

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 ~~Section 7583.2~~ Sections 7570, 7574.14, 7580.6, 7580.12, 7581, 7581.1, 7581.3, 7582.05, 7582.1, 7582.13, 7582.2, 7582.20, 7582.26, 7582.27, 7582.3, 7582.5, 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 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 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 establishes licenses for private patrol operators. Existing law requires that, among other things, within 7 days after a licensed private patrol operator or his or her employees discover that a deadly weapon that has been recorded as being in his or her possession has been misplaced, lost, stolen, or is in any other way missing, the licensee or his or her manager mail or deliver to any local law enforcement agency that has jurisdiction, a written report concerning the incident.~~

~~This bill would make a technical, nonsubstantive change to these provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-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).

- 1 (d) The renewal fee is as follows:
- 2 (1) For a license as a private investigator, the fee may not exceed
- 3 one hundred twenty-five dollars (\$125).
- 4 (2) For a combination license as a private investigator and
- 5 private ~~patrol operator~~ *security contractor* under Chapter 11.5
- 6 (commencing with Section 7580), AC or DC prefix, the fee may
- 7 not exceed six hundred dollars (\$600).
- 8 (3) For a branch office certificate for a private investigator, the
- 9 fee may not exceed thirty dollars (\$30), and for a combination
- 10 private investigator and private ~~patrol operator~~ *security contractor*
- 11 under Chapter 11.5 (commencing with Section 7580), the fee may
- 12 not exceed forty dollars (\$40).
- 13 (e) The delinquency fee is 50 percent of the renewal fee in effect
- 14 on the date of expiration.
- 15 (f) A reinstatement fee is equal to the amount of the renewal
- 16 fee plus the regular delinquency fee.
- 17 (g) The fee for reexamination of an applicant or his or her
- 18 manager may not exceed fifteen dollars (\$15).
- 19 *SEC. 2. Section 7574.14 of the Business and Professions Code*
- 20 *is amended to read:*
- 21 7574.14. This chapter shall not apply to the following:
- 22 (a) An officer or employee of the United States of America, or
- 23 of this state or a political subdivision thereof, while the officer or
- 24 employee is engaged in the performance of his or her official
- 25 duties, including uniformed peace officers employed part time by
- 26 a public agency pursuant to a written agreement between a chief
- 27 of police or sheriff and the public agency, provided the part-time
- 28 employment does not exceed 50 hours in a calendar month.
- 29 (b) A person engaged exclusively in the business of obtaining
- 30 and furnishing information as to the financial rating of persons.
- 31 (c) A charitable philanthropic society or association incorporated
- 32 under the laws of this state that is organized and duly maintained
- 33 for the public good and not for private profit.
- 34 (d) Patrol special police officers appointed by the police
- 35 commission of a city, county, or city and county under the express
- 36 terms of its charter who also under the express terms of the charter
- 37 (1) are subject to suspension or dismissal after a hearing on charges
- 38 duly filed with the commission after a fair and impartial trial, (2)
- 39 must be not less than 18 years of age nor more than 40 years of
- 40 age, (3) must possess physical qualifications prescribed by the

1 commission, and (4) are designated by the police commission as
 2 the owners of a certain beat or territory as may be fixed from time
 3 to time by the police commission.

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

6 (f) A collection agency or an employee thereof while acting
 7 within the scope of his or her employment, while making an
 8 investigation incidental to the business of the agency, including
 9 an investigation of the location of a debtor or his or her property
 10 where the contract with an assignor creditor is for the collection
 11 of claims owed or due or asserted to be owed or due or the
 12 equivalent thereof.

13 (g) Admitted insurers and agents and insurance brokers licensed
 14 by the state, performing duties in connection with insurance
 15 transacted by them.

16 (h) A bank subject to the jurisdiction of the Commissioner of
 17 Financial Institutions of the State of California under Division 1
 18 (commencing with Section 99) of the Financial Code or the
 19 Comptroller of Currency of the United States.

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

22 (j) A peace officer of this state or a political subdivision thereof
 23 while the peace officer is employed by a private employer to
 24 engage in off-duty employment in accordance with Section 1126
 25 of the Government Code. However, nothing herein shall exempt
 26 ~~such~~ a peace officer who either contracts for his or her services or
 27 the services of others as a private ~~patrol operator~~ *security*
 28 *contractor* or contracts for his or her services as or is employed
 29 as an armed private security officer. For purposes of this
 30 subdivision, “armed security officer” means an individual who
 31 carries or uses a firearm in the course and scope of that contract
 32 or employment.

33 (k) A retired peace officer of the state or political subdivision
 34 thereof when the retired peace officer is employed by a private
 35 employer in employment approved by the chief law enforcement
 36 officer of the jurisdiction where the employment takes place,
 37 provided that the retired officer is in a uniform of a public law
 38 enforcement agency, has registered with the bureau on a form
 39 approved by the director, and has met any training requirements
 40 or their equivalent as established for security personnel under

1 Section 7583.5. This officer may not carry an unloaded and
2 exposed handgun unless he or she is exempted under the provisions
3 of Article 2 (commencing with Section 26361) of Chapter 6 of
4 Division 5 of Title 4 of Part 6 of the Penal Code, may not carry
5 an unloaded firearm that is not a handgun unless he or she is
6 exempted under the provisions of Article 2 (commencing with
7 Section 26405) of Chapter 7 of Division 5 of Title 4 of Part 6 of
8 the Penal Code, and may not carry a loaded or concealed firearm
9 unless he or she is exempted under the provisions of Sections
10 25450 to 25475, inclusive, of the Penal Code or Sections 25900
11 to 25910, inclusive, of the Penal Code or has met the requirements
12 set forth in subdivision (d) of Section 26030 of the Penal Code.
13 However, nothing herein shall exempt the retired peace officer
14 who contracts for his or her services or the services of others as a
15 private ~~patrol operator~~ *security contractor*.

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

18 (m) A savings association subject to the jurisdiction of the
19 Commissioner of Financial Institutions or the Office of Thrift
20 Supervision.

21 (n) A secured creditor engaged in the repossession of the
22 creditor's collateral and a lessor engaged in the repossession of
23 leased property in which it claims an interest.

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

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

36 (1) The screening and monitoring access of employees of the
37 same employer.

38 (2) The screening and monitoring access of prearranged and
39 preauthorized invited guests.

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

1 (4) Patrolling the private property facilities for the safety and
2 welfare of all who have been legitimately authorized to have access
3 to the facility.

4 (q) An armored contract carrier operating armored vehicles
5 pursuant to the authority of the Department of the California
6 Highway Patrol or the Public Utilities Commission, or an armored
7 vehicle guard employed by an armored contract carrier.

8 *SEC. 3. Section 7580.2 of the Business and Professions Code*
9 *is repealed.*

10 ~~7580.2. The director shall administer and enforce the provisions~~
11 ~~of this chapter.~~

12 *SEC. 4. Section 7580.2 is added to the Business and Professions*
13 *Code, to read:*

14 7580.2. As used in this chapter, “security officer” includes the
15 terms “security guard,” “patrolperson,” “watchman,” and
16 “guard.”

17 *SEC. 5. Section 7580.6 of the Business and Professions Code*
18 *is amended to read:*

19 7580.6. As used in this chapter, “licensee” means a person
20 licensed under this chapter and includes, but is not limited to,
21 private patrol operator security contractor and armored contract
22 carrier.

23 *SEC. 6. Section 7580.12 of the Business and Professions Code*
24 *is amended to read:*

25 ~~7580.12. Every~~

26 7580.12. (a) *The director shall administer and enforce the*
27 *provisions of this chapter.*

28 (b) *Every power and duty granted to or imposed upon the*
29 *director may be exercised by any other officer or employee of the*
30 *Department of Consumer Affairs authorized by the director, but*
31 *the director shall have the supervision of and the responsibility for*
32 *all powers and duties exercised by these officers and employees.*

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

35 7581. The director may adopt and enforce reasonable rules, as
36 follows:

37 (a) *Classifying licensees according to the type of business*
38 *regulated by this chapter in which they are engaged, including,*
39 *but not limited to, persons employed by any lawful business as*
40 *security guards or patrolpersons, and armored contract carriers*

1 and limiting the field and scope of the operations of a licensee to
2 those in which he or she is classified and qualified to engage.

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

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

8 (d) Establishing the qualifications that any person employed by
9 a private ~~patrol operator~~ *security contractor* or any lawful business
10 as a security guard or patrolperson, or employed by an armored
11 contract carrier, must meet as a condition of becoming eligible to
12 carry firearms pursuant to Section 26030 of the Penal Code.

13 (e) Requiring each uniformed employee of a private ~~patrol~~
14 ~~operator~~ *security contractor* and each armored vehicle guard, as
15 defined in this chapter, and any other person employed and
16 compensated by a private ~~patrol operator~~ *security contractor* or
17 any lawful business as a security guard or patrolperson and who
18 in the course of this employment carries a deadly weapon to be
19 registered with the bureau upon application on a form prescribed
20 by the director accompanied by the registration fee and by two
21 classifiable sets of fingerprints of the applicant or its equivalent
22 as determined by the director and approved by the Department of
23 Justice, establishing the term of the registration for a period of not
24 less than two nor more than four years, and providing for the
25 renewal thereof upon proper application and payment of the
26 renewal fee. The director may, after opportunity for a hearing,
27 refuse this registration to any person who lacks good moral
28 character, and may impose reasonable additional requirements as
29 are necessary to meet local needs that are not inconsistent with the
30 provisions of this chapter.

31 (f) Establishing procedures whereby the local authorities of any
32 city, county, or city and county may file charges with, or any
33 person in this state, may file a complaint with the director alleging
34 that any licensed private ~~patrol operator~~ *security contractor*,
35 registered security guard, or patrolperson, or anyone who is an
36 applicant for registration or licensure with the bureau, fails to meet
37 standards for registration or licensure, or violates any provision
38 of this chapter, and providing further for the investigation of the
39 charges and a response to the charging or complaining party in the
40 manner described in subdivision (b) of Section 129.

1 (g) Requiring private ~~patrol operators~~ *security contractors* and
2 any lawful business to maintain detailed records identifying all
3 firearms in their possession or under their control, and the
4 employees or persons authorized to carry or have access to those
5 firearms.

6 *SEC. 8. Section 7581.1 of the Business and Professions Code*
7 *is amended to read:*

8 7581.1. The Governor shall appoint two private security
9 disciplinary review committees, and may remove any member of
10 a disciplinary review committee for misconduct, incompetency,
11 or neglect of duty. One committee shall meet in the southern
12 portion of the state and the other committee shall meet in the
13 northern portion of the state.

14 Each disciplinary review committee shall consist of five
15 members. Of the five members, one member shall be actively
16 engaged in the business of a licensed private ~~patrol operator~~
17 *security contractor*, one member shall be actively engaged in the
18 business of a firearm training facility, one member shall be actively
19 engaged in the business of a registered security guard, and two
20 members shall be public members. None of the public members
21 shall be licensees or registrants or engaged in any business or
22 profession in which any part of the fees, compensation, or revenue
23 thereof, is derived from any licensee.

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

28 *SEC. 9. Section 7581.3 of the Business and Professions Code*
29 *is amended to read:*

30 7581.3. A private ~~patrol operator~~ *security contractor*, qualified
31 manager of a private ~~patrol operator~~ *security contractor*, security
32 guard, firearm qualification cardholder, firearm training facility,
33 firearm training instructor, baton training facility, or baton training
34 instructor may request a review by a disciplinary review committee
35 to contest the assessment of an administrative fine or to appeal a
36 denial, revocation, or suspension of a license, certificate, or
37 registration unless the denial, revocation, or suspension is ordered
38 by the director in accordance with Chapter 5 (commencing with
39 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
40 Code.

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

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

7 If the appellant disagrees with the decision made by a
8 disciplinary review committee, he or she may request a hearing in
9 accordance with Chapter 5 (commencing with Section 11500) of
10 Part 1 of Division 3 of Title 2 of the Government Code. A request
11 for a hearing following a decision by a disciplinary review
12 committee shall be by written notice to the bureau within 30 days
13 following notice of the committee's decision.

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

16 *SEC. 10. Section 7582.05 of the Business and Professions Code*
17 *is amended to read:*

18 7582.05. (a) Notwithstanding any other provision of law, any
19 person engaging in a business as a private ~~patrol operator~~ *security*
20 *contractor* who violates Section 7582 is guilty of an infraction
21 subject to the procedures described in Sections 19.6 and 19.7 of
22 the Penal Code under either of the following circumstances:

23 (1) A complaint or a written notice to appear in court pursuant
24 to Chapter 5c (commencing with Section 853.5) of Title 3 of Part
25 2 of the Penal Code is filed in court charging the offense as an
26 infraction unless the defendant, at the time he or she is arraigned,
27 after being advised of his or her rights, elects to have the case
28 proceed as a misdemeanor.

29 (2) The court, with the consent of the defendant and the
30 prosecution, determines that the offense is an infraction in which
31 event the case shall proceed as if the defendant has been arraigned
32 on an infraction complaint.

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

36 (c) Notwithstanding any other provision of law, a violation of
37 Section 7582, which is an infraction, is punishable by a fine of one
38 thousand dollars (\$1,000). No portion of the fine may be suspended
39 by the court unless as a condition of that suspension the defendant
40 is required to submit proof of a current valid license for the

1 profession of private ~~patrol operator~~ *security contractor* which
2 was the basis for his or her conviction.

3 *SEC. 11. Section 7582.1 of the Business and Professions Code*
4 *is amended to read:*

5 7582.1. (a) A private ~~patrol operator~~ *security contractor*, or
6 operator of a private patrol service, within the meaning of this
7 chapter is a person, other than an armored contract carrier, who,
8 for any consideration whatsoever:

9 Agrees to furnish, or furnishes, a watchman, guard, patrolperson,
10 or other person to protect persons or property or to prevent the
11 theft, unlawful taking, loss, embezzlement, misappropriation, or
12 concealment of any goods, wares, merchandise, money, bonds,
13 stocks, notes, documents, papers, or property of any kind; or
14 performs the service of a watchman, guard, patrolperson, or other
15 person, for any of these purposes.

16 (b) A person licensed as a private ~~patrol operator~~ *security*
17 *contractor* only may not make any investigation or investigations
18 except those that are incidental to the theft, loss, embezzlement,
19 misappropriation, or concealment of any property, or any other
20 thing enumerated in this section, which he or she has been hired
21 or engaged to protect, guard, or watch.

22 (c) An armored contract carrier within the meaning of this
23 chapter is a contract carrier operating armored vehicles pursuant
24 to California Highway Patrol and Public Utilities Commission
25 authority.

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

29 (e) A security guard or security officer, within the meaning of
30 this chapter, is an employee of a private ~~patrol operator~~ *security*
31 *contractor*, or an employee of a lawful business or public agency
32 who is not exempted pursuant to Section 7582.2, who performs
33 the functions as described in subdivision (a) on or about the
34 premises owned or controlled by the customer of the private ~~patrol~~
35 ~~operator~~ *security contractor* or by the guard's employer or in the
36 company of persons being protected.

37 (f) A street patrolperson, within the meaning of this chapter, is
38 a security guard or security officer employed by a private ~~patrol~~
39 ~~operator~~ *security contractor* who performs the functions described
40 in subdivision (a) by street patrol service utilizing foot patrol,

1 motor patrol, or other means of transportation in public areas,
2 streets or public thoroughfares in order to serve multiple customers.
3 “Street patrolperson” does not include management or supervisory
4 employees of the private ~~patrol operator~~ *security contractor* moving
5 from one customer location to another to inspect personnel or
6 security guard or security officers.

7 *SEC. 12. Section 7582.13 of the Business and Professions Code*
8 *is amended to read:*

9 7582.13. Upon the issuance of a license, a pocket card of the
10 size, design, and content determined by the director shall be issued
11 to each licensee, if an individual, or if the licensee is a person other
12 than an individual, to its manager and to each of its officers and
13 partners. The pocket card is evidence that the licensee is licensed
14 pursuant to this chapter. The card shall contain the signature of
15 the licensee, signature of the chief, and a photograph of the
16 licensee, or bearer of the card, if the licensee is other than an
17 individual. The card shall clearly state that the person is licensed
18 as a private ~~patrol operator~~ *security contractor* or is the manager
19 or officer of the licensee. The applicant may request to be issued
20 an enhanced pocket card that shall be composed of a durable
21 material and may incorporate technologically advanced security
22 features. The bureau may charge a fee sufficient to reimburse the
23 department’s costs for furnishing the enhanced pocket card. The
24 fee charged may not exceed the actual costs for system
25 development, maintenance, and processing necessary to provide
26 this service, and may not exceed six dollars (\$6). If the applicant
27 does not request an enhanced card, the department shall issue a
28 standard card at no cost. When a person to whom a card is issued
29 terminates his or her position, office, or association with the
30 licensee, the card shall be surrendered to the licensee and within
31 five days thereafter shall be mailed or delivered by the licensee to
32 the bureau for cancellation. Every person, while engaged in any
33 activity for which registration is required, shall display their valid
34 pocket card as provided by regulation.

35 *SEC. 13. Section 7582.2 of the Business and Professions Code*
36 *is amended to read:*

37 7582.2. This chapter does not apply to the following:

38 (a) A person who does not meet the requirements to be a
39 proprietary private security officer, as defined in Section 7574.01,
40 and is employed exclusively and regularly by an employer who

1 does not provide contract security services for other entities or
2 persons, in connection with the affairs of the employer only and
3 where there exists an employer-employee relationship if that person
4 at no time carries or uses a deadly weapon in the performance of
5 his or her duties. For purposes of this subdivision, “deadly weapon”
6 is defined to include an instrument or weapon of the kind
7 commonly known as a blackjack, slungshot, billy, sandclub,
8 sandbag, metal knuckles, a dirk, dagger, pistol, revolver, or any
9 other firearm, a knife having a blade longer than five inches, a
10 razor with an unguarded blade, and a metal pipe or bar used or
11 intended to be used as a club.

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

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

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

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

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

36 (g) A collection agency or an employee thereof while acting
37 within the scope of his or her employment, while making an
38 investigation incidental to the business of the agency, including
39 an investigation of the location of a debtor or his or her property
40 where the contract with an assignor creditor is for the collection

1 of claims owed or due or asserted to be owed or due or the
2 equivalent thereof.

3 (h) Admitted insurers and agents and insurance brokers licensed
4 by the state, performing duties in connection with insurance
5 transacted by them.

6 (i) A bank subject to the jurisdiction of the Commissioner of
7 Financial Institutions of the State of California under Division 1
8 (commencing with Section 99) of the Financial Code or the
9 Comptroller of the Currency of the United States.

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

12 (k) A peace officer of this state or a political subdivision thereof
13 while the peace officer is employed by a private employer to
14 engage in off-duty employment in accordance with Section 1126
15 of the Government Code. However, nothing herein shall exempt
16 a peace officer who either contracts for his or her services or the
17 services of others as a private ~~patrol operator~~ *security contractor*
18 or contracts for his or her services as or is employed as an armed
19 private security officer. For purposes of this subdivision, “armed
20 security officer” means an individual who carries or uses a firearm
21 in the course and scope of that contract or employment.

22 (l) A retired peace officer of the state or political subdivision
23 thereof when the retired peace officer is employed by a private
24 employer in employment approved by the chief law enforcement
25 officer of the jurisdiction where the employment takes place,
26 provided that the retired officer is in a uniform of a public law
27 enforcement agency, has registered with the bureau on a form
28 approved by the director, and has met any training requirements
29 or their equivalent as established for security personnel under
30 Section 7583.5. This officer may not carry an unloaded and
31 exposed handgun unless he or she is exempted under the provisions
32 of Article 2 (commencing with Section 26361) of Chapter 6 of
33 Division 5 of Title 4 of Part 6 of the Penal Code, may not carry
34 an unloaded firearm that is not a handgun unless he or she is
35 exempted under the provisions of Article 2 (commencing with
36 Section 26405) of Chapter 7 of Division 5 of Title 4 of Part 6 of
37 the Penal Code, and may not carry a loaded or concealed firearm
38 unless he or she is exempted under the provisions of Article 2
39 (commencing with Section 25450) of Chapter 2 of Division 5 of
40 Title 4 of Part 6 of the Penal Code or Sections 25900 to 25910,

1 inclusive, of the Penal Code or has met the requirements set forth
2 in subdivision (d) of Section 26030 of the Penal Code. However,
3 nothing herein shall exempt the retired peace officer who contracts
4 for his or her services or the services of others as a private ~~patrol~~
5 ~~operator~~ *security contractor*.

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

8 (n) A savings association subject to the jurisdiction of the
9 Commissioner of Financial Institutions or the Office of Thrift
10 Supervision.

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

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

17 (q) An unarmed, uniformed security person employed
18 exclusively and regularly by a motion picture studio facility
19 employer who does not provide contract security services for other
20 entities or persons in connection with the affairs of that employer
21 only and where there exists an employer-employee relationship if
22 that person at no time carries or uses a deadly weapon, as defined
23 in subdivision (a), in the performance of his or her duties, which
24 may include, but are not limited to, the following business
25 purposes:

26 (1) The screening and monitoring access of employees of the
27 same employer.

28 (2) The screening and monitoring access of prearranged and
29 preauthorized invited guests.

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

31 (4) Patrolling the private property facilities for the safety and
32 welfare of all who have been legitimately authorized to have access
33 to the facility.

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

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

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

1 *SEC. 14. Section 7582.20 of the Business and Professions Code*
2 *is amended to read:*

3 7582.20. (a) (1) Every advertisement by a licensee soliciting
4 or advertising business shall contain his or her name, address, and
5 license number as they appear in the records of the bureau. For
6 the purpose of this section, “advertisement” includes any business
7 card, stationery, brochure, flyer, circular, newsletter, fax form,
8 printed or published paid advertisement in any media form, ~~or~~
9 telephone book listing, *Internet Web site, or social media*. Every
10 advertisement by a licensee soliciting or advertising the licensee’s
11 business shall contain his or her business name, business address
12 or business telephone number, and license number, as they appear
13 in the records of the bureau.

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

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

21 *SEC. 15. Section 7582.26 of the Business and Professions Code*
22 *is amended to read:*

23 7582.26. (a) Any licensee or officer, director, partner, or
24 manager of a licensee may divulge to any law enforcement officer
25 or district attorney, or his or her representative, any information
26 he or she may acquire as to any criminal offense, but he or she
27 shall not divulge to any other person, except as he or she may be
28 required by law so to do, any information acquired by him or her
29 except at the direction of the employer or client for whom the
30 information was obtained.

31 (b) No licensee or officer, director, partner, manager, or
32 employee of a licensee shall knowingly make any false report to
33 his or her employer or client for whom information was being
34 obtained.

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

1 (d) No licensee, or officer, director, partner, manager, or
 2 employee of a licensee, shall use a title, or wear a uniform, or use
 3 an insignia, or use an identification card, or make any statement
 4 with the intent to give an impression that he or she is connected
 5 in any way with the federal government, a state government, or
 6 any political subdivision of a state government.

7 (e) No licensee, or officer, director, partner, manager, or
 8 employee of a licensee, shall enter any private building or portion
 9 thereof, except premises commonly accessible to the public,
 10 without the consent of the owner or of the person in legal
 11 possession thereof.

12 (f) *(1)* No ~~private patrol licensee~~ *security contractor* or officer,
 13 director, partner, manager, or employee of a private patrol licensee
 14 shall use or wear a badge, except while engaged in guard or patrol
 15 work and while wearing a distinctive uniform. *A uniform may*
 16 *include military or police styles.* A ~~private patrol licensee~~ *security*
 17 *contractor* or officer, director, partner, manager, or employee of
 18 a ~~private patrol licensee~~ *security contractor* wearing a distinctive
 19 uniform shall wear a patch on each shoulder of his or her uniform
 20 that reads “private security” and that includes the name of the
 21 ~~private patrol company~~ *security contractor* by which the person
 22 is employed or for which the person is a representative and a badge
 23 or cloth patch on the upper left breast of the uniform. All patches
 24 and badges worn on a distinctive uniform shall be of a standard
 25 design approved by the director and shall be clearly visible. *A*
 26 *private security contractor or officer, director, partner, manager,*
 27 *or employee of a private security contractor, who is unarmed, may*
 28 *wear a business suit, blazer, or polo shirt provided that the person*
 29 *also displays a company issued photo identification designating*
 30 *the person’s name, employing company, and employee number,*
 31 *which may be used in lieu of the other badge and patch*
 32 *requirements.*

33 ~~The~~
 34 (2) *The* director may assess a fine of two hundred fifty dollars
 35 (\$250) per violation of this subdivision.

36 (g) No licensee shall permit an employee or agent in his or her
 37 own name to advertise, engage clients, furnish reports or present
 38 bills to clients, or in any manner whatever conduct business for
 39 which a license is required under this chapter. All business of the

1 licensee shall be conducted in the name of and under the control
2 of the licensee.

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

5 (i) No ~~private patrol operator licensee~~ *security contractor* or
6 officer, director, partner, or manager of a ~~private patrol operator~~
7 ~~licensee~~ *security contractor*, or person required to be registered
8 as a security guard pursuant to this chapter shall use or wear a
9 baton or exposed firearm as authorized by this chapter unless he
10 or she is wearing a uniform which complies with the requirements
11 of Section 7582.27.

12 *SEC. 16. Section 7582.27 of the Business and Professions Code*
13 *is amended to read:*

14 7582.27. (a) Any person referred to in subdivision (i) of
15 Section 7582.26 who uses or wears a baton or exposed firearm as
16 authorized pursuant to this chapter shall wear a patch on each arm
17 that reads “private security” and that includes the name of the
18 company by which the person is employed or for which the person
19 is a representative. The patch shall be clearly visible at all times.
20 The patches of a ~~private patrol operator licensee~~ *security*
21 *contractor*, or his or her employees or representatives shall be of
22 a standard design approved by the director.

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

25 *SEC. 17. Section 7582.3 of the Business and Professions Code*
26 *is amended to read:*

27 7582.3. (a) Unless specifically exempted by Section 7582.2,
28 no person shall engage in the business of ~~private patrol operator~~
29 *security contractor*, as defined in Section 7582.1, unless that person
30 has applied for and received a license to engage in that business
31 pursuant to this chapter.

32 (b) Any person who violates any provision of this chapter or
33 who conspires with another person to violate any provision of this
34 chapter relating to ~~private patrol operator~~ *security contractor*
35 licensure, or who knowingly engages a nonexempt unlicensed
36 person is guilty of a misdemeanor punishable by a fine of five
37 thousand dollars (\$5,000) or by imprisonment in the county jail
38 not to exceed one year, or by both that fine and imprisonment.

39 (c) A proceeding to impose the fine specified in subdivision (b)
40 may be brought in any court of competent jurisdiction in the name

1 of the people of the State of California by the Attorney General
2 or by any district attorney or city attorney, or with the consent of
3 the district attorney, the city prosecutor in any city or city and
4 county having a full-time city prosecutor for the jurisdiction in
5 which the violation occurred. If the action is brought by the district
6 attorney, the penalty collected shall be paid to the treasurer of the
7 county in which the judgment is entered. If the action is brought
8 by a city attorney or city prosecutor, one-half of the penalty
9 collected shall be paid to the treasurer of the city in which the
10 judgment was entered and one-half to the treasurer of the county
11 in which the judgment was entered. If the action is brought by the
12 Attorney General, all of the penalty collected shall be deposited
13 in the Private Security Services Fund.

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

29 (e) A proceeding to impose the fine specified in subdivision (d)
30 may be brought in any court of competent jurisdiction in the name
31 of the people of the State of California by the Attorney General
32 or by any district attorney or city attorney, or with the consent of
33 the district attorney, the city prosecutor in any city or city and
34 county having a full-time city prosecutor for the jurisdiction in
35 which the violation occurred. If the action is brought by the district
36 attorney, the penalty collected shall be paid to the treasurer of the
37 county in which the judgment is entered. If the action is brought
38 by a city attorney or city prosecutor, one-half of the penalty
39 collected shall be paid to the treasurer of the city in which the
40 judgment was entered and one-half to the treasurer of the county

1 in which the judgment was entered. If the action is brought by the
2 Attorney General, all of the penalty collected shall be deposited
3 in the Private Security Services Fund.

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

7 (g) Any person who is convicted of a violation of subdivision
8 (a), (b), or (d) shall not be issued a license for a period of one year
9 following a first conviction and shall not be issued a license for a
10 period of five years following a second or subsequent conviction
11 of subdivision (a), (b), or (d), or any combination of subdivision
12 (a), (b), or (d).

13 (h) The chief shall gather evidence of violations of this chapter
14 and of any rule or regulation established pursuant to this chapter
15 by persons engaged in the business of private ~~patrol operator~~
16 *security contractor* who fail to obtain licenses and shall gather
17 evidence of violations and furnish that evidence to prosecuting
18 officers of any county or city for the purpose of prosecuting all
19 violations occurring within their jurisdiction.

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

22 *SEC. 18. Section 7582.5 of the Business and Professions Code*
23 *is amended to read:*

24 7582.5. (a) The provisions of this chapter shall not prevent
25 the local authorities of any city, county, or city and county, by
26 ordinance and within the exercise of the police power of the city,
27 county, or city and county from imposing local regulations upon
28 any street patrol service or street patrol special officers requiring
29 registration with an agency to be designated by the city, county,
30 or city and county, including in the registration full information
31 as to the identification and employment and subject to the right of
32 the city, county, or city and county to allocate certain portions of
33 the territory in the city, county, or city and county within which
34 the activities of any street patrol service or person shall be confined.
35 Any city, county, or city and county may refuse registration to any
36 person of bad moral character and may impose reasonable
37 additional requirements as are necessary to meet local needs and
38 are not inconsistent with the provisions of this chapter.

39 (b) The provisions of this chapter shall not prevent the local
40 authorities of any city, county, or city and county, by ordinance

1 and within the exercise of the police power of the city, county, or
2 city and county from imposing local regulations upon any
3 employees of a private ~~patrol operator~~ *security contractor* who are
4 unable to furnish evidence of current registration pursuant to
5 subdivision (f) of Section 7581.

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

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

20 *SEC. 19. The heading of Article 4 (commencing with Section*
21 *7583) of Chapter 11.5 of Division 3 of the Business and Professions*
22 *Code is amended to read:*

23

24 Article 4. Private ~~Patrol Operators~~ *Security Contractors*

25

26 *SEC. 20. Section 7583 of the Business and Professions Code*
27 *is amended to read:*

28 7583. For purposes of this article, “licensee” means a licensed
29 private ~~patrol operator~~ *security contractor*.

30 *SEC. 21. Section 7583.1 of the Business and Professions Code*
31 *is amended to read:*

32 7583.1. (a) An applicant, or his or her manager, for a license
33 as a private ~~patrol operator~~ *security contractor* shall have had at
34 least one year of experience as a patrolperson, guard or watchman,
35 or the equivalent thereof as determined by the director. An
36 applicant shall substantiate the claimed year of qualifying
37 experience and the exact details as to the character and nature
38 thereof by written certifications from the employer, subject to
39 independent verification by the chief as he or she may determine.
40 In the event of inability of an applicant to supply the written

1 certifications from the employer in whole or in part, applicants
2 may offer other written certifications from other than employers
3 substantiating employment for consideration by the chief.

4 (b) An individual who, upon the determination of the chief, has
5 served in the armed services and possesses the proper skills may
6 be eligible to take the ~~private patrol operator~~ *security contractor*
7 licensing examination. In that case the chief may waive any other
8 required training courses, as he or she determines. However, if the
9 applicant fails the licensing examination, the chief may not
10 thereafter waive completion of any required training courses.

11 **SECTION 1.**

12 *SEC. 22.* Section 7583.2 of the Business and Professions Code
13 is amended to read:

14 7583.2. No person licensed as a ~~private patrol~~ *security*
15 *contractor* operator shall do any of the following:

16 (a) Fail to properly maintain an accurate and current record of
17 all firearms or other deadly weapons that are in the possession of
18 the licensee or of any employee while on duty. Within seven days
19 after a licensee or his or her employees discover that a deadly
20 weapon that has been recorded as being in his or her possession
21 has been misplaced, lost, stolen, or is in any other way missing,
22 the licensee or his or her manager shall mail or deliver to any local
23 law enforcement agency that has jurisdiction, a written report
24 concerning the incident. The report shall describe fully the
25 circumstances surrounding the incident, any injuries or damages
26 incurred, the identity of all participants, and whether a police
27 investigation was conducted.

28 (b) Fail to properly maintain an accurate and current record of
29 the name, address, commencing date of employment, and position
30 of each employee, and the date of termination of employment when
31 an employee is terminated.

32 (c) Fail to properly maintain an accurate and current record of
33 proof of completion by each employee of the licensee of the course
34 of training in the exercise of the power to arrest as required by
35 Section 7583.5, the security officer skills training required by
36 subdivision (b) of Section 7583.6, and the annual practice and
37 review required by subdivision (f) of Section 7583.6.

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

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

3 (f) Permit any employee to carry a firearm or other deadly
4 weapon without first ascertaining that the employee is proficient
5 in the use of each weapon to be carried. With respect to firearms,
6 evidence of proficiency shall include a certificate from a firearm
7 training facility approved by the director certifying that the
8 employee is proficient in the use of that specified caliber of firearm
9 and a current and valid firearm qualification permit issued by the
10 department. With respect to other deadly weapons, evidence of
11 proficiency shall include a certificate from a training facility
12 approved by the director certifying that the employee is proficient
13 in the use of that particular deadly weapon.

14 (g) Fail to deliver to the director a written report describing fully
15 the circumstances surrounding the discharge of any firearm, or
16 physical altercation with a member of the public while on duty,
17 by a licensee or any officer, partner, or employee of a licensee
18 while acting within the course and scope of his or her employment
19 within seven days after the incident. For the purposes of this
20 subdivision, a report shall be required only for physical altercations
21 that result in any of the following: (1) the arrest of a security guard,
22 (2) the filing of a police report by a member of the public, (3)
23 injury on the part of a member of the public that requires medical
24 attention, or (4) the discharge, suspension, or reprimand of a
25 security guard by his or her employer. The report shall include,
26 but not be limited to, a description of any injuries or damages
27 incurred, the identity of all participants, and whether a police
28 investigation was conducted. Any report may be investigated by
29 the director to determine if any disciplinary action is necessary.

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

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

36 *SEC. 23. Section 7583.21 of the Business and Professions Code*
37 *is amended to read:*

38 7583.21. The registration of a security guard shall be
39 automatically suspended if the guard is convicted of any crime
40 which is substantially related to the functions, duties, and

1 responsibilities of a security guard. The automatic suspension shall
2 be effectuated by the mailing of a notice of conviction and
3 suspension of license to be sent by the bureau to the registered
4 guard at his or her address of record. A copy of the notice shall be
5 sent to the private ~~patrol operator~~ *security contractor* employing
6 the guard with notice that the employer shall suspend any and all
7 employment of the guard forthwith. The notice shall contain a
8 statement of preliminary determination by the director or his or
9 her designee that the crime stated is reasonably related to the
10 functions, duties, and responsibilities of a security guard. Upon
11 proper request by the guard, a hearing shall be convened within
12 60 days of the request, before the private security disciplinary
13 review committee, as specified in Section 7581.3, for a
14 determination as to whether the automatic suspension shall be
15 made permanent or whether the registration shall be revoked or
16 the guard otherwise disciplined.

17 In enacting this provision, the Legislature finds and declares that
18 registered guards convicted of the commission of crimes reasonably
19 related to the functions, duties, and responsibilities of a security
20 guard shall be subject to automatic suspension of their license and
21 that summary suspension is justified by compelling state interests
22 of public safety and security within the meaning of the California
23 Supreme Court's decision in *Eye Dog Foundation v. State Board*
24 *of Guide Dogs for the Blind*, 67 Cal. 2d 536.

25 *SEC. 24. Section 7583.38 of the Business and Professions Code*
26 *is amended to read:*

27 7583.38. A city, county, or city and county may regulate the
28 uniforms and insignias worn by uniformed employees of a private
29 ~~patrol operator~~ *security contractor* and vehicles used by a private
30 ~~patrol operator~~ *security contractor* to make the uniforms and
31 vehicles clearly distinguishable from the uniforms worn by, and
32 the vehicles used by, local regular law enforcement officers.

33 *SEC. 25. Section 7583.39 of the Business and Professions Code*
34 *is amended to read:*

35 7583.39. No private ~~patrol operator~~ *security contractor* who
36 employs a security guard who carries a firearm as part of his or
37 her duties shall engage in any of the practices for which he or she
38 is required to be licensed by this chapter, unless he or she maintains
39 an insurance policy as defined in Section 7583.40.

1 SEC. 26. Section 7583.42 of the Business and Professions Code
2 is amended to read:

3 7583.42. The failure of a private ~~patrol operator~~ security
4 contractor to maintain an insurance policy as required by this
5 article shall constitute grounds for the suspension of the private
6 ~~patrol operator's~~ security contractor's license.

7 SEC. 27. Section 7583.46 of the Business and Professions Code
8 is amended to read:

9 7583.46. (a) (1) It shall be a violation of Section 1102.5 of
10 the Labor Code for a private ~~patrol operator~~ security contractor
11 to discharge, demote, threaten, or in any manner discriminate
12 against an employee in the terms and conditions of his or her
13 employment, for disclosing information or causing information to
14 be disclosed, to a government or law enforcement agency, when
15 the information is related to conduct proscribed in this chapter.

16 (2) A private ~~patrol operator~~ security contractor who
17 intentionally violates this subdivision shall be liable in an action
18 for damages brought against him or her by the injured party.

19 (b) A person who believes that he or she has been discharged,
20 demoted, threatened, or in any other manner discriminated against
21 in the terms and conditions of his or her employment, because that
22 person disclosed or caused information to be disclosed to a
23 government or law enforcement agency, may bring a claim against
24 the private ~~patrol operator~~ security contractor within three years
25 of the date of the discharge, demotion, threat, or discrimination.

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

28 SEC. 28. Section 7583.6 of the Business and Professions Code
29 is amended to read:

30 7583.6. (a) A person entering the employ of a licensee to
31 perform the functions of a security guard or a security patrolperson
32 shall complete a course in the exercise of the power to arrest prior
33 to being assigned to a duty location.

34 (b) Except for a registrant who has completed the course of
35 training required by Section 7583.45, a person registered pursuant
36 to this chapter shall complete not less than 32 hours of training in
37 security officer skills within six months from the date the
38 registration card is issued. Sixteen of the 32 hours shall be
39 completed within 30 days from the date the registration card is
40 issued.

1 (c) A course provider shall issue a certificate to a security guard
2 upon satisfactory completion of a required course, conducted in
3 accordance with the department's requirements. A private ~~patrol~~
4 ~~operator~~ *security contractor* may provide training programs and
5 courses in addition to the training required in this section. A
6 registrant who is unable to provide his or her employing licensee
7 the certificate of satisfactory completion required by this
8 subdivision shall complete 16 hours of the training required by
9 subdivision (b) within 30 days of the date of his employment and
10 shall complete the 16 remaining hours within six months of his or
11 her employment date.

12 (d) The department shall develop and approve by regulation a
13 standard course and curriculum for the skills training required by
14 subdivision (b) to promote and protect the safety of persons and
15 the security of property. For this purpose, the department shall
16 consult with consumers, labor organizations representing private
17 security officers, ~~private patrol operators~~ *security contractors*,
18 educators, and subject matter experts.

19 (e) The course of training required by subdivision (b) may be
20 administered, tested, and certified by any licensee, or by any
21 organization or school approved by the department. The department
22 may approve any person or school to teach the course.

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

28 (2) A licensee shall maintain at the principal place of business
29 or branch office a record verifying completion of the review or
30 practice training for a period of not less than two years. The records
31 shall be available for inspection by the bureau upon request.

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

38 (h) This section shall become operative on July 1, 2004.

39 *SEC. 29. Section 7583.7 of the Business and Professions Code*
40 *is amended to read:*

1 7583.7. (a) The course of training in the exercise of the power
2 to arrest may be administered, tested, and certified by any licensee
3 or by any organization or school approved by the department. The
4 department may approve any person or school to teach the course
5 in the exercise of the power to arrest. The course of training shall
6 be approximately eight hours in length and shall cover the
7 following topics:
8 (1) Responsibilities and ethics in citizen arrest.
9 (2) Relationship between a security guard and a peace officer
10 in making an arrest.
11 (3) Limitations on security guard power to arrest.
12 (4) Restrictions on searches and seizures.
13 (5) Criminal and civil liabilities.
14 (A) Personal liability.
15 (B) Employer liability.
16 (6) Trespass law.
17 (7) Ethics and communications.
18 (8) Emergency situation response, including response to medical
19 emergencies.
20 (9) Security officer safety.
21 (10) Any other topic deemed appropriate by the bureau.
22 (b) The majority of the course shall be taught by means of verbal
23 instruction. This instruction may include the use of a video
24 presentation.
25 (c) The department shall make available a guidebook as a
26 standard for teaching the course in the exercise of the power to
27 arrest. The department shall encourage additional training and may
28 provide a training guide recommending additional courses to be
29 taken by security personnel.
30 (d) ~~Private patrol operators~~ *security contractors* shall provide
31 a copy of the guidebook described in subdivision (c) to each person
32 that they currently employ as a security guard and to each
33 individual that they intend to hire as a security guard. The private
34 ~~patrol operator~~ *security contractor* shall provide the guidebook to
35 each person he or she intends to hire as a security guard a
36 reasonable time prior to the time the person begins the course in
37 the exercise of the power to arrest.
38 (e) The bureau may inspect, supervise, or view the
39 administration of the test at any time and without any prior

1 notification. Any impropriety in the administration of the course
2 or the test shall constitute grounds for disciplinary action.

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

4 *SEC. 30. Section 7583.9 of the Business and Professions Code*
5 *is amended to read:*

6 7583.9. (a) Upon accepting employment by a private ~~patrol~~
7 ~~operator~~ security contractor, any employee who performs the
8 function of a security guard or security patrolperson who is not
9 currently registered with the bureau, shall complete an application
10 for registration on a form as prescribed by the director, and obtain
11 two classifiable fingerprint cards for submission to the Department
12 of Justice. The applicant shall submit the application, the
13 registration fee, and his or her fingerprints to the bureau. The
14 bureau shall forward the classifiable fingerprint cards to the
15 Department of Justice. The Department of Justice shall forward
16 one classifiable fingerprint card to the Federal Bureau of
17 Investigation for purposes of a background check.

18 (b) If a private ~~patrol~~ ~~operator~~ security contractor pays the
19 application fee on behalf of the applicant, nothing in this section
20 shall preclude the private ~~patrol~~ ~~operator~~ security contractor from
21 withholding the amount of the fee from the applicant's
22 compensation.

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

25 (d) In lieu of classifiable fingerprint cards provided for in this
26 section, the bureau may authorize applicants to submit their
27 fingerprints into an electronic fingerprinting system administered
28 by the Department of Justice. Applicants who submit their
29 fingerprints by electronic means shall have their fingerprints
30 entered into the system through a terminal operated by a law
31 enforcement agency or other facility authorized by the Department
32 of Justice to conduct electronic fingerprinting. The enforcement
33 agency responsible for operating the terminal may charge a fee
34 sufficient to reimburse it for the costs incurred in providing this
35 service.

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

39 (1) Every conviction rendered against the applicant.

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

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

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

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

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

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

20 (g) Peace officers exempt from the submission of classifiable
21 fingerprints pursuant to subdivision (f) shall submit verification
22 of their active duty peace officer status to the bureau with their
23 application for registration. A photocopy of the front and back of
24 their peace officer identification badge shall be adequate
25 verification.

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

30 (i) (1) Peace officers exempt from obtaining a firearm
31 qualification card pursuant to subdivision (c) of Section 7583.12
32 shall submit to the bureau with their application for registration a
33 letter of approval from his or her primary employer authorizing
34 him or her to carry a firearm while working as a security guard or
35 security officer.

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

39 (j) In addition to the amount authorized pursuant to Section
40 7570.1, the bureau may impose an additional fee not to exceed

1 three dollars (\$3) for processing classifiable fingerprint cards
2 submitted by applicants excluding those submitted into an
3 electronic fingerprint system using electronic fingerprint
4 technology.

5 (k) An employee shall, on the first day of employment, display
6 to the client his or her registration card if it is feasible and practical
7 to comply with this disclosure requirement. The employee shall
8 thereafter display to the client his or her registration card upon the
9 request of the client.

10 *SEC. 31. Section 7586 of the Business and Professions Code*
11 *is amended to read:*

12 7586. A private ~~patrol operator~~ *security contractor* license,
13 branch office certificate, and pocket card issued under this chapter
14 expires two years following the date of issuance or on the assigned
15 renewal date. Every private ~~patrol operator~~ *security contractor*
16 issued a license under this chapter that expires on or after January
17 1, 1997, and who is also issued or renews a firearms qualification
18 card on or after January 1, 1997, shall be placed on a cyclical
19 renewal so that the license expires on the expiration date of the
20 firearms qualification card. Notwithstanding any other provision
21 of law, the bureau is authorized to extend or shorten the first term
22 of licensure following January 1, 1997, and to prorate the required
23 license fee in order to implement this cyclical renewal.

24 *SEC. 32. Section 7588 of the Business and Professions Code*
25 *is amended to read:*

26 7588. The fees prescribed by this chapter are as follows:

27 (a) The application and examination fee for an original license
28 for a private ~~patrol operator~~ *security contractor* may not exceed
29 five hundred dollars (\$500).

30 (b) The application fee for an original branch office certificate
31 for a private ~~patrol operator~~ *security contractor* may not exceed
32 two hundred fifty dollars (\$250).

33 (c) The fee for an original license for a private ~~patrol operator~~
34 *security contractor* may not exceed seven hundred dollars (\$700).

35 (d) The renewal fee is as follows:

36 (1) For a license as a private ~~patrol operator~~ *security contractor*,
37 the fee may not exceed seven hundred dollars (\$700).

38 (2) For a combination license as a private investigator under
39 Chapter 11.3 (commencing with Section 7512) and private ~~patrol~~

1 ~~operator security contractor~~, AC or DC prefix, the fee may not
2 exceed six hundred dollars (\$600).

3 (3) For a branch office certificate for a combination private
4 investigator under Chapter 11.3 (commencing with Section 7512)
5 and private ~~patrol operator security contractor~~, the fee may not
6 exceed forty dollars (\$40), and for a private ~~patrol operator security~~
7 ~~contractor~~, the fee may not exceed seventy-five dollars (\$75).

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

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

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

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

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

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

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

22 (1) A firearms qualification fee may not exceed eighty dollars
23 (\$80).

24 (2) A firearms requalification fee may not exceed sixty dollars
25 (\$60).

26 (3) An initial baton certification fee may not exceed fifty dollars
27 (\$50).

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

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

34 *SEC. 33. Section 7590.3 of the Business and Professions Code*
35 *is amended to read:*

36 7590.3. This chapter does not apply to:

37 (a) A person employed exclusively and regularly by any
38 employer who does not provide contract alarm services for other
39 entities or persons, in connection with the affairs of that employer
40 only and where there exists an employer-employee relationship.

1 A person so employed shall at no time carry or use any deadly
2 weapon in the performance of his or her duties.

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

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

12 (d) A licensed private ~~patrol operator~~ *security contractor* or any
13 employee of a licensed private ~~patrol operator~~ *security contractor*
14 who is employed as a security guard, security officer, or street
15 patrol person as defined in Section 7582.1 and who is employed
16 to respond to alarm systems.

17 *SEC. 34. Section 53069.8 of the Government Code is amended*
18 *to read:*

19 53069.8. (a) The board of supervisors of any county may
20 contract on behalf of the sheriff of that county, and the legislative
21 body of any city may contract on behalf of the chief of police of
22 that city, to provide supplemental law enforcement services to:

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

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

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

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

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

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

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

12 (e) A contract entered into pursuant to this section shall
 13 encompass only law enforcement duties and not services authorized
 14 to be provided by a private ~~patrol operator~~ *security contractor*, as
 15 defined in Section 7582.1 of the Business and Professions Code.

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

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

24 *SEC. 35. Section 512 of the Labor Code is amended to read:*

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

37 (b) Notwithstanding subdivision (a), the Industrial Welfare
 38 Commission may adopt a working condition order permitting a
 39 meal period to commence after six hours of work if the commission

1 determines that the order is consistent with the health and welfare
2 of the affected employees.

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

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

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

24 (1) The employee is covered by a valid collective bargaining
25 agreement.

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

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

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

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

36 (3) An employee employed in the security services industry as
37 a security officer who is registered pursuant to Chapter 11.5
38 (commencing with Section 7580) of Division 3 of the Business
39 and Professions Code, and who is employed by a private ~~patrol~~
40 ~~operator~~ *security contractor* registered pursuant to that chapter.

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

3 (g) The following definitions apply for the purposes of this
4 section:

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

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

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

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

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

21 *SEC. 36. Section 11105.4 of the Penal Code is amended to*
22 *read:*

23 11105.4. (a) Notwithstanding any other provision of law, a
24 contract or proprietary security organization may request any
25 criminal history information concerning its prospective employees
26 that may be furnished pursuant to subdivision (n) of Section 11105.

27 (b) The Department of Justice shall promulgate regulations to
28 assure that criminal record information is not released to persons
29 or entities not authorized to receive the information under this
30 section.

31 (c) Any criminal history information obtained pursuant to this
32 section shall be subject to the same requirements and conditions
33 that the information is subject to when obtained by a human
34 resource agency or a bank.

35 (d) The Legislature finds that contract security organizations
36 and private security organizations often provide security service
37 for financial institutions and human resource agencies, and,
38 consequently, they have the same need for criminal history
39 information as do those entities. Therefore, the Legislature intends
40 to provide authority for contract security organizations and

1 proprietary security organizations to obtain criminal history
2 information to the extent that financial institutions and human
3 resource agencies have that authority concerning their own
4 employees.

5 (e) As used in this section, “contract security organization”
6 means a person, business, or organization licensed to provide
7 services as a private ~~patrol operator~~ *security contractor*, as defined
8 in subdivision (a) of Section 7582.1 of the Business and Professions
9 Code.

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

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

20 *SEC. 37. Section 22835 of the Penal Code is amended to read:*

21 22835. Notwithstanding any other provision of law, a person
22 holding a license as a private investigator pursuant to Chapter 11.3
23 (commencing with Section 7512) of Division 3 of the Business
24 and Professions Code, or as a private ~~patrol operator~~ *security*
25 *contractor* pursuant to Chapter 11.5 (commencing with Section
26 7580) of Division 3 of the Business and Professions Code, or a
27 uniformed patrolperson employee of a private ~~patrol operator~~
28 *security contractor*, may purchase, possess, or transport any tear
29 gas weapon, if it is used solely for defensive purposes in the course
30 of the activity for which the license was issued and if the person
31 has satisfactorily completed a course of instruction approved by
32 the Department of Consumer Affairs in the use of tear gas.

33 *SEC. 38. Section 120220.5 of the Public Utilities Code is*
34 *amended to read:*

35 120220.5. The board may provide and maintain by contract
36 with a public agency or by other means, a security force to enforce
37 its regulations, to preserve and protect any public transit system
38 or project financed pursuant to this division, and to preserve and
39 protect the public peace, health, and safety with respect to its
40 system or projects. Alternatively, the board may contract with a

1 private-patrol-operator *security contractor* licensed pursuant to
2 Chapter 11.5 (commencing with Section 7580) of Division 3 of
3 the Business and Professions Code, with the county sheriff and
4 municipal police departments within the areas described in Section
5 120054, and with other transit development boards for security,
6 police, and related services.

7 *SEC. 39. Section 125220 of the Public Utilities Code is*
8 *amended to read:*

9 125220. The district may make contracts and enter into
10 stipulations of any nature whatsoever, either in connection with
11 eminent domain proceedings or otherwise, including, but not
12 limited to, contracts and stipulations to indemnify and save
13 harmless, to employ labor, to contract with a private-patrol-operator
14 *security contractor* licensed pursuant to Chapter ~~11~~ (commencing
15 ~~with Section 7500~~) 11.5 (commencing with Section 7580) of
16 Division 3 of the Business and Professions Code, the county sheriff
17 and municipal police departments within the areas described in
18 Section 125052, and other transit development boards for security,
19 police, and related services, and to do all acts necessary and
20 convenient for the full exercise of the powers granted in this
21 division.