

An Act

ENROLLED HOUSE
BILL NO. 3786

By: George of the House

and

Weaver of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2021, Sections 1750.3A and 1750.6, which relate to the Oklahoma Security Guard and Private Investigation Act; extending period of exemption for retired peace officers; exempting retired peace officers from certain application requirements; 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. 2021, Section 1750.3A, is amended to read as follows:

Section 1750.3A A. Each applicant for an armed security guard license or armed private investigator license shall be administered any current standard form of the Minnesota Multiphasic Personality Inventory (MMPI), or other psychological evaluation instrument approved by the Council on Law Enforcement Education and Training, which shall be administered during the firearms training phase required by Section 1750.3 of this title. The security training school administering such instrument shall forward the response data to a psychologist licensed by the Oklahoma State Board of Examiners of Psychologists for evaluation. The licensed psychologist shall be of the applicant's choice. Applicants with comparable training shall complete the psychological test and evaluation requirements prior to licensing. It shall be the responsibility of the applicant to bear the cost of the psychological evaluation.

B. If the licensed psychologist is unable to certify the applicant's psychological capability to exercise appropriate judgment, restraint, and self-control, after evaluating the data, the psychologist shall employ whatever other psychological measuring instruments or techniques deemed necessary to form a professional opinion. The use of any psychological measuring instruments or techniques shall require a full and complete written explanation to the Council on Law Enforcement Education and Training.

C. The psychologist shall forward a written psychological evaluation, on a form prescribed by the Council, to the Council within fifteen (15) days of the evaluation, even if the applicant is found to be psychologically at risk. The Council may utilize the results of the psychological evaluation for up to six (6) months from the date of the evaluation after which the applicant shall be reexamined. No person who has been found psychologically at risk in the exercise of appropriate judgment, restraint, or self-control shall reapply for licensing until one (1) year from the date of being found psychologically at risk.

D. 1. Active full-time peace officers who have been certified as full-time peace officers by the Council on Law Enforcement Education and Training shall be exempt from the provisions of this section.

2. Retired full-time peace officers who have been certified as full-time peace officers by the Council on Law Enforcement Education and Training shall be exempt from the provisions of this section for a period of ~~one (1) year~~ five (5) years from retirement.

3. Retired peace officers who are not exempt from this section and who have previously undergone treatment for a mental illness, condition, or disorder which required medication or supervision, as defined by paragraph 7 of Section 1290.10 of Title 21 of the Oklahoma Statutes may apply for an armed security guard license or armed private investigator license only after three (3) years from the last date of treatment or upon presentation of a certified statement from a licensed physician stating that the person is either no longer disabled by any mental or psychiatric illness, condition, or disorder or that the person has been stabilized on medication for ten (10) years or more.

E. The Council on Law Enforcement Education and Training shall not issue or renew an armed security guard license, armed private investigator license, armed bail enforcer license or any other

license permitting a person to carry a firearm or weapon if the applicant has been involuntarily committed for a mental illness, condition or disorder pursuant to the provisions of Section 5-410 of Title 43A of the Oklahoma Statutes or any involuntary commitment in another state pursuant to the provisions of law of that state. The preclusive period shall be permanent as provided by Section 922(g)(4) of Title 18 of the United States Code, unless the person has been granted relief from the disqualifying disability pursuant to Section 1290.27 of Title 21 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 59 O.S. 2021, Section 1750.6, is amended to read as follows:

Section 1750.6 A. 1. Application for a license shall be made on forms provided by the Council on Law Enforcement Education and Training and shall be submitted in writing by the applicant under oath. The application shall require the applicant to furnish information reasonably required by the Council to implement the provisions of the Oklahoma Security Guard and Private Investigator Act, including classifiable fingerprints to enable the search of criminal indices for evidence of a prior criminal record, including, but not limited to, a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

2. Upon request of the Council, the Oklahoma State Bureau of Investigation and other state and local law enforcement agencies shall furnish a copy of any existent criminal history data relating to an applicant, including investigation reports which are otherwise required by law to be deemed confidential, to enable the Council to determine the qualifications and fitness of such applicant for a license.

3. A retired peace officer applying for an armed security guard license or armed private investigator license or a combination thereof shall not be required to provide a set of classifiable fingerprints to the Council and shall be exempt from the provisions of paragraph 2 of this subsection upon submitting to the Council a notarized letter confirming that the peace officer retired in good standing from a law enforcement agency within this state.

B. 1. a. An original application and any license renewal shall be accompanied by a fee of Fifty Dollars (\$50.00) for each original application and renewal of a private investigator or an unarmed security guard, One Hundred Dollars (\$100.00) for each original application and

renewal of an armed security guard or an armed private investigator; provided however, an active certified peace officer upon application or renewal of an armed security guard or armed private investigator shall be charged only twenty percent (20%) of the required fee, Seven Dollars (\$7.00) for each special event license, and Three Hundred Dollars (\$300.00) for either the original application or each renewal for a security agency or investigative agency. If an individual or agency does not qualify for the type of license or renewal license requested, CLEET shall retain twenty percent (20%) of the licensing fee as a processing fee and refund the remaining amount, if any, to the remitter. The individual license fee paid by a licensed agency will be refunded to the agency.

- b. In addition to the fees provided in this subsection, the original application of an unarmed private investigator, unarmed security guard, armed security guard or armed private investigator shall be accompanied by a nonrefundable fee for a national criminal history record with fingerprint analysis, as provided in Section 150.9 of Title 74 of the Oklahoma Statutes.
- c. A refund request for any reason other than disqualification or denial shall be made in writing and submitted within six (6) months of the date payment was received.

2. A licensee whose license has been suspended may apply for reinstatement of license after the term of the suspension has passed. Any application for reinstatement following a suspension of licensure shall be accompanied by a nonrefundable fee of Twenty-five Dollars (\$25.00) for the reinstatement of a private investigator or unarmed security guard, Fifty Dollars (\$50.00) for the reinstatement of an armed security guard or armed private investigator, and Two Hundred Dollars (\$200.00) for reinstatement of a security or investigative agency.

3. A licensee who fails to file a renewal application on or before the expiration of a license shall pay a non-refundable late fee of Twenty-five Dollars (\$25.00) for an individual license and a late fee of One Hundred Dollars (\$100.00) for an agency license. A license application received more than thirty (30) days after the

expiration date is not renewable and the applicant must complete a new application.

4. The fees charged and collected pursuant to the provisions of this subsection shall be deposited to the credit of the CLEET Private Security Revolving Fund. The prevailing fingerprint processing fee for the original application for a private investigator, an unarmed security guard, an armed security guard or an armed private investigator shall be deposited in the OSBI Revolving Fund.

C. A Security Guard License, Armed Security Guard License, Private Investigator License, or Armed Private Investigator License shall be valid for a period of three (3) years and may be renewed for additional three-year terms. A Security Agency License or Investigative Agency License shall be valid for a period of five (5) years and may be renewed for additional five-year terms. A special event license shall be valid only for the duration of the event for which it is expressly issued. Any individual may be issued up to two special event licenses during any calendar year.

D. The Council shall devise a system for issuance of licenses for the purpose of evenly distributing the expiration dates of the licenses.

E. Pursuant to its rules, the Council may issue a duplicate license to a person licensed pursuant to the provisions of the Oklahoma Security Guard and Private Investigator Act. The Council may assess a fee of Ten Dollars (\$10.00) for the issuance of a duplicate license. The fee must accompany the request for a duplicate license.

SECTION 3. This act shall become effective November 1, 2024.

Passed the House of Representatives the 11th day of March, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 16th day of April, 2024.

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: _____