

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3517

By: Kerbs of the House

5 and

6 **Weaver** of the Senate

7
8 AS INTRODUCED

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

13
14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

20 1. "Client" means any person or legal entity having a contract
21 with a person or entity licensed pursuant to the Oklahoma Security
22 Guard and Private Investigator Act, which contract authorizes
23 services to be performed in return for financial or other
24 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

private business or person to perform security or
investigative services,

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

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

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/20/2020 -
DO PASS, As Coauthored.