

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2250

By: Weaver

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 1289.8, as amended by Section 7, Chapter 264, O.S.L. 1993 (21 O.S. Supp. 1993, Section 1289.8) and 1289.23, which relate to the carrying of weapons; authorizing licensed armed security guard to carry concealed weapons on or off-duty; amending 59 O.S. 1991, Sections 1750.5, as amended by Section 1, Chapter 63, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1750.5) and 1750.10, which relate to the Oklahoma Security Guard and Private Investigator Act; authorizing certain off-duty security guards to carry weapons; deleting the prohibition against security vehicles being equipped with blue lenses; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1289.8, as amended by Section 7, Chapter 264, O.S.L. 1993 (21 O.S. Supp. 1993, Section 1289.8), is amended to read as follows:

Section 1289.8 A. It shall be unlawful for any person, except a law enforcement officer, a person licensed as an armed security

guard in accordance with the Oklahoma Security Guard and Private Investigator Act, a registered security officer or a person employed by an armored car firm licensed by the Corporation Commission, to carry a concealed weapon other than provided for in this act.

B. Subsection A of this section shall not apply to:

1. An unloaded firearm in a case designed for carrying firearms, which case is wholly or partially visible; or
2. An unloaded firearm in a locked container; or
3. An unloaded firearm, other than a rifle or shotgun, in the trunk of an automobile; or
4. A rifle or shotgun that is either unloaded or is clip or magazine loaded, but not chamber loaded, when carried in a locked compartment of a motor vehicle, such as the trunk of an automobile.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1289.23, is amended to read as follows:

Section 1289.23 A. A full-time duly appointed peace officer or a person licensed as an armed security guard in accordance with the Oklahoma Security Guard and Private Investigator Act, who is certified by the Council on Law Enforcement Education and Training, pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes, is hereby authorized to carry a weapon certified and approved by his employing agency during periods when he is not on active duty.

B. When an off-duty officer or licensed armed security guard carries a certified weapon, the officer or guard shall be in law enforcement uniform prescribed by the employing agency or when not wearing the prescribed law enforcement uniform shall be required:

1. To have his official peace officers badge, Commission Card and C.L.E.E.T. Certification Card on his person at all times when carrying a weapon certified and approved by the employing agency; and

2. To keep the authorized weapon concealed from view at all times except when the weapon is used within the guidelines, rules and regulations established by the employing agency.

C. Nothing in this section shall be construed to alter or amend the provisions of Section 1272.1 of this title or expand the duties, authority or jurisdiction of any peace officer or licensed armed security guard.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 1750.5, as amended by Section 1, Chapter 63, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1750.5), is amended to read as follows:

Section 1750.5 A. Licenses authorized to be issued by the Council on Law Enforcement Education and Training shall be as follows:

1. Security Agency License;
2. Investigative Agency License;
3. Private Investigator License (unarmed);
4. Security Guard License (unarmed);
5. Armed Security Guard License; and
6. Special Event License (unarmed).

B. Any qualified applicant meeting the requirements for more than one of the positions of private investigator, security guard, or armed security guard may be issued a separate license for each position for which he qualifies, or in the discretion of the Council, a combination license provided the required license fees are paid.

C. A private investigator may carry a firearm, if said private investigator also performs the functions of an armed security guard, under the authority of the armed security guard license; or if said private investigator performs no functions of an armed security guard, the Council may add an endorsement to the license of the private investigator that states "Firearms Authorized", in lieu of the armed security guard license, provided the private investigator

completes the same training and testing requirements of the armed security guard. The Council will charge the same fee for the "Firearms Authorized" endorsement on the private investigators license as the cost of the armed security guard license.

D. Any identification card issued to a person meeting the license requirements for an armed security guard shall be distinct and shall explicitly state that the person is authorized to carry a firearm pursuant to the provisions of this act, Section 1750.1 et seq. of this title. Upon receipt of the license and identification card, such armed security guard is authorized to carry a firearm in the performance of his duties and while off-duty subject to the provisions of this act and the rules and regulations prescribed by the Council.

E. The Council may issue a conditional license to a person employed by a security or investigative agency as a trainee for a security guard, armed security guard or private investigator position, when such person has submitted a properly completed application, made under oath, subject to the following conditions:

1. A conditional license shall authorize such employees to perform the same functions that regular licensees perform, but subject to supervision by the employing agency as the Council may prescribe;

2. The holder of such conditional license shall complete the necessary training requirements within one hundred eighty (180) days from the effective date of the conditional license, after which the conditional license shall expire;

3. The holder of a conditional license as an armed security guard shall not carry a firearm in the performance of his duties until he has completed a course of firearms training as prescribed by the Council, and has been issued a regular license by the Council;

4. A conditional license may be renewed at the discretion of the Council, if necessary to allow an applicant to complete any training required for a regular license; and

5. When the Council finds that a conditional license holder has completed the required training and is otherwise qualified for a license pursuant to the provisions of Section 1750.1 et seq. of this title, the Council shall issue such person a regular license.

F. A Security Agency License may be issued to an individual, corporation or other legal entity meeting the following qualifications:

1. If the license is to be issued in the name of a legal entity other than a natural person, the applicant must furnish proof that the entity is legally recognized, such as the issuance of a corporate charter; and

2. The executive officer, manager, or other person in charge of supervising security guards in the performance of their duties shall be a licensed security guard.

G. An Investigative Agency License may be issued to an individual, corporation or other legal entity meeting the following qualifications:

1. If the license is to be issued in the name of a legal entity other than a natural person, the applicant must furnish proof that the entity is legally recognized, such as the issuance of a corporate charter;

2. Any person, otherwise qualified, may own a private investigation agency, provided, that a self-employed private investigator, or the executive officer, manager, or other person in charge of supervising private investigators in the performance of their duties shall be a licensed private investigator with a minimum of one (1) year of experience as a private investigator, private investigator supervisor, or law enforcement officer, within the past five (5) years immediately preceding the application; and

3. A self-employed private investigator who employs no other investigators shall also be licensed as an investigative agency, but shall only be required to be insured or bonded as a self-employed private investigator.

H. A Security Guard License, Armed Security Guard License, Private Investigator License, or combination thereof may be issued to an applicant meeting the following qualifications. The applicant shall:

1. Be a citizen of the United States or an alien legally residing in the United States;

2. Be at least eighteen (18) years of age, except that an applicant for an Armed Security Guard License shall be at least twenty-one (21) years of age;

3. Have successfully completed training requirements for the license applied for, as prescribed by the Council;

4. Be of good moral character;

5. Not have a record of a felony conviction;

6. Not have a record of conviction for larceny, theft, false pretense, fraud, embezzlement, false personation of an officer, any offense involving moral turpitude, any offense involving a minor as a victim, any nonconsensual sex offense, any offense involving the possession, use, distribution, or sale of a controlled dangerous substance, any offense involving a firearm, or any other offense as prescribed by the Council.

Provided however, if any conviction which disqualifies an applicant occurred more than five (5) years prior to the application date and the Council is convinced the offense constituted an isolated incident and the applicant has been rehabilitated, the Council may, in its discretion, waive the conviction disqualification as provided for in this section and issue an unarmed security guard license or a private investigator's license, but shall not issue an armed guard license, to the applicant if the applicant is otherwise qualified

unless said felony involved the use of a firearm or was violent in nature.

If an Oklahoma State Bureau of Investigation records check and a local records check reveal that there are no felony convictions, criminal convictions involving moral turpitude, or any other disqualifying convictions as specified in the Oklahoma Security Guard and Private Investigator Act or prescribed by the Council, then the Council may conditionally issue an armed security guard license pending completion of the criminal history and background check. Further, under oath, the applicant shall certify that he has no disqualifying convictions as specified in the Oklahoma Security Guard and Private Investigator Act or by the Council. The applicant shall further meet all other qualifications. If upon completion of the required background investigation it is discovered that a disqualifying conviction exists, the Council shall immediately revoke the armed guard license of the applicant.

I. A special event license may be issued to an employee of a security agency who is hired on a temporary basis as an unarmed security guard for a particular event. An application for a special event license shall be made by the agency so employing the applicant. Said agency shall certify to the Council that the applicant meets the qualifications for security guards, pursuant to subsection H of this section.

J. 1. Effective on and after July 1, 1988, all persons and agencies newly licensed pursuant to Section 1750.1 et seq. of this title, or who renew an existing license, shall obtain and maintain liability coverage in accordance with the following minimum standards:

- a. general liability insurance coverage for bodily injury, personal injury and property damage, with endorsements for personal injury including false arrest, libel, slander and invasion of privacy, or

b. a surety bond that allows persons to recover for actionable injuries, loss or damage as a result of the willful, or wrongful acts or omissions of the principal and protects this state, its agents, officers and employees from judgments against the principal or insured licensee, and is further conditioned upon the faithful and honest conduct of the principal's business.

2. Liability coverages and bonds outlined in this section shall be in the minimum amounts of One Hundred Thousand Dollars (\$100,000.00) for agencies, Ten Thousand Dollars (\$10,000.00) for armed security guards and Five Thousand Dollars (\$5,000.00) for security guards and self-employed private investigators who employ no other investigators.

3. Security agencies and investigative agencies shall ensure that all employees of said agencies have met the minimum liability coverages as prescribed in this section.

4. Insurance policies and bonds issued pursuant to this section shall not be modified or canceled unless ten (10) days' prior written notice is given to the Council. All persons and agencies insured or bonded pursuant to this section shall be insured or bonded by an insurance carrier or a surety company licensed in the state in which the insurance or bond was purchased, or in this state.

5. In lieu of the requirements of this subsection, the Council may accept a written statement from a corporation which is registered with the Oklahoma Secretary of State attesting that the corporation self-insures the general operation of business for the types of liability set out in paragraphs 1 and 2 of this subsection.

K. Upon written notice, any license may be placed on inactive status.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 1750.10, is amended to read as follows:

Section 1750.10 A. The words "police", "deputy", or "patrolman" shall not be displayed upon any security guard badge, or uniform, or security vehicle. The words "Security", "Security Officer", or "Security Guard" in conjunction with the ~~agencies'~~ agency's name shall be displayed on any badge or uniform in bold letters.

B. Vehicles used by security guards, armed security guards or security agencies shall display the words "Security", or "Guard", if marked, or both, and the ~~agencies'~~ agency's name in conspicuous letters. No such vehicle shall be equipped with a siren, a lamp with a red ~~or blue~~ lens facing the front of the vehicle, nor an overhead light or lights with red ~~or blue~~ lens. ~~These colors~~ The color red shall be restricted to authorized emergency vehicles unless authorized by statute.

SECTION 5. This act shall become effective September 1, 1994.

44-2-8458

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