

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2730

By: Inman

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5  
6 AS INTRODUCED

7 An Act relating to professions and occupations;  
8 amending 59 O.S. 2011, Section 1750.2, which relates  
9 to the Oklahoma Security Guard and Private  
10 Investigator Act; modifying definitions; and  
11 providing an effective date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1750.2, is  
15 amended to read as follows:

16 Section 1750.2 As used in the Oklahoma Security Guard and  
17 Private Investigator Act:

18 1. "Client" means any person or legal entity having a contract  
19 with a person or entity licensed pursuant to the Oklahoma Security  
20 Guard and Private Investigator Act, which contract authorizes  
21 services to be performed in return for financial or other  
22 considerations;

23 2. "Council" means the Council on Law Enforcement Education and  
24 Training;

1       3. "License" means authorization issued by the Council pursuant  
2 to the Oklahoma Security Guard and Private Investigator Act  
3 permitting the holder to perform the functions of a security guard,  
4 armed security guard, private investigator, investigative agency, or  
5 security agency;

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

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

- 14           (1) a person authorized or employed by the United  
15               States Government, any state government, or any  
16               agency, department, or political subdivision  
17               thereof while engaged in the performance of  
18               official duties,

- 19           (2) a person or employee of a firm, corporation or  
20               other legal entity engaged exclusively in a  
21               profession licensed by any board, commission,  
22               department or court of this state, or

- 23           (3) a bona fide, salaried, full-time employee of a  
24               firm, corporation or other legal entity not in

1 the primary business of soliciting and providing  
2 private investigations, who conducts  
3 investigations that are exclusive to and  
4 incidental to the primary business of said firm,  
5 corporation or entity, and when the costs of such  
6 investigations are not charged directly back to  
7 the particular client or customer who directly  
8 benefits from the investigation;

9 5. "Armed private investigator" means a private investigator  
10 authorized to carry a firearm to:

11 a. perform the functions found in paragraph 4 of this  
12 section, and

13 b. protect life and property and to prevent the  
14 commission of forcible felonies;

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

18 7. "Security guard" means an individual contracting with or  
19 employed by a security agency, private business or person to prevent  
20 trespass, theft, misappropriation, wrongful concealment of  
21 merchandise, goods, money or other tangible items, or engaged as a  
22 bodyguard or as a private watchman to protect persons or property,  
23 but shall not include:  
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1 a. for individuals operating unarmed, any person employed  
2 as a private watchman or security guard by one  
3 employer only in connection with the affairs of such  
4 employer where there exists an employer-employee  
5 relationship,

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

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

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

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

23 (4) who receives compensation from an employer-  
24 employee relationship or an individual

1 independent contractor basis with any licensed  
2 security agency as defined in this section or any  
3 private business or person to perform security or  
4 investigative services,

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

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

10 8. "Armed security guard" means a security guard authorized to  
11 carry a firearm to:

12 a. perform the functions found in paragraph 7 of this  
13 section, and

14 b. protect life and property and to prevent the  
15 commission of forcible felonies;

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

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

23 11. "Special event license" means a temporary license issued  
24 pursuant to the Oklahoma Security Guard and Private Investigator Act

1 which restricts the license holder to employment as a security guard  
2 only for the duration of a particular event.

3 SECTION 2. This act shall become effective November 1, 2012.

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5 53-2-8545 CJB 01/04/12

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