

VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

CHAPTER 26

An Act to amend and reenact §§ 9-183.2 and 9-183.3 of the Code of Virginia, relating to the Department of Criminal Justice Services; private security services.

[H 479]

Approved March 3, 2000

Be it enacted by the General Assembly of Virginia:

1. That §§ 9-183.2 and 9-183.3 of the Code of Virginia are amended and reenacted as follows:

§ 9-183.2. Exceptions.

~~A.~~ The provisions of this article shall not apply to the following:

1. An officer or employee of the United States of America, or of this Commonwealth or a political subdivision of either, while the employee or officer is performing his official duties.

2. A person engaged exclusively in the business of obtaining and furnishing information regarding an individual's financial rating or a person engaged in the business of a consumer reporting agency as defined by the Federal Fair Credit Reporting Act.

3. An attorney or certified public accountant licensed to practice in Virginia or his employees.

4. The legal owner of personal property which has been sold under any security agreement while performing acts relating to the repossession of such property.

5. A person receiving compensation for private employment as a security officer who is also a law-enforcement officer as defined by § 9-169 and employed by the Commonwealth or any political subdivision thereof.

6. Any person appointed under § 46.2-2003 or § 56-353 while engaged in the employment contemplated thereunder, unless they have successfully completed training mandated by the Department.

7. Persons who are regularly employed to investigate accidents or to adjust claims and who do not carry weapons in the performance of their duties.

8. Regular employees of persons engaged in other than the private security services business, where the regular duties of such employees primarily consist of protecting the property of their employers. Any such employee who carries a firearm and is in direct contact with the general public in the performance of his duties shall possess a valid registration with this Department as provided in subsection B of § 9-183.3. "General public" means individuals who have access to areas open to all and not restricted to any particular class of the community.

9. Persons, sometimes known as "shoppers," employed to purchase goods or services solely for the purpose of determining or assessing the efficiency, loyalty, courtesy, or honesty of the employees of a business establishment.

10. Licensed or registered private investigators from other states entering Virginia during an investigation originating in their state of licensure or registration when the other state offers similar reciprocity to private investigators licensed and registered by the Commonwealth of Virginia.

11. Unarmed regular employees of telephone public service companies where the regular duties of such employees consist of protecting the property of their employers and investigating the usage of telephone services and equipment furnished by their employers, their employers' affiliates, and other communications common carriers.

12. An end user.

13. A material supplier who renders advice concerning the use of products sold by an electronics security business and who does not provide installation, monitoring, repair or maintenance services for electronic security equipment.

14. Members of the security forces who are directly employed by electric public service companies.

15. Any professional engineer or architect licensed in accordance with Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 to practice in the Commonwealth, or his employees.

16. Any person who only performs telemarketing or schedules appointments without access to information concerning the electronic security equipment purchased by an end user.

17. Any certified forensic scientist employed as an expert witness for the purpose of possibly testifying as an expert witness.

18. Members of the security forces who are directly employed by shipyards engaged in the construction, design, overhaul or repair of nuclear vessels for the United States Navy.

~~B.~~ 19. An out-of-state central station dispatcher employed by a private security services business licensed by the Department ~~may meet the training requirements by completing a course in his geographic area that (i) meets or exceeds the Virginia curriculum and (ii) has been approved by the Department~~ provided he (i) possesses and maintains a valid license, registration, or certification as a central station dispatcher issued by the regulatory authority of the state in which he performs the

monitoring duties and (ii) has submitted his fingerprints to the regulatory authority for the conduct of a national criminal history records search.

§ 9-183.3. Licensing and registration.

A. No person shall engage in the private security services business or solicit private security business in the Commonwealth without having obtained a license from the Department. No person shall be issued a private security services business license until a compliance agent is designated in writing on forms provided by the Department. The compliance agent shall assure the compliance of the private security services business with this article and shall meet the qualifications and perform the duties required by the regulations promulgated by the Board. A compliance agent shall have either a minimum of (i) three years of managerial or supervisory experience in a private security services business; with a federal, state or local law-enforcement agency; or in a related field or (ii) five years of experience in a private security services business; with a federal, state or local law-enforcement agency; or in a related field.

B. No person shall act as private security services training school or solicit students for private security training in the Commonwealth without being certified by the Department. No person shall be issued a private security services training school certification until a school director is designated in writing on forms provided by the Department. The school director shall ensure compliance of such school with the provisions of this article and shall meet the qualifications and perform the duties required by the regulations promulgated by the Board.

C. No person shall be employed by a licensed private security services business in the Commonwealth as armored car personnel, courier, armed security officer, security canine handler, private investigator, personal protection specialist, alarm respondent, central station dispatcher, electronic security sales representative or electronic security technician without possessing a valid registration issued by the Department, except as provided in this article.

D. A temporary license may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary license until (i) he has designated a compliance agent who has complied with the compulsory minimum training standards established by the Board pursuant to subsection A of § 9-182 for compliance agents, (ii) each principal of the business has submitted his fingerprints for a National Criminal Records search and a Virginia Criminal History Records search, and (iii) he has met all other requirements of this article and the regulations of the Board.

E. A temporary registration may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary registration until he has (i) complied with, or been exempted from the compulsory minimum training standards established by the Board, pursuant to subsection A of § 9-182, for armored car personnel, couriers, armed security officers, security canine handlers, private investigators, personal protection specialist, alarm respondents, central station dispatchers, electronic security sales representatives or electronic security technicians, (ii) submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search, and (iii) met all other requirements of this article and the regulations of the Board.

F. A temporary certification as a private security instructor or private security training school may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary certification as a private security services instructor until he has (i) met the education, training and experience requirements established by the Board and (ii) submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search. No person shall be issued a temporary certification as a private security services training school until (a) he has designated a training director, (b) each principal of the training school has submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search, and (c) he has met all other requirements of this article and the regulations of the Board.

G. A licensed private security services business in the Commonwealth shall not employ as an unarmed security officer, electronic security technician's assistant, unarmed alarm respondent, central station dispatcher, electronic security sales representative, or electronic security technician, any person who has not complied with, or been exempted from, the compulsory minimum training standards established by the Board, pursuant to subsection A of § 9-182, except that such person may be so employed for not more than ninety days while completing compulsory minimum training standards.

H. No person shall be employed as an electronic security employee, electronic security technician's assistant, unarmed alarm respondent, central station dispatcher, electronic security sales representative, electronic security technician or supervisor until he has submitted his fingerprints to the Department to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search. *The provisions of this subsection shall not apply to an out-of-state central station dispatcher meeting the requirements of subdivision 19 of § 9-183.2.*

I. The compliance agent of each licensed private security services business in the Commonwealth shall maintain documentary evidence that each private security registrant and certified employee employed by his private security services business has complied with, or been exempted from, the

compulsory minimum training standards required by the Board and that an investigation to determine suitability of each unarmed security officer employee has been conducted, except that any such unarmed security officer, upon initiating a request for such investigation under the provisions of subdivision 11 of subsection A of § 19.2-389, may be employed for up to thirty days pending completion of such investigation.

J. No person with a criminal record of a misdemeanor involving moral turpitude or any felony shall be (i) employed as a registered or certified employee by a private security services business or training school; or (ii) issued a private security services registration, certification as an unarmed security officer, electronic security employee or technician's assistant, a private security services training school or instructor certification, compliance agent certification, or a private security services business license, except that, upon written request, the Director of the Department of Criminal Justice Services may waive such prohibition.

K. The Department may grant a temporary exemption from the requirement of a license, certification, or registration for a period of not more than thirty days in a situation deemed an emergency by the Department.

L. All private security services businesses and private security services training schools in the Commonwealth shall include their license or certification number on all business advertising materials.