

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2630

By: Nance

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 1750.2, which relates to the Oklahoma Security Guard and Private Investigator Act; modifying definition; establishing Oklahoma Commission on Private Security; stating membership of Commission; providing for codification; and providing an effective date.

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

SECTION 1. 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, which contract authorizes services to be performed in return for financial or other considerations;

2. ~~"Council" means the Council on Law Enforcement Education and Training~~ Commission" means the Oklahoma Commission on Private Security;

3. "License" means authorization issued by the Council 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 which restricts the license holder to employment as a security guard only for the duration of a particular event.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3101 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Commission on Private Security which shall be composed of thirteen (13) members appointed by the Governor with the advice and consent of the Senate.

Immediately after January 1, 2003, the following appointments shall be made:

1. Five members of the public, each of whom is a citizen of the United States;

2. Five members who are licensed pursuant to the Oklahoma Security Guard and Private Investigator Act, each of whom:

a. has been engaged for five (5) consecutive years as a private investigator or security services contractor;

and

b. is not employed by a person who employs another member of the board;

3. One member who is licensed under the Oklahoma Security Guard and Private Investigator Act;

4. One member who has operated a guard company for at least five consecutive years; and

5. One member who is not employed by a person who employs another member of the board.

B. Appointments to the board shall be made without regard to the race, creed, color, disability, sex, religion, age or national origin of the appointee.

C. On presentation by a board member of the constitutional oath taken by the member, together with the certificate of appointment, the Secretary of State shall issue a commission to the member as evidence of the authority of the member to act as a board member.

SECTION 3. This act shall become effective November 1, 2002.

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