

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1029

                                  By: Kerbs

7                                   AS INTRODUCED

8                   An Act relating to professions and occupations;  
9                   amending 59 O.S. 2011, Section 1750.2, which relates  
10                  to the Oklahoma Security Guard and Private  
11                  Investigator Act; modifying certain definition to  
12                  include active reserve certified peace officers; and  
13                  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 1750.2, is  
16 amended to read as follows:

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

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

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

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

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

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

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

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

1 (3) a bona fide, salaried, full-time employee of a  
2 firm, corporation or other legal entity not in  
3 the primary business of soliciting and providing  
4 private investigations, who conducts  
5 investigations that are exclusive to and  
6 incidental to the primary business of said firm,  
7 corporation or entity, and when the costs of such  
8 investigations are not charged directly back to  
9 the particular client or customer who directly  
10 benefits from the investigation;

11 5. "Armed private investigator" means a private investigator  
12 authorized to carry a firearm;

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

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

22 a. for individuals operating unarmed, any person employed  
23 as a private watchman or security guard by one  
24 employer only in connection with the affairs of such

1 employer where there exists an employer-employee  
2 relationship,

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

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

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

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

20 (4) who receives compensation from an employer-  
21 employee relationship or an individual  
22 independent contractor basis with any licensed  
23 security agency as defined in this section or any  
24

1 private business or person to perform security or  
2 investigative services,

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

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

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

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

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

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

21 SECTION 2. This act shall become effective November 1, 2021.

22  
23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/09/2021 -  
24 DO PASS.