HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 3531

By: Martin (Scott) and Sears of the House

and

Jolley and Justice of the Senate

COMMITTEE SUBSTITUTE

An Act relating to the Council on Law Enforcement Education and Training; amending 59 O.S. 2011, Section 1750.6, which relates to private security and investigator license applications; modifying deposit of certain fees; providing an effective date; and declaring an emergency.

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

SECTION 1. 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

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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~~ An 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,

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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. 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.

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

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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,

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an armed security guard or an armed private investigator shall be deposited in the OSBI Revolving Fund.

C. ~~Beginning November 1, 2010, a~~ 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~~ 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.~~

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SECTION 2. This act shall become effective July 1, 2014.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

DIRECT TO CALENDAR.

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