

AMENDED IN ASSEMBLY MAY 6, 2013
AMENDED IN ASSEMBLY APRIL 18, 2013
AMENDED IN ASSEMBLY MARCH 19, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 759

Introduced by Assembly Member Daly

February 21, 2013

An act to amend Sections 7570, 7574.14, 7580.6, 7580.12, 7581, 7581.1, 7581.3, 7582.05, 7582.1, 7582.11, 7582.13, 7582.2, 7582.20, 7582.22, 7582.26, 7582.27, 7582.3, 7582.5, 7582.9, 7583, 7583.1, 7583.2, 7583.21, 7583.38, 7583.39, 7583.42, 7583.46, 7583.6, 7583.7, 7583.9, 7586, 7588, and 7590.3 of, to amend the heading of Article 4 (commencing with Section 7583) of Chapter 11.5 of Division 3 of, and to repeal and add Section 7580.2 of, the Business and Professions Code, to amend Section 53069.8 of the Government Code, to amend Section 512 of the Labor Code, to amend Sections 11105.4 and 22835 of the Penal Code, and to amend Sections 120220.5 and 125220 of the Public Utilities Code, relating to private patrol operators.

LEGISLATIVE COUNSEL'S DIGEST

AB 759, as amended, Daly. Private patrol operators.

Existing law generally regulates private security services, including, among other things, requiring the licensing of private patrol operators, as defined, and imposing various restrictions and obligations on private patrol operators, as specified.

This bill would replace the term private patrol operator with the term private security contractor for these purposes. The bill would make related, conforming changes. The bill would additionally provide that

for those purposes, the term “security officer” includes the terms “security guard,” “guard,” “patrolperson,” and “watchman.”

Existing law requires the Chief of the Bureau of Security and Investigative Services to issue a license, the form and content of which shall be determined by the chief, as specified, to any private patrol operator licensee, as specified.

This bill would require the bureau to post these licenses on the bureau’s Internet Web site and would provide that the license is effective upon posting on the Internet Web site.

Existing law requires any advertisement by a private patrol operator to contain specified information, and defines “advertisement” for those purposes.

This bill would include within the definition of “advertisement” for those purposes, an Internet Web site and social media, as defined.

Existing law establishes certain criteria to be met in order for a person to become a qualified manager of a private patrol operator.

This bill would add to those criteria the requirements that the person has 2080 hours of experience as a security guard or an equivalent amount of military experience, as specified, is currently registered as a security guard, and has 2080 hours of experience as a manager of a private patrol operator. The bill would provide that a qualified manager may not be employed as a qualified manager by more than 5 corporations or other business entities simultaneously.

Existing law prohibits a private patrol operator or officer, director, partner, manager, or employee of a private patrol operator from using or wearing a badge, except while engaged in guard or patrol work and while wearing a distinctive uniform, with specified patches.

This bill would provide that the distinctive uniform for those purposes may consist of a ~~military~~ or police style uniform. The bill would also provide that a private security contractor or officer, director, partner, manager, or employee of a private security contractor, who is unarmed, may wear a business suit, blazer, or polo shirt provided that the person also displays a company issued photo identification designating the person’s name, employing company, and employee number, in lieu of specified badge and uniform patch requirements.

Existing law provides that the Director of Consumer Affairs may require an applicant for a private patrol operator license, or his or her manager, to demonstrate his or her qualifications by a written or oral examination, or a combination of both.

This bill would provide that the examination results would be valid for no more than 7 years after expiration of the license, unless reauthorized by the bureau.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7570 of the Business and Professions
2 Code is amended to read:
3 7570. The fees prescribed by this chapter are as follows:
4 (a) The application and examination fee for an original license
5 may not exceed fifty dollars (\$50).
6 (b) The application fee for an original branch office certificate
7 may not exceed thirty dollars (\$30).
8 (c) The fee for an original license for a private investigator may
9 not exceed one hundred seventy-five dollars (\$175).
10 (d) The renewal fee is as follows:
11 (1) For a license as a private investigator, the fee may not exceed
12 one hundred twenty-five dollars (\$125).
13 (2) For a combination license as a private investigator and
14 private security contractor under Chapter 11.5 (commencing with
15 Section 7580), AC or DC prefix, the fee may not exceed six
16 hundred dollars (\$600).
17 (3) For a branch office certificate for a private investigator, the
18 fee may not exceed thirty dollars (\$30), and for a combination
19 private investigator and private security contractor under Chapter
20 11.5 (commencing with Section 7580), the fee may not exceed
21 forty dollars (\$40).
22 (e) The delinquency fee is 50 percent of the renewal fee in effect
23 on the date of expiration.
24 (f) A reinstatement fee is equal to the amount of the renewal
25 fee plus the regular delinquency fee.
26 (g) The fee for reexamination of an applicant or his or her
27 manager may not exceed fifteen dollars (\$15).
28 SEC. 2. Section 7574.14 of the Business and Professions Code
29 is amended to read:
30 7574.14. This chapter shall not apply to the following:
31 (a) An officer or employee of the United States of America, or
32 of this state or a political subdivision thereof, while the officer or

1 employee is engaged in the performance of his or her official
2 duties, including uniformed peace officers employed part time by
3 a public agency pursuant to a written agreement between a chief
4 of police or sheriff and the public agency, provided the part-time
5 employment does not exceed 50 hours in a calendar month.

6 (b) A person engaged exclusively in the business of obtaining
7 and furnishing information as to the financial rating of persons.

8 (c) A charitable philanthropic society or association incorporated
9 under the laws of this state that is organized and duly maintained
10 for the public good and not for private profit.

11 (d) Patrol special police officers appointed by the police
12 commission of a city, county, or city and county under the express
13 terms of its charter who also under the express terms of the charter
14 (1) are subject to suspension or dismissal after a hearing on charges
15 duly filed with the commission after a fair and impartial trial, (2)
16 must be not less than 18 years of age nor more than 40 years of
17 age, (3) must possess physical qualifications prescribed by the
18 commission, and (4) are designated by the police commission as
19 the owners of a certain beat or territory as may be fixed from time
20 to time by the police commission.

21 (e) An attorney at law in performing his or her duties as an
22 attorney at law.

23 (f) A collection agency or an employee thereof while acting
24 within the scope of his or her employment, while making an
25 investigation incidental to the business of the agency, including
26 an investigation of the location of a debtor or his or her property
27 where the contract with an assignor creditor is for the collection
28 of claims owed or due or asserted to be owed or due or the
29 equivalent thereof.

30 (g) Admitted insurers and agents and insurance brokers licensed
31 by the state, performing duties in connection with insurance
32 transacted by them.

33 (h) A bank subject to the jurisdiction of the Commissioner of
34 Financial Institutions of the State of California under Division 1
35 (commencing with Section 99) of the Financial Code or the
36 Comptroller of Currency of the United States.

37 (i) A person engaged solely in the business of securing
38 information about persons or property from public records.

39 (j) A peace officer of this state or a political subdivision thereof
40 while the peace officer is employed by a private employer to

1 engage in off-duty employment in accordance with Section 1126
2 of the Government Code. However, nothing herein shall exempt
3 a peace officer who either contracts for his or her services or the
4 services of others as a private security contractor or contracts for
5 his or her services as or is employed as an armed private security
6 officer. For purposes of this subdivision, “armed security officer”
7 means an individual who carries or uses a firearm in the course
8 and scope of that contract or employment.

9 (k) A retired peace officer of the state or political subdivision
10 thereof when the retired peace officer is employed by a private
11 employer in employment approved by the chief law enforcement
12 officer of the jurisdiction where the employment takes place,
13 provided that the retired officer is in a uniform of a public law
14 enforcement agency, has registered with the bureau on a form
15 approved by the director, and has met any training requirements
16 or their equivalent as established for security personnel under
17 Section 7583.5. This officer may not carry an unloaded and
18 exposed handgun unless he or she is exempted under the provisions
19 of Article 2 (commencing with Section 26361) of Chapter 6 of
20 Division 5 of Title 4 of Part 6 of the Penal Code, may not carry
21 an unloaded firearm that is not a handgun unless he or she is
22 exempted under the provisions of Article 2 (commencing with
23 Section 26405) of Chapter 7 of Division 5 of Title 4 of Part 6 of
24 the Penal Code, and may not carry a loaded or concealed firearm
25 unless he or she is exempted under the provisions of Sections
26 25450 to 25475, inclusive, of the Penal Code or Sections 25900
27 to 25910, inclusive, of the Penal Code or has met the requirements
28 set forth in subdivision (d) of Section 26030 of the Penal Code.
29 However, nothing herein shall exempt the retired peace officer
30 who contracts for his or her services or the services of others as a
31 private security contractor.

32 (l) A licensed insurance adjuster in performing his or her duties
33 within the scope of his or her license as an insurance adjuster.

34 (m) A savings association subject to the jurisdiction of the
35 Commissioner of Financial Institutions or the Office of Thrift
36 Supervision.

37 (n) A secured creditor engaged in the repossession of the
38 creditor’s collateral and a lessor engaged in the repossession of
39 leased property in which it claims an interest.

1 (o) A peace officer in his or her official police uniform acting
2 in accordance with subdivisions (c) and (d) of Section 70 of the
3 Penal Code.

4 (p) An unarmed, uniformed security person employed
5 exclusively and regularly by a motion picture studio facility
6 employer who does not provide contract security services for other
7 entities or persons in connection with the affairs of that employer
8 only and where there exists an employer-employee relationship if
9 that person at no time carries or uses a deadly weapon, as defined
10 in subdivision (a), in the performance of his or her duties, which
11 may include, but are not limited to, the following business
12 purposes:

13 (1) The screening and monitoring access of employees of the
14 same employer.

15 (2) The screening and monitoring access of prearranged and
16 preauthorized invited guests.

17 (3) The screening and monitoring of vendors and suppliers.

18 (4) Patrolling the private property facilities for the safety and
19 welfare of all who have been legitimately authorized to have access
20 to the facility.

21 (q) An armored contract carrier operating armored vehicles
22 pursuant to the authority of the Department of the California
23 Highway Patrol or the Public Utilities Commission, or an armored
24 vehicle guard employed by an armored contract carrier.

25 SEC. 3. Section 7580.2 of the Business and Professions Code
26 is repealed.

27 SEC. 4. Section 7580.2 is added to the Business and Professions
28 Code, to read:

29 7580.2. As used in this chapter, “security officer” includes the
30 terms “security guard,” “patrolperson,” “watchman,” and “guard.”

31 SEC. 5. Section 7580.6 of the Business and Professions Code
32 is amended to read:

33 7580.6. As used in this chapter, “licensee” means a person
34 licensed under this chapter and includes, but is not limited to,
35 private security contractor and armored contract carrier.

36 SEC. 6. Section 7580.12 of the Business and Professions Code
37 is amended to read:

38 7580.12. (a) The director shall administer and enforce the
39 provisions of this chapter.

1 (b) Every power and duty granted to or imposed upon the
2 director may be exercised by any other officer or employee of the
3 Department of Consumer Affairs authorized by the director, but
4 the director shall have the supervision of and the responsibility for
5 all powers and duties exercised by these officers and employees.

6 SEC. 7. Section 7581 of the Business and Professions Code is
7 amended to read:

8 7581. The director may adopt and enforce reasonable rules, as
9 follows:

10 (a) Classifying licensees according to the type of business
11 regulated by this chapter in which they are engaged, including,
12 but not limited to, persons employed by any lawful business as
13 security guards or patrolpersons, and armored contract carriers,
14 and limiting the field and scope of the operations of a licensee to
15 those in which he or she is classified and qualified to engage.

16 (b) Fixing the qualifications of licensees and managers, in
17 addition to those prescribed in this chapter, necessary to promote
18 and protect the public welfare.

19 (c) Carrying out generally the provisions of this chapter,
20 including regulation of the conduct of licensees.

21 (d) Establishing the qualifications that any person employed by
22 a private security contractor or any lawful business as a security
23 guard or patrolperson, or employed by an armored contract carrier,
24 must meet as a condition of becoming eligible to carry firearms
25 pursuant to Section 26030 of the Penal Code.

26 (e) Requiring each uniformed employee of a private security
27 contractor and each armored vehicle guard, as defined in this
28 chapter, and any other person employed and compensated by a
29 private security contractor or any lawful business as a security
30 guard or patrolperson and who in the course of this employment
31 carries a deadly weapon to be registered with the bureau upon
32 application on a form prescribed by the director accompanied by
33 the registration fee and by two classifiable sets of fingerprints of
34 the applicant or its equivalent as determined by the director and
35 approved by the Department of Justice, establishing the term of
36 the registration for a period of not less than two nor more than four
37 years, and providing for the renewal thereof upon proper
38 application and payment of the renewal fee. The director may,
39 after opportunity for a hearing, refuse this registration to any person
40 who lacks good moral character, and may impose reasonable

1 additional requirements as are necessary to meet local needs that
2 are not inconsistent with the provisions of this chapter.

3 (f) Establishing procedures whereby the local authorities of any
4 city, county, or city and county may file charges with, or any
5 person in this state may file a complaint with, the director alleging
6 that any licensed private security contractor, registered security
7 guard, or patrolperson, or anyone who is an applicant for
8 registration or licensure with the bureau, fails to meet standards
9 for registration or licensure, or violates any provision of this
10 chapter, and providing further for the investigation of the charges
11 and a response to the charging or complaining party in the manner
12 described in subdivision (b) of Section 129.

13 (g) Requiring private security contractors and any lawful
14 business to maintain detailed records identifying all firearms in
15 their possession or under their control, and the employees or
16 persons authorized to carry or have access to those firearms.

17 SEC. 8. Section 7581.1 of the Business and Professions Code
18 is amended to read:

19 7581.1. The Governor shall appoint two private security
20 disciplinary review committees, and may remove any member of
21 a disciplinary review committee for misconduct, incompetency,
22 or neglect of duty. One committee shall meet in the southern
23 portion of the state and the other committee shall meet in the
24 northern portion of the state.

25 Each disciplinary review committee shall consist of five
26 members. Of the five members, one member shall be actively
27 engaged in the business of a licensed private security contractor,
28 one member shall be actively engaged in the business of a firearm
29 training facility, one member shall be actively engaged in the
30 business of a registered security guard, and two members shall be
31 public members. None of the public members shall be licensees
32 or registrants or engaged in any business or profession in which
33 any part of the fees, compensation, or revenue thereof, is derived
34 from any licensee.

35 Each committee shall meet every 60 days or more or less
36 frequently as may be required. The members shall be paid per diem
37 pursuant to Section 103 and shall be reimbursed for actual travel
38 expenses. The members shall be appointed for a term of four years.

39 SEC. 9. Section 7581.3 of the Business and Professions Code
40 is amended to read:

1 7581.3. A private security contractor, qualified manager of a
2 private security contractor, security guard, firearm qualification
3 cardholder, firearm training facility, firearm training instructor,
4 baton training facility, or baton training instructor may request a
5 review by a disciplinary review committee to contest the
6 assessment of an administrative fine or to appeal a denial,
7 revocation, or suspension of a license, certificate, or registration
8 unless the denial, revocation, or suspension is ordered by the
9 director in accordance with Chapter 5 (commencing with Section
10 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

11 A request for a review shall be by written notice to the bureau
12 within 30 days of the issuance of the citation and assessment,
13 denial, revocation, or suspension.

14 Following a review by a disciplinary review committee, the
15 appellant shall be notified within 30 days, in writing, by regular
16 mail, of the committee's decision.

17 If the appellant disagrees with the decision made by a
18 disciplinary review committee, he or she may request a hearing in
19 accordance with Chapter 5 (commencing with Section 11500) of
20 Part 1 of Division 3 of Title 2 of the Government Code. A request
21 for a hearing following a decision by a disciplinary review
22 committee shall be by written notice to the bureau within 30 days
23 following notice of the committee's decision.

24 If the appellant does not request a hearing within 30 days, the
25 review committee's decision shall become final.

26 SEC. 10. Section 7582.05 of the Business and Professions
27 Code is amended to read:

28 7582.05. (a) Notwithstanding any other provision of law, any
29 person engaging in a business as a private security contractor who
30 violates Section 7582 is guilty of an infraction subject to the
31 procedures described in Sections 19.6 and 19.7 of the Penal Code
32 under either of the following circumstances:

33 (1) A complaint or a written notice to appear in court pursuant
34 to Chapter 5c (commencing with Section 853.5) of Title 3 of Part
35 2 of the Penal Code is filed in court charging the offense as an
36 infraction unless the defendant, at the time he or she is arraigned,
37 after being advised of his or her rights, elects to have the case
38 proceed as a misdemeanor.

39 (2) The court, with the consent of the defendant and the
40 prosecution, determines that the offense is an infraction in which

1 event the case shall proceed as if the defendant has been arraigned
2 on an infraction complaint.

3 (b) This section does not apply to a violation of Section 7582
4 if the defendant has had his or her license previously revoked or
5 suspended.

6 (c) Notwithstanding any other provision of law, a violation of
7 Section 7582, which is an infraction, is punishable by a fine of one
8 thousand dollars (\$1,000). No portion of the fine may be suspended
9 by the court unless as a condition of that suspension the defendant
10 is required to submit proof of a current valid license for the
11 profession of private security contractor which was the basis for
12 his or her conviction.

13 SEC. 11. Section 7582.1 of the Business and Professions Code
14 is amended to read:

15 7582.1. (a) A private security contractor, or operator of a
16 private patrol service, within the meaning of this chapter is a
17 person, other than an armored contract carrier, who, for any
18 consideration whatsoever:

19 Agrees to furnish, or furnishes, a watchman, guard, patrolperson,
20 or other person to protect persons or property or to prevent the
21 theft, unlawful taking, loss, embezzlement, misappropriation, or
22 concealment of any goods, wares, merchandise, money, bonds,
23 stocks, notes, documents, papers, or property of any kind; or
24 performs the service of a watchman, guard, patrolperson, or other
25 person, for any of these purposes.

26 (b) A person licensed as a private security contractor only may
27 not make any investigation or investigations except those that are
28 incidental to the theft, loss, embezzlement, misappropriation, or
29 concealment of any property, or any other thing enumerated in
30 this section, which he or she has been hired or engaged to protect,
31 guard, or watch.

32 (c) An armored contract carrier within the meaning of this
33 chapter is a contract carrier operating armored vehicles pursuant
34 to California Highway Patrol and Public Utilities Commission
35 authority.

36 (d) An armored vehicle guard within the meaning of this chapter
37 is any person employed by an armored contract carrier who in the
38 course of that employment carries a deadly weapon.

39 (e) A security guard or security officer, within the meaning of
40 this chapter, is an employee of a private security contractor, or an

1 employee of a lawful business or public agency who is not
2 exempted pursuant to Section 7582.2, who performs the functions
3 as described in subdivision (a) on or about the premises owned or
4 controlled by the customer of the private security contractor or by
5 the guard's employer or in the company of persons being protected.

6 (f) A street patrolperson, within the meaning of this chapter, is
7 a security guard or security officer employed by a private security
8 contractor who performs the functions described in subdivision
9 (a) by street patrol service utilizing foot patrol, motor patrol, or
10 other means of transportation in public areas, streets, or public
11 thoroughfares in order to serve multiple customers. "Street
12 patrolperson" does not include management or supervisory
13 employees of the private security contractor moving from one
14 customer location to another to inspect personnel or security guards
15 or security officers.

16 SEC. 12. Section 7582.11 of the Business and Professions
17 Code is amended to read:

18 7582.11. The chief shall issue a license, the form and content
19 of which shall be determined by the chief in accordance with
20 Section 164. In addition, the chief shall issue a "Certificate of
21 Licensure" to any licensee, upon request and upon the payment of
22 a fee of fifty dollars (\$50). The license shall also be posted on the
23 bureau's Internet Web site and shall be effective upon posting on
24 the Internet Web site.

25 SEC. 13. Section 7582.13 of the Business and Professions
26 Code is amended to read:

27 7582.13. Upon the issuance of a license, a pocket card of the
28 size, design, and content determined by the director shall be issued
29 to each licensee, if an individual, or, if the licensee is a person
30 other than an individual, to its manager, and to each of its officers
31 and partners. The pocket card is evidence that the licensee is
32 licensed pursuant to this chapter. The card shall contain the
33 signature of the licensee, signature of the chief, and a photograph
34 of the licensee, or bearer of the card, if the licensee is other than
35 an individual. The card shall clearly state that the person is licensed
36 as a private security contractor or is the manager or officer of the
37 licensee. The applicant may request to be issued an enhanced
38 pocket card that shall be composed of a durable material and may
39 incorporate technologically advanced security features. The bureau
40 may charge a fee sufficient to reimburse the department's costs

1 for furnishing the enhanced pocket card. The fee charged may not
2 exceed the actual costs for system development, maintenance, and
3 processing necessary to provide this service, and may not exceed
4 six dollars (\$6). If the applicant does not request an enhanced card,
5 the department shall issue a standard card at no cost. When a person
6 to whom a card is issued terminates his or her position, office, or
7 association with the licensee, the card shall be surrendered to the
8 licensee and within five days thereafter shall be mailed or delivered
9 by the licensee to the bureau for cancellation. Every person, while
10 engaged in any activity for which registration is required, shall
11 display their valid pocket card as provided by regulation.

12 SEC. 14. Section 7582.2 of the Business and Professions Code
13 is amended to read:

14 7582.2. This chapter does not apply to the following:

15 (a) A person who does not meet the requirements to be a
16 proprietary private security officer, as defined in Section 7574.01,
17 and is employed exclusively and regularly by an employer who
18 does not provide contract security services for other entities or
19 persons, in connection with the affairs of the employer only and
20 where there exists an employer-employee relationship if that person
21 at no time carries or uses a deadly weapon in the performance of
22 his or her duties. For purposes of this subdivision, “deadly weapon”
23 is defined to include an instrument or weapon of the kind
24 commonly known as a blackjack, slungshot, billy, sandclub,
25 sandbag, metal knuckles, a dirk, dagger, pistol, revolver, or any
26 other firearm, a knife having a blade longer than five inches, a
27 razor with an unguarded blade, and a metal pipe or bar used or
28 intended to be used as a club.

29 (b) An officer or employee of the United States of America, or
30 of this state or a political subdivision thereof, while the officer or
31 employee is engaged in the performance of his or her official
32 duties, including uniformed peace officers employed part time by
33 a public agency pursuant to a written agreement between a chief
34 of police or sheriff and the public agency, provided the part-time
35 employment does not exceed 50 hours in any calendar month.

36 (c) A person engaged exclusively in the business of obtaining
37 and furnishing information as to the financial rating of persons.

38 (d) A charitable philanthropic society or association duly
39 incorporated under the laws of this state that is organized and
40 maintained for the public good and not for private profit.

1 (e) Patrol special police officers appointed by the police
2 commission of a city, county, or city and county under the express
3 terms of its charter who also under the express terms of the charter
4 (1) are subject to suspension or dismissal after a hearing on charges
5 duly filed with the commission after a fair and impartial trial, (2)
6 must be not less than 18 years of age nor more than 40 years of
7 age, (3) must possess physical qualifications prescribed by the
8 commission, and (4) are designated by the police commission as
9 the owners of a certain beat or territory as may be fixed from time
10 to time by the police commission.

11 (f) An attorney at law in performing his or her duties as an
12 attorney at law.

13 (g) A collection agency or an employee thereof while acting
14 within the scope of his or her employment, while making an
15 investigation incidental to the business of the agency, including
16 an investigation of the location of a debtor or his or her property
17 where the contract with an assignor creditor is for the collection
18 of claims owed or due or asserted to be owed or due or the
19 equivalent thereof.

20 (h) Admitted insurers and agents and insurance brokers licensed
21 by the state, performing duties in connection with insurance
22 transacted by them.

23 (i) A bank subject to the jurisdiction of the Commissioner of
24 Financial Institutions of the State of California under Division 1
25 (commencing with Section 99) of the Financial Code or the
26 Comptroller of the Currency of the United States.

27 (j) A person engaged solely in the business of securing
28 information about persons or property from public records.

29 (k) A peace officer of this state or a political subdivision thereof
30 while the peace officer is employed by a private employer to
31 engage in off-duty employment in accordance with Section 1126
32 of the Government Code. However, nothing herein shall exempt
33 a peace officer who either contracts for his or her services or the
34 services of others as a private security contractor or contracts for
35 his or her services as or is employed as an armed private security
36 officer. For purposes of this subdivision, "armed security officer"
37 means an individual who carries or uses a firearm in the course
38 and scope of that contract or employment.

39 (l) A retired peace officer of the state or political subdivision
40 thereof when the retired peace officer is employed by a private

1 employer in employment approved by the chief law enforcement
2 officer of the jurisdiction where the employment takes place,
3 provided that the retired officer is in a uniform of a public law
4 enforcement agency, has registered with the bureau on a form
5 approved by the director, and has met any training requirements
6 or their equivalent as established for security personnel under
7 Section 7583.5. This officer may not carry an unloaded and
8 exposed handgun unless he or she is exempted under the provisions
9 of Article 2 (commencing with Section 26361) of Chapter 6 of
10 Division 5 of Title 4 of Part 6 of the Penal Code, may not carry
11 an unloaded firearm that is not a handgun unless he or she is
12 exempted under the provisions of Article 2 (commencing with
13 Section 26405) of Chapter 7 of Division 5 of Title 4 of Part 6 of
14 the Penal Code, and may not carry a loaded or concealed firearm
15 unless he or she is exempted under the provisions of Article 2
16 (commencing with Section 25450) of Chapter 2 of Division 5 of
17 Title 4 of Part 6 of the Penal Code or Sections 25900 to 25910,
18 inclusive, of the Penal Code or has met the requirements set forth
19 in subdivision (d) of Section 26030 of the Penal Code. However,
20 nothing herein shall exempt the retired peace officer who contracts
21 for his or her services or the services of others as a private security
22 contractor.

23 (m) A licensed insurance adjuster in performing his or her duties
24 within the scope of his or her license as an insurance adjuster.

25 (n) A savings association subject to the jurisdiction of the
26 Commissioner of Financial Institutions or the Office of Thrift
27 Supervision.

28 (o) A secured creditor engaged in the repossession of the
29 creditor's collateral and a lessor engaged in the repossession of
30 leased property in which it claims an interest.

31 (p) A peace officer in his or her official police uniform acting
32 in accordance with subdivisions (c) and (d) of Section 70 of the
33 Penal Code.

34 (q) An unarmed, uniformed security person employed
35 exclusively and regularly by a motion picture studio facility
36 employer who does not provide contract security services for other
37 entities or persons in connection with the affairs of that employer
38 only and where there exists an employer-employee relationship if
39 that person at no time carries or uses a deadly weapon, as defined
40 in subdivision (a), in the performance of his or her duties, which

1 may include, but are not limited to, the following business
2 purposes:

3 (1) The screening and monitoring access of employees of the
4 same employer.

5 (2) The screening and monitoring access of prearranged and
6 preauthorized invited guests.

7 (3) The screening and monitoring of vendors and suppliers.

8 (4) Patrolling the private property facilities for the safety and
9 welfare of all who have been legitimately authorized to have access
10 to the facility.

11 (r) The changes made to this section by the act adding this
12 subdivision during the 2005–06 Regular Session of the Legislature
13 shall apply as follows:

14 (1) On and after July 1, 2006, to a person hired as a security
15 officer on and after January 1, 2006.

16 (2) On and after January 1, 2007, to a person hired as a security
17 officer before January 1, 2006.

18 SEC. 15. Section 7582.20 of the Business and Professions
19 Code is amended to read:

20 7582.20. (a) (1) Every advertisement by a licensee soliciting
21 or advertising business shall contain his or her name, address, and
22 license number as they appear in the records of the bureau. For
23 the purpose of this section, “advertisement” includes any business
24 card, stationery, brochure, flyer, circular, newsletter, fax form,
25 printed or published paid advertisement in any media form,
26 telephone book listing, Internet Web site, or social media. Every
27 advertisement by a licensee soliciting or advertising the licensee’s
28 business shall contain his or her business name, business address
29 or business telephone number, and license number, as they appear
30 in the records of the bureau.

31 (2) For purposes of this subdivision, “social media” means an
32 electronic service or account, or electronic content, including, but
33 not limited to, videos, still photographs, blogs, video blogs,
34 podcasts, instant and text messages, e-mail, online services or
35 accounts, or Internet Web site profiles or locations.

36 (b) The director may assess a fine of two hundred fifty dollars
37 (\$250) per violation of subdivision (a).

38 SEC. 16. Section 7582.22 of the Business and Professions
39 Code is amended to read:

1 7582.22. (a) The business of each licensee shall be operated
2 under the active direction, control, charge, or management, in this
3 state, of the licensee, if he or she is qualified, or the person who
4 is qualified to act as the licensee’s manager, if the licensee is not
5 qualified. Any licensee conducting business in this state whose
6 primary office is located outside of this state shall do both of the
7 following:

8 (1) Maintain an office in this state operated under the active
9 direction, control, charge, or management of a qualified manager.

10 (2) Maintain at the office in this state all records required under
11 this chapter and under rules adopted by the bureau.

12 (b) No person shall act as a qualified manager of a licensee until
13 he or she has complied with each of the following:

14 (1) Demonstrated his or her qualifications by a written or oral
15 examination, or a combination of both, if required by the director.

16 (2) Made a satisfactory showing to the director that he or she
17 has the qualifications prescribed in Section 7582.8 and that none
18 of the facts stated in Section 7582.24 or 7582.25 exist as to him
19 or her.

20 (3) Has 2080 hours of experience as a security guard. An
21 equivalent amount of military experience may be substituted for
22 this requirement.

23 (4) Is currently registered as a security guard.

24 (5) Has 2080 hours of experience as a manager of a security
25 contractor.

26 (c) A qualified manager may not be employed as a qualified
27 manager by more than five corporations or other business entities
28 simultaneously.

29 SEC. 17. Section 7582.26 of the Business and Professions
30 Code is amended to read:

31 7582.26. (a) Any licensee or officer, director, partner, or
32 manager of a licensee may divulge to any law enforcement officer
33 or district attorney, or his or her representative, any information
34 he or she may acquire as to any criminal offense, but he or she
35 shall not divulge to any other person, except as he or she may be
36 required by law so to do, any information acquired by him or her
37 except at the direction of the employer or client for whom the
38 information was obtained.

39 (b) No licensee or officer, director, partner, manager, or
40 employee of a licensee shall knowingly make any false report to

1 his or her employer or client for whom information was being
2 obtained.

3 (c) No written report shall be submitted to a client except by
4 the licensee, qualifying manager, or a person authorized by one
5 or either of them, and the person submitting the report shall
6 exercise diligence in ascertaining whether or not the facts and
7 information in the report are true and correct.

8 (d) No licensee, or officer, director, partner, manager, or
9 employee of a licensee, shall use a title, or wear a uniform, or use
10 an insignia, or use an identification card, or make any statement
11 with the intent to give an impression that he or she is connected
12 in any way with the federal government, a state government, or
13 any political subdivision of a state government.

14 (e) No licensee, or officer, director, partner, manager, or
15 employee of a licensee, shall enter any private building or portion
16 thereof, except premises commonly accessible to the public,
17 without the consent of the owner or of the person in legal
18 possession thereof.

19 (f) (1) No private security contractor or officer, director, partner,
20 manager, or employee of a private patrol licensee shall use or wear
21 a badge, except while engaged in guard or patrol work and while
22 wearing a distinctive uniform. A uniform may include ~~military or~~
23 police styles. A private security contractor or officer, director,
24 partner, manager, or employee of a private security contractor
25 wearing a distinctive uniform shall wear a patch on each shoulder
26 of his or her uniform that reads "private security" and that includes
27 the name of the private security contractor by which the person is
28 employed or for which the person is a representative and a badge
29 or cloth patch on the upper left breast of the uniform. All patches
30 and badges worn on a distinctive uniform shall be of a standard
31 design approved by the director and shall be clearly visible. A
32 private security contractor or officer, director, partner, manager,
33 or employee of a private security contractor, who is unarmed, may
34 wear a business suit, blazer, or polo shirt provided that the person
35 also displays a company issued photo identification designating
36 the person's name, employing company, and employee number,
37 which may be used in lieu of the other badge and patch
38 requirements. *The bureau may adopt regulations to further clarify*
39 *and define what constitutes a distinctive uniform for purposes of*
40 *this section.*

1 (2) The director may assess a fine of two hundred fifty dollars
2 (\$250) per violation of this subdivision.

3 (g) No licensee shall permit an employee or agent in his or her
4 own name to advertise, engage clients, furnish reports or present
5 bills to clients, or in any manner whatever conduct business for
6 which a license is required under this chapter. All business of the
7 licensee shall be conducted in the name of and under the control
8 of the licensee.

9 (h) No licensee shall use a fictitious name in connection with
10 the official activities of the licensee’s business.

11 (i) No private security contractor or officer, director, partner,
12 or manager of a private security contractor, or person required to
13 be registered as a security guard pursuant to this chapter shall use
14 or wear a baton or exposed firearm as authorized by this chapter
15 unless he or she is wearing a uniform which complies with the
16 requirements of Section 7582.27.

17 SEC. 18. Section 7582.27 of the Business and Professions
18 Code is amended to read:

19 7582.27. (a) Any person referred to in subdivision (i) of
20 Section 7582.26 who uses or wears a baton or exposed firearm as
21 authorized pursuant to this chapter shall wear a patch on each arm
22 that reads “private security” and that includes the name of the
23 company by which the person is employed or for which the person
24 is a representative. The patch shall be clearly visible at all times.
25 The patches of a private security contractor, or his or her employees
26 or representatives shall be of a standard design approved by the
27 director.

28 (b) The director may assess a fine of two hundred fifty dollars
29 (\$250) per violation of subdivision (a).

30 SEC. 19. Section 7582.3 of the Business and Professions Code
31 is amended to read:

32 7582.3. (a) Unless specifically exempted by Section 7582.2,
33 no person shall engage in the business of private security
34 contractor, as defined in Section 7582.1, unless that person has
35 applied for and received a license to engage in that business
36 pursuant to this chapter.

37 (b) Any person who violates any provision of this chapter or
38 who conspires with another person to violate any provision of this
39 chapter relating to private security contractor licensure, or who
40 knowingly engages a nonexempt unlicensed person is guilty of a

1 misdemeanor punishable by a fine of five thousand dollars (\$5,000)
2 or by imprisonment in the county jail not to exceed one year, or
3 by both that fine and imprisonment.

4 (c) A proceeding to impose the fine specified in subdivision (b)
5 may be brought in any court of competent jurisdiction in the name
6 of the people of the State of California by the Attorney General
7 or by any district attorney or city attorney, or with the consent of
8 the district attorney, the city prosecutor in any city or city and
9 county having a full-time city prosecutor for the jurisdiction in
10 which the violation occurred. If the action is brought by the district
11 attorney, the penalty collected shall be paid to the treasurer of the
12 county in which the judgment is entered. If the action is brought
13 by a city attorney or city prosecutor, one-half of the penalty
14 collected shall be paid to the treasurer of the city in which the
15 judgment was entered and one-half to the treasurer of the county
16 in which the judgment was entered. If the action is brought by the
17 Attorney General, all of the penalty collected shall be deposited
18 in the Private Security Services Fund.

19 (d) Any person who: (1) acts as or represents himself or herself
20 to be a private security contractor under this chapter when that
21 person is not a licensee under this chapter; (2) falsely represents
22 that he or she is employed by a licensee under this chapter when
23 that person is not employed by a licensee under this chapter; (3)
24 carries a badge, identification card, or business card, indicating
25 that he or she is a licensee under this chapter when that person is
26 not a licensee under this chapter; (4) uses a letterhead or other
27 written or electronically generated materials indicating that he or
28 she is a licensee under this chapter when that person is not a
29 licensee under this chapter; or (5) advertises that he or she is a
30 licensee under this chapter when that person is not a licensee, is
31 guilty of a misdemeanor that is punishable by a fine of ten thousand
32 dollars (\$10,000) or by imprisonment in a county jail for not more
33 than one year, or by both that fine and imprisonment.

34 (e) A proceeding to impose the fine specified in subdivision (d)
35 may be brought in any court of competent jurisdiction in the name
36 of the people of the State of California by the Attorney General
37 or by any district attorney or city attorney, or with the consent of
38 the district attorney, the city prosecutor in any city or city and
39 county having a full-time city prosecutor for the jurisdiction in
40 which the violation occurred. If the action is brought by the district

1 attorney, the penalty collected shall be paid to the treasurer of the
2 county in which the judgment is entered. If the action is brought
3 by a city attorney or city prosecutor, one-half of the penalty
4 collected shall be paid to the treasurer of the city in which the
5 judgment was entered and one-half to the treasurer of the county
6 in which the judgment was entered. If the action is brought by the
7 Attorney General, all of the penalty collected shall be deposited
8 in the Private Security Services Fund.

9 (f) Any person who is convicted of a violation of the provisions
10 of this section shall not be issued a license under this chapter,
11 within one year following that conviction.

12 (g) Any person who is convicted of a violation of subdivision
13 (a), (b), or (d) shall not be issued a license for a period of one year
14 following a first conviction and shall not be issued a license for a
15 period of five years following a second or subsequent conviction
16 of subdivision (a), (b), or (d), or any combination of subdivision
17 (a), (b), or (d).

18 (h) The chief shall gather evidence of violations of this chapter
19 and of any rule or regulation established pursuant to this chapter
20 by persons engaged in the business of private security contractor
21 who fail to obtain licenses and shall gather evidence of violations
22 and furnish that evidence to prosecuting officers of any county or
23 city for the purpose of prosecuting all violations occurring within
24 their jurisdiction.

25 (i) The prosecuting officer of any county or city shall prosecute
26 all violations of this chapter occurring within his or her jurisdiction.

27 SEC. 20. Section 7582.5 of the Business and Professions Code
28 is amended to read:

29 7582.5. (a) The provisions of this chapter shall not prevent
30 the local authorities of any city, county, or city and county, by
31 ordinance and within the exercise of the police power of the city,
32 county, or city and county from imposing local regulations upon
33 any street patrol service or street patrol special officers requiring
34 registration with an agency to be designated by the city, county,
35 or city and county, including in the registration full information
36 as to the identification and employment and subject to the right of
37 the city, county, or city and county to allocate certain portions of
38 the territory in the city, county, or city and county within which
39 the activities of any street patrol service or person shall be confined.
40 Any city, county, or city and county may refuse registration to any

1 person of bad moral character and may impose reasonable
2 additional requirements as are necessary to meet local needs and
3 are not inconsistent with the provisions of this chapter.

4 (b) The provisions of this chapter shall not prevent the local
5 authorities of any city, county, or city and county, by ordinance
6 and within the exercise of the police power of the city, county, or
7 city and county from imposing local regulations upon any
8 employees of a private security contractor who are unable to furnish
9 evidence of current registration pursuant to subdivision (f) of
10 Section 7581.

11 (c) The provisions of this chapter shall not prevent the local
12 authorities of any city, county, or city and county, by ordinance
13 and within the exercise of the police power of the city, county, or
14 city and county from requiring private security contractors and
15 their employees to register their name and file a copy of their state
16 identification card with the city, county, or city and county. No
17 fee may be charged and no application may be required by the
18 city, county, or city and county for this registration.

19 (d) The provisions of this chapter shall not prevent the local
20 authorities in any city, county, or city and county, by ordinance
21 and within the exercise of the police power of the city, county, or
22 city and county from imposing reasonable additional requirements
23 necessary to regulate and control protection dogs according to their
24 local needs and not inconsistent with the provisions of this chapter.

25 SEC. 21. Section 7582.9 of the Business and Professions Code
26 is amended to read:

27 7582.9. The director may require an applicant or his or her
28 manager, to demonstrate his or her qualifications by a written or
29 oral examination, or a combination of both. The examination results
30 shall be valid for no more than seven years after expiration of the
31 license, unless reauthorized by the bureau.

32 SEC. 22. The heading of Article 4 (commencing with Section
33 7583) of Chapter 11.5 of Division 3 of the Business and Professions
34 Code is amended to read:

35
36 Article 4. Private Security Contractors
37

38 SEC. 23. Section 7583 of the Business and Professions Code
39 is amended to read:

1 7583. For purposes of this article, “licensee” means a licensed
2 private security contractor.

3 SEC. 24. Section 7583.1 of the Business and Professions Code
4 is amended to read:

5 7583.1. (a) An applicant, or his or her manager, for a license
6 as a private security contractor shall have had at least one year of
7 experience as a patrolperson, guard, or watchman, or the equivalent
8 thereof as determined by the director. An applicant shall
9 substantiate the claimed year of qualifying experience and the
10 exact details as to the character and nature thereof by written
11 certifications from the employer, subject to independent verification
12 by the chief as he or she may determine. In the event of inability
13 of an applicant to supply the written certifications from the
14 employer in whole or in part, applicants may offer other written
15 certifications from other than employers substantiating employment
16 for consideration by the chief.

17 (b) An individual who, upon the determination of the chief, has
18 served in the armed services and possesses the proper skills may
19 be eligible to take the private security contractor licensing
20 examination. In that case the chief may waive any other required
21 training courses, as he or she determines. However, if the applicant
22 fails the licensing examination, the chief may not thereafter waive
23 completion of any required training courses.

24 SEC. 25. Section 7583.2 of the Business and Professions Code
25 is amended to read:

26 7583.2. No person licensed as a security contractor operator
27 shall do any of the following:

28 (a) Fail to properly maintain an accurate and current record of
29 all firearms or other deadly weapons that are in the possession of
30 the licensee or of any employee while on duty. Within seven days
31 after a licensee or his or her employees discover that a deadly
32 weapon that has been recorded as being in his or her possession
33 has been misplaced, lost, stolen, or is in any other way missing,
34 the licensee or his or her manager shall mail or deliver to any local
35 law enforcement agency that has jurisdiction, a written report
36 concerning the incident. The report shall describe fully the
37 circumstances surrounding the incident, any injuries or damages
38 incurred, the identity of all participants, and whether a police
39 investigation was conducted.

1 (b) Fail to properly maintain an accurate and current record of
2 the name, address, commencing date of employment, and position
3 of each employee, and the date of termination of employment when
4 an employee is terminated.

5 (c) Fail to properly maintain an accurate and current record of
6 proof of completion by each employee of the licensee of the course
7 of training in the exercise of the power to arrest as required by
8 Section 7583.5, the security officer skills training required by
9 subdivision (b) of Section 7583.6, and the annual practice and
10 review required by subdivision (f) of Section 7583.6.

11 (d) Fail to certify an employee's completion of the course of
12 training in the exercise of the power to arrest prior to placing the
13 employee at a duty station.

14 (e) Fail to certify proof of current and valid registration for each
15 employee who is subject to registration.

16 (f) Permit any employee to carry a firearm or other deadly
17 weapon without first ascertaining that the employee is proficient
18 in the use of each weapon to be carried. With respect to firearms,
19 evidence of proficiency shall include a certificate from a firearm
20 training facility approved by the director certifying that the
21 employee is proficient in the use of that specified caliber of firearm
22 and a current and valid firearm qualification permit issued by the
23 department. With respect to other deadly weapons, evidence of
24 proficiency shall include a certificate from a training facility
25 approved by the director certifying that the employee is proficient
26 in the use of that particular deadly weapon.

27 (g) Fail to deliver to the director a written report describing fully
28 the circumstances surrounding the discharge of any firearm, or
29 physical altercation with a member of the public while on duty,
30 by a licensee or any officer, partner, or employee of a licensee
31 while acting within the course and scope of his or her employment
32 within seven days after the incident. For the purposes of this
33 subdivision, a report shall be required only for physical altercations
34 that result in any of the following: (1) the arrest of a security guard,
35 (2) the filing of a police report by a member of the public, (3)
36 injury on the part of a member of the public that requires medical
37 attention, or (4) the discharge, suspension, or reprimand of a
38 security guard by his or her employer. The report shall include,
39 but not be limited to, a description of any injuries or damages
40 incurred, the identity of all participants, and whether a police

1 investigation was conducted. Any report may be investigated by
2 the director to determine if any disciplinary action is necessary.

3 (h) Fail to notify the bureau in writing and within 30 days that
4 a manager previously qualified pursuant to this chapter is no longer
5 connected with the licensee.

6 (i) Fail to administer to each registered employee of the licensee,
7 the review or practice training required by subdivision (f) of
8 Section 7583.6.

9 SEC. 26. Section 7583.21 of the Business and Professions
10 Code is amended to read:

11 7583.21. The registration of a security guard shall be
12 automatically suspended if the guard is convicted of any crime
13 which is substantially related to the functions, duties, and
14 responsibilities of a security guard. The automatic suspension shall
15 be effectuated by the mailing of a notice of conviction and
16 suspension of license to be sent by the bureau to the registered
17 guard at his or her address of record. A copy of the notice shall be
18 sent to the private security contractor employing the guard with
19 notice that the employer shall suspend any and all employment of
20 the guard forthwith. The notice shall contain a statement of
21 preliminary determination by the director or his or her designee
22 that the crime stated is reasonably related to the functions, duties,
23 and responsibilities of a security guard. Upon proper request by
24 the guard, a hearing shall be convened within 60 days of the
25 request, before the private security disciplinary review committee,
26 as specified in Section 7581.3, for a determination as to whether
27 the automatic suspension shall be made permanent or whether the
28 registration shall be revoked or the guard otherwise disciplined.

29 In enacting this provision, the Legislature finds and declares that
30 registered guards convicted of the commission of crimes reasonably
31 related to the functions, duties, and responsibilities of a security
32 guard shall be subject to automatic suspension of their license and
33 that summary suspension is justified by compelling state interests
34 of public safety and security within the meaning of the California
35 Supreme Court’s decision in *Eye Dog Foundation v. State Board*
36 *of Guide Dogs for the Blind*, 67 Cal. 2d 536.

37 SEC. 27. Section 7583.38 of the Business and Professions
38 Code is amended to read:

39 7583.38. A city, county, or city and county may regulate the
40 uniforms and insignias worn by uniformed employees of a private

1 security contractor and vehicles used by a private security
2 contractor to make the uniforms and vehicles clearly
3 distinguishable from the uniforms worn by, and the vehicles used
4 by, local regular law enforcement officers.

5 SEC. 28. Section 7583.39 of the Business and Professions
6 Code is amended to read:

7 7583.39. No private security contractor who employs a security
8 guard who carries a firearm as part of his or her duties shall engage
9 in any of the practices for which he or she is required to be licensed
10 by this chapter, unless he or she maintains an insurance policy as
11 defined in Section 7583.40.

12 SEC. 29. Section 7583.42 of the Business and Professions
13 Code is amended to read:

14 7583.42. The failure of a private security contractor to maintain
15 an insurance policy as required by this article shall constitute
16 grounds for the suspension of the private security contractor's
17 license.

18 SEC. 30. Section 7583.46 of the Business and Professions
19 Code is amended to read:

20 7583.46. (a) (1) It shall be a violation of Section 1102.5 of
21 the Labor Code for a private security contractor to discharge,
22 demote, threaten, or in any manner discriminate against an
23 employee in the terms and conditions of his or her employment,
24 for disclosing information or causing information to be disclosed,
25 to a government or law enforcement agency, when the information
26 is related to conduct proscribed in this chapter.

27 (2) A private security contractor who intentionally violates this
28 subdivision shall be liable in an action for damages brought against
29 him or her by the injured party.

30 (b) A person who believes that he or she has been discharged,
31 demoted, threatened, or in any other manner discriminated against
32 in the terms and conditions of his or her employment, because that
33 person disclosed or caused information to be disclosed to a
34 government or law enforcement agency, may bring a claim against
35 the private security contractor within three years of the date of the
36 discharge, demotion, threat, or discrimination.

37 (c) Neither the bureau nor the department is responsible for
38 resolving claims under this section.

39 SEC. 31. Section 7583.6 of the Business and Professions Code
40 is amended to read:

1 7583.6. (a) A person entering the employ of a licensee to
2 perform the functions of a security guard or a security patrolperson
3 shall complete a course in the exercise of the power to arrest prior
4 to being assigned to a duty location.

5 (b) Except for a registrant who has completed the course of
6 training required by Section 7583.45, a person registered pursuant
7 to this chapter shall complete not less than 32 hours of training in
8 security officer skills within six months from the date the
9 registration card is issued. Sixteen of the 32 hours shall be
10 completed within 30 days from the date the registration card is
11 issued.

12 (c) A course provider shall issue a certificate to a security guard
13 upon satisfactory completion of a required course, conducted in
14 accordance with the department's requirements. A private security
15 contractor may provide training programs and courses in addition
16 to the training required in this section. A registrant who is unable
17 to provide his or her employing licensee the certificate of
18 satisfactory completion required by this subdivision shall complete
19 16 hours of the training required by subdivision (b) within 30 days
20 of the date of his employment and shall complete the 16 remaining
21 hours within six months of his or her employment date.

22 (d) The department shall develop and approve by regulation a
23 standard course and curriculum for the skills training required by
24 subdivision (b) to promote and protect the safety of persons and
25 the security of property. For this purpose, the department shall
26 consult with consumers, labor organizations representing private
27 security officers, private security contractors, educators, and subject
28 matter experts.

29 (e) The course of training required by subdivision (b) may be
30 administered, tested, and certified by any licensee, or by any
31 organization or school approved by the department. The department
32 may approve any person or school to teach the course.

33 (f) (1) On and after January 1, 2005, a licensee shall annually
34 provide each employee registered pursuant to this chapter with
35 eight hours of specifically dedicated review or practice of security
36 officer skills prescribed in either course required in Section 7583.6
37 or 7583.7.

38 (2) A licensee shall maintain at the principal place of business
39 or branch office a record verifying completion of the review or

1 practice training for a period of not less than two years. The records
2 shall be available for inspection by the bureau upon request.

3 (g) This section does not apply to a peace officer as defined in
4 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
5 of the Penal Code who has successfully completed a course of
6 study in the exercise of the power to arrest approved by the
7 Commission on Peace Officer Standards and Training. This section
8 does not apply to armored vehicle guards.

9 SEC. 32. Section 7583.7 of the Business and Professions Code
10 is amended to read:

11 7583.7. (a) The course of training in the exercise of the power
12 to arrest may be administered, tested, and certified by any licensee
13 or by any organization or school approved by the department. The
14 department may approve any person or school to teach the course
15 in the exercise of the power to arrest. The course of training shall
16 be approximately eight hours in length and shall cover the
17 following topics:

- 18 (1) Responsibilities and ethics in citizen arrest.
- 19 (2) Relationship between a security guard and a peace officer
20 in making an arrest.
- 21 (3) Limitations on security guard power to arrest.
- 22 (4) Restrictions on searches and seizures.
- 23 (5) Criminal and civil liabilities.
 - 24 (A) Personal liability.
 - 25 (B) Employer liability.
- 26 (6) Trespass law.
- 27 (7) Ethics and communications.
- 28 (8) Emergency situation response, including response to medical
29 emergencies.
- 30 (9) Security officer safety.
- 31 (10) Any other topic deemed appropriate by the bureau.

32 (b) The majority of the course shall be taught by means of verbal
33 instruction. This instruction may include the use of a video
34 presentation.

35 (c) The department shall make available a guidebook as a
36 standard for teaching the course in the exercise of the power to
37 arrest. The department shall encourage additional training and may
38 provide a training guide recommending additional courses to be
39 taken by security personnel.

1 (d) Private security contractors shall provide a copy of the
2 guidebook described in subdivision (c) to each person that they
3 currently employ as a security guard and to each individual that
4 they intend to hire as a security guard. The private security
5 contractor shall provide the guidebook to each person he or she
6 intends to hire as a security guard a reasonable time prior to the
7 time the person begins the course in the exercise of the power to
8 arrest.

9 (e) The bureau may inspect, supervise, or view the
10 administration of the test at any time and without any prior
11 notification. Any impropriety in the administration of the course
12 or the test shall constitute grounds for disciplinary action.

13 (f) This section shall become operative on July 1, 2004.

14 SEC. 33. Section 7583.9 of the Business and Professions Code
15 is amended to read:

16 7583.9. (a) Upon accepting employment by a private security
17 contractor, any employee who performs the function of a security
18 guard or security patrolperson who is not currently registered with
19 the bureau, shall complete an application for registration on a form
20 as prescribed by the director, and obtain two classifiable fingerprint
21 cards for submission to the Department of Justice. The applicant
22 shall submit the application, the registration fee, and his or her
23 fingerprints to the bureau. The bureau shall forward the classifiable
24 fingerprint cards to the Department of Justice. The Department of
25 Justice shall forward one classifiable fingerprint card to the Federal
26 Bureau of Investigation for purposes of a background check.

27 (b) If a private security contractor pays the application fee on
28 behalf of the applicant, nothing in this section shall preclude the
29 private security contractor from withholding the amount of the fee
30 from the applicant's compensation.

31 (c) The licensee shall maintain supplies of applications and
32 fingerprint cards that shall be provided by the bureau upon request.

33 (d) In lieu of classifiable fingerprint cards provided for in this
34 section, the bureau may authorize applicants to submit their
35 fingerprints into an electronic fingerprinting system administered
36 by the Department of Justice. Applicants who submit their
37 fingerprints by electronic means shall have their fingerprints
38 entered into the system through a terminal operated by a law
39 enforcement agency or other facility authorized by the Department
40 of Justice to conduct electronic fingerprinting. The enforcement

1 agency responsible for operating the terminal may charge a fee
2 sufficient to reimburse it for the costs incurred in providing this
3 service.

4 (e) Upon receipt of an applicant's electronic or hard card
5 fingerprints as provided in this section, the Department of Justice
6 shall disseminate the following information to the bureau:

7 (1) Every conviction rendered against the applicant.

8 (2) Every arrest for an offense for which the applicant is
9 presently awaiting trial, whether the applicant is incarcerated or
10 has been released on bail or on his or her own recognizance
11 pending trial.

12 (f) (1) The requirement in subdivision (a) to submit a fingerprint
13 card does not apply to any of the following:

14 (A) A currently employed, full-time peace officer holding peace
15 officer status under Chapter 4.5 (commencing with Section 830)
16 of Title 3 of Part 2 of the Penal Code.

17 (B) A level I or level II reserve officer under paragraphs (1) and
18 (2) of subdivision (a) of Section 832.6 of the Penal Code.

19 (2) An individual listed in subparagraph (A) or (B) of paragraph
20 (1) may immediately perform the functions of a security guard or
21 security patrolperson provided that he or she has submitted an
22 application, the applicable fees, and his or her fingerprints, if
23 required to submit fingerprints pursuant to subdivision (a), to the
24 bureau for a security guard registration.

25 (3) This subdivision does not apply to a peace officer required
26 to obtain a firearm qualification card pursuant to Section 7583.12.

27 (g) Peace officers exempt from the submission of classifiable
28 fingerprints pursuant to subdivision (f) shall submit verification
29 of their active duty peace officer status to the bureau with their
30 application for registration. A photocopy of the front and back of
31 their peace officer identification badge shall be adequate
32 verification.

33 (h) Peace officers exempt from the submission of classifiable
34 fingerprints pursuant to subdivision (f) shall report a change in
35 their active duty peace officer status to the bureau within 72 hours
36 of the change in active duty peace officer status.

37 (i) (1) Peace officers exempt from obtaining a firearm
38 qualification card pursuant to subdivision (c) of Section 7583.12
39 shall submit to the bureau with their application for registration a
40 letter of approval from his or her primary employer authorizing

1 him or her to carry a firearm while working as a security guard or
2 security officer.

3 (2) For purposes of this section, “primary employer” means a
4 public safety agency currently employing a peace officer subject
5 to this section.

6 (j) In addition to the amount authorized pursuant to Section
7 7570.1, the bureau may impose an additional fee not to exceed
8 three dollars (\$3) for processing classifiable fingerprint cards
9 submitted by applicants excluding those submitted into an
10 electronic fingerprint system using electronic fingerprint
11 technology.

12 (k) An employee shall, on the first day of employment, display
13 to the client his or her registration card if it is feasible and practical
14 to comply with this disclosure requirement. The employee shall
15 thereafter display to the client his or her registration card upon the
16 request of the client.

17 SEC. 34. Section 7586 of the Business and Professions Code
18 is amended to read:

19 7586. A private security contractor license, branch office
20 certificate, and pocket card issued under this chapter expires two
21 years following the date of issuance or on the assigned renewal
22 date. Every private security contractor issued a license under this
23 chapter that expires on or after January 1, 1997, and who is also
24 issued or renews a firearms qualification card on or after January
25 1, 1997, shall be placed on a cyclical renewal so that the license
26 expires on the expiration date of the firearms qualification card.
27 Notwithstanding any other provision of law, the bureau is
28 authorized to extend or shorten the first term of licensure following
29 January 1, 1997, and to prorate the required license fee in order to
30 implement this cyclical renewal.

31 SEC. 35. Section 7588 of the Business and Professions Code
32 is amended to read:

33 7588. The fees prescribed by this chapter are as follows:

34 (a) The application and examination fee for an original license
35 for a private security contractor may not exceed five hundred
36 dollars (\$500).

37 (b) The application fee for an original branch office certificate
38 for a private security contractor may not exceed two hundred fifty
39 dollars (\$250).

1 (c) The fee for an original license for a private security
2 contractor may not exceed seven hundred dollars (\$700).

3 (d) The renewal fee is as follows:

4 (1) For a license as a private security contractor, the fee may
5 not exceed seven hundred dollars (\$700).

6 (2) For a combination license as a private investigator under
7 Chapter 11.3 (commencing with Section 7512) and private security
8 contractor, AC or DC prefix, the fee may not exceed six hundred
9 dollars (\$600).

10 (3) For a branch office certificate for a combination private
11 investigator under Chapter 11.3 (commencing with Section 7512)
12 and private security contractor, the fee may not exceed forty dollars
13 (\$40), and for a private security contractor, the fee may not exceed
14 seventy-five dollars (\$75).

15 (e) The delinquency fee is 50 percent of the renewal fee in effect
16 on the date of expiration.

17 (f) A reinstatement fee is equal to the amount of the renewal
18 fee plus the regular delinquency fee.

19 (g) The fee for reexamination of an applicant or his or her
20 manager shall be the actual cost to the bureau for developing,
21 purchasing, grading, and administering each examination.

22 (h) Registration fees pursuant to this chapter are as follows:

23 (1) A registration fee for a security guard shall not exceed fifty
24 dollars (\$50).

25 (2) A security guard registration renewal fee shall not exceed
26 thirty-five dollars (\$35).

27 (i) Fees to carry out other provisions of this chapter are as
28 follows:

29 (1) A firearms qualification fee may not exceed eighty dollars
30 (\$80).

31 (2) A firearms requalification fee may not exceed sixty dollars
32 (\$60).

33 (3) An initial baton certification fee may not exceed fifty dollars
34 (\$50).

35 (4) An application fee and renewal fee for certification as a
36 firearms training facility or a baton training facility may not exceed
37 five hundred dollars (\$500).

38 (5) An application fee and renewal fee for certification as a
39 firearms training instructor or a baton training instructor may not
40 exceed two hundred fifty dollars (\$250).

1 SEC. 36. Section 7590.3 of the Business and Professions Code
2 is amended to read:

3 7590.3. This chapter does not apply to:

4 (a) A person employed exclusively and regularly by any
5 employer who does not provide contract alarm services for other
6 entities or persons, in connection with the affairs of that employer
7 only and where there exists an employer-employee relationship.
8 A person so employed shall at no time carry or use any deadly
9 weapon in the performance of his or her duties.

10 (b) An officer or employee of the United States of America, or
11 of this state or a political subdivision thereof, while the officer or
12 employee is engaged in the performance of his or her official
13 duties, including uniformed peace officers employed part time by
14 a public agency pursuant to a written agreement between a chief
15 of police or sheriff and the public agency.

16 (c) Patrol special police officers appointed by the police
17 commission of any city, county, or city and county under the
18 express terms of its charter.

19 (d) A licensed private security contractor or any employee of a
20 licensed private security contractor who is employed as a security
21 guard, security officer, or street patrol person as defined in Section
22 7582.1 and who is employed to respond to alarm systems.

23 SEC. 37. Section 53069.8 of the Government Code is amended
24 to read:

25 53069.8. (a) The board of supervisors of any county may
26 contract on behalf of the sheriff of that county, and the legislative
27 body of any city may contract on behalf of the chief of police of
28 that city, to provide supplemental law enforcement services to:

29 (1) Private individuals or private entities to preserve the peace
30 at special events or occurrences that happen on an occasional basis.

31 (2) Private nonprofit corporations that are recipients of federal,
32 state, county, or local government low-income housing funds or
33 grants to preserve the peace on an ongoing basis.

34 (3) Private entities at critical facilities on an occasional or
35 ongoing basis. A “critical facility” means any building, structure,
36 or complex that in the event of a disaster, whether natural or
37 manmade, poses a threat to public safety, including, but not limited
38 to, airports, oil refineries, and nuclear and conventional fuel
39 powerplants.

1 (b) Contracts entered into pursuant to this section shall provide
2 for full reimbursement to the county or city of the actual costs of
3 providing those services, as determined by the county auditor or
4 auditor-controller, or by the city, as the case may be.

5 (c) (1) The services provided pursuant to this section shall be
6 rendered by regularly appointed full-time peace officers, as defined
7 in Section 830.1 of the Penal Code.

8 (2) Notwithstanding paragraph (1), services provided in
9 connection with special events or occurrences, as specified in
10 paragraph (1) of subdivision (a), may be rendered by reserve peace
11 officers, as defined in paragraph (2) of subdivision (a) of Section
12 830.6 of the Penal Code, who are authorized to exercise the powers
13 of a peace officer, as defined in Section 830.1 of the Penal Code,
14 if there are no regularly appointed full-time peace officers available
15 to fill the positions as required in the contract.

16 (d) Peace officer rates of pay shall be governed by a
17 memorandum of understanding.

18 (e) A contract entered into pursuant to this section shall
19 encompass only law enforcement duties and not services authorized
20 to be provided by a private security contractor, as defined in
21 Section 7582.1 of the Business and Professions Code.

22 (f) Contracting for law enforcement services, as authorized by
23 this section, shall not reduce the normal and regular ongoing
24 service that the county, agency of the county, or city otherwise
25 would provide.

26 (g) Prior to contracting for ongoing services under paragraph
27 (2) or (3) of subdivision (a), the board of supervisors or legislative
28 body, as applicable, shall discuss the contract and the requirements
29 of this section at a duly noticed public hearing.

30 SEC. 38. Section 512 of the Labor Code is amended to read:

31 512. (a) An employer may not employ an employee for a work
32 period of more than five hours per day without providing the
33 employee with a meal period of not less than 30 minutes, except
34 that if the total work period per day of the employee is no more
35 than six hours, the meal period may be waived by mutual consent
36 of both the employer and employee. An employer may not employ
37 an employee for a work period of more than 10 hours per day
38 without providing the employee with a second meal period of not
39 less than 30 minutes, except that if the total hours worked is no
40 more than 12 hours, the second meal period may be waived by

1 mutual consent of the employer and the employee only if the first
2 meal period was not waived.

3 (b) Notwithstanding subdivision (a), the Industrial Welfare
4 Commission may adopt a working condition order permitting a
5 meal period to commence after six hours of work if the commission
6 determines that the order is consistent with the health and welfare
7 of the affected employees.

8 (c) Subdivision (a) does not apply to an employee in the
9 wholesale baking industry who is subject to an Industrial Welfare
10 Commission wage order and who is covered by a valid collective
11 bargaining agreement that provides for a 35-hour workweek
12 consisting of five 7-hour days, payment of one and one-half times
13 the regular rate of pay for time worked in excess of seven hours
14 per day, and a rest period of not less than 10 minutes every two
15 hours.

16 (d) If an employee in the motion picture industry or the
17 broadcasting industry, as those industries are defined in Industrial
18 Welfare Commission Wage Order Numbers 11 and 12, is covered
19 by a valid collective bargaining agreement that provides for meal
20 periods and includes a monetary remedy if the employee does not
21 receive a meal period required by the agreement, then the terms,
22 conditions, and remedies of the agreement pertaining to meal
23 periods apply in lieu of the applicable provisions pertaining to
24 meal periods of subdivision (a) of this section, Section 226.7, and
25 Industrial Welfare Commission Wage Order Numbers 11 and 12.

26 (e) Subdivisions (a) and (b) do not apply to an employee
27 specified in subdivision (f) if both of the following conditions are
28 satisfied:

29 (1) The employee is covered by a valid collective bargaining
30 agreement.

31 (2) The valid collective bargaining agreement expressly provides
32 for the wages, hours of work, and working conditions of
33 employees, and expressly provides for meal periods for those
34 employees, final and binding arbitration of disputes concerning
35 application of its meal period provisions, premium wage rates for
36 all overtime hours worked, and a regular hourly rate of pay of not
37 less than 30 percent more than the state minimum wage rate.

38 (f) Subdivision (e) applies to each of the following employees:

39 (1) An employee employed in a construction occupation.

40 (2) An employee employed as a commercial driver.

1 (3) An employee employed in the security services industry as
2 a security officer who is registered pursuant to Chapter 11.5
3 (commencing with Section 7580) of Division 3 of the Business
4 and Professions Code, and who is employed by a private security
5 contractor registered pursuant to that chapter.

6 (4) An employee employed by an electrical corporation, a gas
7 corporation, or a local publicly owned electric utility.

8 (g) The following definitions apply for the purposes of this
9 section:

10 (1) “Commercial driver” means an employee who operates a
11 vehicle described in Section 260 or 462 of, or subdivision (b) of
12 Section 15210 of, the Vehicle Code.

13 (2) “Construction occupation” means all job classifications
14 associated with construction by Article 2 (commencing with
15 Section 7025) of Chapter 9 of Division 3 of the Business and
16 Professions Code, including work involving alteration, demolition,
17 building, excavation, renovation, remodeling, maintenance,
18 improvement, and repair, and any other similar or related
19 occupation or trade.

20 (3) “Electrical corporation” has the same meaning as provided
21 in Section 218 of the Public Utilities Code.

22 (4) “Gas corporation” has the same meaning as provided in
23 Section 222 of the Public Utilities Code.

24 (5) “Local publicly owned electric utility” has the same meaning
25 as provided in Section 224.3 of the Public Utilities Code.

26 SEC. 39. Section 11105.4 of the Penal Code is amended to
27 read:

28 11105.4. (a) Notwithstanding any other provision of law, a
29 contract or proprietary security organization may request any
30 criminal history information concerning its prospective employees
31 that may be furnished pursuant to subdivision (n) of Section 11105.

32 (b) The Department of Justice shall promulgate regulations to
33 assure that criminal record information is not released to persons
34 or entities not authorized to receive the information under this
35 section.

36 (c) Any criminal history information obtained pursuant to this
37 section shall be subject to the same requirements and conditions
38 that the information is subject to when obtained by a human
39 resource agency or a bank.

1 (d) The Legislature finds that contract security organizations
2 and private security organizations often provide security service
3 for financial institutions and human resource agencies, and,
4 consequently, they have the same need for criminal history
5 information as do those entities. Therefore, the Legislature intends
6 to provide authority for contract security organizations and
7 proprietary security organizations to obtain criminal history
8 information to the extent that financial institutions and human
9 resource agencies have that authority concerning their own
10 employees.

11 (e) As used in this section, “contract security organization”
12 means a person, business, or organization licensed to provide
13 services as a private security contractor, as defined in subdivision
14 (a) of Section 7582.1 of the Business and Professions Code.

15 As used in this section, “proprietary security organization” means
16 an organization within a business entity that has the primary
17 responsibility of protecting the employees and property of its
18 employer, and which allocates a substantial part of its annual
19 budget to providing security and protective services for its
20 employer, including providing qualifying and in-service training
21 to members of the organization.

22 (f) Any criminal history information obtained pursuant to this
23 section is confidential and no recipient shall disclose its contents
24 other than for the purpose for which it was acquired.

25 SEC. 40. Section 22835 of the Penal Code is amended to read:

26 22835. Notwithstanding any other provision of law, a person
27 holding a license as a private investigator pursuant to Chapter 11.3
28 (commencing with Section 7512) of Division 3 of the Business
29 and Professions Code, or as a private security contractor pursuant
30 to Chapter 11.5 (commencing with Section 7580) of Division 3 of
31 the Business and Professions Code, or a uniformed patrolperson
32 employee of a private security contractor, may purchase, possess,
33 or transport any tear gas weapon, if it is used solely for defensive
34 purposes in the course of the activity for which the license was
35 issued and if the person has satisfactorily completed a course of
36 instruction approved by the Department of Consumer Affairs in
37 the use of tear gas.

38 SEC. 41. Section 120220.5 of the Public Utilities Code is
39 amended to read:

1 120220.5. The board may provide and maintain by contract
2 with a public agency or by other means, a security force to enforce
3 its regulations, to preserve and protect any public transit system
4 or project financed pursuant to this division, and to preserve and
5 protect the public peace, health, and safety with respect to its
6 system or projects. Alternatively, the board may contract with a
7 private security contractor licensed pursuant to Chapter 11.5
8 (commencing with Section 7580) of Division 3 of the Business
9 and Professions Code, with the county sheriff and municipal police
10 departments within the areas described in Section 120054, and
11 with other transit development boards for security, police, and
12 related services.

13 SEC. 42. Section 125220 of the Public Utilities Code is
14 amended to read:

15 125220. The district may make contracts and enter into
16 stipulations of any nature whatsoever, either in connection with
17 eminent domain proceedings or otherwise, including, but not
18 limited to, contracts and stipulations to indemnify and save
19 harmless, to employ labor, to contract with a private security
20 contractor licensed pursuant to Chapter 11.5 (commencing with
21 Section 7580) of Division 3 of the Business and Professions Code,
22 the county sheriff and municipal police departments within the
23 areas described in Section 125052, and other transit development
24 boards for security, police, and related services, and to do all acts
25 necessary and convenient for the full exercise of the powers granted
26 in this division.

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