

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3517

By: Kerbs

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Section 1750.2, which relates
9 to the Oklahoma Security Guard and Private
10 Investigator Act; modifying certain definition to
11 include active reserve certified peace officers; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1750.2, is
15 amended to read as follows:

16 Section 1750.2 As used in the Oklahoma Security Guard and
17 Private Investigator Act:

18 1. "Client" means any person or legal entity having a contract
19 with a person or entity licensed pursuant to the Oklahoma Security
20 Guard and Private Investigator Act, which contract authorizes
21 services to be performed in return for financial or other
22 considerations;

23 2. "Council" means the Council on Law Enforcement Education and
24 Training;

1 3. "License" means authorization issued by the Council pursuant
2 to the Oklahoma Security Guard and Private Investigator Act
3 permitting the holder to perform the functions of a security guard,
4 armed security guard, private investigator, investigative agency, or
5 security agency;

6 4. "Private investigator" means a person who is self-employed,
7 or contracts with, or is employed by an investigative agency for the
8 purpose of conducting a private investigation and reporting the
9 results to the employer or client of the employer relating to:

- 10 a. potential or pending litigation, civil, or criminal,
- 11 b. divorce or other domestic investigations,
- 12 c. missing persons or missing property, or
- 13 d. other lawful investigations, but shall not include:

- 14 (1) a person authorized or employed by the United
15 States Government, any state government, or any
16 agency, department, or political subdivision
17 thereof while engaged in the performance of
18 official duties,

- 19 (2) a person or employee of a firm, corporation or
20 other legal entity engaged exclusively in a
21 profession licensed by any board, commission,
22 department or court of this state, or

- 23 (3) a bona fide, salaried, full-time employee of a
24 firm, corporation or other legal entity not in

1 the primary business of soliciting and providing
2 private investigations, who conducts
3 investigations that are exclusive to and
4 incidental to the primary business of said firm,
5 corporation or entity, and when the costs of such
6 investigations are not charged directly back to
7 the particular client or customer who directly
8 benefits from the investigation;

9 5. "Armed private investigator" means a private investigator
10 authorized to carry a firearm;

11 6. "Security agency" means a person, firm, corporation, or
12 other private legal entity in the business of security guard
13 services or armed security guards for hire;

14 7. "Security guard" means an individual contracting with or
15 employed by a security agency, private business or person to prevent
16 trespass, theft, misappropriation, wrongful concealment of
17 merchandise, goods, money or other tangible items, or engaged as a
18 bodyguard or as a private watchman to protect persons or property,
19 but shall not include:

20 a. for individuals operating unarmed, any person employed
21 as a private watchman or security guard by one
22 employer only in connection with the affairs of such
23 employer where there exists an employer-employee
24 relationship,

1 b. a full-time or active reserve certified peace officer
2 of the United States, this state, or any political
3 subdivision of either,

4 (1) while such peace officer is engaged in the
5 performance of his or her official duties within
6 the course and scope of his or her employment
7 with the United States, this state, or any
8 political subdivision of either,

9 (2) while such peace officer is engaged in the
10 performance of his or her duties as a railroad
11 police officer,

12 (3) who receives compensation for private employment
13 on an individual or an individual independent
14 contractual basis as a patrolman, guard, or
15 watchman if such person is employed in an
16 employer-employee relationship or is employed on
17 an individual contractual basis, or

18 (4) who receives compensation from an employer-
19 employee relationship or an individual
20 independent contractor basis with any licensed
21 security agency as defined in this section or any
22 private business or person to perform security or
23 investigative services,

1 c. any person whose terms of employment as a security
2 guard are governed by a collective bargaining
3 agreement on May 9, 1989, and

4 d. any person who is employed as a full-time security
5 guard by a financial institution on May 9, 1989;

6 8. "Armed security guard" means a security guard authorized to
7 carry a firearm;

8 9. "Investigative agency" means a self-employed private
9 investigator, a firm, a corporation, or other private legal entity
10 in the business of soliciting the business of private investigation
11 and/or providing private investigations and investigators;

12 10. "Special event" means a public activity in the form of an
13 athletic contest, charity event, exposition or similar event that
14 occurs only on an annual or noncontinuing basis; and

15 11. "Special event license" means a temporary license issued
16 pursuant to the Oklahoma Security Guard and Private Investigator Act
17 which restricts the license holder to employment as a security guard
18 only for the duration of a particular event.

19 SECTION 2. This act shall become effective November 1, 2020.
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