

ASSEMBLY BILL

No. 1235

Introduced by Assembly Member Hayashi

February 27, 2009

An act to amend Section 7582.2 of the Business and Professions Code, relating to private patrol operators.

LEGISLATIVE COUNSEL'S DIGEST

AB 1235, as introduced, Hayashi. Private patrol operators.

The Private Security Services Act provides for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services in the Department of Consumer Affairs. Existing law exempts specified persons from the act.

This bill would make nonsubstantive, technical changes to that provision.

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

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

- 1 SECTION 1. Section 7582.2 of the Business and Professions
- 2 Code is amended to read:
- 3 7582.2. This chapter ~~does~~ *shall* not apply to the following:
- 4 (a) A person who does not meet the requirements to be a
- 5 proprietary private security officer, as defined in Section 7574.1,
- 6 and is employed exclusively and regularly by any employer who
- 7 does not provide contract security services for other entities or
- 8 persons, in connection with the affairs of the employer only and
- 9 where there exists an employer-employee relationship if that person

1 at no time carries or uses any deadly weapon in the performance
2 of his or her duties. For purposes of this subdivision, “deadly
3 weapon” is defined to include any instrument or weapon of the
4 kind commonly known as a blackjack, slungshot, billy, sandclub,
5 sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any
6 other firearm, any knife having a blade longer than five inches,
7 any razor with an unguarded blade and any metal pipe or bar used
8 or intended to be used as a club.

9 (b) An officer or employee of the United States of America, or
10 of this state or a political subdivision thereof, while the officer or
11 employee is engaged in the performance of his or her official
12 duties, including uniformed peace officers employed part time by
13 a public agency pursuant to a written agreement between a chief
14 of police or sheriff and the public agency, provided the part-time
15 employment does not exceed 50 hours in any calendar month.

16 (c) A person engaged exclusively in the business of obtaining
17 and furnishing information as to the financial rating of persons.

18 (d) A charitable philanthropic society or association duly
19 incorporated under the laws of this state that is organized and
20 maintained for the public good and not for private profit.

21 (e) Patrol special police officers appointed by the police
22 commission of any city, county, or city and county under the
23 express terms of its charter who also under the express terms of
24 the charter (1) are subject to suspension or dismissal after a hearing
25 on charges duly filed with the commission after a fair and impartial
26 trial, (2) must be not less than 18 years of age nor more than 40
27 years of age, (3) must possess physical qualifications prescribed
28 by the commission, and (4) are designated by the police
29 commission as the owners of a certain beat or territory as may be
30 fixed from time to time by the police commission.

31 (f) An attorney at law in performing his or her duties as an
32 attorney at law.

33 (g) A collection agency or an employee thereof while acting
34 within the scope of his or her employment, while making an
35 investigation incidental to the business of the agency, including
36 an investigation of the location of a debtor or his or her property
37 where the contract with an assignor creditor is for the collection
38 of claims owed or due or asserted to be owed or due or the
39 equivalent thereof.

1 (h) Admitted insurers and agents and insurance brokers licensed
2 by the state, performing duties in connection with insurance
3 transacted by them.

4 (i) Any bank subject to the jurisdiction of the Commissioner of
5 Financial Institutions ~~of the State of California~~ under Division 1
6 (commencing with Section 99) of the Financial Code or the
7 Comptroller of Currency of the United States.

8 (j) A person engaged solely in the business of securing
9 information about persons or property from public records.

10 (k) A peace officer of this state or a political subdivision thereof
11 while the peace officer is employed by a private employer to
12 engage in off-duty employment in accordance with Section 1126
13 of the Government Code. However, nothing herein shall exempt
14 such peace officer who either contracts for his or her services or
15 the services of others as a private patrol operator or contracts for
16 his or her services as or is employed as an armed private security
17 officer. For purposes of this subdivision, "armed security officer"
18 means an individual who carries or uses a firearm in the course
19 and scope of that contract or employment.

20 (l) A retired peace officer of the state or political subdivision
21 thereof when the retired peace officer is employed by a private
22 employer in employment approved by the chief law enforcement
23 officer of the jurisdiction where the employment takes place,
24 provided that the retired officer is in a uniform of a public law
25 enforcement agency, has registered with the bureau on a form
26 approved by the director, and has met any training requirements
27 or their equivalent as established for security personnel under
28 Section 7583.5. This officer may not carry a loaded or concealed
29 firearm unless he or she is exempted under the provisions of
30 subdivision (a) of Section 12027 of the Penal Code or paragraph
31 (1) of subdivision (b) of Section 12031 of the Penal Code or has
32 met the requirements set forth in Section 12033 of the Penal Code.
33 However, nothing herein shall exempt the retired peace officer
34 who contracts for his or her services or the services of others as a
35 private patrol operator.

36 (m) A licensed insurance adjuster in performing his or her duties
37 within the scope of his or her license as an insurance adjuster.

38 (n) Any savings association subject to the jurisdiction of the
39 Commissioner of Financial Institutions or the Office of Thrift
40 Supervision.

1 (o) Any secured creditor engaged in the repossession of the
2 creditor's collateral and any lessor engaged in the repossession of
3 leased property in which it claims an interest.

4 (p) A peace officer in his or her official police uniform acting
5 in accordance with subdivisions (c) and (d) of Section 70 of the
6 Penal Code.

7 (q) An unarmed, uniformed security person employed
8 exclusively and regularly by a motion picture studio facility
9 employer who does not provide contract security services for other
10 entities or persons in connection with the affairs of that employer
11 only and where there exists an employer-employee relationship if
12 that person at no time carries or uses any deadly weapon, as defined
13 in subdivision (a), in the performance of his or her duties, which
14 may include, but are not limited to, the following business
15 purposes:

16 (1) The screening and monitoring access of employees of the
17 same employer.

18 (2) The screening and monitoring access of prearranged and
19 preauthorized invited guests.

20 (3) The screening and monitoring of vendors and suppliers.

21 (4) Patrolling the private property facilities for the safety and
22 welfare of all who have been legitimately authorized to have access
23 to the facility.

24 (r) The changes made to this section by the act adding this
25 subdivision during the ~~2005-06~~ 2005-06 Regular Session of the
26 Legislature shall apply as follows:

27 (1) On and after July 1, 2006, to a person hired as a security
28 officer on and after January 1, 2006.

29 (2) On and after January 1, 2007, to a person hired as a security
30 officer before January 1, 2006.