

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 HOUSE BILL 3786

By: George of the House

5 and

6 **Weaver** of the Senate

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8
9 AS INTRODUCED

10 An Act relating to professions and occupations;
11 amending 59 O.S. 2021, Sections 1750.3A and 1750.6,
12 which relate to the Oklahoma Security Guard and
13 Private Investigation Act; extending period of
exemption for retired peace officers; exempting
retired peace officers from certain application
requirements; and providing an effective date.

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

17 SECTION 1. AMENDATORY 59 O.S. 2021, Section 1750.3A, is
18 amended to read as follows:

19 Section 1750.3A A. Each applicant for an armed security guard
20 license or armed private investigator license shall be administered
21 any current standard form of the Minnesota Multiphasic Personality
22 Inventory (MMPI), or other psychological evaluation instrument
23 approved by the Council on Law Enforcement Education and Training,
24 which shall be administered during the firearms training phase

1 required by Section 1750.3 of this title. The security training
2 school administering such instrument shall forward the response data
3 to a psychologist licensed by the Oklahoma State Board of Examiners
4 of Psychologists for evaluation. The licensed psychologist shall be
5 of the applicant's choice. Applicants with comparable training
6 shall complete the psychological test and evaluation requirements
7 prior to licensing. It shall be the responsibility of the applicant
8 to bear the cost of the psychological evaluation.

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

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

1 shall reapply for licensing until one (1) year from the date of
2 being found psychologically at risk.

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

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

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

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

1 license permitting a person to carry a firearm or weapon if the
2 applicant has been involuntarily committed for a mental illness,
3 condition or disorder pursuant to the provisions of Section 5-410 of
4 Title 43A of the Oklahoma Statutes or any involuntary commitment in
5 another state pursuant to the provisions of law of that state. The
6 preclusive period shall be permanent as provided by Section
7 922(g) (4) of Title 18 of the United States Code, unless the person
8 has been granted relief from the disqualifying disability pursuant
9 to Section 1290.27 of Title 21 of the Oklahoma Statutes.

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

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

22 2. Upon request of the Council, the Oklahoma State Bureau of
23 Investigation and other state and local law enforcement agencies
24 shall furnish a copy of any existent criminal history data relating

1 to an applicant, including investigation reports which are otherwise
2 required by law to be deemed confidential, to enable the Council to
3 determine the qualifications and fitness of such applicant for a
4 license.

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

12 B. 1. a. An original application and any license renewal shall
13 be accompanied by a fee of Fifty Dollars (\$50.00) for
14 each original application and renewal of a private
15 investigator or an unarmed security guard, One Hundred
16 Dollars (\$100.00) for each original application and
17 renewal of an armed security guard or an armed private
18 investigator; provided however, an active certified
19 peace officer upon application or renewal of an armed
20 security guard or armed private investigator shall be
21 charged only twenty percent (20%) of the required fee,
22 Seven Dollars (\$7.00) for each special event license,
23 and Three Hundred Dollars (\$300.00) for either the
24 original application or each renewal for a security

1 agency or investigative agency. If an individual or
2 agency does not qualify for the type of license or
3 renewal license requested, CLEET shall retain twenty
4 percent (20%) of the licensing fee as a processing fee
5 and refund the remaining amount, if any, to the
6 remitter. The individual license fee paid by a
7 licensed agency will be refunded to the agency.

8 b. In addition to the fees provided in this subsection,
9 the original application of an unarmed private
10 investigator, unarmed security guard, armed security
11 guard or armed private investigator shall be
12 accompanied by a nonrefundable fee for a national
13 criminal history record with fingerprint analysis, as
14 provided in Section 150.9 of Title 74 of the Oklahoma
15 Statutes.

16 c. A refund request for any reason other than
17 disqualification or denial shall be made in writing
18 and submitted within six (6) months of the date
19 payment was received.

20 2. A licensee whose license has been suspended may apply for
21 reinstatement of license after the term of the suspension has
22 passed. Any application for reinstatement following a suspension of
23 licensure shall be accompanied by a nonrefundable fee of Twenty-five
24 Dollars (\$25.00) for the reinstatement of a private investigator or

1 unarmed security guard, Fifty Dollars (\$50.00) for the reinstatement
2 of an armed security guard or armed private investigator, and Two
3 Hundred Dollars (\$200.00) for reinstatement of a security or
4 investigative agency.

5 3. A licensee who fails to file a renewal application on or
6 before the expiration of a license shall pay a non-refundable late
7 fee of Twenty-five Dollars (\$25.00) for an individual license and a
8 late fee of One Hundred Dollars (\$100.00) for an agency license. A
9 license application received more than thirty (30) days after the
10 expiration date is not renewable and the applicant must complete a
11 new application.

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

19 C. A Security Guard License, Armed Security Guard License,
20 Private Investigator License, or Armed Private Investigator License
21 shall be valid for a period of three (3) years and may be renewed
22 for additional three-year terms. A Security Agency License or
23 Investigative Agency License shall be valid for a period of five (5)
24 years and may be renewed for additional five-year terms. A special

1 event license shall be valid only for the duration of the event for
2 which it is expressly issued. Any individual may be issued up to
3 two special event licenses during any calendar year.

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

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

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

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15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/27/2024 -
16 DO PASS, As Coauthored.

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