

1 **SENATE FLOOR VERSION**

2 February 7, 2019

3 SENATE BILL NO. 235

By: McCortney

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5
6 An Act relating to professions and occupations;
7 amending Sections 11 and 15, Chapter 407, O.S.L.
8 2013, as amended by Sections 6 and 9, Chapter 373,
9 O.S.L. 2014 (59 O.S. Supp. 2018, Sections 1350.10 and
10 1350.14), which relate to the Bail Enforcement and
11 Licensing Act; directing applicants to submit
12 nonrefundable fee for late renewal applications;
13 adding exception to certain nondisclosure
14 requirement; amending 59 O.S. 2011, Sections 1750.3A,
15 1750.5, as last amended by Section 11, Chapter 373,
16 O.S.L. 2014, 1750.6, as last amended by Section 1,
17 Chapter 398, O.S.L. 2014, 1750.7 and 1750.8 (59 O.S.
18 Supp. 2018, Sections 1750.5 and 1750.6), which relate
19 to the Oklahoma Security Guard and Private
20 Investigator Act; directing administration of certain
21 psychological evaluation for armed private
22 investigator license applicants; clarifying which
23 individuals are exempt from psychological evaluation
24 requirements; prohibiting the Council on Law
Enforcement Education and Training (CLEET) from
issuing or renewing certain licenses for applicants
who have been involuntarily committed; stating
permanent preclusive period; providing an exception;
clarifying requirements for issuing conditional
licenses to certain persons; modifying and adding
qualifications for issuing security guard and private
investigator licenses; increasing fee amount for
duplicate licenses; modifying and adding conditions
that may subject a licensee to denial, suspension,
revocation, disciplinary penalty or fine by CLEET;
modifying and adding conditions that may subject an
agency license to denial, suspension, revocation,
disciplinary penalty or fine by CLEET; adding
exception to certain nondisclosure requirement; and
providing an effective date.

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

2 SECTION 1. AMENDATORY Section 11, Chapter 407, O.S.L.
3 2013, as amended by Section 6, Chapter 373, O.S.L. 2014 (59 O.S.
4 Supp. 2018, Section 1350.10), is amended to read as follows:

5 Section 1350.10. A. 1. Application for a bail enforcer
6 license shall be made on forms provided by the Council on Law
7 Enforcement Education and Training and shall be submitted in writing
8 by the applicant under oath. The application shall require the
9 applicant to furnish information reasonably required by the Council
10 to implement the provisions of the Bail Enforcement and Licensing
11 Act, including classifiable fingerprints to enable the search of
12 criminal indices for evidence of a prior criminal record, including,
13 but not limited to, a national criminal history record check as
14 defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

15 2. Upon request of the Council, the Oklahoma State Bureau of
16 Investigation and other state and local law enforcement agencies
17 shall furnish a copy of any existent criminal history data relating
18 to an applicant to enable the Council to determine the
19 qualifications and fitness of such applicant for a license.

20 B. 1. On and after February 1, 2015, the original application
21 and any license renewal shall be accompanied by a fee of:

22 a. Three Hundred Dollars (\$300.00) for an unarmed bail
23 enforcer license, or
24

1 b. Four Hundred Dollars (\$400.00) for an armed bail
2 enforcer license.

3 If an individual does not qualify for the type of license or
4 renewal license requested, the Council shall retain twenty percent
5 (20%) of the licensing fee as a processing fee and refund the
6 remaining amount to the individual or agency submitting payment. In
7 addition to the fees provided in this subsection, the original
8 application for a bail enforcer license shall be accompanied by a
9 nonrefundable fee for a national criminal history record check with
10 fingerprint analysis, as provided in Section 150.9 of Title 74 of
11 the Oklahoma Statutes.

12 2. A licensee whose license has been suspended may apply for
13 reinstatement of license after the term of the suspension has
14 passed, if otherwise qualified. Any application for reinstatement
15 following a suspension of licensure shall be accompanied by a
16 nonrefundable fee of:

17 a. One Hundred Dollars (\$100.00) for the reinstatement of
18 an unarmed bail enforcer license, or

19 b. One Hundred Fifty Dollars (\$150.00) for an armed bail
20 enforcer license.

21 A revoked license shall not be reinstated.

22 3. ~~A licensee who fails to file a~~ Any renewal application ~~on or~~
23 ~~before the expiration~~ of a license received after the expiration
24 date of the license shall ~~pay~~ be accompanied by a nonrefundable late

1 fee of Fifty Dollars (\$50.00) for an unarmed bail enforcer license
2 and a late fee of One Hundred Dollars (\$100.00) for an armed bail
3 enforcer license. A license application received more than thirty
4 (30) days after the expiration date is not renewable and the
5 applicant must complete a new application.

6 4. The fees charged and collected, including portions of fees
7 retained as processing fees, pursuant to the provisions of this
8 section shall be deposited to the credit of the CLEET Bail
9 Enforcement Revolving Fund created pursuant to Section ~~21~~ 1350.20 of
10 this ~~act~~ title.

11 C. On and after February 1, 2015, a bail enforcer license or
12 armed bail enforcer license shall be valid for a period of three (3)
13 years and may be renewed for additional three-year terms.

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

17 E. Pursuant to rule, the Council may issue a duplicate license
18 to a person licensed pursuant to the provisions of the Bail
19 Enforcement and Licensing Act. On and after February 1, 2015, the
20 Council may assess a fee of Twenty-five Dollars (\$25.00) for the
21 issuance of a duplicate license. The fee shall accompany the
22 request for a duplicate license. All duplicate license fees shall
23 be deposited to the credit of the CLEET Bail Enforcement Revolving
24 Fund created pursuant to Section 1350.20 of this title.

1 SECTION 2. AMENDATORY Section 15, Chapter 407, O.S.L.
2 2013, as amended by Section 9, Chapter 373, O.S.L. 2014 (59 O.S.
3 Supp. 2018, Section 1350.14), is amended to read as follows:

4 Section 1350.14. The Council on Law Enforcement Education and
5 Training (CLEET) or its employees shall not disclose application
6 information pertaining to applicants or persons licensed pursuant to
7 the Bail Enforcement and Licensing Act, except:

8 1. To verify the current license status of an applicant or
9 licensee to the public;

10 2. As may be necessary to perform duties or comply with rules
11 or law pursuant to the Bail Enforcement and Licensing Act;

12 3. To a bona fide law enforcement agency or judicial authority,
13 upon request;

14 4. To an insurance company licensed in this state for purposes
15 of issuing a bond for licensure or for claims purposes;

16 5. To provide the published name, address and phone number,
17 upon request by the public; provided, however, CLEET may withhold
18 the physical residence address of an applicant or licensee from the
19 public when the applicant or licensee has so requested and has
20 provided CLEET a business or alternative address for public
21 dissemination; ~~or~~

22 6. As required by court order;
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1 7. To provide final orders where an applicant or licensee was
2 the respondent in or was the subject of an administrative proceeding
3 initiated by CLEET; or

4 8. To provide information regarding application information to
5 the agency employing a licensee including, but not limited to,
6 information and/or documentation requested by CLEET from the
7 applicant or licensee to complete the application process.

8 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1750.3A, is
9 amended to read as follows:

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

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

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

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

23 2. Retired full-time peace officers who have been certified as
24 full-time peace officers by the Council on Law Enforcement Education

1 and Training shall be exempt from the provisions of this section for
2 a period of one (1) year from retirement.

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

14 E. The Council on Law Enforcement Education and Training shall
15 not issue or renew an armed security guard license, armed private
16 investigator license, armed bail enforcer license or any other
17 license permitting a person to carry a firearm or weapon if the
18 applicant has been involuntarily committed for a mental illness,
19 condition or disorder pursuant to the provisions of Section 5-410 of
20 Title 43A of the Oklahoma Statutes or any involuntary commitment in
21 another state pursuant to the provisions of law of that state. The
22 preclusive period shall be permanent as provided by Section
23 922(g) (4) of Title 18 of the United States Code, unless the person
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1 has been granted relief from the disqualifying disability pursuant
2 to Section 1290.27 of Title 21 of the Oklahoma Statutes.

3 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1750.5, as
4 last amended by Section 11, Chapter 373, O.S.L. 2014 (59 O.S. Supp.
5 2018, Section 1750.5), is amended to read as follows:

6 Section 1750.5. A. Licenses authorized to be issued by the
7 Council on Law Enforcement Education and Training (CLEET) shall be
8 as follows:

- 9 1. Security Agency License;
- 10 2. Investigative Agency License;
- 11 3. Private Investigator License (unarmed);
- 12 4. Security Guard License (unarmed);
- 13 5. Armed Security Guard License;
- 14 6. Special Event License (unarmed);
- 15 7. Armed Private Investigator License;
- 16 8. Bail Enforcer License; and
- 17 9. Armed Bail Enforcer License.

18 B. Any qualified applicant meeting the requirements for more
19 than one of the positions of private investigator, security guard, ,
20 armed security guard, bail enforcer, or armed bail enforcer may be
21 issued a separate license for each position for which qualified, or
22 in the discretion of the Council, a combination license provided the
23 required license fees are paid.

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1 C. 1. A private investigator may carry a firearm, if the
2 private investigator also performs the functions of an armed
3 security guard, under the authority of the armed security guard
4 license.

5 2. If the private investigator performs no functions of an
6 armed security guard, the Council may issue an armed private
7 investigator license. If a person has been issued an armed private
8 investigator license, the Council may issue an armed bail enforcer
9 license if the applicant is otherwise eligible and qualified. The
10 applicant for an armed private investigator license must complete
11 Phase I, III and IV training and pass the psychological examination
12 and state test; provided however, active certified peace officers
13 and retired certified peace officers shall be exempt from the
14 psychological examination as provided in Section 1750.3A of this
15 title, and active certified peace officers of any state, county or
16 municipal law enforcement agency in this state shall be exempt from
17 the Phase I, III and IV training and state test for an armed private
18 investigator. The Council will charge the same fee for the armed
19 private investigators license as the cost of the armed security
20 guard license; provided however, an active certified peace officer
21 who is an applicant for an armed private investigator or armed
22 security guard license shall be charged only twenty percent (20%) of
23 the required fee.

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1 3. Any person issued an armed private investigator license may
2 carry a concealed or unconcealed firearm when on and off duty,
3 provided the person is in possession of a valid driver license and a
4 valid armed private investigator license.

5 4. Any person issued an armed bail enforcer license may carry a
6 concealed approved pistol, or may open-carry an approved pistol with
7 a visible bail enforcer badge affixed to the holster or belt
8 immediately next to the firearm while wearing clearly marked apparel
9 designating the person as a "Bail Enforcer" or "Bail Enforcement"
10 when actively engaged in the recovery of a defendant, subject to all
11 rules for use and conduct of firearms promulgated by the Council.
12 An armed bail enforcer shall be permitted to carry a concealed
13 pistol when not actively engaged in the recovery of a defendant
14 provided the bail enforcer badge authorized or issued by CLEET and a
15 state-issued driver license or identification card are in the
16 possession of the person while carrying the firearm.

17 D. Any identification card or badge issued to a person meeting
18 the license requirements for an armed security guard , an armed
19 private investigator or armed bail enforcer shall be distinct and
20 shall explicitly state that the person is authorized to carry a
21 firearm pursuant to the provisions of the Oklahoma Security Guard
22 and Private Investigator Act or the Bail Enforcement and Licensing
23 Act. Upon receipt of the license and identification card, the armed
24 security guard, armed private investigator or armed bail enforcer is

1 authorized to carry a firearm subject to the respective provisions
2 of the Oklahoma Security Guard and Private Investigator Act or the
3 Bail Enforcement and Licensing Act and the rules promulgated by the
4 Council.

5 E. The Council may issue a conditional license to a person
6 employed by a security or investigative agency ~~as~~ under the
7 conditions set forth in this subsection, this statute and procedures
8 and/or rules established by CLEET. A conditional training license
9 may be issued to a trainee for a an unarmed security guard, ~~armed~~
10 ~~security guard,~~ or unarmed private investigator position, or armed
11 private investigator position when the person has submitted a
12 properly completed application, made under oath, subject to the
13 ~~following conditions:~~ conditions set forth below. The Council may
14 also issue a conditional license pending background investigation
15 for an unarmed security guard, armed security guard, unarmed private
16 investigator position or armed private investigator position when
17 the person has submitted a properly completed application, made
18 under oath, including all required documentation pending the
19 completed Federal Bureau of Investigation fingerprint check subject
20 to the conditions set forth below, in this statute and procedures
21 established by CLEET.

22 1. A conditional license, either for training or pending
23 background investigation, shall authorize employees to perform the
24

1 same functions that regular unarmed licensees perform, but subject
2 to supervision by the employing agency as the Council may prescribe;

3 2. The holder of a conditional training license shall complete
4 the necessary training requirements within one hundred eighty (180)
5 days from the effective date of the conditional license, after which
6 the conditional license shall expire;

7 3. ~~The~~ A holder of a any type of conditional license as an
8 armed security guard or armed private investigator shall not carry a
9 firearm in the performance of duties until after completing a the
10 required course of training including firearms training as
11 prescribed by the Council, the completion of the required background
12 check and application process illustrating that the applicant meets
13 all requirements for the requested license, and having been issued a
14 regular license by the Council;

15 4. A conditional license may be renewed at the discretion of
16 the Council, if necessary to allow an applicant to complete any
17 training required for a regular license;

18 5. A conditional license, whether for training or pending
19 background investigation may be denied, suspended or withdrawn at
20 the discretion of CLEET. Notwithstanding any other provisions of
21 law, a conditional license is not an individual proceeding and is
22 not subject to the Administrative Procedure Act, as provided for in
23 Section 250 et seq. of Title 75 of the Oklahoma Statutes. CLEET may
24 deny, suspend or withdraw a conditional license by mailing, by

1 United States Postal Service mail, a letter of withdrawal to the
2 applicant's address on file with CLEET and to the employing agency;

3 6. Whenever a conditional license is issued by CLEET, the
4 license or documentation provided to the conditional licensee shall
5 prominently state "CONDITIONAL LICENSE" and "HOLDER IS NOT PERMITTED
6 TO CARRY A FIREARM";

7 7. When the Council finds that a conditional license holder has
8 completed the required training and is otherwise qualified for a
9 license pursuant to the provisions of the Oklahoma Security Guard
10 and Private Investigator Act, the Council shall issue a regular
11 license; and

12 ~~6.~~ 8. The Council shall be prohibited from issuing a
13 conditional license to a bail enforcer under the Bail Enforcement
14 and Licensing Act.

15 F. A Security Agency License may be issued to an individual,
16 corporation, or other legal entity meeting the following
17 qualifications:

18 1. If the license is to be issued in the name of a legal entity
19 other than a natural person, the applicant must furnish proof that
20 the entity is legally recognized, such as the issuance of a
21 corporate charter; and

22 2. The executive officer, manager, or other person in charge of
23 supervising security guards in the performance of their duties shall
24 be a licensed security guard.

1 G. An Investigative Agency License may be issued to an
2 individual, corporation, or other legal entity meeting the following
3 qualifications:

4 1. If the license is to be issued in the name of a legal entity
5 other than a natural person, the applicant must furnish proof that
6 the entity is legally recognized, such as the issuance of a
7 corporate charter;

8 2. Any person, otherwise qualified, may own a private
9 investigation agency; and

10 3. A self-employed private investigator who employs no other
11 investigators shall also be licensed as an investigative agency, but
12 shall only be required to be insured or bonded as a self-employed
13 private investigator.

14 H. A Security Guard License, Armed Security Guard License,
15 Private Investigator License, Armed Private Investigator License, or
16 combination thereof may be issued to an applicant meeting the
17 following qualifications. The applicant shall:

18 1. Be a citizen of the United States or an alien legally
19 residing in the United States;

20 2. Be at least eighteen (18) years of age, except that an
21 applicant for an Armed Security Guard License or Armed Private
22 Investigator License shall be at least twenty-one (21) years of age;

23 3. Have successfully completed training requirements for the
24 license applied for, as prescribed by the Council;

1 4. Be of good moral character;

2 5. Not have a record of a felony conviction, entry of a plea of
3 guilty, nolo contendere, an "Alford" plea, or any plea other than a
4 not guilty plea in a felony case naming the applicant as a
5 defendant;

6 6. Not have a record of conviction, entry of a plea of guilty,
7 nolo contendere, an "Alford" plea, or any plea other than a not
8 guilty plea for larceny, theft, false pretense, fraud, embezzlement,
9 false personation of an officer, any offense involving moral
10 turpitude, any offense involving a minor as a victim, any
11 nonconsensual sex offense, any offense involving the possession,
12 use, distribution, or sale of a controlled dangerous substance, any
13 offense involving a firearm, or any other offense as prescribed by
14 the Council, as provided herein.

15 a. If any conviction, entry of a plea of guilty, nolo
16 contendere, an "Alford" plea, or any plea other than a
17 not guilty plea which disqualifies an applicant
18 occurred more than five (5) years prior to the
19 application date and the Council is convinced the
20 offense constituted an isolated incident and the
21 applicant has been rehabilitated, the Council may, in
22 its discretion, waive the ~~conviction~~ disqualification
23 as provided for in this paragraph and issue an unarmed
24 security guard license or a an unarmed private

1 investigator license, but shall not issue an armed
2 guard license or an armed private investigator license
3 to the applicant if the ~~felony~~ charge involved the use
4 of a firearm or was violent in nature or if the
5 applicant has a felony conviction.

6 b. If an Oklahoma State Bureau of Investigation records
7 check and a local records check reveal that there are
8 no felony convictions, criminal convictions involving
9 moral turpitude, or any other ~~disqualifying~~
10 ~~convictions~~ potential disqualifiers as specified in
11 the Oklahoma Security Guard and Private Investigator
12 Act or prescribed by the Council, then the Council may
13 conditionally issue ~~an armed~~ a security guard license
14 or private investigator license pending completion of
15 the criminal history and background check.

16 c. Under oath, the applicant shall certify that he or she
17 has no disqualifying convictions, entry of a plea of
18 guilty, nolo contendere, an "Alford" plea, or any plea
19 other than a not guilty plea for a disqualifying
20 charge as specified in the Oklahoma Security Guard and
21 Private Investigator Act or by the Council.

22 d. The applicant shall further meet all other
23 qualifications.
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1 e. If upon completion of the required background
2 investigation it is discovered that a disqualifying
3 conviction, entry of a plea of guilty, nolo
4 contendere, an "Alford" plea or any plea other than a
5 not guilty plea for a disqualifying charge exists, the
6 Council shall immediately revoke the ~~armed~~ security
7 guard license or the private investigator license of
8 the applicant or withdraw the conditional license of
9 the applicant;

10 7. Make a statement that the applicant is not currently
11 undergoing treatment for a mental illness, condition, or disorder,
12 make a statement whether the applicant has ever been adjudicated
13 incompetent or committed to a mental institution, and make a
14 statement regarding any history of illegal drug use or alcohol
15 abuse. Upon presentation by the Council on Law Enforcement
16 Education and Training of the name, gender, date of birth, and
17 address of the applicant to the Department of Mental Health and
18 Substance Abuse Services, the Department of Mental Health and
19 Substance Abuse Services shall notify the Council within ten (10)
20 days whether the computerized records of the Department indicate the
21 applicant has ever been involuntarily committed to an Oklahoma state
22 mental institution. In the event that the Department of Mental
23 Health and Substance Abuse Services reports to the Council that the
24 applicant has been involuntarily committed, the Council shall

1 immediately inform the employing agency. For purposes of this
2 subsection, "currently undergoing treatment for a mental illness,
3 condition, or disorder" means the person has been diagnosed by a
4 licensed physician or psychologist as being afflicted with a
5 substantial disorder of thought, mood, perception, psychological
6 orientation, or memory that significantly impairs judgment,
7 behavior, capacity to recognize reality, or ability to meet the
8 ordinary demands of life and such condition continues to exist; ~~and~~

9 8. Make a statement regarding misdemeanor domestic violence
10 charges;

11 9. Not be a defendant in a disqualifying charge that is pending
12 in any court in this state, another state, tribal court or pursuant
13 to the United States Code. For the purposes of this section,
14 "pending" includes currently being subject to a deferred sentence;
15 and

16 10. Not be the subject of an order deferring imposition of
17 judgment and sentence in any court in this state, another state,
18 tribal court or pursuant to the United States Code for a
19 disqualifying charge.

20 I. A special event license may be issued to an employee of a
21 security agency who is hired on a temporary basis as an unarmed
22 security guard for a particular event. An application for a special
23 event license shall be made by the agency employing the applicant.
24 The agency shall certify to the Council that the applicant meets the

1 qualifications for security guards, pursuant to subsection H of this
2 section.

3 J. 1. All persons and agencies shall obtain and maintain
4 liability coverage in accordance with the following minimum
5 standards:

6 a. general liability insurance coverage for bodily
7 injury, personal injury, and property damage, with
8 endorsements for personal injury including false
9 arrest, libel, slander, and invasion of privacy, or

10 b. a surety bond that allows persons to recover for
11 actionable injuries, loss, or damage as a result of
12 the willful, or wrongful acts or omissions of the
13 principal and protects this state, its agents,
14 officers and employees from judgments against the
15 principal or insured licensee, and is further
16 conditioned upon the faithful and honest conduct of
17 the principal's business.

18 2. Liability coverages and bonds outlined in this section shall
19 be in the minimum amounts of One Hundred Thousand Dollars
20 (\$100,000.00) for agencies, Ten Thousand Dollars (\$10,000.00) for
21 armed security guards and armed private investigators, or
22 combination armed license; and Five Thousand Dollars (\$5,000.00) for
23 unarmed security guards and self-employed unarmed private
24 investigators who employ no other investigators.

1 3. Security agencies and investigative agencies shall ensure
2 that all employees of these agencies have met the minimum liability
3 coverages as prescribed in this section.

4 4. Insurance policies and bonds issued pursuant to this section
5 shall not be modified or canceled unless ten (10) days' prior
6 written notice is given to the Council. All persons and agencies
7 insured or bonded pursuant to this section shall be insured or
8 bonded by an insurance carrier or a surety company licensed in the
9 state in which the insurance or bond was purchased, or in this
10 state.

11 5. In lieu of the requirements of this subsection, the Council
12 may accept a written statement from a corporation which is
13 registered with the Oklahoma Secretary of State attesting that the
14 corporation self-insures the general operation of business for the
15 types of liability set out in paragraphs 1 and 2 of this subsection.

16 K. Upon written notice, any license may be placed on inactive
17 status.

18 L. Similar or duplicate agency names will not be issued. Each
19 agency name must be distinguishably different.

20 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1750.6, as
21 last amended by Section 1, Chapter 398, O.S.L. 2014 (59 O.S. Supp.
22 2018, Section 1750.6), is amended to read as follows:

23 Section 1750.6. A. 1. Application for a license shall be made
24 on forms provided by the Council on Law Enforcement Education and

1 Training and shall be submitted in writing by the applicant under
2 oath. The application shall require the applicant to furnish
3 information reasonably required by the Council to implement the
4 provisions of the Oklahoma Security Guard and Private Investigator
5 Act, including classifiable fingerprints to enable the search of
6 criminal indices for evidence of a prior criminal record, including,
7 but not limited to, a national criminal history record check as
8 defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

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

16 B. 1. a. An original application and any license renewal shall
17 be accompanied by a fee of Fifty Dollars (\$50.00) for
18 each original application and renewal of a private
19 investigator or an unarmed security guard, One Hundred
20 Dollars (\$100.00) for each original application and
21 renewal of an armed security guard or an armed private
22 investigator; provided however, an active certified
23 peace officer upon application or renewal of an armed
24 security guard or armed private investigator shall be

1 charged only twenty percent (20%) of the required fee,
2 Seven Dollars (\$7.00) for each special event license,
3 and Three Hundred Dollars (\$300.00) for either the
4 original application or each renewal for a security
5 agency or investigative agency. If an individual or
6 agency does not qualify for the type of license or
7 renewal license requested, CLEET shall retain twenty
8 percent (20%) of the licensing fee as a processing fee
9 and refund the remaining amount, if any, to the
10 remitter. The individual license fee paid by a
11 licensed agency will be refunded to the agency.

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

20 c. A refund request for any reason other than
21 disqualification or denial shall be made in writing
22 and submitted within six (6) months of the date
23 payment was received.
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1 2. A licensee whose license has been suspended may apply for
2 reinstatement of license after the term of the suspension has
3 passed. Any application for reinstatement following a suspension of
4 licensure shall be accompanied by a nonrefundable fee of Twenty-five
5 Dollars (\$25.00) for the reinstatement of a private investigator or
6 unarmed security guard, Fifty Dollars (\$50.00) for the reinstatement
7 of an armed security guard or armed private investigator, and Two
8 Hundred Dollars (\$200.00) for reinstatement of a security or
9 investigative agency.

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

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

24

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

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

13 E. Pursuant to its rules, the Council may issue a duplicate
14 license to a person licensed pursuant to the provisions of the
15 Oklahoma Security Guard and Private Investigator Act. The Council
16 may assess a fee of ~~Eight Dollars (\$8.00)~~ Ten Dollars (\$10.00) for
17 the issuance of a duplicate license. The fee must accompany the
18 request for a duplicate license.

19 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1750.7, is
20 amended to read as follows:

21 Section 1750.7. A. A Security Guard License, Armed Security
22 Guard License, Private Investigator License, and any conditional
23 license shall be subject to denial, suspension, ~~or~~ revocation
24 ~~and/or~~, disciplinary penalty or fine by the Council on Law

1 Enforcement Education and Training subject to the Administrative
2 Procedures Act for, but not limited to, the following reasons by
3 clear and convincing evidence:

4 1. ~~Any erroneous or false statement~~ Falsification or a willful
5 misrepresentation of information in:

6 a. an employment application ~~for a license submitted~~
7 ~~pursuant to Section 1750.1 et seq. of this title or~~
8 application to the Council on Law Enforcement
9 Education and Training,

10 b. records of evidence, or

11 c. testimony under oath;

12 2. Failure to successfully complete any prescribed course of
13 training as required by the Council;

14 3. Violation of a provision of the Oklahoma Security Guard and
15 Private Investigator Act or a rule promulgated pursuant to the act;

16 4. A conviction, entry of a plea of guilty, nolo contendere, an
17 "Alford" plea or any plea other than a not guilty plea for larceny,
18 theft, embezzlement, false pretense, fraud, ~~an~~ false personation of
19 a peace officer, any offense involving moral turpitude, any
20 nonconsensual sex offense, any offense involving a minor as a
21 victim, any offense involving the possession, use, distribution or
22 sale of a controlled dangerous substance, any offense involving a
23 firearm, ~~or~~ any felony or any other offense as prescribed by the
24 Council;

1 5. Use of beverages containing alcohol while armed with a
2 firearm;

3 6. Knowingly impersonating a law enforcement officer; ~~or~~

4 7. Failure to obtain or maintain liability insurance coverage
5 or a surety bond pursuant to subsection J of Section 1750.5 of this
6 title; or

7 8. Revocation or voluntary surrender of reserve peace officer
8 or peace officer certification, private security guard license,
9 private investigator license or bail enforcer license in any state
10 for a violation of any law or rule or pursuant to a settlement of
11 any disciplinary action in such state.

12 B. A Security Agency License or Investigative Agency License
13 shall be subject to denial, suspension, or revocation ~~and/or,~~
14 disciplinary penalty or fine by the Council subject to the
15 Administrative Procedures Act for, but not limited to, the following
16 reasons by clear and convincing evidence:

17 1. ~~A false statement in a license~~ Falsification or a willful
18 misrepresentation of information in:

19 a. an employment application or application to the
20 Council on Law Enforcement Education and Training,

21 b. records of evidence, or

22 c. testimony under oath;

23 2. Violation of any provision of the Oklahoma Security Guard
24 and Private Investigator Act or a rule adopted pursuant thereto;

1 3. Employing, authorizing, or permitting an unlicensed,
2 uninsured or unbonded person to perform a security guard, armed
3 security guard, unarmed private investigator or armed private
4 investigator function; ~~or~~

5 4. Permitting a person to perform a security guard, armed
6 security guard, unarmed private investigator or armed private
7 investigator function, knowing the person has committed any offense
8 enumerated in subsection A of this section; or

9 5. Revocation or voluntary surrender of reserve peace officer
10 or peace officer certification, private security guard license,
11 private investigator license or bail enforcer license in any state
12 for a violation of any law or rule or pursuant to a settlement of
13 any disciplinary action in such state.

14 C. Upon the effective date of suspension or revocation of any
15 license, the licensee shall have the duty to surrender the license
16 and any identification card issued pursuant thereto to the Council.

17 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1750.8, is
18 amended to read as follows:

19 Section 1750.8. A. No person who is exempt from the provisions
20 of ~~Section 1750.1 et seq. of this title~~ the Oklahoma Security Guard
21 and Private Investigator Act shall display any badge or
22 identification card bearing the words "private investigator" or
23 "private detective", or use any words or phrases that imply that
24 such person is a private investigator or private detective.

1 B. No person licensed as a private investigator shall:

2 1. Divulge any information gained by ~~him~~ the private
3 investigator in his or her employment except as ~~his~~ the employer of
4 the private investigator may direct or as ~~he~~ the private
5 investigator may be required by law to divulge; or

6 2. Willfully make a false report to ~~his~~ the employer of the
7 private investigator or to a client.

8 Any violation of this subsection, upon conviction, shall be
9 punishable by a fine of not more than Five Hundred Dollars (\$500.00)
10 or by imprisonment for not more than one (1) year, or by both such
11 fine and imprisonment.

12 C. The Council on Law Enforcement Education and Training or its
13 employees shall not disclose application information pertaining to
14 persons licensed pursuant to this act, except:

15 1. To verify the current license status of any applicant or
16 licensee to the public;

17 2. To perform duties pursuant to ~~this act~~ the Oklahoma Security
18 Guard and Private Investigator Act;

19 3. To a bona fide law enforcement agency;

20 4. To a licensing authority in another jurisdiction; ~~or~~

21 5. As required by court order;

22 6. To provide final orders where an applicant or licensee was
23 the respondent in or was the subject of an administrative proceeding
24 initiated by the Council; or

1 7. To provide information regarding application information to
2 the agency employing a licensee including, but not limited to, the
3 information and/or documentation requested by CLEET from the
4 applicant or licensee to complete the application process.

5 SECTION 8. This act shall become effective November 1, 2019.

6 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
7 February 7, 2019 - DO PASS

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