

1 ENGROSSED SENATE
2 BILL NO. 143

By: Paddack of the Senate

and

Thomsen of the House

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6 An Act relating to licensing; amending Section 4,
7 Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2014, Section
8 1350.3), which relates to the Bail Enforcement and
9 Licensing Act; prohibiting certain persons from
10 licenses; amending Section 12, Chapter 407, O.S.L.
11 2013 (59 O.S. Supp. 2014, Section 1350.11), which
12 relates to Bail Enforcement and Licensing Act;
13 requiring certain notification to the Council of Law
14 Enforcement Education and Training; amending 59 O.S.
15 2011, Section 1750.5, as last amended by Section 11,
16 Chapter 373, O.S.L. 2014 (59 O.S. Supp. 2014, Section
17 1750.5), which relates to the Oklahoma Security Guard
18 and Private Investigator Act; prohibiting certain
19 persons from licenses; amending 59 O.S. 2011, Section
20 1750.7, which relates to the Oklahoma Security Guard
21 and Private Investigator Act; requiring certain
22 notification to the Council of Law Enforcement
23 Education and Training; and providing an effective
24 date.

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

SECTION 1. AMENDATORY Section 4, Chapter 407, O.S.L.
2013 (59 O.S. Supp. 2014, Section 1350.3), is amended to read as
follows:

Section 1350.3. A. To prevent a conflict of interest or the
appearance of any conflict of interest, and in addition to the
qualifications for a bail enforcer pursuant to Section 10 of this

1 act, a person whose employment prohibits such person from being
2 licensed as a bail bondsman as provided in subsection A of Section
3 1315 of Title 59 of the Oklahoma Statutes shall be prohibited from
4 being licensed as a bail enforcer pursuant to the Bail Enforcement
5 and Licensing Act. In addition, a district attorney, or any
6 employee of an office of a district attorney, or any employee of the
7 Department of Corrections shall be prohibited from being licensed as
8 a bail enforcer or bail recovery agency while employed in such
9 capacity.

10 B. Nothing in the Bail Enforcement and Licensing Act shall be
11 construed to prohibit a bail bondsman, private investigator or
12 security guard licensed in this state from being dual-licensed
13 pursuant to the Bail Enforcement and Licensing Act.

14 C. No license shall be issued under the following
15 circumstances:

16 1. The applicant has a felony charge or a misdemeanor charge
17 involving moral turpitude or domestic violence pending in any court
18 in this state, another state, in tribal court, or pursuant to the
19 United States Code. The preclusive period shall be until the final
20 determination of the matter;

21 2. The applicant is subject to the provisions of a deferred
22 sentence or a deferred prosecution in this state or another state or
23 pursuant to federal authority for the commission of a felony offense
24 or a misdemeanor offense involving moral turpitude or domestic

1 violence. The preclusive period shall be three (3) years and shall
2 begin upon the final determination of the matter.

3 SECTION 2. AMENDATORY Section 12, Chapter 407, O.S.L.
4 2013 (59 O.S. Supp. 2014, Section 1350.11), is amended to read as
5 follows:

6 Section 1350.11. A. A bail enforcer license or armed bail
7 enforcer license shall be subject to denial, suspension, or
8 revocation and/or disciplinary action or administrative fine by the
9 Council on Law Enforcement Education and Training subject to the
10 Administrative Procedures Act for, but not limited to, the following
11 reasons by clear and convincing evidence:

12 1. Any erroneous or false statement in an application for a
13 license submitted pursuant to the Bail Enforcement and Licensing Act
14 or rules promulgated pursuant thereto;

15 2. Failure to successfully complete any prescribed phase or
16 course of training as required by the Council;

17 3. Violation of any provision of the Bail Enforcement and
18 Licensing Act or any rule promulgated pursuant thereto;

19 4. A conviction for assault or battery, aggravated assault or
20 battery, larceny, theft, false pretense, fraud, embezzlement, false
21 personation of an officer, any offense involving moral turpitude,
22 any offense involving a minor as a victim, any nonconsensual sex
23 offense, any offense involving the possession, use, distribution, or
24 sale of a controlled dangerous substance, any offense of driving

1 while intoxicated or driving under the influence of intoxicating
2 substance, any offense involving a firearm, or any other offense as
3 proscribed by the Council;

4 5. Use of beverages containing alcohol while armed with a
5 firearm;

6 6. Knowingly impersonating a law enforcement officer;

7 7. Improper use of force pursuant to the Bail Enforcement and
8 Licensing Act;

9 8. Failure to carry and possess proper license, identification
10 or documents required by the Bail Enforcement and Licensing Act or
11 any rules promulgated pursuant thereto;

12 9. Improper apparel or vehicle pursuant to the Bail Enforcement
13 and Licensing Act;

14 10. Improper carry, display or use of a firearm, weapon or
15 noxious substance;

16 11. Unlawful entry into a dwelling house, structure, property
17 or vehicle or improper detention of any person;

18 12. Employing, authorizing, or permitting an unlicensed person
19 to perform or engage in services as a bail enforcer; or

20 13. Permitting a person to perform or engage in services as a
21 bail enforcer knowing the person has committed any offense
22 prohibited by the Bail Enforcement and Licensing Act.

23 B. Upon the effective date of suspension or revocation of any
24 license pursuant to the Bail Enforcement and Licensing Act, the

1 licensee shall have the duty to surrender the license and any
2 identification card issued pursuant thereto to the Council.

3 C. A duty is hereby imposed upon the district attorney who, on
4 behalf of the State of Oklahoma, prosecutes a person holding a bail
5 enforcer license for a felony, a crime involving moral turpitude or
6 a crime of domestic violence in which a plea of guilty, nolo
7 contendere, an "Alford" plea or any plea other than a not guilty
8 plea or other finding of guilt is entered by, against or on behalf
9 of a licensed bail enforcer, to report such plea, agreement or other
10 finding of guilt to the Council of Law Enforcement Education and
11 Training within ten (10) days of such plea agreement or the finding
12 of guilt.

13 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1750.5, as
14 last amended by Section 11, Chapter 373, O.S.L. 2014 (59 O.S. Supp.
15 2014, Section 1750.5), is amended to read as follows:

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

- 19 1. Security Agency License;
- 20 2. Investigative Agency License;
- 21 3. Private Investigator License (unarmed);
- 22 4. Security Guard License (unarmed);
- 23 5. Armed Security Guard License;
- 24 6. Special Event License (unarmed);

1 7. Armed Private Investigator License;

2 8. Bail Enforcer License; and

3 9. Armed Bail Enforcer License.

4 B. Any qualified applicant meeting the requirements for more
5 than one of the positions of private investigator, security guard, ~~τ~~
6 armed security guard, bail enforcer, or armed bail enforcer may be
7 issued a separate license for each position for which qualified, or
8 in the discretion of the Council, a combination license provided the
9 required license fees are paid.

10 C. 1. A private investigator may carry a firearm, if the
11 private investigator also performs the functions of an armed
12 security guard, under the authority of the armed security guard
13 license.

14 2. If the private investigator performs no functions of an
15 armed security guard, the Council may issue an armed private
16 investigator license. If a person has been issued an armed private
17 investigator license, the Council may issue an armed bail enforcer
18 license if the applicant is otherwise eligible and qualified. The
19 applicant for an armed private investigator license must complete
20 Phase I, III and IV training and pass the psychological examination
21 and state test; provided however, active certified peace officers
22 and retired certified peace officers shall be exempt from the
23 psychological examination as provided in Section 1750.3A of this
24 title, and active certified peace officers of any state, county or

1 municipal law enforcement agency in this state shall be exempt from
2 the Phase I, III and IV training and state test for an armed private
3 investigator. The Council will charge the same fee for the armed
4 private investigators license as the cost of the armed security
5 guard license; provided however, an active certified peace officer
6 who is an applicant for an armed private investigator or armed
7 security guard license shall be charged only twenty percent (20%) of
8 the required fee.

9 3. Any person issued an armed private investigator license may
10 carry a concealed or unconcealed firearm when on and off duty,
11 provided the person is in possession of a valid driver license and a
12 valid armed private investigator license.

13 4. Any person issued an armed bail enforcer license may carry a
14 concealed approved pistol, or may open-carry an approved pistol with
15 a visible bail enforcer badge affixed to the holster or belt
16 immediately next to the firearm while wearing clearly marked apparel
17 designating the person as a "Bail Enforcer" or "Bail Enforcement"
18 when actively engaged in the recovery of a defendant, subject to all
19 rules for use and conduct of firearms promulgated by the Council.
20 An armed bail enforcer shall be permitted to carry a concealed
21 pistol when not actively engaged in the recovery of a defendant
22 provided the bail enforcer badge authorized or issued by CLEET and a
23 state-issued driver license or identification card are in the
24 possession of the person while carrying the firearm.

1 D. Any identification card or badge issued to a person meeting
2 the license requirements for an armed security guard, an armed
3 private investigator or armed bail enforcer shall be distinct and
4 shall explicitly state that the person is authorized to carry a
5 firearm pursuant to the provisions of the Oklahoma Security Guard
6 and Private Investigator Act or the Bail Enforcement and Licensing
7 Act. Upon receipt of the license and identification card, the armed
8 security guard, armed private investigator or armed bail enforcer is
9 authorized to carry a firearm subject to the respective provisions
10 of the Oklahoma Security Guard and Private Investigator Act or the
11 Bail Enforcement and Licensing Act and the rules promulgated by the
12 Council.

13 E. The Council may issue a conditional license to a person
14 employed by a security or investigative agency as a trainee for a
15 security guard, armed security guard, or private investigator
16 position, when the person has submitted a properly completed
17 application, made under oath, subject to the following conditions:

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

21 2. The holder of a conditional license shall complete the
22 necessary training requirements within one hundred eighty (180) days
23 from the effective date of the conditional license, after which the
24 conditional license shall expire;

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

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

8 5. When the Council finds that a conditional license holder has
9 completed the required training and is otherwise qualified for a
10 license pursuant to the provisions of the Oklahoma Security Guard
11 and Private Investigator Act, the Council shall issue a regular
12 license; and

13 6. The Council shall be prohibited from issuing a conditional
14 license to a bail enforcer under the Bail Enforcement and Licensing
15 Act.

16 F. A Security Agency License may be issued to an individual,
17 corporation, or other legal entity meeting the following
18 qualifications:

19 1. If the license is to be issued in the name of a legal entity
20 other than a natural person, the applicant must furnish proof that
21 the entity is legally recognized, such as the issuance of a
22 corporate charter; and

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

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

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

11 2. Any person, otherwise qualified, may own a private
12 investigation agency; and

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

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

21 1. Be a citizen of the United States or an alien legally
22 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 to
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1 the applicant if 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 a 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 M. No license shall be issued under the following
21 circumstances:

22 1. The applicant has a felony charge or a misdemeanor charge
23 involving moral turpitude or domestic violence pending in any court
24 in this state, another state, in tribal court, or pursuant to the

1 United States Code. The preclusive period shall be until the final
2 determination of the matter;

3 2. The applicant is subject to the provisions of a deferred
4 sentence or deferred prosecution in this state or another state or
5 pursuant to federal authority for the commission of a felony offense
6 or a misdemeanor offense involving moral turpitude or domestic
7 violence. The preclusive period shall be three (3) years and shall
8 begin upon the final determination of the matter.

9 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1750.7, is
10 amended to read as follows:

11 Section 1750.7. A. A Security Guard License, Armed Security
12 Guard License, Private Investigator License, and any conditional
13 license shall be subject to denial, suspension, or revocation and/or
14 disciplinary penalty or fine by the Council on Law Enforcement
15 Education and Training subject to the Administrative Procedures Act
16 for, but not limited to, the following reasons by clear and
17 convincing evidence:

18 1. Any erroneous or false statement in an application for a
19 license submitted pursuant to Section 1750.1 et seq. of this title;

20 2. Failure to successfully complete any prescribed course of
21 training as required by the Council;

22 3. Violation of a provision of the Oklahoma Security Guard and
23 Private Investigator Act or a rule promulgated pursuant to the act;

1 4. A ~~conviction~~ verdict of guilt or entry of a plea of guilty,
2 or nolo contendere, an "Alford" plea or any other plea other than a
3 not guilty plea for larceny, theft, embezzlement, false pretense,
4 fraud, an offense involving moral turpitude, any nonconsensual sex
5 offense, any offense involving a minor as a victim, any offense
6 involving the possession, use, distribution or sale of a controlled
7 dangerous substance, any offense involving a firearm, or any felony;

8 5. Use of beverages containing alcohol while armed with a
9 firearm;

10 6. Knowingly impersonating a law enforcement officer; ~~or~~

11 7. Failure to obtain or maintain liability insurance coverage
12 or a surety bond pursuant to subsection J of Section 1750.5 of this
13 title; or

14 8. Entry of a final order of protection in which the licensee
15 is the respondent/defendant.

16 B. A Security Agency License or Investigative Agency License
17 shall be subject to denial, suspension, or revocation and/or
18 disciplinary penalty or fine by the Council subject to the
19 Administrative Procedures Act for, but not limited to, the following
20 reasons by clear and convincing evidence:

21 1. A false statement in a license application;

22 2. Violation of any provision of the Oklahoma Security Guard
23 and Private Investigator Act or a rule adopted pursuant thereto;

1 3. Employing, authorizing, or permitting an unlicensed,
2 uninsured or unbonded person to perform a security guard, armed
3 security guard or private investigator function; or

4 4. Permitting a person to perform a security guard, armed
5 security guard or private investigator function, knowing the person
6 has committed any offense enumerated in subsection A of this
7 section.

8 C. Upon the effective date of suspension or revocation of any
9 license, the licensee shall have the duty to surrender the license
10 and any identification card issued pursuant thereto to the Council.

11 D. A duty is hereby imposed upon the district attorney who, on
12 behalf of the State of Oklahoma, prosecutes a person holding a
13 private security guard or private investigator license for a felony,
14 a crime involving moral turpitude or a crime of domestic violence in
15 which a plea of guilty, nolo contendere, an "Alford" plea or any
16 plea other than a not guilty plea or other finding of guilt is
17 entered by, against or on behalf of a licensed private security
18 guard or private investigator, to report such a plea, agreement or
19 other finding of guilt to the Council on Law Enforcement Education
20 and Training within ten (10) days of such plea agreement or the
21 finding of guilt.

22 SECTION 5. This act shall become effective November 1, 2015.
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