

1 **SENATE FLOOR VERSION**

2 March 28, 2024

3 ENGROSSED HOUSE
4 BILL NO. 3786

By: George of the House

5 and

6 Weaver of the Senate

7
8 An Act relating to professions and occupations;
9 amending 59 O.S. 2021, Sections 1750.3A and 1750.6,
10 which relate to the Oklahoma Security Guard and
11 Private Investigation Act; extending period of
12 exemption for retired peace officers; exempting
13 retired peace officers from certain application
14 requirements; and providing an effective date.

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

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

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

1 of Psychologists for evaluation. The licensed psychologist shall be
2 of the applicant's choice. Applicants with comparable training
3 shall complete the psychological test and evaluation requirements
4 prior to licensing. It shall be the responsibility of the applicant
5 to bear the cost of the psychological evaluation.

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

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

24

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

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

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

20 E. The Council on Law Enforcement Education and Training shall
21 not issue or renew an armed security guard license, armed private
22 investigator license, armed bail enforcer license or any other
23 license permitting a person to carry a firearm or weapon if the
24 applicant has been involuntarily committed for a mental illness,

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

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

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

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

1 determine the qualifications and fitness of such applicant for a
2 license.

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

10 B. 1. a. An original application and any license renewal shall
11 be accompanied by a fee of Fifty Dollars (\$50.00) for
12 each original application and renewal of a private
13 investigator or an unarmed security guard, One Hundred
14 Dollars (\$100.00) for each original application and
15 renewal of an armed security guard or an armed private
16 investigator; provided however, an active certified
17 peace officer upon application or renewal of an armed
18 security guard or armed private investigator shall be
19 charged only twenty percent (20%) of the required fee,
20 Seven Dollars (\$7.00) for each special event license,
21 and Three Hundred Dollars (\$300.00) for either the
22 original application or each renewal for a security
23 agency or investigative agency. If an individual or
24 agency does not qualify for the type of license or

1 renewal license requested, CLEET shall retain twenty
2 percent (20%) of the licensing fee as a processing fee
3 and refund the remaining amount, if any, to the
4 remitter. The individual license fee paid by a
5 licensed agency will be refunded to the agency.

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

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

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

1 Hundred Dollars (\$200.00) for reinstatement of a security or
2 investigative agency.

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

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

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

1 which it is expressly issued. Any individual may be issued up to
2 two special event licenses during any calendar year.

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

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
14 March 28, 2024 - DO PASS
15
16
17
18
19
20
21
22
23
24