

An Act

ENROLLED HOUSE
BILL NO. 1029

By: Kerbs of the House

and

Weaver of the Senate

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

SUBJECT: Professions and occupations

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

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

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

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

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

3. "License" means authorization issued by the Council pursuant to the Oklahoma Security Guard and Private Investigator Act permitting the holder to perform the functions of a security guard,

armed security guard, private investigator, investigative agency, or security agency;

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

- a. potential or pending litigation, civil, or criminal,
- b. divorce or other domestic investigations,
- c. missing persons or missing property, or
- d. other lawful investigations, but shall not include:
 - (1) a person authorized or employed by the United States government, any state government, or any agency, department, or political subdivision thereof while engaged in the performance of official duties,
 - (2) a person or employee of a firm, corporation or other legal entity engaged exclusively in a profession licensed by any board, commission, department or court of this state, or
 - (3) a bona fide, salaried, full-time employee of a firm, corporation or other legal entity not in the primary business of soliciting and providing private investigations, who conducts investigations that are exclusive to and incidental to the primary business of said firm, corporation or entity, and when the costs of such investigations are not charged directly back to the particular client or customer who directly benefits from the investigation;

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

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

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

- a. for individuals operating unarmed, any person employed as a private watchman or security guard by one employer only in connection with the affairs of such employer where there exists an employer-employee relationship,
- b. a full-time or active reserve certified peace officer of the United States, this state, or any political subdivision of either:
 - (1) while such peace officer is engaged in the performance of his or her official duties within the course and scope of his or her employment with the United States, this state, or any political subdivision of either,
 - (2) while such peace officer is engaged in the performance of his or her duties as a railroad police officer,
 - (3) who receives compensation for private employment on an individual or an individual independent contractual basis as a patrolman, guard, or watchman if such person is employed in an employer-employee relationship or is employed on an individual contractual basis, or
 - (4) who receives compensation from an employer-employee relationship or an individual independent contractor basis with any licensed security agency as defined in this section or any 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, 2021.

Passed the House of Representatives the 1st day of March, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 12th day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____