

AMENDED IN SENATE APRIL 25, 2001

**SENATE BILL**

**No. 722**

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**Introduced by Senator Figueroa**

February 23, 2001

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~~An act to amend Sections 7583.7, 7587.7, 7587.8, 7587.9, 7587.10, 7587.12, and 7588 of, An act to amend Section 7583.7 of the Business and Professions Code, relating to private security services, and making an appropriation therefor. private security services.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 722, as amended, Figueroa. Private security services.

The Private Security Services Act provides for the licensure and regulation by the Department of Consumer Affairs and its Bureau of Security and Investigative Services of persons engaged in the provision of private security services and requires, among other matters, that a person entering the employ of a private security service take a 2-hour training class regarding the power to arrest. ~~The act also authorizes the Director of Consumer Affairs to assess fines in specified sums for the violation of certain of the act's provisions and to cite violators and impose a fine not to exceed the lesser of \$1,000 or the amount otherwise specified by the act. Existing law additionally specifies the amount of fees charged for licensing-related functions under the act and provides for the deposit of these fees as well as fines into the Private Security Services Fund, which is continuously appropriated. The act requires the department to make available a guidebook as a standard for teaching this course.~~

This bill would change the length of the power to arrest training class required by the act to ~~an unspecified duration and would change the amount of fees charged for licensing-related functions and the amount~~

~~of fines assessed for various violations to an unspecified sum. The bill would also increase to \$2,500 the alternative minimum civil penalty amount that the director is authorized to assess in connection with a citation. Because this bill would thereby increase the amount of fee and fine revenue deposited into a continuously appropriated fund, it would make an appropriation 3 hours and would require the majority of the courses be taught by verbal instruction. The bill would require a private patrol operator to provide a copy of the guidebook prepared by the department to each person he or she intends to employ or currently employs as a security guard.~~

Vote: ~~2/3~~ majority. Appropriation: ~~yes~~ no. Fiscal committee: ~~yes~~ no. State-mandated local program: no.

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

1 SECTION 1. Section 7583.7 of the Business and Professions  
 2 Code is amended 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 The department may approve any person or school to teach the  
 6 course in the exercise of the power to arrest. The course of training  
 7 shall be approximately ~~two~~ *three* hours in length and shall cover  
 8 the following topics:  
 9 (1) Responsibilities and ethics in citizen arrest.  
 10 ~~(2) Relationship with the public police in 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 ~~(C)~~  
 19 (6) *Any other topic deemed appropriate by the bureau.*  
 20 (b) *The majority of the course shall be taught by means of*  
 21 *verbal instruction. This instruction may include the use of a video*  
 22 *presentation.*  
 23 (c) The department shall make available a guidebook as a  
 24 standard for teaching the course in the exercise of the power to  
 25 arrest. The department shall encourage additional training and



1 may provide a training guide recommending additional courses to  
2 be taken by security personnel.

3 ~~(e)~~

4 *(d) Private patrol operators shall provide a copy of the*  
5 *guidebook described in subdivision (c) to each person they*  
6 *currently employ as a security guard and to each individual they*  
7 *intend to hire as a security guard. The private patrol operator shall*  
8 *provide the guidebook to each person he or she intends to hire as*  
9 *a security guard a reasonable time prior to the time the person*  
10 *begins the course in the exercise of the power to arrest.*

11 *(e) The bureau may inspect, supervise, or view the*  
12 *administration of the test at any time and without any prior*  
13 *notification. Any impropriety in the administration of the course*  
14 *or the test shall constitute grounds for disciplinary action.*

15 ~~SEC. 2.—Section 7587.7 of the Business and Professions Code~~  
16 ~~is amended to read:~~

17 ~~7587.7. If, upon investigation, the director determines a~~  
18 ~~licensee, including a corporation, or registrant is in violation of~~  
19 ~~Section 7583.2, 7583.3, 7583.37, 7585.19, 7587.2, or 7587.14, the~~  
20 ~~director may issue a citation to the licensee or registrant. The~~  
21 ~~citation shall be in writing and shall describe with particularity the~~  
22 ~~nature of the violation, including specific reference to the~~  
23 ~~provision of law determined to have been violated. If the director~~  
24 ~~deems it appropriate, the citation may contain an order of~~  
25 ~~abatement fixing a reasonable time for abatement of the violation~~  
26 ~~and may contain an assessment of an administrative fine. The~~  
27 ~~amount of the fine shall in no event exceed two thousand five~~  
28 ~~hundred dollars (\$2,500) for each violation or as otherwise~~  
29 ~~provided in this chapter, whichever is less.~~

30 ~~A citation or fine assessment shall inform the licensee or~~  
31 ~~registrant that if he or she contests the finding of a violation, he or~~  
32 ~~she may request a review by a disciplinary review committee in~~  
33 ~~accordance with Section 7581.3. If a review is not requested~~  
34 ~~pursuant to this section, payment of any fine shall not constitute~~  
35 ~~an admission of the violation charged. If a review is not allowed~~  
36 ~~under this chapter, a licensee or registrant may request a hearing~~  
37 ~~in accordance with the provisions of Chapter 5 (commencing with~~  
38 ~~Section 11500) of Part 1 of Division 3 of Title 2 of the Government~~  
39 ~~Code if he or she wishes to contest the findings of a violation, and~~



1 if a hearing is not requested, payment of any fines shall not  
2 constitute an admission of the violation charged.

3 If the licensee or registrant neither requests a review, nor pays  
4 the assessed fine within 30 days of the assessment, the license or  
5 registration of the person shall not be renewed pursuant to the  
6 provisions of this chapter until the assessed fine is paid.

7 Administrative fines collected pursuant to this article shall be  
8 deposited in the Private Security Services Fund, which fund is  
9 hereby created to carry out the purposes of this chapter.

10 SEC. 3. Section 7587.8 of the Business and Professions Code  
11 is amended to read:

12 7587.8. The director may assess fines for the following acts  
13 pursuant to Article 4 (commencing with Section 7583) only as  
14 follows:

15 (a) Violation of subdivisions (a), (b), and (c) of Section 7583.2,  
16 \_\_\_\_\_ dollars (\$\_\_\_\_\_) per violation.

17 (b) Violation of subdivisions (h) and (i) of Section 7583.2,  
18 \_\_\_\_\_ dollars (\$\_\_\_\_\_) for the first violation and \_\_\_\_\_ dollars  
19 (\$\_\_\_\_\_) per violation for each violation thereafter.

20 (c) Violation of subdivision (d) of Section 7583.2, \_\_\_\_\_ dollars  
21 (\$\_\_\_\_\_) per violation.

22 (d) Violation of subdivision (g) of Section 7583.2, \_\_\_\_\_ dollars  
23 (\$\_\_\_\_\_) per violation.

24 (e) Violation of subdivision (f) of Section 7583.2, \_\_\_\_\_ dollars  
25 (\$\_\_\_\_\_) per violation, notwithstanding any other provision of law.

26 SEC. 4. Section 7587.9 of the Business and Professions Code  
27 is amended to read:

28 7587.9. The director may assess fines for the following acts  
29 pursuant to Article 4 (commencing with Section 7583) only as  
30 follows:

31 (a) Violation of subdivisions (a) and (b) of Section 7583.3,  
32 \_\_\_\_\_ dollars (\$\_\_\_\_\_) per violation.

33 (b) Violation of subdivision (c) of Section 7583.3, \_\_\_\_\_ dollars  
34 (\$\_\_\_\_\_) for the first violation and \_\_\_\_\_ dollars (\$\_\_\_\_\_) per  
35 violation for each violation thereafter.

36 (e) Violation of Section 7583.4, \_\_\_\_\_ dollars (\$\_\_\_\_\_) for the  
37 first violation and \_\_\_\_\_ dollars (\$\_\_\_\_\_) per violation for each  
38 violation thereafter.

39 SEC. 5. Section 7587.10 of the Business and Professions  
40 Code is amended to read:



1 ~~7587.10.—The director may assess fines for the following acts~~  
2 ~~pursuant to Article 4 (commencing with Section 7583) only as~~  
3 ~~follows:~~

4 ~~(a) Violation of subdivisions (c) and (d) of Section 7583.37,~~  
5 ~~\_\_\_\_\_ dollars (\$\_\_\_\_\_) for the first violation and \_\_\_\_\_ dollars~~  
6 ~~(\$\_\_\_\_\_) for each violation thereafter.~~

7 ~~(b) Violation of subdivision (a) of Section 7583.37, \_\_\_\_\_~~  
8 ~~dollars (\$\_\_\_\_\_) for the first violation and \_\_\_\_\_ dollars (\$\_\_\_\_\_) for~~  
9 ~~each violation thereafter.~~

10 ~~(c) Violation of subdivision (e) of Section 7583.37, \_\_\_\_\_~~  
11 ~~dollars (\$\_\_\_\_\_) for each violation.~~

12 ~~(d) Violation of subdivision (b) of Section 7583.37, \_\_\_\_\_~~  
13 ~~dollars (\$\_\_\_\_\_) for the first violation and suspension of a firearm~~  
14 ~~qualification card for six months for each violation thereafter.~~

15 ~~SEC. 6.—Section 7587.12 of the Business and Professions~~  
16 ~~Code is amended to read:~~

17 ~~7587.12.—The director may assess fines for the following acts~~  
18 ~~only as follows:~~

19 ~~(a) Violations of paragraph (1), (2), (11), or (12) of subdivision~~  
20 ~~(a) of Section 7585.19, \_\_\_\_\_ dollars (\$\_\_\_\_\_) for each violation.~~

21 ~~(b) Violations of paragraph (3), (7), (8), or (10) of subdivision~~  
22 ~~(a) of Section 7585.19, \_\_\_\_\_ dollars (\$\_\_\_\_\_) for each violation.~~

23 ~~(c) Violations of paragraph (6) of subdivision (a) of Section~~  
24 ~~7585.19, \_\_\_\_\_ dollars (\$\_\_\_\_\_) for each hour the course has been~~  
25 ~~shortened.~~

26 ~~(d) Violations of paragraph (4) of subdivision (a) of Section~~  
27 ~~7585.19, \_\_\_\_\_ dollars (\$\_\_\_\_\_) for each violation.~~

28 ~~(e) Violations of paragraph (5) of subdivision (a) of Section~~  
29 ~~7585.19, \_\_\_\_\_ dollars (\$\_\_\_\_\_) for each hour the course has been~~  
30 ~~shortened.~~

31 ~~(f) Violations of paragraph (9) of subdivision (a) of Section~~  
32 ~~7585.19, \_\_\_\_\_ dollars (\$\_\_\_\_\_) for each violation.~~

33 ~~SEC. 7.—Section 7588 of the Business and Professions Code~~  
34 ~~is amended to read:~~

35 ~~7588.—The fees prescribed by this chapter are as follows:~~

36 ~~(a) The application and examination fee for an original license~~  
37 ~~for a private patrol operator may not exceed \_\_\_\_\_ dollars (\$\_\_\_\_\_).~~

38 ~~(b) The application fee for an original branch office certificate~~  
39 ~~for a private patrol operator may not exceed \_\_\_\_\_ dollars (\$\_\_\_\_\_).~~



1 ~~(c) The fee for an original license for a private patrol operator~~  
2 ~~may not exceed \_\_\_\_\_ dollars (\$\_\_\_\_\_).~~  
3 ~~(d) The renewal fee is as follows:~~  
4 ~~(1) For a license as a private patrol operator, the fee may not~~  
5 ~~exceed \_\_\_\_\_ dollars (\$\_\_\_\_\_).~~  
6 ~~(2) For a combination license as a private investigator under~~  
7 ~~Chapter 11.3 (commencing with Section 7512) and private patrol~~  
8 ~~operator, AC or DC prefix, the fee may not exceed \_\_\_\_\_ dollars~~  
9 ~~(\$\_\_\_\_\_).~~  
10 ~~(3) For a branch office certificate for a combination private~~  
11 ~~investigator under Chapter 11.3 (commencing with Section 7512)~~  
12 ~~and private patrol operator, the fee may not exceed \_\_\_\_\_ dollars~~  
13 ~~(\$\_\_\_\_\_), and for a private patrol operator, the fee may not exceed~~  
14 ~~\_\_\_\_\_ dollars (\$\_\_\_\_\_).~~  
15 ~~(e) The delinquency fee is 50 percent of the renewal fee in~~  
16 ~~effect on the date of expiration.~~  
17 ~~(f) A reinstatement fee is equal to the amount of the renewal fee~~  
18 ~~plus the regular delinquency fee.~~  
19 ~~(g) The fee for reexamination of an applicant or his or her~~  
20 ~~manager may not exceed \_\_\_\_\_ dollars (\$\_\_\_\_\_).~~  
21 ~~(h) Registration fees pursuant to this chapter are as follows:~~  
22 ~~(1) A registration fee for a security guard may not exceed \_\_\_\_\_~~  
23 ~~dollars (\$\_\_\_\_\_).~~  
24 ~~(2) A security guard registration renewal fee may not exceed~~  
25 ~~\_\_\_\_\_ dollars (\$\_\_\_\_\_).~~  
26 ~~(i) Fees to carry out other provisions of this chapter are as~~  
27 ~~follows:~~  
28 ~~(1) A firearms qualification fee may not exceed \_\_\_\_\_ dollars~~  
29 ~~(\$\_\_\_\_\_).~~  
30 ~~(2) A firearms requalification fee may not exceed \_\_\_\_\_ dollars~~  
31 ~~(\$\_\_\_\_\_).~~  
32 ~~(3) An initial baton certification fee may not exceed \_\_\_\_\_~~  
33 ~~dollars (\$\_\_\_\_\_).~~  
34 ~~(4) An application fee and renewal fee for certification as a~~  
35 ~~firearms training facility or a baton training facility may not~~  
36 ~~exceed \_\_\_\_\_ dollars (\$\_\_\_\_\_).~~  
37 ~~(5) An application fee and renewal fee for certification as a~~  
38 ~~firearms training instructor or a baton training instructor may not~~  
39 ~~exceed \_\_\_\_\_ dollars (\$\_\_\_\_\_).~~



1 ~~This section shall become operative July 1, 1998.~~  
2 ~~Notwithstanding the operative date of this section, before, on, or~~  
3 ~~after July 1, 1998, the bureau may adopt regulations specifying the~~  
4 ~~fees authorized by this section. If the bureau does not have~~  
5 ~~regulations in effect that delineate the specific fees authorized by~~  
6 ~~this section by July 1, 1998, the schedule of fees in effect as of June~~  
7 ~~30, 1998, shall remain operative until the bureau adopts~~  
8 ~~regulations specifying the fees.~~

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