

AMENDED IN SENATE AUGUST 5, 2002

AMENDED IN SENATE JUNE 26, 2002

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY APRIL 1, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**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 7583.2, 7583.15, ~~7583.19~~ 7583.20, 7587.1, and 7588 of, to amend, repeal, and add Sections 7583.6 and 7583.7 of, and to add ~~Section 7583.47~~ *Sections 7583.47 and 7588.5* to, the Business and Professions Code, relating to private security services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2880, as amended, 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 requires a person who is registered as a security guard to complete a course of training on the power to arrest and requires that the course meet certain requirements, including that it be approximately 3 hours in length and that it cover specified subjects. Existing law exempts peace officers meeting certain criteria from this requirement.

This bill would make certain revisions to the course of training, including increasing the length to approximately 8 hours and revising the subjects that the course of training is required to cover.

This bill would require the department to develop and approve by regulation a standard course and curriculum for security officer skills training, and to consult with specified persons in formulating the regulations. Commencing July 1, 2004, the bill would require a security guard, other than a peace officer meeting certain requirements, to complete the course of training within a specified time period from the date that a registration card is issued, would authorize licensees or department approved organizations to administer, test, and certify the security officer skills course of training, and would require a course provider to issue a certificate upon satisfactory completion of either the power to arrest or the security officer skills course of training.

Existing law requires a licensee as a private patrol operator to be responsible for ascertaining that employees subject to registration are currently registered or have made proper application for registration. Existing law prohibits a licensee from failing to maintain an accurate and current record of proof of completion by each employee of the mandated course of training in the exercise of the power to arrest.

This bill would additionally require a licensee, commencing January 1, 2005, to be responsible for ascertaining that employees subject to registration have in the preceding 12 months completed a specified amount of dedicated review or practice of security officers training. The bill would also prohibit a licensee from failing to maintain an accurate and current record of proof of completion of the required security officers skills training and annual practice and review.

Existing law requires that if the Director of Consumer Affairs determines that continued employment of an applicant, firearms qualification cardholder, or registrant may present an undue hazard, that the licensee, upon notification from the director, suspend the individual from employment in that capacity.

This bill would require the director, upon making a determination that the individual may present an undue hazard, to immediately notify the employing licensee.

Existing law authorizes the Director of Consumer Affairs to deny, suspend, or revoke a private patrol operator license if it is determined that the licensee has violated any provisions of the Private Security Services Act.



This bill would exclude the assessment or payment of fines as provisions the violation of which would subject a licensee to this disciplinary action.

Existing law sets forth a security guard registration fee not to exceed \$40 and a security guard registration renewal fee not to exceed \$30.

This bill would instead require that the registration fee be \$50 and that the renewal fee be \$35. The bill would authorize the Director of Consumer Affairs to reduce temporarily these fees upon receipt of federal funds, provided that the funds received are for implementation of the act or enhancement of private security services in the state and are sufficient to justify the reduction.

The increase in fees would increase the moneys deposited in the Private Security Services Fund, a continuously appropriated fund, for the purpose of licensing and regulation of private security services and *would* thereby make an appropriation.

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

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

- 1 SECTION 1. Section 7583.2 of the Business and Professions
- 2 Code is amended to read:
- 3 7583.2. No person licensed as a private patrol operator shall
- 4 do any of the following:
- 5 (a) Fail to properly maintain an accurate and current record of
- 6 all firearms or other deadly weapons that are in the possession of
- 7 the licensee or of any employee while on duty. Within seven days
- 8 after a licensee or his or her employees discover that a deadly
- 9 weapon that has been recorded as being in his or her possession has
- 10 been misplaced, lost, or stolen, or in any other way missing, the
- 11 licensee or his or her manager shall mail or deliver to any local law
- 12 enforcement agency that has jurisdiction, a written report
- 13 concerning the incident. The report shall describe fully the
- 14 circumstances surrounding the incident, any injuries or damages
- 15 incurred, the identity of all participants, and whether a police
- 16 investigation was conducted.
- 17 (b) Fail to properly maintain an accurate and current record of
- 18 the name, address, commencing date of employment, and position
- 19 of each employee, and the date of termination of employment
- 20 when an employee is terminated.



1 (c) Fail to properly maintain an accurate and current record of  
2 proof of completion by each employee of the licensee of the course  
3 of training in the exercise of the power to arrest as required by  
4 Section 7583.5, the security officer skills training required by  
5 *subdivision (b) of Section 7583.6*, and the annual practice and  
6 review required by ~~Section 7583.19~~ *subdivision (f) of Section*  
7 *7583.6*.

8 (d) Fail to certify an employee's completion of the course of  
9 training in the exercise of the power to arrest prior to placing the  
10 employee at a duty station.

11 (e) Fail to certify proof of current and valid registration for each  
12 employee who is subject to registration or fail to comply with the  
13 provisions of Section 7583.11 if employing an individual who  
14 does not possess a current and valid registration from the bureau.

15 (f) Fail to certify within three business days after assigning an  
16 employee to work with a temporary registration card that the  
17 employee has submitted fingerprint cards as required by Section  
18 7583.9.

19 (g) Permit any employee to carry a firearm or other deadly  
20 weapon without first ascertaining that the employee is proficient  
21 in the use of each weapon to be carried. With respect to firearms,  
22 evidence of proficiency shall include a certificate from a firearm  
23 training facility approved by the director certifying that the  
24 employee is proficient in the use of that specified caliber of firearm  
25 and a current and valid firearm qualification permit issued by the  
26 department. With respect to other deadly weapons, evidence of  
27 proficiency shall include a certificate from a training facility  
28 approved by the director certifying that the employee is proficient  
29 in the use of that particular deadly weapon.

30 (h) Fail to deliver to the director a written report describing  
31 fully the circumstances surrounding the discharge of any firearm,  
32 or physical altercation with a member of the public while on duty,  
33 by a licensee or any officer, partner, or employee of a licensee  
34 while acting within the course and scope of his or her employment  
35 within seven days after the incident. For the purposes of this  
36 subdivision, a report shall be required only for physical  
37 altercations that result in any of the following: (1) the arrest of a  
38 security guard, (2) the filing of a police report by a member of the  
39 public, (3) injury on the part of a member of the public that requires  
40 medical attention, or (4) the discharge, suspension, or reprimand



1 of a security guard by his or her employer. The report shall include,  
2 but not be limited to, a description of any injuries or damages  
3 incurred, the identity of all participants, and whether a police  
4 investigation was conducted. Any report may be investigated by  
5 the director to determine if any disciplinary action is necessary.

6 (i) Fail to notify the bureau in writing and within 30 days that  
7 a manager previously qualified pursuant to this chapter is no  
8 longer connected with the licensee.

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

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

14 7583.6. (a) A person entering the employ of a licensee to  
15 perform the functions of a security guard or a security patrolperson  
16 shall complete a course in the exercise of the power to arrest prior  
17 to being assigned to a duty location.

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

22 (c) The department shall develop and approve by regulation a  
23 standard course and curriculum for security officer skills training,  
24 *as will be required on and after July 1, 2004*, to promote and  
25 protect the safety of persons and the security of property. For this  
26 purpose, the department shall consult with consumers, labor  
27 organizations representing private security officers, private patrol  
28 operators, educators, and subject matter experts.

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

33 SEC. 3. Section 7583.6 is added to the Business and  
34 Professions Code, to read:

35 7583.6. (a) A person entering the employ of a licensee to  
36 perform the functions of a security guard or a security patrolperson  
37 shall complete a course in the exercise of the power to arrest prior  
38 to being assigned to a duty location.

39 (b) ~~A~~ *Except for a registrant who has completed the course of*  
40 *training required by Section 7583.45, a person registered pursuant*



1 to this chapter shall complete not less than 32 hours of training in  
2 security officer skills within six months from the day the  
3 registration card is issued. Sixteen of the 32 hours must be  
4 completed within 30 days from the day the registration card is  
5 issued.

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

11 (d) The department shall develop and approve by regulation a  
12 standard course and curriculum for the skills training required by  
13 subdivision (b) to promote and protect the safety of persons and the  
14 security of property. For this purpose, the department shall consult  
15 with consumers, labor organizations representing private security  
16 officers, private patrol operators, educators, and subject matter  
17 experts.

18 (e) The course of training required by subdivision (b) may be  
19 administered, tested, and certified by any licensee, or by any  
20 organization or school approved by the department. The  
21 department may approve any person or school to teach the course.

22 (f) (1) *On and after January 1, 2005, a licensee shall annually*  
23 *provide each employee registered pursuant to this chapter with*  
24 *eight hours of specifically dedicated review or practice of security*  
25 *officer skills prescribed in either course required in Section 7583.6*  
26 *or 7583.7.*

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

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

37 ~~(g)~~

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

39 SEC. 4. Section 7583.7 of the Business and Professions Code  
40 is amended to read:



1 7583.7. (a) The course of training in the exercise of the power  
2 to arrest may be administered, tested, and certified by any licensee  
3 or by any organization or school approved by the department. The  
4 department may approve any person or school to teach the course  
5 in the exercise of the power to arrest. The course of training shall  
6 be approximately three hours in length and shall cover the  
7 following topics:

8 (1) Responsibilities and ethics in citizen arrest.

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

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

12 (4) Restrictions on searches and seizures.

13 (5) Criminal and civil liabilities.

14 (A) Personal liability.

15 (B) Employer liability.

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

17 (b) The majority of the course shall be taught by means of  
18 verbal instruction. This instruction may include the use of a video  
19 presentation.

20 (c) The department shall make available a guidebook as a  
21 standard for teaching the course in the exercise of the power to  
22 arrest. The department shall encourage additional training and  
23 may provide a training guide recommending additional courses to  
24 be taken by security personnel.

25 (d) Private patrol operators shall provide a copy of the  
26 guidebook described in subdivision (c) to each person that they  
27 currently employ as a security guard and to each individual that  
28 they intend to hire as a security guard. The private patrol operator  
29 shall provide the guidebook to each person he or she intends to hire  
30 as a security guard a reasonable time prior to the time the person  
31 begins the course in the exercise of the power to arrest.

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

36 (f) This section shall remain in effect only until July 1, 2004,  
37 and as of January 1, 2005, is repealed, unless a later enacted statute,  
38 that is enacted before January 1, 2005, deletes or extends those  
39 dates.



1 SEC. 5. Section 7583.7 is added to the Business and  
2 Professions Code, to read:

3 7583.7. (a) The course of training in the exercise of the power  
4 to arrest may be administered, tested, and certified by any licensee  
5 or by any organization or school approved by the department. The  
6 department may approve any person or school to teach the course  
7 in the exercise of the power to arrest. The course of training shall  
8 be approximately eight hours in length and shall cover the  
9 following topics:

- 10 (1) Responsibilities and ethics in citizen arrest.  
11 (2) Relationship between a security guard and a peace officer  
12 in making an arrest.  
13 (3) Limitations on security guard power to arrest.  
14 (4) Restrictions on searches and seizures.  
15 (5) Criminal and civil liabilities.  
16 (A) Personal liability.  
17 (B) Employer liability.  
18 (6) Trespass law.  
19 (7) Ethics and communications.  
20 (8) Emergency situation response, including response to  
21 medical emergencies.  
22 (9) Security officer safety.  
23 (10) Any other topic deemed appropriate by the bureau.  
24 (b) The majority of the course shall be taught by means of  
25 verbal instruction. This instruction may include the use of a video  
26 presentation.  
27 (c) The department shall make available a guidebook as a  
28 standard for teaching the course in the exercise of the power to  
29 arrest. The department shall encourage additional training and  
30 may provide a training guide recommending additional courses to  
31 be taken by security personnel.  
32 (d) Private patrol operators shall provide a copy of the  
33 guidebook described in subdivision (c) to each person that they  
34 currently employ as a security guard and to each individual that  
35 they intend to hire as a security guard. The private patrol operator  
36 shall provide the guidebook to each person he or she intends to hire  
37 as a security guard a reasonable time prior to the time the person  
38 begins the course in the exercise of the power to arrest.  
39 (e) The bureau may inspect, supervise, or view the  
40 administration of the test at any time and without any prior



1 notification. Any impropriety in the administration of the course  
2 or the test shall constitute grounds for disciplinary action.

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

4 SEC. 6. Section 7583.15 of the Business and Professions  
5 Code is amended to read:

6 7583.15. If the director determines that continued  
7 employment of an applicant, firearms qualification cardholder, or  
8 registrant, in his or her current capacity, may present an undue  
9 hazard to the public safety, the director shall immediately notify  
10 the employing licensee, who shall suspend the applicant, firearms  
11 qualification cardholder, or registrant from employment in that  
12 capacity.

13 A registrant, firearms qualification cardholder, or applicant may  
14 request a review by the Private Security Disciplinary Review  
15 Committee as set forth in Section 7581.3 to appeal the suspension.

16 ~~SEC. 7. Section 7583.19 of the Business and Professions~~  
17 ~~Code is amended to read:~~

18 ~~7583.19. (a) A licensee shall at all times be responsible for~~  
19 ~~ascertaining that those of his or her employees who are subject to~~  
20 ~~registration are currently registered or have made proper~~  
21 ~~application for registration as provided in this article. A licensee~~  
22 ~~may not have in his or her employment a person whose registration~~  
23 ~~has expired or been revoked, denied, suspended, or canceled.~~

24 ~~(b) A licensee shall at all times be responsible for ascertaining~~  
25 ~~that those of his or her employees who are subject to registration~~  
26 ~~have, after January 1, 2005, in the preceding 12 months completed~~  
27 ~~eight hours of specifically dedicated review or practice of security~~  
28 ~~officer skills prescribed in the course required either under Section~~  
29 ~~7583.6 or 7583.7.~~

30 *SEC. 7. Section 7583.20 of the Business and Professions Code*  
31 *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) *On and after July 1, 2005, the registrant certifies, on a form*  
31 *prescribed by the bureau, that he or she has completed the 32 hours*  
32 *of the training required by subdivision (b) of Section 7583.6.*

33 SEC. 8. Section 7583.47 is added to the Business and  
34 Professions Code, to read:

35 7583.47. The director may require licensees to provide the  
36 department with any employment information necessary to satisfy  
37 the employer notification requirements of Sections 7583.15 and  
38 7583.21.

39 SEC. 9. Section 7587.1 of the Business and Professions Code  
40 is amended to read:



1 7587.1. Notwithstanding Section 477, a firearm qualification  
2 card and a baton permit shall be considered a license subject to the  
3 terms of this section.

4 ~~The~~

5 *Notwithstanding the assessment or payment of fines for any*  
6 *violations of this chapter, the director may deny, suspend, or*  
7 *revoke a license issued under this chapter if he or she determines*  
8 *that the licensee or his or her manager, if an individual, or if the*  
9 *licensee is a person other than an individual, that any of its officers,*  
10 *directors, partners, or its manager, has:*

11 (a) Made any false statement or given any false information in  
12 connection with an application for a license or a renewal or  
13 reinstatement of a license.

14 (b) ~~Violated any provisions of this chapter, notwithstanding the~~  
15 ~~assessment or payment of fines for any violations of this chapter.~~

16 (c) Violated any rule of the director adopted pursuant to the  
17 authority contained in this chapter.

18 (d) Committed any act or crime constituting grounds for denial  
19 of licensure under Section 480, including illegally using, carrying,  
20 or possessing a deadly weapon.

21 (e) Impersonated, or permitted or aided and abetted an  
22 employee to impersonate a law enforcement officer or employee  
23 of the United States of America, or of any state or political  
24 subdivision thereof.

25 (f) Committed or permitted any employee to commit any act,  
26 while the license was expired which would be cause for the  
27 suspension or revocation of a license, or grounds for the denial of  
28 an application for a license.

29 (g) Willfully failed or refused to render to a client services or  
30 a report as agreed between the parties and for which compensation  
31 has been paid or tendered in accordance with the agreement of the  
32 parties.

33 (h) Committed assault, battery, or kidnapping, or used force or  
34 violence on any person, without proper justification.

35 (i) Knowingly violated, or advised, encouraged, or assisted the  
36 violation of any court order or injunction in the course of business  
37 as a licensee.

38 (j) Acted as a runner or capper for any attorney.

39 (k) Been convicted of a violation of Section 148 of the Penal  
40 Code.



- 1 (l) Committed any act which is a ground for denial of an  
2 application for a license under this chapter.
  - 3 (m) Committed any act prohibited by Chapter 1.5  
4 (commencing with Section 630) of Title 15 of Part 1 of the Penal  
5 Code.
  - 6 (n) Purchased, possessed, or transported any tear gas weapon  
7 except as authorized by law. A violation of this subdivision may  
8 be punished by the suspension of a license for a period to be  
9 determined by the director.
  - 10 (o) Been convicted of a violation of Section 95.3 of the Penal  
11 Code.
- 12 SEC. 10. Section 7588 of the Business and Professions Code  
13 is amended to read:
- 14 7588. The fees prescribed by this chapter are as follows:
- 15 (a) The application and examination fee for an original license  
16 for a private patrol operator may not exceed five hundred dollars  
17 (\$500).
  - 18 (b) The application fee for an original branch office certificate  
19 for a private patrol operator may not exceed two hundred fifty  
20 dollars (\$250).
  - 21 (c) The fee for an original license for a private patrol operator  
22 may not exceed seven hundred dollars (\$700).
  - 23 (d) The renewal fee is as follows:
    - 24 (1) For a license as a private patrol operator, the fee may not  
25 exceed seven hundred dollars (\$700).
    - 26 (2) For a combination license as a private investigator under  
27 Chapter 11.3 (commencing with Section 7512) and private patrol  
28 operator, AC or DC prefix, the fee may not exceed six hundred  
29 dollars (\$600).
    - 30 (3) For a branch office certificate for a combination private  
31 investigator under Chapter 11.3 (commencing with Section 7512)  
32 and private patrol operator, the fee may not exceed forty dollars  
33 (\$40), and for a private patrol operator, the fee may not exceed  
34 seventy-five dollars (\$75).
  - 35 (e) The delinquency fee is 50 percent of the renewal fee in  
36 effect on the date of expiration.
  - 37 (f) A reinstatement fee is equal to the amount of the renewal fee  
38 plus the regular delinquency fee.



1 (g) The fee for reexamination of an applicant or his or her  
2 manager shall be the actual cost to the bureau for developing,  
3 purchasing, grading, and administering each examination.

4 (h) Registration fees pursuant to this chapter are as follows:

5 (1) A registration fee for a security guard shall be fifty dollars  
6 (\$50).

7 (2) A security guard registration renewal fee shall be thirty-five  
8 dollars (\$35).

9 (i) Fees to carry out other provisions of this chapter are as  
10 follows:

11 (1) A firearms qualification fee may not exceed eighty dollars  
12 (\$80).

13 (2) A firearms requalification fee may not exceed sixty dollars  
14 (\$60).

15 (3) An initial baton certification fee may not exceed fifty  
16 dollars (\$50).

17 (4) An application fee and renewal fee for certification as a  
18 firearms training facility or a baton training facility may not  
19 exceed five hundred dollars (\$500).

20 (5) An application fee and renewal fee for certification as a  
21 firearms training instructor or a baton training instructor may not  
22 exceed two hundred fifty dollars (\$250).

23 ~~SEC. 11. Notwithstanding Section 7588 of the Business and~~  
24 ~~Professions Code, Section 7588.5 is added to the Business and~~  
25 ~~Professions Code, to read:~~

26 *7588.5. Notwithstanding any other provision of law, the*  
27 *Director of Consumer Affairs is authorized to temporarily reduce*  
28 *fees required by either paragraph (1) or (2) of subdivision (h) of*  
29 *Section 7588, or both, upon receipt of federal funds by the*  
30 *Department of Consumer Affairs for implementation of this act or*  
31 *any enhancement of private security services in this state, provided*  
32 *that the funds received are sufficient to justify the reduction.*

