

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2630

By: Nance

COMMITTEE SUBSTITUTE

An Act relating to security guards and private investigators; transferring powers, duties, functions, records, employees and property regarding security guards and private investigators from the Council on Law Enforcement Education and Training to the Department of Public Safety; stating conditions under which employees shall be transferred; amending 59 O.S. 2001, Sections 1750.2, 1750.2A, 1750.3, 1750.3A, 1750.4, 1750.4a, 1750.5, 1750.6, 1750.7, 1750.8, 1750.9, 1750.10A, 1750.10B and 1750.11, which relate to the Oklahoma Security Guard and Private Investigator Act; modifying definition; transferring authority for implementation of act from Council on Law Enforcement Education and Training to the Department of Public Safety; eliminating peace officer power authority for enforcement of act; modifying references to act; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-151 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. All the powers, duties, functions, records, employees, property, matters pending and funds of the Council on Law Enforcement Education and Training relating to the enforcement of the Oklahoma Security Guard and Private Investigator Act are hereby transferred to the Department of Public Safety.

B. Any change of agency name on equipment, vehicles, stationery or other property shall be accomplished as the equipment, vehicles, stationery or other property are replaced in inventory or as required through normal wear and tear.

C. An employee of the Council on Law Enforcement Education and Training whose duties are transferred pursuant to this act shall not be required to accept a lesser grade or salary than presently received. No entrance exam shall be required for a person transferred. Any person transferred shall retain leave, sick and annual time earned and any retirement benefits which accrued while employed by CLEET. The transfer of personnel among the agencies shall be coordinated with the Office of Personnel Management.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 1750.2, is amended to read as follows:

Section 1750.2 As used in the Oklahoma Security Guard and Private Investigator Act, ~~Section 1750.1 et seq. of this title:~~

1. "Client" means any person or legal entity having a contract with a person or entity licensed pursuant to ~~Section 1750.1 et seq. of this title~~ act, which contract authorizes services to be performed in return for financial or other considerations;

2. "~~Council~~" "Department" means the ~~Council on Law Enforcement Education and Training~~ Department of Public Safety;

3. "License" means authorization issued by the ~~Council~~ Department pursuant to this act permitting the holder to perform the functions of a security guard, armed security guard, private investigator, investigative agency, or security agency;

4. "Private investigator" means a person who is self-employed, or contracts with, or is employed by an investigative agency for the purpose of conducting a private investigation and reporting the results to the employer or client of the employer relating to:

- a. potential or pending litigation, civil, or criminal,
- b. divorce or other domestic investigations, ~~or~~
- c. missing persons or missing property, or
- d. other lawful investigations, but shall not include:

- (1) a person authorized or employed by the United States Government, any state government, or any

agency, department, or political subdivision thereof while engaged in the performance of official duties,

- (2) a person or employee of a firm, corporation or other legal entity engaged exclusively in a profession licensed by any board, commission, department or court of this state, or
- (3) a bona fide, salaried, full-time employee of a firm, corporation or other legal entity not in the primary business of soliciting and providing private investigations, who conducts investigations that are exclusive to and incidental to the primary business of said firm, corporation or entity, and when the costs of such investigations are not charged directly back to the particular client or customer who directly benefits from the investigation;

5. "Security agency" means a person, firm, corporation, or other private legal entity in the business of security guard services or armed security guards for hire;

6. "Security guard" means an individual contracting with or employed by a security agency, private business or person to prevent trespass, theft, misappropriation, wrongful concealment of merchandise, goods, money or other tangible items, or engaged as a bodyguard or as a private watchman to protect persons or property, but shall not include:

- a. for individuals operating unarmed, any person employed as a private watchman or security guard by one employer only in connection with the affairs of such employer where there exists an employer-employee relationship,

b. a full-time certified peace officer of the United States, this state, or any political subdivision of either,

(1) while such peace officer is engaged in the performance of his or her official duties within the course and scope of his or her employment with the United States, this state, or any political subdivision of either, or

(2) while such peace officer is engaged in the performance of his or her duties as a railroad police officer, or

(3) who receives compensation for private employment on an individual or an individual independent contractual basis as a patrolman, guard, or watchman if such person is employed in an employer-employee relationship or is employed on an individual contractual basis,

c. any person whose terms of employment as a security guard are governed by a collective bargaining agreement on May 9, 1989, and

d. any person who is employed as a full-time security guard by a financial institution on May 9, 1989;

7. "Armed security guard" means a security guard authorized to carry a firearm;

8. "Investigative agency" means a self-employed private investigator, a firm, a corporation, or other private legal entity in the business of soliciting the business of private investigation and/or providing private investigations and investigators;

9. "Special event" means a public activity in the form of an athletic contest, charity event, exposition or similar event that occurs only on an annual or noncontinuing basis; and

10. "Special event license" means a temporary license issued pursuant to ~~Section 1750.1 et seq. of this title~~ the Oklahoma Security Guard and Private Investigator Act which restricts the license holder to employment as a security guard only for the duration of a particular event.

SECTION 3. AMENDATORY 59 O.S. 2001, Section 1750.2A, is amended to read as follows:

Section 1750.2A Any person violating or failing to comply with the provisions of the Oklahoma Security Guard and Private Investigator Act may be enjoined from such violations or required to comply with such provisions by any district court of competent jurisdiction. ~~The Council on Law Enforcement Education and Training~~ Department of Public Safety or the Attorney General may apply for an order enjoining such violation or enforcing compliance with this act. Upon the filing of a verified petition with the court, the court, if satisfied by the affidavit or otherwise that the person has violated this act, may issue a temporary injunction enjoining such continued violation. In case of violation of any order or decree issued by court, the offender may be held in contempt of court. Proceedings under this section shall be in addition to all other remedies and penalties provided by law.

SECTION 4. AMENDATORY 59 O.S. 2001, Section 1750.3, is amended to read as follows:

Section 1750.3 ~~A. The director of the Council on Law Enforcement Education and Training, and any staff member designated by the director, shall have all the powers and authority of peace officers of this state for the purposes of enforcing the provisions of Section 1750.1 et seq. of this title, and all other duties which are or may be conferred upon the Council by Section 1750.1 et seq. of this title. The powers and duties conferred on the director or any staff member appointed by the director as a peace officer shall not limit the powers and duties of other peace officers of this~~

~~state or any political subdivision thereof. The director, or any staff member appointed by the director as a peace officer shall, upon request, assist any federal, state, county, or municipal law enforcement agency.~~

B. ~~The Council on Law Enforcement Education and Training~~ Department of Public Safety shall have the following powers and duties:

1. To promulgate rules to carry out the purposes of ~~Section 1750.1 et seq. of this title~~ the Oklahoma Security Guard and Private Investigator Act;

2. To establish and enforce standards governing the training of persons required to be licensed pursuant to ~~Section 1750.1 et seq. of this title~~ the Oklahoma Security Guard and Private Investigator Act with respect to:

- a. issuing, denying, or revoking certificates of approval to security training schools, and programs administered by the state, a county, a municipality, a private corporation, or an individual,
- b. certifying instructors at approved security training schools,
- c. establishing minimum requirements for security training schools and periodically reviewing these standards, and
- d. providing for periodic inspection of all security training schools or programs;

3. To establish minimum curriculum requirements for training as the ~~Council~~ Department may require for security guards, armed security guards, and private investigators. Training requirements for unarmed security guards shall not exceed forty (40) hours of instruction;

4. To establish minimum requirements for a mandatory continuing education program for all licensed private investigators which shall include, but not be limited to:

- a. establishing a designated minimum number of clock hours of required attendance, not to exceed eight (8) clock hours yearly, at accredited educational functions,
- b. establishing the penalties to be imposed upon a licensee for failure to comply with the continuing education requirements,
- c. establishing a nonpaid advisory board of licensed private investigators to assist the ~~Council~~ Department in establishing the criteria for determining the qualifications of proposed continuing education programs that would be submitted to the ~~Council~~ Department for accreditation to meet this requirement, and
- d. providing that the expense of such continuing education shall be paid by the private investigators participating therein;

5. To grant a waiver of any training requirement, except firearms training which shall be required for an armed security guard license, if the applicant has completed not less than one (1) year of full-time employment as a security guard, armed security guard, private investigator, or law enforcement officer within a three-year period immediately preceding the date of application and the applicant provides sufficient documentation thereof as may be required by the ~~Council~~ Department;

6. To grant an applicant credit for fulfilling any prescribed course or courses of training, including firearms training, upon submission of acceptable documentation of comparable training. The

~~Council~~ Department may grant or refuse any such credit at its discretion;

7. To issue the licenses and identification cards provided for in ~~Section 1750.1 et seq. of this title~~ the Oklahoma Security Guard and Private Investigator Act;

8. To investigate alleged violations of ~~Section 1750.1 et seq. of this title~~ the Oklahoma Security Guard and Private Investigator Act or rules relating thereto and to deny, suspend, or revoke licenses and identification cards if necessary, or to issue notices of reprimand to licensees with or without probation under rules to be prescribed by the ~~Council~~ Department;

9. To investigate alleged violations of the Oklahoma Security Guard and Private Investigator Act by persons not licensed pursuant to such act and to impose administrative sanctions pursuant to rules or to seek an injunction pursuant to Section ~~2~~ 1750.2A of this ~~act~~ title;

10. To provide all forms for applications, identification cards, and licenses required by ~~Section 1750.1 et seq. of this title~~ the Oklahoma Security Guard and Private Investigator Act;

11. To enter into reciprocal agreements with officials of other states;

12. To immediately suspend a license if a licensee's actions present a danger to the licensee or to the public; and

13. To require additional testing for continuation or reinstatement of a license if a licensee exhibits an inability to exercise reasonable judgment, skill, or safety.

SECTION 5. AMENDATORY 59 O.S. 2001, Section 1750.3A, is amended to read as follows:

Section 1750.3A A. Each applicant for an armed security guard license shall be administered any current standard form of the Minnesota Multiphasic Personality Inventory (MMPI), or other psychological evaluation instrument approved by the ~~Council on Law~~



~~Enforcement Education and Training~~ Department of Public Safety, which shall be administered during the firearms training phase required by Section 1750.3 of this title. The security training school administering such instrument shall forward the response data to a psychologist licensed by the State Board of Examiners of Psychologists for evaluation. The licensed psychologist shall be of the applicant's choice. Applicants with comparable training shall complete the psychological test and evaluation requirements prior to licensing. It shall be the responsibility of the applicant to bear the cost of the psychological evaluation.

B. If the licensed psychologist is unable to certify the applicant's psychological capability to exercise appropriate judgment, restraint, and self-control, after evaluating the data, the psychologist shall employ whatever other psychological measuring instruments or techniques deemed necessary to form a professional opinion. The use of any psychological measuring instruments or techniques shall require a full and complete written explanation to the ~~Council on Law Enforcement Education and Training~~ Department of Public Safety.

C. The psychologist shall forward a written psychological evaluation, on a form prescribed by the ~~Council~~ Department, to the ~~Council~~ Department within fifteen (15) days of the evaluation, even if the applicant is found to be psychologically at risk. The ~~Council~~ Department may utilize the results of the psychological evaluation for up to six (6) months from the date of the evaluation after which the applicant shall be reexamined. No person who has been found psychologically at risk in the exercise of appropriate judgment, restraint, or self-control shall reapply for certification until one (1) year from the date of being found psychologically at risk.

D. Active peace officers who have been certified by the Council on Law Enforcement Education and Training shall be exempt from the provisions of this section.

SECTION 6. AMENDATORY 59 O.S. 2001, Section 1750.4, is amended to read as follows:

Section 1750.4 On and after January 1, 1988, no person may be employed or operate as a security guard, private investigator, security agency, or investigative agency until a license therefor has been issued by the ~~Council on Law Enforcement Education and Training~~ Department of Public Safety pursuant to the Oklahoma Security Guard and Private Investigator Act.

SECTION 7. AMENDATORY 59 O.S. 2001, Section 1750.4a, is amended to read as follows:

Section 1750.4a On and after July 1, 1988, no person may be employed or operate as an armed security guard until a license therefor has been issued by the ~~Council on Law Enforcement Education and Training~~ Department of Public Safety pursuant to the Oklahoma Security Guard and Private Investigator Act.

SECTION 8. AMENDATORY 59 O.S. 2001, 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 (CLEET)~~ Department of Public Safety 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 qualified, or in the discretion of the ~~Council~~  
Department, a combination license provided the required license fees  
are paid.

C. A private investigator may carry a firearm, if the private  
investigator also performs the functions of an armed security guard,  
under the authority of the armed security guard license. If the  
private investigator performs no functions of an armed security  
guard, the ~~Council~~ Department may add an endorsement to the license  
of the private investigator that states "Firearms Authorized", in  
lieu of the armed security guard license, if the private  
investigator completes the same training and testing requirements of  
the armed security guard. The ~~Council~~ Department will charge the  
same fee for the "Firearms Authorized" endorsement on the private  
investigators license as the cost of the armed security guard  
license. Any person issued a private investigator license with a  
firearms authorized endorsement may carry a concealed firearm when  
on and off duty, provided the person keeps the firearm concealed  
from view and is in possession of a valid driver license and a valid  
private investigator license with a firearms authorization  
endorsement.

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 ~~Section 1750.1 et seq. of this~~  
~~title~~ the Oklahoma Security Guard and Private Investigator Act.  
Upon receipt of the license and identification card, the armed  
security guard is authorized to carry a firearm in the performance  
of his or her duties subject to the provisions of ~~Section 1750.1 et~~  
~~seq. of this title~~ the Oklahoma Security Guard and Private  
Investigator Act and the rules promulgated by the ~~Council~~  
Department.

E. The ~~Council~~ Department 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 the person has submitted a properly completed application, made under oath, subject to the following conditions:

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

2. The holder of a 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 duties until after completing a course of firearms training as prescribed by the ~~Council~~ Department, and having been issued a regular license by the ~~Council~~ Department;

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

5. When the ~~Council~~ Department 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 Oklahoma Security Guard and Private Investigator Act, the ~~Council~~ Department shall issue 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; 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~~ Department;

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~~ Department, as provided herein.

- a. If any conviction which disqualifies an applicant occurred more than five (5) years prior to the application date and the ~~Council~~ Department is convinced the offense constituted an isolated incident and the applicant has been rehabilitated, the ~~Council~~ Department may, in its discretion, waive the conviction disqualification as provided for in this paragraph 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 the felony involved the use of a firearm or was violent in nature.
- b. 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, ~~Section 1750.1 et seq. of this title,~~ or prescribed by the ~~Council~~ Department, then the ~~Council~~ Department may conditionally issue an armed security guard license pending completion of the criminal history and background check.

- c. Under oath, the applicant shall certify that he or she has no disqualifying convictions as specified in the Oklahoma Security Guard and Private Investigator Act or by the ~~Council~~ Department.
- d. The applicant shall further meet all other qualifications.
- e. If upon completion of the required background investigation it is discovered that a disqualifying conviction exists, the ~~Council~~ Department shall immediately revoke the armed guard license of the applicant;

7. Make a statement that the applicant is not currently undergoing treatment for mental illness, condition, or disorder, make a statement whether the applicant has ever been adjudicated incompetent or committed to a mental institution, and make a statement regarding any history of illegal drug use or alcohol abuse. Upon presentation by the ~~Council on Law Enforcement Education and Training~~ Department of Public Safety of the name, gender, date of birth, and address of the applicant to the Department of Mental Health and Substance Abuse Services, the Department of Mental Health and Substance Abuse Services shall notify the ~~Council~~ Department within ten (10) days whether the computerized records of the Department of Mental Health and Substance Abuse Services indicate the applicant has ever been involuntarily committed to an Oklahoma state mental institution. For purposes of this subsection, "currently undergoing treatment for a mental illness, condition, or disorder" means the person has been diagnosed by a licensed physician or psychologist, as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to

meet the ordinary demands of life and such condition continues to exist; and

8. Make a statement regarding misdemeanor domestic violence charges.

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 employing the applicant. The agency shall certify to the Council that the applicant meets the qualifications for security guards, pursuant to subsection H of this section.

J. 1. All persons and agencies 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 private investigators with the firearms authorization, or combination armed license; and Five Thousand



Dollars (\$5,000.00) for unarmed security guards and self-employed unarmed private investigators who employ no other investigators.

3. Security agencies and investigative agencies shall ensure that all employees of these 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~~ Department. 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~~ Department 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.

L. Similar or duplicate agency names will not be issued. Each agency name must be distinguishably different.

SECTION 9. AMENDATORY 59 O.S. 2001, Section 1750.6, is amended to read as follows:

Section 1750.6 A. 1. Application for a license shall be made on forms provided by the ~~Council on Law Enforcement Education and Training~~ Department of Public Safety and shall be submitted in writing by the applicant under oath. The application shall require the applicant to furnish information reasonably required by the ~~Council~~ Department to implement the provisions of the Oklahoma Security Guard and Private Investigator Act, ~~Section 1750.1 et seq.~~

~~of this title,~~ including classifiable fingerprints to enable the search of criminal indices for evidence of a prior criminal record.

2. Upon request of the ~~Council~~ Department, the Oklahoma State Bureau of Investigation and other state and local law enforcement agencies shall furnish a copy of any existent criminal history data relating to an applicant, including investigation reports which are otherwise required by law to be deemed confidential, to enable the ~~Council~~ Department to determine the qualifications and fitness of such applicant for a license.

B. 1. The original application and any license renewal shall be accompanied by a nonrefundable fee of Sixty Dollars (\$60.00) for the original application and Twenty-five Dollars (\$25.00) for each renewal of a private investigator or an unarmed security guard, Eighty-five Dollars (\$85.00) for the original application and Fifty Dollars (\$50.00) for each renewal of an armed security guard, Seven Dollars (\$7.00) for a special event, and Two Hundred Dollars (\$200.00) for either the original application or each renewal for a security agency or investigative agency.

2. A licensee whose license has been suspended may apply for reinstatement of license after the term of the suspension has passed. Any application for reinstatement following a suspension of licensure shall be accompanied by a nonrefundable fee of Twenty-five Dollars (\$25.00) for the reinstatement of a private investigator or unarmed security guard, Fifty Dollars (\$50.00) for the reinstatement of an armed security guard, and Two Hundred Dollars (\$200.00) for reinstatement of a security or investigative agency.

3. A licensee who fails to file a renewal application on or before the expiration of a license shall pay a late fee of Twenty-five Dollars (\$25.00) for an individual license and a late fee of One Hundred Dollars (\$100.00) for an agency license.

4. Except as otherwise provided in this subsection, the fees, penalties, and fines shall be deposited in the General Revenue Fund.

The prevailing fingerprint processing fee for the original application for a private investigator, an unarmed security guard, or an armed security guard shall be deposited in the OSBI Revolving Fund.

C. A Security Guard License, Armed Security Guard License, or Private Investigator License shall be valid for a period of two (2) years and may be renewed for additional two-year terms. A Security Agency License or Investigative Agency License shall be valid for a period of five (5) years and may be renewed for additional five-year terms. A special event license shall be valid only for the duration of the event for which it is expressly issued. Any individual may be issued up to two special event licenses during any calendar year.

D. The ~~Council~~ Department shall devise a system for issuance of licenses for the purpose of evenly distributing the expiration dates of the licenses.

E. Pursuant to its rules, the ~~Council~~ Department may issue a duplicate license to a person licensed pursuant to the provisions of the Oklahoma Security Guard and Private Investigator Act. The ~~Council~~ Department may assess a fee of Four Dollars (\$4.00) for the issuance of a duplicate license. The fee must accompany the request for a duplicate license.

SECTION 10. AMENDATORY 59 O.S. 2001, Section 1750.7, is amended to read as follows:

Section 1750.7 A. A Security Guard License, Armed Security Guard License, Private Investigator License, and any conditional license shall be subject to denial, suspension, or revocation and/or disciplinary penalty or fine by the ~~Council on Law Enforcement Education and Training~~ Department of Public Safety subject to the Administrative Procedures Act for, but not limited to, the following reasons by clear and convincing evidence:

1. Any erroneous or false statement in an application for a license submitted pursuant to ~~Section 1750.1 et seq.~~ of this title the Oklahoma Security Guard and Private Investigator Act;

2. Failure to successfully complete any prescribed course of training as required by the ~~Council~~ Department;

3. Violation of a provision of the Oklahoma Security Guard and Private Investigator Act or a rule promulgated pursuant to the act;

4. A conviction for larceny, theft, embezzlement, false pretense, fraud, an offense involving moral turpitude, any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, any offense involving a firearm, or any felony;

5. Use of beverages containing alcohol while armed with a firearm;

6. Knowingly impersonating a law enforcement officer; or

7. Failure to obtain or maintain liability insurance coverage or a surety bond pursuant to subsection J of Section 1750.5 of this title.

B. A Security Agency License or Investigative Agency License shall be subject to denial, suspension, or revocation and/or disciplinary penalty or fine by the ~~Council~~ Department subject to the Administrative Procedures Act for, but not limited to, the following reasons by clear and convincing evidence:

1. A false statement in a license application;

2. Violation of any provision of the Oklahoma Security Guard and Private Investigator Act or a rule adopted pursuant thereto;

3. Employing, authorizing, or permitting an unlicensed, uninsured or unbonded person to perform a security guard, armed security guard or private investigator function; or

4. Permitting a person to perform a security guard, armed security guard or private investigator function, knowing the person

has committed any offense enumerated in subsection A of this section.

C. Upon the effective date of suspension or revocation of any license, the licensee shall have the duty to surrender the license and any identification card issued pursuant thereto to the ~~Council~~ Department.

SECTION 11. AMENDATORY 59 O.S. 2001, Section 1750.8, is amended to read as follows:

Section 1750.8 A. No person who is exempt from the provisions of ~~Section 1750.1 et seq. of this title~~ the Oklahoma Security Guard and Private Investigator Act shall display any badge or identification card bearing the words "private investigator" or "private detective", or use any words or phrases that imply that such person is a private investigator or private detective.

B. No person licensed as a private investigator shall:

1. Divulge any information gained by him in his employment except as his employer may direct or as he may be required by law to divulge; or

2. Willfully make a false report to his employer or to a client.

Any violation of this subsection, upon conviction, shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

C. The ~~Council on Law Enforcement Education and Training~~ Department of Public Safety or its employees shall not disclose application information pertaining to persons licensed pursuant to this act, except:

1. To verify the current license status of any applicant or licensee to the public;

2. To perform duties pursuant to this act;

3. To a bona fide law enforcement agency;

4. To a licensing authority in another jurisdiction; or
5. As required by court order.

SECTION 12. AMENDATORY 59 O.S. 2001, Section 1750.9, is amended to read as follows:

Section 1750.9 A. Each security guard, armed security guard, or private investigator licensed pursuant to this act shall carry a valid driver license or state-issued photo identification card and an identification card issued by the ~~Council on Law Enforcement Education and Training~~ Department of Public Safety at all times while on duty as a security guard, armed security guard or private investigator, and each security agency and investigative agency shall display in its primary office in this state a valid license therefor issued by the ~~Council~~ Department.

B. No licensee or officer, director, partner, or employee of a licensee, may wear a uniform, or use a title, an insignia, badge, or an identification card, or make any statements that would lead a person to believe that he is connected in any way with the federal government, a state government, or any political subdivision of a state government, unless he is authorized by proper authorities to do so.

C. Each discharge of a firearm in the performance of his employment by any licensee authorized by this act to carry a firearm, other than for training purposes, shall be reported immediately to the ~~Council~~ Department by said licensee.

SECTION 13. AMENDATORY 59 O.S. 2001, Section 1750.10A, is amended to read as follows:

Section 1750.10A The firearm training for armed security guards may include the reduction targets for weapons fired at fifty (50) feet to simulate weapons fired at seventy-five (75) feet in indoor ranges. All indoor ranges for this training shall have a minimum of three firing lanes and be approved by the ~~Council on Law Enforcement Education and Training~~ Department of Public Safety.

SECTION 14. AMENDATORY 59 O.S. 2001, Section 1750.10B,  
is amended to read as follows:

Section 1750.10B Beginning July 1, 1990, private schools desiring to conduct any or all phases of private security training shall submit an application for a certificate of approval to the ~~Council on Law Enforcement Education and Training~~ Department of Public Safety. The application shall be accompanied by a nonrefundable fee of Three Hundred Dollars (\$300.00). The certificate shall be renewed annually by July 1. The renewal fee shall be Three Hundred Dollars (\$300.00).

SECTION 15. AMENDATORY 59 O.S. 2001, Section 1750.11, is amended to read as follows:

Section 1750.11 A. Unless otherwise prescribed by law, any person convicted of violating any provision of the Oklahoma Security Guard and Private Investigator Act or a rule or regulation promulgated pursuant to the Oklahoma Security Guard and Private Investigator Act shall be guilty of a misdemeanor punishable by imprisonment for not more than sixty (60) days, or by a fine of not more than Two Thousand Dollars (\$2,000.00), or by both such imprisonment and fine.

B. Any person who willfully makes a false statement, knowing such statement is false, in any application to the ~~Council on Law Enforcement Education and Training~~ Department of Public Safety for a license pursuant to the Oklahoma Security Guard and Private Investigator Act, or who otherwise commits a fraud in connection with such application, shall be guilty of a felony punishable by a term of imprisonment for not less than two (2) years nor more than five (5) years, or by a fine of not more than Two Thousand Dollars (\$2,000.00), or by both such imprisonment and fine.

SECTION 16. This act shall become effective July 1, 2003.

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