

1 **SENATE FLOOR VERSION**

2 February 20, 2014

3 SENATE BILL NO. 1407

By: Paddack of the Senate

4 and

5 Thomsen of the House

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7
8 An Act relating to the Oklahoma Security Guard and
9 Private Investigator Act; amending 59 O.S. 2011,
10 Sections 1750.3 and 1750.6, which relate to grounds
11 for suspension and license; adding condition for
12 suspension of license; requiring written request for
13 certain remittance of fee; modifying references; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1750.3, is
17 amended to read as follows:

18 Section 1750.3. A. The director of the Council on Law
19 Enforcement Education and Training, and any staff member designated
20 by the director, shall have all the powers and authority of peace
21 officers of this state for the purposes of enforcing the provisions
22 of the Oklahoma Security Guard and Private Investigator Act, and all
23 other duties which are or may be conferred upon the Council by the
24 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

1 duties of other peace officers of this state or any political
2 subdivision thereof. The director, or any staff member appointed by
3 the director as a peace officer shall, upon request, assist any
4 federal, state, county, or municipal law enforcement agency.

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

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

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

12 a. issuing, denying, or revoking certificates of approval
13 to security training schools, and programs
14 administered by the state, a county, a municipality, a
15 private corporation, or an individual,

16 b. certifying instructors at approved security training
17 schools,

18 c. establishing minimum requirements for security
19 training schools and periodically reviewing these
20 standards, and

21 d. providing for periodic inspection of all security
22 training schools or programs;

23 3. To establish minimum curriculum requirements for training as
24 the Council may require for security guards, armed security guards,

1 and private investigators. Training requirements for unarmed
2 security guards shall not exceed forty (40) hours of instruction;

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

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

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

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

19 d. providing that the expense of such continuing
20 education shall be paid by the licensee participating
21 therein;

22 5. To grant a waiver of any training requirement, except
23 firearms training which shall be required for an armed security
24 guard license, if the applicant has completed not less than one (1)

1 year of full-time employment as a security guard, armed security
2 guard, private investigator, or law enforcement officer within a
3 three-year period immediately preceding the date of application and
4 the applicant provides sufficient documentation thereof as may be
5 required by the Council;

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

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

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

17 9. To investigate alleged violations of the Oklahoma Security
18 Guard and Private Investigator Act by persons not licensed pursuant
19 to such act and to impose administrative sanctions pursuant to rules
20 or to seek an injunction pursuant to Section 1750.2A of this title;

21 10. To provide all forms for applications, identification
22 cards, and licenses required by the Oklahoma Security Guard and
23 Private Investigator Act;

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1 11. To enter into reciprocal agreements with officials of other
2 states;

3 12. To immediately suspend a license if a licensee's actions
4 present a danger to the licensee or to the public, a family
5 household member, or involve a crime against a minor; and

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

9 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1750.6, is
10 amended to read as follows:

11 Section 1750.6. A. 1. Application for a license shall be made
12 on forms provided by the Council on Law Enforcement Education and
13 Training and shall be submitted in writing by the applicant under
14 oath. The application shall require the applicant to furnish
15 information reasonably required by the Council to implement the
16 provisions of the Oklahoma Security Guard and Private Investigator
17 Act, including classifiable fingerprints to enable the search of
18 criminal indices for evidence of a prior criminal record, including,
19 but not limited to, a national criminal history record check as
20 defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

21 2. Upon request of the Council, the Oklahoma State Bureau of
22 Investigation and other state and local law enforcement agencies
23 shall furnish a copy of any existent criminal history data relating
24 to an applicant, including investigation reports which are otherwise

1 required by law to be deemed confidential, to enable the Council to
2 determine the qualifications and fitness of such applicant for a
3 license.

4 B. 1. a. Beginning November 1, 2010, the original application
5 and any license renewal shall be accompanied by a fee
6 of Fifty Dollars (\$50.00) for each original
7 application and renewal of a private investigator or
8 an unarmed security guard, One Hundred Dollars
9 (\$100.00) for each original application and renewal of
10 an armed security guard or an armed private
11 investigator; provided however, an active certified
12 peace officer upon application or renewal of an armed
13 security guard or armed private investigator shall be
14 charged only twenty percent (20%) of the required fee,
15 Seven Dollars (\$7.00) for each special event license,
16 and Three Hundred Dollars (\$300.00) for either the
17 original application or each renewal for a security
18 agency or investigative agency. If an individual or
19 agency does not qualify for the type of license or
20 renewal license requested for any reason, CLEET shall
21 retain twenty percent (20%) of the licensing fee as a
22 processing fee and refund the remaining amount, if
23 any, to the ~~individual or agency submitting payment~~
24 remitter upon request made in writing and submitted

1 within six (6) months of the date payment was
2 received. The individual license fee paid by a
3 licensed agency will be refunded to the agency.

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

12 2. A licensee whose license has been suspended may apply for
13 reinstatement of license after the term of the suspension has
14 passed. Any application for reinstatement following a suspension of
15 licensure shall be accompanied by a nonrefundable fee of Twenty-five
16 Dollars (\$25.00) for the reinstatement of a private investigator or
17 unarmed security guard, Fifty Dollars (\$50.00) for the reinstatement
18 of an armed security guard or armed private investigator, and Two
19 Hundred Dollars (\$200.00) for reinstatement of a security or
20 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. The fees charged and collected pursuant to the provisions of
2 paragraph 1 of this subsection shall be apportioned and deposited to
3 the credit of the CLEET Private Security Revolving Fund ~~created~~
4 ~~pursuant to Section 2 of this act~~, as follows:

- 5 a. Twenty-five Dollars (\$25.00) of the fee charged for an
6 original application or license renewal of a private
7 investigator or an unarmed security guard,
- 8 b. Fifty Dollars (\$50.00) of the fee charged for an
9 original application or license renewal of an armed
10 security guard or an armed private investigator, and
- 11 c. One Hundred Dollars (\$100.00) of the fee charged for
12 an original or renewal application for a security
13 agency or investigative agency.

14 Unless otherwise specified in this subsection, all remaining fees,
15 penalties, and fines shall be deposited in the General Revenue Fund.
16 The prevailing fingerprint processing fee for the original
17 application for a private investigator, an unarmed security guard,
18 an armed security guard or an armed private investigator shall be
19 deposited in the OSBI Revolving Fund.

20 C. Beginning November 1, 2010, a Security Guard License, Armed
21 Security Guard License, Private Investigator License, or Armed
22 Private Investigator License shall be valid for a period of three
23 (3) years and may be renewed for additional three-year terms. A
24 Security Agency License or Investigative Agency License shall be

1 valid for a period of five (5) years and may be renewed for
2 additional five-year terms. A special event license shall be valid
3 only for the duration of the event for which it is expressly issued.
4 Any individual may be issued up to two special event licenses during
5 any calendar year.

6 D. The Council shall devise a system for issuance of licenses
7 for the purpose of evenly distributing the expiration dates of the
8 licenses.

9 E. Pursuant to its rules, the Council may issue a duplicate
10 license to a person licensed pursuant to the provisions of the
11 Oklahoma Security Guard and Private Investigator Act. Beginning
12 November 1, 2010, the Council may assess a fee of Eight Dollars
13 (\$8.00) for the issuance of a duplicate license. The fee must
14 accompany the request for a duplicate license. Four Dollars (\$4.00)
15 of the fee collected for the issuance of a duplicate license shall
16 be deposited to the credit of the CLEET Private Security Revolving
17 Fund ~~created pursuant to Section 2 of this act.~~

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

19 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
February 20, 2014 - DO PASS

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