

1 **SENATE FLOOR VERSION**

2 April 4, 2013

3 ENGROSSED HOUSE  
4 BILL NO. 1413

By: Hall of the House

5 and

6 Treat of the Senate

7  
8 An Act relating to professions and occupations;  
9 amending 59 O.S. 2011, Section 1750.5, which relates  
10 to the Oklahoma Security Guard and Private  
11 Investigator Act; authorizing armed private  
12 investigators to openly carry a firearm under certain  
13 circumstances; and providing an effective date.

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

15 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1750.5, is  
16 amended to read as follows:

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

- 20 1. Security Agency License;
- 21 2. Investigative Agency License;
- 22 3. Private Investigator License (unarmed);
- 23 4. Security Guard License (unarmed);
- 24 5. Armed Security Guard License;
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 issue an armed private  
13 investigator license. The applicant for an armed private  
14 investigator license must complete Phase I, III and IV training and  
15 pass the psychological examination and state test; provided however,  
16 active certified peace officers and retired certified peace officers  
17 shall be exempt from the psychological examination as provided in  
18 Section 1750.3A of this title, and active certified peace officers  
19 of any state, county or municipal law enforcement agency in this  
20 state shall be exempt from the Phase I, III and IV training and  
21 state test for an armed private investigator. The Council will  
22 charge the same fee for the armed private investigators license as  
23 the cost of the armed security guard license; provided however, an  
24 active certified peace officer who is an applicant for ~~a~~ an armed

1 private investigator or armed security guard shall be charged only  
2 twenty percent (20%) of the required fee.

3 3. Any person issued an armed private investigator license may  
4 carry a concealed or unconcealed firearm when on and off duty,  
5 provided the person ~~keeps the firearm concealed from view and~~ is in  
6 possession of a valid driver license and a valid armed private  
7 investigator license.

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

18 E. The Council may issue a conditional license to a person  
19 employed by a security or investigative agency as a trainee for a  
20 security guard, armed security guard, or private investigator  
21 position, when the person has submitted a properly completed  
22 application, made under oath, subject to the following conditions:  
23  
24

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

4 2. The holder of a conditional license shall complete the  
5 necessary training requirements within one hundred eighty (180) days  
6 from the effective date of the conditional license, after which the  
7 conditional license shall expire;

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

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

15 5. When the Council finds that a conditional license holder has  
16 completed the required training and is otherwise qualified for a  
17 license pursuant to the provisions of the Oklahoma Security Guard  
18 and Private Investigator Act, the Council shall issue a regular  
19 license.

20 F. A Security Agency License may be issued to an individual,  
21 corporation, or other legal entity meeting the following  
22 qualifications:

23 1. If the license is to be issued in the name of a legal entity  
24 other than a natural person, the applicant must furnish proof that

1 the entity is legally recognized, such as the issuance of a  
2 corporate charter; and

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

6 G. An Investigative Agency License may be issued to an  
7 individual, corporation, or other legal entity meeting the following  
8 qualifications:

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

13 2. Any person, otherwise qualified, may own a private  
14 investigation agency; and

15 3. A self-employed private investigator who employs no other  
16 investigators shall also be licensed as an investigative agency, but  
17 shall only be required to be insured or bonded as a self-employed  
18 private investigator.

19 H. A Security Guard License, Armed Security Guard License,  
20 Private Investigator License, Armed Private Investigator License, or  
21 combination thereof may be issued to an applicant meeting the  
22 following qualifications. The applicant shall:

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

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

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

6       4. Be of good moral character;

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

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

15           a. If any conviction which disqualifies an applicant  
16 occurred more than five (5) years prior to the  
17 application date and the Council is convinced the  
18 offense constituted an isolated incident and the  
19 applicant has been rehabilitated, the Council may, in  
20 its discretion, waive the conviction disqualification  
21 as provided for in this paragraph and issue an unarmed  
22 security guard license or a private investigator  
23 license, but shall not issue an armed guard license,  
24 to the applicant if the applicant is otherwise

1 qualified, unless the felony involved the use of a  
2 firearm or was violent in nature.

3 b. If an Oklahoma State Bureau of Investigation records  
4 check and a local records check reveal that there are  
5 no felony convictions, criminal convictions involving  
6 moral turpitude, or any other disqualifying  
7 convictions as specified in the Oklahoma Security  
8 Guard and Private Investigator Act or prescribed by  
9 the Council, then the Council may conditionally issue  
10 an armed security guard license pending completion of  
11 the criminal history and background check.

12 c. Under oath, the applicant shall certify that he or she  
13 has no disqualifying convictions as specified in the  
14 Oklahoma Security Guard and Private Investigator Act  
15 or by the Council.

16 d. The applicant shall further meet all other  
17 qualifications.

18 e. If upon completion of the required background  
19 investigation it is discovered that a disqualifying  
20 conviction exists, the Council shall immediately  
21 revoke the armed guard license of the applicant;

22 7. Make a statement that the applicant is not currently  
23 undergoing treatment for mental illness, condition, or disorder,  
24 make a statement whether the applicant has ever been adjudicated

1 incompetent or committed to a mental institution, and make a  
2 statement regarding any history of illegal drug use or alcohol  
3 abuse. Upon presentation by the Council on Law Enforcement  
4 Education and Training of the name, gender, date of birth, and  
5 address of the applicant to the Department of Mental Health and  
6 Substance Abuse Services, the Department of Mental Health and  
7 Substance Abuse Services shall notify the Council within ten (10)  
8 days whether the computerized records of the Department indicate the  
9 applicant has ever been involuntarily committed to an Oklahoma state  
10 mental institution. For purposes of this subsection, "currently  
11 undergoing treatment for a mental illness, condition, or disorder"  
12 means the person has been diagnosed by a licensed physician or  
13 psychologist, as being afflicted with a substantial disorder of  
14 thought, mood, perception, psychological orientation, or memory that  
15 significantly impairs judgment, behavior, capacity to recognize  
16 reality, or ability to meet the ordinary demands of life and such  
17 condition continues to exist; and

18 8. Make a statement regarding misdemeanor domestic violence  
19 charges.

20 I. A special event license may be issued to an employee of a  
21 security agency who is hired on a temporary basis as an unarmed  
22 security guard for a particular event. An application for a special  
23 event license shall be made by the agency employing the applicant.  
24 The agency shall certify to the Council that the applicant meets the

1 qualifications for security guards, pursuant to subsection H of this  
2 section.

3 J. 1. All persons and agencies shall obtain and maintain  
4 liability coverage in accordance with the following minimum  
5 standards:

6 a. general liability insurance coverage for bodily  
7 injury, personal injury, and property damage, with  
8 endorsements for personal injury including false  
9 arrest, libel, slander, and invasion of privacy, or

10 b. a surety bond that allows persons to recover for  
11 actionable injuries, loss, or damage as a result of  
12 the willful, or wrongful acts or omissions of the  
13 principal and protects this state, its agents,  
14 officers and employees from judgments against the  
15 principal or insured licensee, and is further  
16 conditioned upon the faithful and honest conduct of  
17 the principal's business.

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

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

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

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

16           K. Upon written notice, any license may be placed on inactive  
17 status.

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

20           SECTION 2. This act shall become effective November 1, 2013.

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
22 April 4, 2013 - DO PASS  
23  
24