

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 SENATE BILL 1051

By: Paddack

4  
5 AS INTRODUCED

6  
7 An Act relating to professions and occupations;  
8 amending 59 O.S. 2001, Sections 1750.3, as amended by  
9 Section 2, Chapter 155, O.S.L. 2005, 1750.5, as  
10 amended by Section 4, Chapter 155, O.S.L. 2005,  
11 1750.6, as last amended by Section 1, Chapter 151,  
12 O.S.L. 2004, and 1750.10B (59 O.S. Supp. 2006,  
13 Sections 1750.3, 1750.5 and 1750.6), which relate to  
14 the Oklahoma Security Guard and Private Investigator  
15 Act; modifying certain requirements for continuing  
16 education; modifying certain advisory board;  
17 modifying provision relating to certain licenses  
18 authorized to be issued and authorization to carry a  
19 firearm; modifying provision relating to certain  
20 identification cards; modifying and providing for  
21 certain fees; and providing an effective date.

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

23 SECTION 1. AMENDATORY 59 O.S. 2001, Section 1750.3, as  
24 amended by Section 2, Chapter 155, O.S.L. 2005 (59 O.S. Supp. 2006,  
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 the Oklahoma Security Guard and Private Investigator Act, and all

1 other duties which are or may be conferred upon the Council by the  
2 Oklahoma Security Guard and Private Investigator Act. The powers  
3 and duties conferred on the director or any staff member appointed  
4 by the director as a peace officer shall not limit the powers and  
5 duties of other peace officers of this state or any political  
6 subdivision thereof. The director, or any staff member appointed by  
7 the director as a peace officer shall, upon request, assist any  
8 federal, state, county, or municipal law enforcement agency.

9 B. The Council on Law Enforcement Education and Training shall  
10 have the following powers and duties:

11 1. To promulgate rules to carry out the purposes of the  
12 Oklahoma Security Guard and Private Investigator Act;

13 2. To establish and enforce standards governing the training of  
14 persons required to be licensed pursuant to the Oklahoma Security  
15 Guard and Private Investigator Act with respect to:

16 a. issuing, denying, or revoking certificates of approval  
17 to security training schools, and programs  
18 administered by the state, a county, a municipality, a  
19 private corporation, or an individual,

20 b. certifying instructors at approved security training  
21 schools,

22 c. establishing minimum requirements for security  
23 training schools and periodically reviewing these  
24 standards, and

1 d. providing for periodic inspection of all security  
2 training schools or programs;

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

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

10 a. establishing a designated minimum number of clock  
11 hours of required attendance, not to exceed ~~eight (8)~~  
12 sixteen (16) clock hours yearly during the licensing  
13 period, at accredited educational functions,

14 b. establishing the penalties to be imposed upon a  
15 licensee for failure to comply with the continuing  
16 education requirements,

17 c. ~~establishing a nonpaid advisory board of licensed~~  
18 ~~private investigators~~ designating the Private Security  
19 Advisory Committee to assist the Council in  
20 establishing the criteria for determining the  
21 qualifications of proposed continuing education  
22 programs that would be submitted to the Council for  
23 accreditation to meet this requirement, and  
24

1           d.    providing that the expense of such continuing  
2                    education shall be paid by the ~~private investigators~~  
3                    licensee participating therein;

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

12          6.    To grant an applicant credit for fulfilling any prescribed  
13  course or courses of training, including firearms training, upon  
14  submission of acceptable documentation of comparable training. The  
15  Council may grant or refuse any such credit at its discretion;

16          7.    To issue the licenses and identification cards provided for  
17  in the Oklahoma Security Guard and Private Investigator Act;

18          8.    To investigate alleged violations of the Oklahoma Security  
19  Guard and Private Investigator Act or rules relating thereto and to  
20  deny, suspend, or revoke licenses and identification cards if  
21  necessary, or to issue notices of reprimand to licensees with or  
22  without probation under rules to be prescribed by the Council;

23          9.    To investigate alleged violations of the Oklahoma Security  
24  Guard and Private Investigator Act by persons not licensed pursuant

1 to such act and to impose administrative sanctions pursuant to rules  
2 or to seek an injunction pursuant to Section 1750.2A of this title;

3 10. To provide all forms for applications, identification  
4 cards, and licenses required by the Oklahoma Security Guard and  
5 Private Investigator Act;

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

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

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

13 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1750.5, as  
14 amended by Section 4, Chapter 155, O.S.L. 2005 (59 O.S. Supp. 2006,  
15 Section 1750.5), is amended to read as follows:

16 Section 1750.5 A. Licenses authorized to be issued by the  
17 Council on Law Enforcement Education and Training (CLEET) shall be  
18 as follows:

- 19 1. Security Agency License;
- 20 2. Investigative Agency License;
- 21 3. Private Investigator License (unarmed);
- 22 4. Security Guard License (unarmed);
- 23 5. Armed Security Guard License;
- 24 6. Special Event License (unarmed); and

1 7. Armed Private Investigator License.

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

7 C. 1. A private investigator may carry a firearm, if the  
8 private investigator also performs the functions of an armed  
9 security guard, under the authority of the armed security guard  
10 license.

11 2. If the private investigator performs no functions of an  
12 armed security guard, the Council may ~~add an endorsement to the~~  
13 ~~license of the private investigator that states "Firearms~~  
14 ~~Authorized", in lieu of the armed security guard license, if the~~  
15 ~~private investigator completes the same training and testing~~  
16 ~~requirements of the armed security guard~~ issue an armed private  
17 investigator license. The applicant for an armed private  
18 investigator license must complete Phase I, III and IV training and  
19 pass the psychological examination and state tests. The Council  
20 will charge the same fee for the ~~"Firearms Authorized" endorsement~~  
21 ~~on the~~ armed private investigators license as the cost of the armed  
22 security guard license.

23 3. Any person issued a an armed private investigator license  
24 ~~with a firearms authorized endorsement~~ may carry a concealed firearm

1 when on and off duty, provided the person keeps the firearm  
2 concealed from view and is in possession of a valid driver license  
3 and a valid armed private investigator license ~~with a firearms~~  
4 ~~authorization endorsement~~.

5 D. Any identification card issued to a person meeting the  
6 license requirements for an armed security guard or an armed private  
7 investigator shall be distinct and shall explicitly state that the  
8 person is authorized to carry a firearm pursuant to the provisions  
9 of the Oklahoma Security Guard and Private Investigator Act. Upon  
10 receipt of the license and identification card, the armed security  
11 guard or armed private investigator is authorized to carry a firearm  
12 in the performance of his or her duties subject to the provisions of  
13 the Oklahoma Security Guard and Private Investigator Act and the  
14 rules promulgated by the Council.

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

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

23 2. The holder of a conditional license shall complete the  
24 necessary training requirements within one hundred eighty (180) days

1 from the effective date of the conditional license, after which the  
2 conditional license shall expire;

3 3. The holder of a conditional license as an armed security  
4 guard shall not carry a firearm in the performance of duties until  
5 after completing a course of firearms training as prescribed by the  
6 Council, and having been issued a regular license by the Council;

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

10 5. When the Council finds that a conditional license holder has  
11 completed the required training and is otherwise qualified for a  
12 license pursuant to the provisions of the Oklahoma Security Guard  
13 and Private Investigator Act, the Council shall issue a regular  
14 license.

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

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

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

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

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

8 2. Any person, otherwise qualified, may own a private  
9 investigation agency; and

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

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

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

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

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

1 4. Be of good moral character;

2 5. Not have a record of a felony conviction;

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

10 a. If any conviction which disqualifies an applicant  
11 occurred more than five (5) years prior to the  
12 application date and the Council is convinced the  
13 offense constituted an isolated incident and the  
14 applicant has been rehabilitated, the Council may, in  
15 its discretion, waive the conviction disqualification  
16 as provided for in this paragraph and issue an unarmed  
17 security guard license or a private ~~investigator's~~  
18 investigator license, but shall not issue an armed  
19 guard license, to the applicant if the applicant is  
20 otherwise qualified, unless the felony involved the  
21 use of a firearm or was violent in nature.

22 b. If an Oklahoma State Bureau of Investigation records  
23 check and a local records check reveal that there are  
24 no felony convictions, criminal convictions involving

1 moral turpitude, or any other disqualifying  
2 convictions as specified in the Oklahoma Security  
3 Guard and Private Investigator Act or prescribed by  
4 the Council, then the Council may conditionally issue  
5 an armed security guard license pending completion of  
6 the criminal history and background check.

7 c. Under oath, the applicant shall certify that he or she  
8 has no disqualifying convictions as specified in the  
9 Oklahoma Security Guard and Private Investigator Act  
10 or by the Council.

11 d. The applicant shall further meet all other  
12 qualifications.

13 e. If upon completion of the required background  
14 investigation it is discovered that a disqualifying  
15 conviction exists, the Council shall immediately  
16 revoke the armed guard license of the applicant;

17 7. Make a statement that the applicant is not currently  
18 undergoing treatment for mental illness, condition, or disorder,  
19 make a statement whether the applicant has ever been adjudicated  
20 incompetent or committed to a mental institution, and make a  
21 statement regarding any history of illegal drug use or alcohol  
22 abuse. Upon presentation by the Council on Law Enforcement  
23 Education and Training of the name, gender, date of birth, and  
24 address of the applicant to the Department of Mental Health and

1 Substance Abuse Services, the Department of Mental Health and  
2 Substance Abuse Services shall notify the Council within ten (10)  
3 days whether the computerized records of the Department indicate the  
4 applicant has ever been involuntarily committed to an Oklahoma state  
5 mental institution. For purposes of this subsection, "currently  
6 undergoing treatment for a mental illness, condition, or disorder"  
7 means the person has been diagnosed by a licensed physician or  
8 psychologist, as being afflicted with a substantial disorder of  
9 thought, mood, perception, psychological orientation, or memory that  
10 significantly impairs judgment, behavior, capacity to recognize  
11 reality, or ability to meet the ordinary demands of life and such  
12 condition continues to exist; and

13 8. Make a statement regarding misdemeanor domestic violence  
14 charges.

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

22 J. 1. All persons and agencies shall obtain and maintain  
23 liability coverage in accordance with the following minimum  
24 standards:

- 1           a.    general liability insurance coverage for bodily  
2                    injury, personal injury, and property damage, with  
3                    endorsements for personal injury including false  
4                    arrest, libel, slander, and invasion of privacy, or  
5           b.    a surety bond that allows persons to recover for  
6                    actionable injuries, loss, or damage as a result of  
7                    the willful, or wrongful acts or omissions of the  
8                    principal and protects this state, its agents,  
9                    officers and employees from judgments against the  
10                  principal or insured licensee, and is further  
11                  conditioned upon the faithful and honest conduct of  
12                  the principal's business.

13           2.    Liability coverages and bonds outlined in this section shall  
14   be in the minimum amounts of One Hundred Thousand Dollars  
15   (\$100,000.00) for agencies, Ten Thousand Dollars (\$10,000.00) for  
16   armed security guards and armed private investigators ~~with the~~  
17   ~~firearms authorization~~, or combination armed license; and Five  
18   Thousand Dollars (\$5,000.00) for unarmed security guards and self-  
19   employed unarmed private investigators who employ no other  
20   investigators.

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

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

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

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

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

17 SECTION 3. AMENDATORY 59 O.S. 2001, Section 1750.6, as  
18 last amended by Section 1, Chapter 151, O.S.L. 2004 (59 O.S. Supp.  
19 2006, Section 1750.6), is amended to read as follows:

20 Section 1750.6 A. 1. Application for a license shall be made  
21 on forms provided by the Council on Law Enforcement Education and  
22 Training and shall be submitted in writing by the applicant under  
23 oath. The application shall require the applicant to furnish  
24 information reasonably required by the Council to implement the

1 provisions of the Oklahoma Security Guard and Private Investigator  
2 Act, including classifiable fingerprints to enable the search of  
3 criminal indices for evidence of a prior criminal record, including,  
4 but not limited to, a national criminal history record check as  
5 defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

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

13 B. 1. a. The original application and any license renewal shall  
14 be accompanied by a ~~nonrefundable~~ fee of Twenty-five  
15 Dollars (\$25.00) for each original application and  
16 renewal of a private investigator or an unarmed  
17 security guard, Fifty Dollars (\$50.00) for each  
18 original application and renewal of an armed security  
19 guard or an armed private investigator, Seven Dollars  
20 (\$7.00) for each special event license, and Two  
21 Hundred Dollars (\$200.00) for either the original  
22 application or each renewal for a security agency or  
23 investigative agency. If an individual or agency does  
24 not qualify for the type of license or renewal license

1 requested, CLEET shall retain twenty percent (20%) of  
2 the licensing fee as a processing fee and refund the  
3 remaining amount to the individual or agency  
4 submitting payment. The individual license fee paid  
5 by a licensed agency will be refunded to the agency.

6 b. In addition to the fees provided in this subsection,  
7 the original application of an unarmed private  
8 investigator, unarmed security guard or armed security  
9 guard shall be accompanied by a nonrefundable fee for  
10 a national criminal history record with fingerprint  
11 analysis, as provided in Section 150.9 of Title 74 of  
12 the Oklahoma Statutes.

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

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

1       4. Except as otherwise provided in this subsection, the fees,  
2 penalties, and fines shall be deposited in the General Revenue Fund.  
3 The prevailing fingerprint processing fee for the original  
4 application for a private investigator, an unarmed security guard,  
5 or an armed security guard shall be deposited in the OSBI Revolving  
6 Fund.

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

15       D. The Council shall devise a system for issuance of licenses  
16 for the purpose of evenly distributing the expiration dates of the  
17 licenses.

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

1 SECTION 4. AMENDATORY 59 O.S. 2001, Section 1750.10B, is  
2 amended to read as follows:

3 Section 1750.10B Beginning July 1, 1990, private schools  
4 desiring to conduct any or all phases of private security training  
5 shall submit an application for a certificate of approval to the  
6 Council on Law Enforcement Education and Training. The application  
7 shall be accompanied by a ~~nonrefundable~~ fee of Three Hundred Dollars  
8 (\$300.00). The certificate shall be renewed annually by July 1.  
9 The renewal fee shall be Three Hundred Dollars (\$300.00). If the  
10 school does not qualify for a certificate or renewal certificate,  
11 CLEET shall retain twenty percent (20%) of the fee as a processing  
12 fee and refund the balance to the school.

13 SECTION 5. This act shall become effective November 1, 2007.

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