

AMENDED IN ASSEMBLY JUNE 4, 2002

AMENDED IN SENATE APRIL 15, 2002

**SENATE BILL**

**No. 1241**

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**Introduced by Senator Figueroa**

January 7, 2002

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An act to amend Sections 7583.2, 7583.3, ~~and~~ 7583.8, 7583.9, and 7583.17 of, and to repeal Sections 7583.11 and 7583.43 of, the Business and Professions Code, relating to private security services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1241, as amended, Figueroa. Private security services.

The Private Security Services Act provides, among other matters, for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services within the Department of Consumer Affairs and makes a violation of its provisions a crime. Under existing law, an employee of a licensee may be assigned to work with a temporary registration card if specified requirements are met.

This bill would delete the provisions relating to temporary registration cards and would require that a background check be completed *and a determination made by the bureau* prior to the issuance of a registration card, ~~unless the applicant is a law enforcement officer meeting specified criteria.~~ *The bill would authorize a security guard to work pending receipt of a registration card if he or she has been approved by the bureau and carries on his or her person a hardcopy printout of the bureau's approval from the bureau's Website.*

*Existing law requires a person, upon accepting employment by a private patrol operator performing the function of a security guard or*

*security patrolperson, to, among other things, submit fingerprint cards to the Department of Justice if he or she is not currently registered with the bureau. Existing law exempts law enforcement officers meeting specified criteria from the fingerprinting requirement.*

*This bill would remove the exemption for law enforcement officers, and instead would authorize an officer who meets the criteria to immediately perform the functions of a security guard or security patrolperson prior to the completion of a background check, provided that he or she has submitted an application, the applicable fees, and his or her fingerprints to the bureau for a security guard registration.*

Because a violation of any of the provisions regulating private patrol operators is a crime, this bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*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 which has been recorded as being in his or her possession  
 10 has been misplaced, lost, or stolen, or in any other way missing,  
 11 the licensee or his or her manager shall mail or deliver to any local  
 12 law enforcement agency who has jurisdiction, a written report  
 13 concerning the incident. The report shall describe fully the  
 14 circumstances surrounding the incident, any injuries or damages



1 incurred, the identity of all participants, and whether a police  
2 investigation was conducted.

3 (b) Fail to properly maintain an accurate and current record of  
4 the name, address, commencing date of employment, and position  
5 of each employee, and the date of termination of employment  
6 when an employee is terminated.

7 (c) Fail to properly maintain an accurate and current record of  
8 proof of completion by each employee of the licensee of the course  
9 of training in the exercise of the power to arrest as required by  
10 Section 7583.5.

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

14 (e) Fail to certify proof of current and valid registration for each  
15 employee who is subject to registration.

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

27 (g) Fail to deliver to the director a written report describing  
28 fully the circumstances surrounding the discharge of any firearm,  
29 or physical altercation with a member of the public while on duty,  
30 by a licensee or any officer, partner, or employee of a licensee  
31 while acting within the course and scope of his or her employment  
32 within seven days after the incident. For the purposes of this  
33 subdivision, a report shall be required only for physical  
34 altercations that result in any of the following: (1) the arrest of a  
35 security guard, (2) the filing of a police report by a member of the  
36 public, (3) injury on the part of a member of the public that requires  
37 medical attention, or (4) the discharge, suspension, or reprimand  
38 of a security guard by his or her employer. The report shall include,  
39 but not be limited to, a description of any injuries or damages  
40 incurred, the identity of all participants, and whether a police



1 investigation was conducted. Any report may be investigated by  
2 the director to determine if any disciplinary action is necessary.

3 (h) Fail to notify the bureau in writing and within 30 days that  
4 a manager previously qualified pursuant to this chapter is no  
5 longer connected with the licensee.

6 SEC. 2. Section 7583.3 of the Business and Professions Code  
7 is amended to read:

8 7583.3. No person required to be registered as a security  
9 guard pursuant to this chapter shall do any of the following:

10 (a) Fail to carry on his or her person, while on duty, a valid and  
11 current security guard registration card.

12 (b) Fail to carry on his or her person a valid and current firearms  
13 permit when carrying a firearm on duty.

14 (c) Carry or use a firearm unless he or she possesses a valid and  
15 current firearms permit issued pursuant to this chapter.

16 (d) Fail to report to his or her employer within 24 hours of the  
17 incident the circumstances surrounding any incident involving the  
18 discharge of any firearm in which he or she is involved while  
19 acting within the course and scope of his or her employment.

20 SEC. 3. *Section 7583.8 of the Business and Professions Code*  
21 *is amended to read:*

22 7583.8. No employee of a licensee who performs the function  
23 of a security guard or security patrolperson shall be issued a  
24 registration card until proper certification by the instructor that the  
25 exercise of the power to arrest course has been taught and the  
26 employee's certification that the instruction was received has been  
27 delivered to the department. *Except as provided in subdivision (f)*  
28 *of Section 7583.9, no security guard registration shall be issued*  
29 *until a criminal history background check has been completed*  
30 *pursuant to subdivision (e) of Section 7583.9 and a determination*  
31 *has been made by the bureau.*

32 SEC. 4. Section 7583.9 of the Business and Professions Code  
33 is amended to read:

34 7583.9. (a) Upon accepting employment by a private patrol  
35 operator, any employee who performs the function of a security  
36 guard or security patrolperson who is not currently registered with  
37 the bureau, shall complete an application for registration on a form  
38 as prescribed by the director, and obtain two classifiable  
39 fingerprint cards for submission to the Department of Justice. *The*  
40 *applicant shall submit the application, the registration fee, and his*



1 *or her fingerprints to the bureau.* The bureau shall forward the  
2 classifiable fingerprint cards to the Department of Justice. The  
3 Department of Justice shall forward one classifiable fingerprint  
4 card to the Federal Bureau of Investigation for purposes of a  
5 background check.

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

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

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

23 (e) Upon receipt of an applicant's electronic or hard card  
24 fingerprints as provided in this section, the Department of Justice  
25 shall disseminate the following information to the bureau:

26 (1) Every conviction rendered against the applicant.

27 (2) Every arrest for an offense for which the applicant is  
28 presently awaiting trial, whether the applicant is incarcerated or  
29 has been released on bail or on his or her own recognizance  
30 pending trial.

31 ~~(f) No employee of a licensee who performs the function of a~~  
32 ~~security guard or security patrolperson shall be issued a~~  
33 ~~registration card until a background check has been completed~~  
34 ~~pursuant to subdivisions (a) and (e), or unless he or she is exempt~~  
35 ~~from those requirements pursuant to subdivision (g).~~

36 ~~(g) The requirement of submission of fingerprint cards to the~~  
37 ~~Federal Bureau of Investigation shall not apply to currently~~

38 ~~(f) A currently employed, full-time peace officers officer~~  
39 holding peace officer status under Chapter 4.5 (commencing with  
40 Section 830) of Title 3 of Part 2 of the Penal Code, or to a level



1 I or level II reserve ~~officers~~ *officer* as described in paragraphs (1)  
2 and (2) of subdivision (a) of Section 832.6 of the Penal Code *may*  
3 *immediately perform the functions of a security guard or security*  
4 *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 ~~(h)~~

8 (g) In addition to the amount authorized pursuant to Section  
9 7570.1, the bureau may impose an additional fee not to exceed  
10 three dollars (\$3) for processing classifiable fingerprint cards  
11 submitted by applicants excluding those submitted into an  
12 electronic fingerprint system using electronic fingerprint  
13 technology.

14 ~~(i)~~

15 (h) An employee shall, on the first day of employment, display  
16 to the client his or her registration card if it is feasible and practical  
17 to comply with this disclosure requirement. The employee shall  
18 thereafter display to the client his or her registration card upon the  
19 request of the client.

20 ~~SEC. 4.~~

21 *SEC. 5.* Section 7583.11 of the Business and Professions  
22 Code is repealed.

23 ~~SEC. 5.~~

24 *SEC. 6.* *Section 7583.17 of the Business and Professions Code*  
25 *is amended to read:*

26 7583.17. (a) Upon approval of an application for  
27 registration, the chief shall cause to be issued to the applicant at his  
28 or her last known residential address a registration card in a form  
29 approved by the director. ~~It~~

30 (b) *A security guard may work pending receipt of the*  
31 *registration card if he or she has been approved by the bureau and*  
32 *carries on his or her person a hardcopy printout of the bureau's*  
33 *approval from the bureau's Web site.*

34 (c) *In the event of the loss or destruction of the card, the*  
35 *cardholder may apply to the bureau for a certified replacement of*  
36 *the card, stating the circumstances surrounding the loss, and pay*  
37 *a ten dollar (\$10) certification fee, whereupon the bureau shall*  
38 *issue a certified replacement of the card.*

39 *SEC. 7.* Section 7583.43 of the Business and Professions  
40 Code is repealed.



1 ~~SEC. 6.~~

2 *SEC. 8.* No reimbursement is required by this act pursuant to  
3 Section 6 of Article XIII B of the California Constitution because  
4 the only costs that may be incurred by a local agency or school  
5 district will be incurred because this act creates a new crime or  
6 infraction, eliminates a crime or infraction, or changes the penalty  
7 for a crime or infraction, within the meaning of Section 17556 of  
8 the Government Code, or changes the definition of a crime within  
9 the meaning of Section 6 of Article XIII B of the California  
10 Constitution.

11 ~~SEC. 7.~~

12 *SEC. 9.* This act is an urgency statute necessary for the  
13 immediate preservation of the public peace, health, or safety  
14 within the meaning of Article IV of the Constitution and shall go  
15 into immediate effect. The facts constituting the necessity are:

16 In order to keep employees of private patrol operators from  
17 working as security guards or patrolpersons prior to the  
18 completion of a background check, it is necessary that this act take  
19 effect immediately as an urgency statute.

