An Act

ENROLLED SENATE
BILL NO. 1407

By: Paddack of the Senate

and

Thomsen and Ritze of the House

An Act relating to the Oklahoma Security Guard and Private Investigator Act; amending 59 O.S. 2011, Sections 1750.3 and 1750.6, which relate to grounds for suspension and license; adding condition for suspension of license; requiring written request for certain remittance of fee; modifying references; and providing an effective date.

SUBJECT: Oklahoma Security Guard and Private Investigator Act

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

SECTION 1. AMENDATORY 59 O.S. 2011, 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 other duties which are or may be conferred upon the Council by the Oklahoma Security Guard and Private Investigator Act. 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 shall have the following powers and duties:

1. To promulgate rules to carry out the purposes of 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 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 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 and security guards which shall include, but not be limited to:

a. establishing a designated minimum number of clock hours of required attendance, not to exceed twenty-four (24) clock hours during the licensing period, at accredited educational functions,

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

c. designating the Private Security Advisory Committee to assist the Council in establishing the criteria for determining the qualifications of proposed continuing education programs that would be submitted to the Council for accreditation to meet this requirement, and

d. providing that the expense of such continuing education shall be paid by the licensee 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;

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 may grant or refuse any such credit at its discretion;

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

8. To investigate alleged violations of 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;

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 1750.2A of this title;

10. To provide all forms for applications, identification cards, and licenses required by 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, a family household member, or involve a crime against a minor; 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 2. AMENDATORY 59 O.S. 2011, 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 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 to implement the provisions of the Oklahoma Security Guard and Private Investigator Act, including classifiable fingerprints to enable the search of criminal indices for evidence of a prior criminal record, including, but not limited to, a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

2. Upon request of the Council, 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 to determine the qualifications and fitness of such applicant for a license.

B. 1. a. Beginning November 1, 2010, the original application and any license renewal shall be accompanied by a fee of Fifty Dollars ($50.00) for each original application and renewal of a private investigator or an unarmed security guard, One Hundred Dollars

($100.00) for each original application and renewal of an armed security guard or an armed private investigator; provided however, an active certified peace officer upon application or renewal of an armed security guard or armed private investigator shall be charged only twenty percent (20%) of the required fee, Seven Dollars ($7.00) for each special event license, and Three Hundred Dollars ($300.00) for either the original application or each renewal for a security agency or investigative agency. If an individual or agency does not qualify for the type of license or renewal license requested, CLEET shall retain twenty percent (20%) of the licensing fee as a processing fee and refund the remaining amount, if any, to the ~~individual or agency submitting payment~~ remitter. The individual license fee paid by a licensed agency will be refunded to the agency.

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

c. A refund request for any reason other than disqualification or denial shall be made in writing and submitted within six (6) months of the date payment was received.

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 or armed private investigator, 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. The fees charged and collected pursuant to the provisions of paragraph 1 of this subsection shall be apportioned and deposited to the credit of the CLEET Private Security Revolving Fund ~~created pursuant to Section 2 of this act~~, as follows:

a. Twenty-five Dollars ($25.00) of the fee charged for an original application or license renewal of a private investigator or an unarmed security guard,

b. Fifty Dollars ($50.00) of the fee charged for an original application or license renewal of an armed security guard or an armed private investigator, and

c. One Hundred Dollars ($100.00) of the fee charged for an original or renewal application for a security agency or investigative agency.

Unless otherwise specified in this subsection, all remaining 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, an armed security guard or an armed private investigator shall be deposited in the OSBI Revolving Fund.

C. Beginning November 1, 2010, a Security Guard License, Armed Security Guard License, Private Investigator License, or Armed Private Investigator License shall be valid for a period of three (3) years and may be renewed for additional three-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 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 may issue a duplicate license to a person licensed pursuant to the provisions of the Oklahoma Security Guard and Private Investigator Act. Beginning November 1, 2010, the Council may assess a fee of Eight Dollars ($8.00) for the issuance of a duplicate license. The fee must accompany the request for a duplicate license. Four Dollars ($4.00) of the fee collected for the issuance of a duplicate license shall be deposited to the credit of the CLEET Private Security Revolving Fund ~~created pursuant to Section 2 of this act~~.

SECTION 3. This act shall become effective November 1, 2014.

Passed the Senate the 5th day of March, 2014.

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Presiding Officer of the Senate

Passed the House of Representatives the 15th day of April, 2014.

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Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

_____
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20 _____, at _____ o'clock _____ M.

By: _____