

AMENDED IN ASSEMBLY APRIL 18, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 759

Introduced by Assembly Member Daly

February 21, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 ~~SEC. 12.~~

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

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

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

13 ~~SEC. 13.~~

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

16 7582.2. This chapter does not apply to the following:

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

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

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

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

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

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

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

23 (h) Admitted insurers and agents and insurance brokers licensed
24 by the state, performing duties in connection with insurance
25 transacted by them.

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

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

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

1 means an individual who carries or uses a firearm in the course
2 and scope of that contract or employment.

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

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

29 (n) A savings association subject to the jurisdiction of the
30 Commissioner of Financial Institutions or the Office of Thrift
31 Supervision.

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

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

38 (q) An unarmed, uniformed security person employed
39 exclusively and regularly by a motion picture studio facility
40 employer who does not provide contract security services for other

1 entities or persons in connection with the affairs of that employer
2 only and where there exists an employer-employee relationship if
3 that person at no time carries or uses a deadly weapon, as defined
4 in subdivision (a), in the performance of his or her duties, which
5 may include, but are not limited to, the following business
6 purposes:

7 (1) The screening and monitoring access of employees of the
8 same employer.

9 (2) The screening and monitoring access of prearranged and
10 preauthorized invited guests.

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

12 (4) Patrolling the private property facilities for the safety and
13 welfare of all who have been legitimately authorized to have access
14 to the facility.

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

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

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

22 ~~SEC. 14.~~

23 *SEC. 15.* Section 7582.20 of the Business and Professions Code
24 is amended to read:

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

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

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

3 *SEC. 16. Section 7582.22 of the Business and Professions Code*
4 *is amended to read:*

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

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

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

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

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

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

24 (3) *Has 2080 hours of experience as a security guard. An*
25 *equivalent amount of military experience may be substituted for*
26 *this requirement.*

27 (4) *Is currently registered as a security guard.*

28 (5) *Has 2080 hours of experience as a manager of a security*
29 *contractor.*

30 (c) *A qualified manager may not be employed as a qualified*
31 *manager by more than five corporations or other business entities*
32 *simultaneously.*

33 ~~SEC. 15.~~

34 *SEC. 17. Section 7582.26 of the Business and Professions Code*
35 *is amended to read:*

36 7582.26. (a) Any licensee or officer, director, partner, or
37 manager of a licensee may divulge to any law enforcement officer
38 or district attorney, or his or her representative, any information
39 he or she may acquire as to any criminal offense, but he or she
40 shall not divulge to any other person, except as he or she may be

1 required by law so to do, any information acquired by him or her
2 except at the direction of the employer or client for whom the
3 information was obtained.

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

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

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

19 (e) No licensee, or officer, director, partner, manager, or
20 employee of a licensee, shall enter any private building or portion
21 thereof, except premises commonly accessible to the public,
22 without the consent of the owner or of the person in legal
23 possession thereof.

24 (f) (1) No private security contractor or officer, director, partner,
25 manager, or employee of a private patrol licensee shall use or wear
26 a badge, except while engaged in guard or patrol work and while
27 wearing a distinctive uniform. A uniform may include military or
28 police styles. A private security contractor or officer, director,
29 partner, manager, or employee of a private security contractor
30 wearing a distinctive uniform shall wear a patch on each shoulder
31 of his or her uniform that reads "private security" and that includes
32 the name of the private security contractor by which the person is
33 employed or for which the person is a representative and a badge
34 or cloth patch on the upper left breast of the uniform. All patches
35 and badges worn on a distinctive uniform shall be of a standard
36 design approved by the director and shall be clearly visible. A
37 private security contractor or officer, director, partner, manager,
38 or employee of a private security contractor, who is unarmed, may
39 wear a business suit, blazer, or polo shirt provided that the person
40 also displays a company issued photo identification designating

1 the person’s name, employing company, and employee number,
2 which may be used in lieu of the other badge and patch
3 requirements.

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

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

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

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

20 ~~SEC. 16.~~

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

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

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

34 ~~SEC. 17.~~

35 *SEC. 19.* Section 7582.3 of the Business and Professions Code
36 is amended to read:

37 7582.3. (a) Unless specifically exempted by Section 7582.2,
38 no person shall engage in the business of private security
39 contractor, as defined in Section 7582.1, unless that person has

1 applied for and received a license to engage in that business
2 pursuant to this chapter.

3 (b) Any person who violates any provision of this chapter or
4 who conspires with another person to violate any provision of this
5 chapter relating to private security contractor licensure, or who
6 knowingly engages a nonexempt unlicensed person is guilty of a
7 misdemeanor punishable by a fine of five thousand dollars (\$5,000)
8 or by imprisonment in the county jail not to exceed one year, or
9 by both that fine and imprisonment.

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

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

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

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

19 (g) Any person who is convicted of a violation of subdivision
20 (a), (b), or (d) shall not be issued a license for a period of one year
21 following a first conviction and shall not be issued a license for a
22 period of five years following a second or subsequent conviction
23 of subdivision (a), (b), or (d), or any combination of subdivision
24 (a), (b), or (d).

25 (h) The chief shall gather evidence of violations of this chapter
26 and of any rule or regulation established pursuant to this chapter
27 by persons engaged in the business of private security contractor
28 who fail to obtain licenses and shall gather evidence of violations
29 and furnish that evidence to prosecuting officers of any county or
30 city for the purpose of prosecuting all violations occurring within
31 their jurisdiction.

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

34 ~~SEC. 18.~~

35 *SEC. 20.* Section 7582.5 of the Business and Professions Code
36 is amended to read:

37 7582.5. (a) The provisions of this chapter shall not prevent
38 the local authorities of any city, county, or city and county, by
39 ordinance and within the exercise of the police power of the city,
40 county, or city and county from imposing local regulations upon

1 any street patrol service or street patrol special officers requiring
2 registration with an agency to be designated by the city, county,
3 or city and county, including in the registration full information
4 as to the identification and employment and subject to the right of
5 the city, county, or city and county to allocate certain portions of
6 the territory in the city, county, or city and county within which
7 the activities of any street patrol service or person shall be confined.
8 Any city, county, or city and county may refuse registration to any
9 person of bad moral character and may impose reasonable
10 additional requirements as are necessary to meet local needs and
11 are not inconsistent with the provisions of this chapter.

12 (b) The provisions of this chapter shall not prevent the local
13 authorities of any city, county, or city and county, by ordinance
14 and within the exercise of the police power of the city, county, or
15 city and county from imposing local regulations upon any
16 employees of a private security contractor who are unable to furnish
17 evidence of current registration pursuant to subdivision (f) of
18 Section 7581.

19 (c) The provisions of this chapter shall not prevent the local
20 authorities of any city, county, or city and county, by ordinance
21 and within the exercise of the police power of the city, county, or
22 city and county from requiring private security contractors and
23 their employees to register their name and file a copy of their state
24 identification card with the city, county, or city and county. No
25 fee may be charged and no application may be required by the
26 city, county, or city and county for this registration.

27 (d) The provisions of this chapter shall not prevent the local
28 authorities in any city, county, or city and county, by ordinance
29 and within the exercise of the police power of the city, county, or
30 city and county from imposing reasonable additional requirements
31 necessary to regulate and control protection dogs according to their
32 local needs and not inconsistent with the provisions of this chapter.

33 *SEC. 21. Section 7582.9 of the Business and Professions Code*
34 *is amended to read:*

35 7582.9. The director may require an applicant or his or her
36 manager, to demonstrate his or her qualifications by a written or
37 oral examination, or a combination of both. *The examination results*
38 *shall be valid for no more than seven years after expiration of the*
39 *license, unless reauthorized by the bureau.*

1 ~~SEC. 19.~~

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

5

6 Article 4. Private Security Contractors

7

8 ~~SEC. 20.~~

9 *SEC. 23.* Section 7583 of the Business and Professions Code
10 is amended to read:

11 7583. For purposes of this article, “licensee” means a licensed
12 private security contractor.

13 ~~SEC. 21.~~

14 *SEC. 24.* Section 7583.1 of the Business and Professions Code
15 is amended to read:

16 7583.1. (a) An applicant, or his or her manager, for a license
17 as a private security contractor shall have had at least one year of
18 experience as a patrolperson, guard, or watchman, or the equivalent
19 thereof as determined by the director. An applicant shall
20 substantiate the claimed year of qualifying experience and the
21 exact details as to the character and nature thereof by written
22 certifications from the employer, subject to independent verification
23 by the chief as he or she may determine. In the event of inability
24 of an applicant to supply the written certifications from the
25 employer in whole or in part, applicants may offer other written
26 certifications from other than employers substantiating employment
27 for consideration by the chief.

28 (b) An individual who, upon the determination of the chief, has
29 served in the armed services and possesses the proper skills may
30 be eligible to take the private security contractor licensing
31 examination. In that case the chief may waive any other required
32 training courses, as he or she determines. However, if the applicant
33 fails the licensing examination, the chief may not thereafter waive
34 completion of any required training courses.

35 ~~SEC. 22.~~

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

38 7583.2. No person licensed as a security contractor operator
39 shall do any of the following:

1 (a) Fail to properly maintain an accurate and current record of
2 all firearms or other deadly weapons that are in the possession of
3 the licensee or of any employee while on duty. Within seven days
4 after a licensee or his or her employees discover that a deadly
5 weapon that has been recorded as being in his or her possession
6 has been misplaced, lost, stolen, or is in any other way missing,
7 the licensee or his or her manager shall mail or deliver to any local
8 law enforcement agency that has jurisdiction, a written report
9 concerning the incident. The report shall describe fully the
10 circumstances surrounding the incident, any injuries or damages
11 incurred, the identity of all participants, and whether a police
12 investigation was conducted.

13 (b) Fail to properly maintain an accurate and current record of
14 the name, address, commencing date of employment, and position
15 of each employee, and the date of termination of employment when
16 an employee is terminated.

17 (c) Fail to properly maintain an accurate and current record of
18 proof of completion by each employee of the licensee of the course
19 of training in the exercise of the power to arrest as required by
20 Section 7583.5, the security officer skills training required by
21 subdivision (b) of Section 7583.6, and the annual practice and
22 review required by subdivision (f) of Section 7583.6.

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

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

28 (f) Permit any employee to carry a firearm or other deadly
29 weapon without first ascertaining that the employee is proficient
30 in the use of each weapon to be carried. With respect to firearms,
31 evidence of proficiency shall include a certificate from a firearm
32 training facility approved by the director certifying that the
33 employee is proficient in the use of that specified caliber of firearm
34 and a current and valid firearm qualification permit issued by the
35 department. With respect to other deadly weapons, evidence of
36 proficiency shall include a certificate from a training facility
37 approved by the director certifying that the employee is proficient
38 in the use of that particular deadly weapon.

39 (g) Fail to deliver to the director a written report describing fully
40 the circumstances surrounding the discharge of any firearm, or

1 physical altercation with a member of the public while on duty,
2 by a licensee or any officer, partner, or employee of a licensee
3 while acting within the course and scope of his or her employment
4 within seven days after the incident. For the purposes of this
5 subdivision, a report shall be required only for physical altercations
6 that result in any of the following: (1) the arrest of a security guard,
7 (2) the filing of a police report by a member of the public, (3)
8 injury on the part of a member of the public that requires medical
9 attention, or (4) the discharge, suspension, or reprimand of a
10 security guard by his or her employer. The report shall include,
11 but not be limited to, a description of any injuries or damages
12 incurred, the identity of all participants, and whether a police
13 investigation was conducted. Any report may be investigated by
14 the director to determine if any disciplinary action is necessary.

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

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

21 ~~SEC. 23.~~

22 *SEC. 26.* Section 7583.21 of the Business and Professions Code
23 is amended to read:

24 7583.21. The registration of a security guard shall be
25 automatically suspended if the guard is convicted of any crime
26 which is substantially related to the functions, duties, and
27 responsibilities of a security guard. The automatic suspension shall
28 be effectuated by the mailing of a notice of conviction and
29 suspension of license to be sent by the bureau to the registered
30 guard at his or her address of record. A copy of the notice shall be
31 sent to the private security contractor employing the guard with
32 notice that the employer shall suspend any and all employment of
33 the guard forthwith. The notice shall contain a statement of
34 preliminary determination by the director or his or her designee
35 that the crime stated is reasonably related to the functions, duties,
36 and responsibilities of a security guard. Upon proper request by
37 the guard, a hearing shall be convened within 60 days of the
38 request, before the private security disciplinary review committee,
39 as specified in Section 7581.3, for a determination as to whether

1 the automatic suspension shall be made permanent or whether the
2 registration shall be revoked or the guard otherwise disciplined.

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

11 ~~SEC. 24.~~

12 *SEC. 27.* Section 7583.38 of the Business and Professions Code
13 is amended to read:

14 7583.38. A city, county, or city and county may regulate the
15 uniforms and insignias worn by uniformed employees of a private
16 security contractor and vehicles used by a private security
17 contractor to make the uniforms and vehicles clearly
18 distinguishable from the uniforms worn by, and the vehicles used
19 by, local regular law enforcement officers.

20 ~~SEC. 25.~~

21 *SEC. 28.* Section 7583.39 of the Business and Professions Code
22 is amended to read:

23 7583.39. No private security contractor who employs a security
24 guard who carries a firearm as part of his or her duties shall engage
25 in any of the practices for which he or she is required to be licensed
26 by this chapter, unless he or she maintains an insurance policy as
27 defined in Section 7583.40.

28 ~~SEC. 26.~~

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

31 7583.42. The failure of a private security contractor to maintain
32 an insurance policy as required by this article shall constitute
33 grounds for the suspension of the private security contractor’s
34 license.

35 ~~SEC. 27.~~

36 *SEC. 30.* Section 7583.46 of the Business and Professions Code
37 is amended to read:

38 7583.46. (a) (1) It shall be a violation of Section 1102.5 of
39 the Labor Code for a private security contractor to discharge,
40 demote, threaten, or in any manner discriminate against an

1 employee in the terms and conditions of his or her employment,
2 for disclosing information or causing information to be disclosed,
3 to a government or law enforcement agency, when the information
4 is related to conduct proscribed in this chapter.

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

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

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

17 ~~SEC. 28.~~

18 *SEC. 31.* Section 7583.6 of the Business and Professions Code
19 is amended to read:

20 7583.6. (a) A person entering the employ of a licensee to
21 perform the functions of a security guard or a security patrolperson
22 shall complete a course in the exercise of the power to arrest prior
23 to being assigned to a duty location.

24 (b) Except for a registrant who has completed the course of
25 training required by Section 7583.45, a person registered pursuant
26 to this chapter shall complete not less than 32 hours of training in
27 security officer skills within six months from the date the
28 registration card is issued. Sixteen of the 32 hours shall be
29 completed within 30 days from the date the registration card is
30 issued.

31 (c) A course provider shall issue a certificate to a security guard
32 upon satisfactory completion of a required course, conducted in
33 accordance with the department's requirements. A private security
34 contractor may provide training programs and courses in addition
35 to the training required in this section. A registrant who is unable
36 to provide his or her employing licensee the certificate of
37 satisfactory completion required by this subdivision shall complete
38 16 hours of the training required by subdivision (b) within 30 days
39 of the date of his employment and shall complete the 16 remaining
40 hours within six months of his or her employment date.

1 (d) The department shall develop and approve by regulation a
2 standard course and curriculum for the skills training required by
3 subdivision (b) to promote and protect the safety of persons and
4 the security of property. For this purpose, the department shall
5 consult with consumers, labor organizations representing private
6 security officers, private security contractors, educators, and subject
7 matter experts.

8 (e) The course of training required by subdivision (b) may be
9 administered, tested, and certified by any licensee, or by any
10 organization or school approved by the department. The department
11 may approve any person or school to teach the course.

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

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

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

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

28 ~~SEC. 29.~~

29 *SEC. 32.* Section 7583.7 of the Business and Professions Code
30 is amended to read:

31 7583.7. (a) The course of training in the exercise of the power
32 to arrest may be administered, tested, and certified by any licensee
33 or by any organization or school approved by the department. The
34 department may approve any person or school to teach the course
35 in the exercise of the power to arrest. The course of training shall
36 be approximately eight hours in length and shall cover the
37 following topics:

38 (1) Responsibilities and ethics in citizen arrest.

39 (2) Relationship between a security guard and a peace officer
40 in making an arrest.

- 1 (3) Limitations on security guard power to arrest.
2 (4) Restrictions on searches and seizures.
3 (5) Criminal and civil liabilities.
4 (A) Personal liability.
5 (B) Employer liability.
6 (6) Trespass law.
7 (7) Ethics and communications.
8 (8) Emergency situation response, including response to medical
9 emergencies.
10 (9) Security officer safety.
11 (10) Any other topic deemed appropriate by the bureau.
12 (b) The majority of the course shall be taught by means of verbal
13 instruction. This instruction may include the use of a video
14 presentation.
15 (c) The department shall make available a guidebook as a
16 standard for teaching the course in the exercise of the power to
17 arrest. The department shall encourage additional training and may
18 provide a training guide recommending additional courses to be
19 taken by security personnel.
20 (d) Private security contractors shall provide a copy of the
21 guidebook described in subdivision (c) to each person that they
22 currently employ as a security guard and to each individual that
23 they intend to hire as a security guard. The private security
24 contractor shall provide the guidebook to each person he or she
25 intends to hire as a security guard a reasonable time prior to the
26 time the person begins the course in the exercise of the power to
27 arrest.
28 (e) The bureau may inspect, supervise, or view the
29 administration of the test at any time and without any prior
30 notification. Any impropriety in the administration of the course
31 or the test shall constitute grounds for disciplinary action.
32 (f) This section shall become operative on July 1, 2004.
33 ~~SEC. 30.~~
34 *SEC. 33.* Section 7583.9 of the Business and Professions Code
35 is amended to read:
36 7583.9. (a) Upon accepting employment by a private security
37 contractor, any employee who performs the function of a security
38 guard or security patrolperson who is not currently registered with
39 the bureau, shall complete an application for registration on a form
40 as prescribed by the director, and obtain two classifiable fingerprint

1 cards for submission to the Department of Justice. The applicant
2 shall submit the application, the registration fee, and his or her
3 fingerprints to the bureau. The bureau shall forward the classifiable
4 fingerprint cards to the Department of Justice. The Department of
5 Justice shall forward one classifiable fingerprint card to the Federal
6 Bureau of Investigation for purposes of a background check.

7 (b) If a private security contractor pays the application fee on
8 behalf of the applicant, nothing in this section shall preclude the
9 private security contractor from withholding the amount of the fee
10 from the applicant's compensation.

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

13 (d) In lieu of classifiable fingerprint cards provided for in this
14 section, the bureau may authorize applicants to submit their
15 fingerprints into an electronic fingerprinting system administered
16 by the Department of Justice. Applicants who submit their
17 fingerprints by electronic means shall have their fingerprints
18 entered into the system through a terminal operated by a law
19 enforcement agency or other facility authorized by the Department
20 of Justice to conduct electronic fingerprinting. The enforcement
21 agency responsible for operating the terminal may charge a fee
22 sufficient to reimburse it for the costs incurred in providing this
23 service.

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

27 (1) Every conviction rendered against the applicant.

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

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

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

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

39 (2) An individual listed in subparagraph (A) or (B) of paragraph
40 (1) may immediately perform the functions of a security guard or

1 security patrolperson provided that he or she has submitted an
2 application, the applicable fees, and his or her fingerprints, if
3 required to submit fingerprints pursuant to subdivision (a), to the
4 bureau for a security guard registration.

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

7 (g) Peace officers exempt from the submission of classifiable
8 fingerprints pursuant to subdivision (f) shall submit verification
9 of their active duty peace officer status to the bureau with their
10 application for registration. A photocopy of the front and back of
11 their peace officer identification badge shall be adequate
12 verification.

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

17 (i) (1) Peace officers exempt from obtaining a firearm
18 qualification card pursuant to subdivision (c) of Section 7583.12
19 shall submit to the bureau with their application for registration a
20 letter of approval from his or her primary employer authorizing
21 him or her to carry a firearm while working as a security guard or
22 security officer.

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

26 (j) In addition to the amount authorized pursuant to Section
27 7570.1, the bureau may impose an additional fee not to exceed
28 three dollars (\$3) for processing classifiable fingerprint cards
29 submitted by applicants excluding those submitted into an
30 electronic fingerprint system using electronic fingerprint
31 technology.

32 (k) An employee shall, on the first day of employment, display
33 to the client his or her registration card if it is feasible and practical
34 to comply with this disclosure requirement. The employee shall
35 thereafter display to the client his or her registration card upon the
36 request of the client.

37 ~~SEC. 31.~~

38 *SEC. 34.* Section 7586 of the Business and Professions Code
39 is amended to read:

1 7586. A private security contractor license, branch office
2 certificate, and pocket card issued under this chapter expires two
3 years following the date of issuance or on the assigned renewal
4 date. Every private security contractor issued a license under this
5 chapter that expires on or after January 1, 1997, and who is also
6 issued or renews a firearms qualification card on or after January
7 1, 1997, shall be placed on a cyclical renewal so that the license
8 expires on the expiration date of the firearms qualification card.
9 Notwithstanding any other provision of law, the bureau is
10 authorized to extend or shorten the first term of licensure following
11 January 1, 1997, and to prorate the required license fee in order to
12 implement this cyclical renewal.

13 ~~SEC. 32.~~

14 *SEC. 35.* Section 7588 of the Business and Professions Code
15 is amended to read:

16 7588. The fees prescribed by this chapter are as follows:

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

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

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

25 (d) The renewal fee is as follows:

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

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

32 (3) For a branch office certificate for a combination private
33 investigator under Chapter 11.3 (commencing with Section 7512)
34 and private security contractor, the fee may not exceed forty dollars
35 (\$40), and for a private security contractor, the fee may not exceed
36 seventy-five dollars (\$75).

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

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

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

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

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

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

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

11 (1) A firearms qualification fee may not exceed eighty dollars
12 (\$80).

13 (2) A firearms requalification fee may not exceed sixty dollars
14 (\$60).

15 (3) An initial baton certification fee may not exceed fifty dollars
16 (\$50).

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

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

23 ~~SEC. 33.~~

24 *SEC. 36.* Section 7590.3 of the Business and Professions Code
25 is amended to read:

26 7590.3. This chapter does not apply to:

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

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

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

4 (d) A licensed private security contractor or any employee of a
5 licensed private security contractor who is employed as a security
6 guard, security officer, or street patrol person as defined in Section
7 7582.1 and who is employed to respond to alarm systems.

8 ~~SEC. 34.~~

9 *SEC. 37.* Section 53069.8 of the Government Code is amended
10 to read:

11 53069.8. (a) The board of supervisors of any county may
12 contract on behalf of the sheriff of that county, and the legislative
13 body of any city may contract on behalf of the chief of police of
14 that city, to provide supplemental law enforcement services to:

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

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

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

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

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

33 (2) Notwithstanding paragraph (1), services provided in
34 connection with special events or occurrences, as specified in
35 paragraph (1) of subdivision (a), may be rendered by ~~Level-I~~

36 reserve peace officers, as defined in paragraph (2) of subdivision
37 (a) of Section 830.6 of the Penal Code, who are authorized to
38 exercise the powers of a peace officer, as defined in Section 830.1
39 of the Penal Code, if there are no regularly appointed full-time

1 peace officers available to fill the positions as required in the
2 contract.

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

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

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

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

17 ~~SEC. 35.~~

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

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

31 (b) Notwithstanding subdivision (a), the Industrial Welfare
32 Commission may adopt a working condition order permitting a
33 meal period to commence after six hours of work if the commission
34 determines that the order is consistent with the health and welfare
35 of the affected employees.

36 (c) Subdivision (a) does not apply to an employee in the
37 wholesale baking industry who is subject to an Industrial Welfare
38 Commission wage order and who is covered by a valid collective
39 bargaining agreement that provides for a 35-hour workweek
40 consisting of five 7-hour days, payment of one and one-half times

1 the regular rate of pay for time worked in excess of seven hours
2 per day, and a rest period of not less than 10 minutes every two
3 hours.

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

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

17 (1) The employee is covered by a valid collective bargaining
18 agreement.

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

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

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

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

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

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

36 (g) The following definitions apply for the purposes of this
37 section:

38 (1) "Commercial driver" means an employee who operates a
39 vehicle described in Section 260 or 462 of, or subdivision (b) of
40 Section 15210 of, the Vehicle Code.

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

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

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

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

14 ~~SEC. 36.~~

15 *SEC. 39.* Section 11105.4 of the Penal Code is amended to
16 read:

17 11105.4. (a) Notwithstanding any other provision of law, a
18 contract or proprietary security organization may request any
19 criminal history information concerning its prospective employees
20 that may be furnished pursuant to subdivision (n) of Section 11105.

21 (b) The Department of Justice shall promulgate regulations to
22 assure that criminal record information is not released to persons
23 or entities not authorized to receive the information under this
24 section.

25 (c) Any criminal history information obtained pursuant to this
26 section shall be subject to the same requirements and conditions
27 that the information is subject to when obtained by a human
28 resource agency or a bank.

29 (d) The Legislature finds that contract security organizations
30 and private security organizations often provide security service
31 for financial institutions and human resource agencies, and,
32 consequently, they have the same need for criminal history
33 information as do those entities. Therefore, the Legislature intends
34 to provide authority for contract security organizations and
35 proprietary security organizations to obtain criminal history
36 information to the extent that financial institutions and human
37 resource agencies have that authority concerning their own
38 employees.

39 (e) As used in this section, “contract security organization”
40 means a person, business, or organization licensed to provide

1 services as a private security contractor, as defined in subdivision
2 (a) of Section 7582.1 of the Business and Professions Code.

3 As used in this section, “proprietary security organization” means
4 an organization within a business entity that has the primary
5 responsibility of protecting the employees and property of its
6 employer, and which allocates a substantial part of its annual
7 budget to providing security and protective services for its
8 employer, including providing qualifying and in-service training
9 to members of the organization.

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

13 ~~SEC. 37.~~

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

15 22835. Notwithstanding any other provision of law, a person
16 holding a license as a private investigator pursuant to Chapter 11.3
17 (commencing with Section 7512) of Division 3 of the Business
18 and Professions Code, or as a private security contractor pursuant
19 to Chapter 11.5 (commencing with Section 7580) of Division 3 of
20 the Business and Professions Code, or a uniformed patrolperson
21 employee of a private security contractor, may purchase, possess,
22 or transport any tear gas weapon, if it is used solely for defensive
23 purposes in the course of the activity for which the license was
24 issued and if the person has satisfactorily completed a course of
25 instruction approved by the Department of Consumer Affairs in
26 the use of tear gas.

27 ~~SEC. 38.~~

28 *SEC. 41.* Section 120220.5 of the Public Utilities Code is
29 amended to read:

30 120220.5. The board may provide and maintain by contract
31 with a public agency or by other means, a security force to enforce
32 its regulations, to preserve and protect any public transit system
33 or project financed pursuant to this division, and to preserve and
34 protect the public peace, health, and safety with respect to its
35 system or projects. Alternatively, the board may contract with a
36 private security contractor licensed pursuant to Chapter 11.5
37 (commencing with Section 7580) of Division 3 of the Business
38 and Professions Code, with the county sheriff and municipal police
39 departments within the areas described in Section 120054, and

1 with other transit development boards for security, police, and
2 related services.

3 ~~SEC. 39.~~

4 *SEC. 42.* Section 125220 of the Public Utilities Code is
5 amended to read:

6 125220. The district may make contracts and enter into
7 stipulations of any nature whatsoever, either in connection with
8 eminent domain proceedings or otherwise, including, but not
9 limited to, contracts and stipulations to indemnify and save
10 harmless, to employ labor, to contract with a private security
11 contractor licensed pursuant to Chapter 11.5 (commencing with
12 Section 7580) of Division 3 of the Business and Professions Code,
13 the county sheriff and municipal police departments within the
14 areas described in Section 125052, and other transit development
15 boards for security, police, and related services, and to do all acts
16 necessary and convenient for the full exercise of the powers granted
17 in this division.

O