Affairs to 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 authorize 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. The 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.

The bill would 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.

Existing law requires a person who is registered as a security guard to complete certain training requirements. Existing law sets forth specified topics to be covered in the training courses.

The bill would require a registered security guard to complete not less than 32 hours of training within 90 days from the day the registration card is issued, with 16 of those hours to be completed within the first 30 days. The bill would impose other training requirements on a security guard. The bill would require additional topics to be included in the training courses on the power to arrest.

The bill would require a registrant, as a condition of registration renewal, to certify to the bureau that he or she has completed not less than 16 hours of continuing education.

Existing law prescribes fees for the registration of security guards and provides that the application fee for a security employee that is paid by the employer may be withheld from the employee’s compensation.

The bill would prohibit an employer who pays fees on behalf of a security employee from deducting the cost of those fees from an employee’s wages. The bill would require an employer to compensate an employee for on-the-job training at the employee’s regular rate of pay.

The bill would also require the bureau to establish and maintain a registry of all persons who have applied for or obtained a security guard license. The bill would require the bureau to compare the bureau’s registry information with information maintained by the Department of Justice. The bill would prohibit the bureau from including criminal history information in the registry files.

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:



1 (a) Classifying licensees according to the type of business  
2 regulated by this chapter in which they are engaged, including, but  
3 not limited to, persons employed by any lawful business as  
4 security guards or patrolpersons, and armored contract carriers  
5 and limiting the field and scope of the operations of a licensee to  
6 those in which he or she is classified and qualified to engage.

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

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

12 (d) Establishing the qualifications that any person employed by  
13 a private patrol operator or any lawful business as a security guard  
14 or patrolperson, or employed by an armored contract carrier, must  
15 meet as a condition of becoming eligible to carry firearms pursuant  
16 to subdivision (d) of Section 12031 of the Penal Code.

17 (e) Requiring each uniformed employee of a private patrol  
18 operator and each armored vehicle guard, as defined in this  
19 chapter, and any other person employed and compensated by a  
20 private patrol operator or any lawful business as a security guard  
21 or patrolperson and who in the course of this employment carries  
22 a deadly weapon to be registered with the bureau upon application  
23 on a form prescribed by the director accompanied by the  
24 registration fee and by two classifiable sets of fingerprints of the  
25 applicant or its equivalent as determined by the director and  
26 approved by the Department of Justice, establishing the term of the  
27 registration for a period of not less than two nor more than four  
28 years, and providing for the renewal thereof upon proper  
29 application and payment of the renewal fee. The director may,  
30 after opportunity for a hearing, refuse this registration to any  
31 person who lacks good moral character, and may impose  
32 reasonable additional requirements as are necessary to meet local  
33 needs that are not inconsistent with the provisions of this chapter.

34 (f) Establishing procedures whereby the local authorities of  
35 any city, county, or city and county may file charges with, *or any*  
36 *person in this state, may file a complaint with* the director alleging  
37 that any registered *private patrol operator*, security guard, or  
38 patrolperson, or anyone who is an applicant for registration, with  
39 the bureau, fails to meet standards for registration, and providing  
40 further for the investigation of the charges *and a report to the*



1 *charging or complaining party within 30 days from the day the*  
 2 *charge or complaint was filed.*

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

7 SEC. 2. Section 7583.6 of the Business and Professions Code  
 8 is amended to read:

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

13 (b) *A person registered pursuant to this chapter shall complete*  
 14 *not less than 32 hours of training within 90 days from the day the*  
 15 *registration card is issued. Sixteen of the 32 hours must be*  
 16 *completed within 30 days from the day the registration card is*  
 17 *issued.*

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

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

27 SEC. 3. Section 7583.7 of the Business and Professions Code  
 28 is amended to read:

29 7583.7. (a) The course of training in the exercise of the power  
 30 to arrest may be administered, tested, and certified by any licensee.  
 31 The department may approve any person or school to teach the  
 32 course in the exercise of the power to arrest. The course of training  
 33 shall be approximately ~~three~~ *eight* hours in length and shall cover  
 34 the following topics:

- 35 (1) Responsibilities and ethics in citizen arrest.
- 36 (2) Relationship between a security guard and a peace officer
- 37 in making an arrest.
- 38 (3) Limitations on security guard power to arrest.
- 39 (4) Restrictions on searches and seizures.
- 40 (5) Criminal and civil liabilities.



- 1 (A) Personal liability.
- 2 (B) Employer liability.
- 3 (6) *First Aid*.
- 4 (7) *Ethics and communications*.
- 5 (8) *Emergency situation response*.
- 6 (9) Any other topic deemed appropriate by the bureau.
- 7 (b) The majority of the course shall be taught by means of
- 8 verbal instruction. This instruction may include the use of a video
- 9 presentation.
- 10 (c) The department shall make available a guidebook as a
- 11 standard for teaching the course in the exercise of the power to
- 12 arrest. The department shall encourage additional training and
- 13 may provide a training guide recommending additional courses to
- 14 be taken by security personnel.
- 15 (d) Private patrol operators shall provide a copy of the
- 16 guidebook described in subdivision (c) to each person they
- 17 currently employ as a security guard and to each individual they
- 18 intend to hire as a security guard. The private patrol operator shall
- 19 provide the guidebook to each person he or she intends to hire as
- 20 a security guard a reasonable time prior to the time the person
- 21 begins the course in the exercise of the power to arrest.
- 22 (e) The bureau may inspect, supervise, or view the
- 23 administration of the test at any time and without any prior
- 24 notification. Any impropriety in the administration of the course
- 25 or the test shall constitute grounds for disciplinary action.
- 26 SEC. 4. Section 7583.9 of the Business and Professions Code
- 27 is amended to read:
- 28 7583.9. (a) Upon accepting employment by a private patrol
- 29 operator, any employee who performs the function of a security
- 30 guard or security patrolperson who is not currently registered with
- 31 the bureau, shall complete an application for registration on a form
- 32 as prescribed by the director, and obtain two classifiable
- 33 fingerprint cards for submission to the Department of Justice. The
- 34 Department of Justice shall forward one classifiable fingerprint
- 35 card to the Federal Bureau of Investigation for purposes of a
- 36 background check. The applicant shall submit the application and
- 37 registration fee to the bureau on or before the same business day
- 38 that he or she is assigned to work as a security guard or security
- 39 patrolperson performing any of the functions set forth in
- 40 subdivision (a) of Section 7582.1. If the applicant is assigned to



1 work on a Saturday, Sunday, or on a federal holiday, the applicant  
2 may submit the application and registration fee to the bureau on the  
3 first business day immediately following the Saturday, Sunday, or  
4 federal holiday. The applicant shall submit the fingerprints to the  
5 bureau within three business days after being assigned to work  
6 with a temporary registration card.

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

11 ~~(e)~~ The licensee shall maintain supplies of applications and  
12 fingerprint cards that shall be provided by the bureau upon request.

13 ~~(d)~~

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

25 ~~(e)~~

26 (d) Upon receipt of an applicant's electronic fingerprints as  
27 provided in this section, the Department of Justice shall determine  
28 whether the applicant has been convicted of any crime and forward  
29 the information to the bureau.

30 ~~(f)~~

31 (e) The requirement of submission of fingerprint cards to the  
32 Federal Bureau of Investigation shall not apply to currently  
33 employed, full-time peace officers holding peace officer status  
34 under Chapter 4.5 (commencing with Section 830) of Title 3 of  
35 Part 2 of the Penal Code, or to level I or level II reserve officers  
36 as described in paragraphs (1) and (2) of subdivision (a) of Section  
37 832.6 of the Penal Code.

38 ~~(g)~~

39 (f) In addition to the amount authorized pursuant to Section  
40 7570.1, the bureau may impose an additional fee not to exceed



1 three dollars (\$3) for processing classifiable fingerprint cards  
2 submitted by applicants excluding those submitted into an  
3 electronic fingerprint system using electronic fingerprint  
4 technology.

5 ~~(h)~~

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

11 ~~(i)~~

12 (h) “Submit,” as used in subdivision (a), means any of the  
13 following:

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

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

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

30 SEC. 5. Section 7583.20 of the Business and Professions  
31 Code is amended to read:

32 7583.20. (a) A registration issued under this chapter expires  
33 two years following the date of issuance or on the assigned renewal  
34 date. Every security guard issued a registration under this chapter  
35 that expires on or after January 1, 1997, and who is also issued or  
36 renews a firearms qualification card on or after January 1, 1997,  
37 shall be placed on a cyclical renewal so that the registration expires  
38 on the expiration date of the firearms qualification card.  
39 Notwithstanding any other provision of law, the bureau is  
40 authorized to extend or shorten the first term of registration



1 following January 1, 1997, and to prorate the required registration  
2 fee in order to implement this cyclical renewal. At least 60 days  
3 prior to the expiration, a registrant seeking to renew a guard  
4 registration shall forward to the bureau a completed registration  
5 renewal application and the renewal fee. The renewal application  
6 shall be on a form prescribed by the director, dated and signed by  
7 the applicant, certifying under penalty of perjury that the  
8 information in the application is true and correct.

9 (b) The licensee shall provide to any employee information  
10 regarding procedures for renewal or registration.

11 (c) In the event a registrant fails to request a renewal of his or  
12 her registration as provided for in this chapter, the registration shall  
13 expire as indicated on the registration. If the registration is  
14 renewed within 60 days after its expiration, the registrant, as a  
15 condition precedent to renewal, shall pay the renewal fee and the  
16 delinquency fee.

17 (d) The delinquency fee is 50 percent of the renewal fee in  
18 effect on the date of expiration, but not less than twenty-five  
19 dollars (\$25).

20 (e) If the renewed registration card has not been delivered to the  
21 registrant prior to the expiration of the prior registration, the  
22 registrant may present evidence of renewal to substantiate  
23 continued registration for a period not to exceed 90 days after the  
24 date of expiration.

25 (f) A registration may not be renewed or reinstated ~~until all~~  
26 *unless a registrant meets both of the following requirements:*

27 (1) *All fines assessed pursuant to Section 7587.7 and not*  
28 *resolved in accordance with the provisions of that section have*  
29 *been paid.*

30 (2) *The registrant certifies, on a form prescribed by the bureau,*  
31 *that he or she has completed not less than 16 hours of approved*  
32 *continuing education.*

33 SEC. 6. Section 7587.8 of the Business and Professions Code  
34 is amended to read:

35 7587.8. The director may assess fines for the following acts  
36 pursuant to Article 4 (commencing with Section 7583) only as  
37 follows:

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



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

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

6 (d) Violation of subdivision (g) of Section 7583.2; five  
7 hundred dollars (\$500) for the first violation and one thousand five  
8 hundred dollars (\$1,500) per violation for each violation  
9 thereafter.

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

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

16 SEC. 7. Section 7581.6 is added to the Business and  
17 Professions Code, to read:

18 7581.6. (a) The bureau shall establish and maintain a registry  
19 of all people who have applied for or obtained a license as a  
20 security guard.

21 (b) The registry shall include, but is not limited to, the  
22 following information relating to the applicant or licensee:

23 (1) Name.

24 (2) Address.

25 (3) Date of birth.

26 (4) License status: issued, denied, suspended, revoked, or  
27 expired.

28 (5) Private patrol operator with whom the licensee is  
29 employed.

30 (6) Any other relevant information relevant to be included at  
31 the discretion of the director.

32 (c) The registry shall not include any criminal history  
33 information relating to the applicant or licensee. However, the  
34 department shall provide for routine and frequent comparison of  
35 information in the bureau's registry with criminal record  
36 information maintained by the Department of Justice.

37 (d) The license of a security guard whose criminal record  
38 indicates an outstanding warrant, arrest, or conviction for any  
39 disqualifying offense shall be immediately suspended, and the  
40 employer shall be immediately notified.



1 (e) A private patrol operator shall submit the information  
2 required in subdivision (b) for each security guard in his employ,  
3 no later than March 31, 2003. After this date, a private patrol  
4 operator shall submit the information required in subdivision (b)  
5 for each security guard who is subsequently employed, or who has  
6 subsequently terminated employment, within 15 days of the  
7 employment or termination of employment.

8 (f) The department shall continue to maintain the record of a  
9 licensee who has been terminated or has voluntarily terminated  
10 employment, for a minimum of five years after the date of  
11 termination.

12 (g) Registry information for a licensee or applicant may be  
13 obtained from the bureau by a member of the public in a timely  
14 manner.

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

17 7583.46. (a) A private patrol operator may not discharge,  
18 demote, threaten, or in any manner discriminate against an  
19 employee in the terms and conditions of his or her employment,  
20 for disclosing information or causing information to be disclosed,  
21 to a government or law enforcement agency, when the information  
22 is related to conduct proscribed in this chapter.

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

30 SEC. 9. Section 7588.5 is added to the Business and  
31 Professions Code, to read:

32 7588.5. (a) The fees prescribed in this chapter that are paid by  
33 an employer on behalf of an employee may not be deducted from  
34 the employee's wages.

35 (b) For the purposes of this chapter, an employer shall  
36 compensate an employee for on-the-job training at the employee's  
37 regular rate of pay.

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