



## Impact Analysis on Proposed Legislation

*Virginia Criminal Sentencing Commission*

### House Bill No. 511

*(Patron – Drake)*

**Date Submitted:** 01/10/02

**LD #:** 02-0087972

**Topic:** Licensing, certification, and registration of private security services personnel

#### **Proposed Change:**

Amends §§9.1-139, 9.1-140, 9.1-145 and 9.1-149 regarding the licensing, certification, and registration of private security services personnel. Under the proposed §9.1-139, no person may be employed as an unarmed security officer until he has submitted his fingerprints to the Department of Criminal Justice Services for a criminal records search, effective January 1, 2003. Until December 31, 2002, the compliance agent of each licensed private security services business shall ensure that an investigation to determine the suitability of each unarmed security officer employed by his business has been conducted. A licensed private security services business in the Commonwealth shall not employ as armored car personnel any person who has not complied with, or been exempted from, the compulsory minimum training standards established by the Criminal Justice Services Board pursuant to §9.1-141(A).

The proposed §9.1-140 exempts from the requirement for licensure, registration or certification persons engaged in the business of a consumer reporting agency as defined by the Federal Fair Credit Reporting Act. The proposed §9.1-145 requires each applicant for registration, licensure or certification under this article, or for renewal of such, to submit fingerprints to the Department for a criminal records search, effective January 1, 2003. The Virginia State Police shall maintain a database of all such applicants and shall notify the Department of any arrest associated with any applicant in the database. The proposal also authorizes the Department to suspend a registration, license or certification of an applicant subsequently convicted of any felony, or a misdemeanor involving moral turpitude, assault and battery, damage to real or personal property, controlled substances or imitations thereof, prohibited sexual behavior, or firearms. Making a false statement on the fingerprint card would be a Class 5 felony under paragraph D of the proposed §9.1-145.

#### **Current Practice:**

Currently under §9.1-139(G), a licensed private security services business in the Commonwealth may not employ as an unarmed security officer any person who has not complied with, or been exempted from, the compulsory minimum training standards established by the Criminal Justice Services Board. Submission of fingerprints for a criminal records search, however, is not currently required of new applicants. Applicants for renewal of a registration, license or certification under these sections are not required to submit fingerprints. Several types of unlicensed activities are prohibited as Class 1 misdemeanors under §9.1-149. Although no felony penalties currently apply to these offenses, providing false

information on a fingerprint card may be regarded as a Class 4 felony under §18.2-168 pertaining to forgery of a public document.

Based on FY2001 Local Inmate Data System (LIDS) data, no offenders held pre- or post-trial in jail were convicted for misdemeanor violations of §9.1-149. Misdemeanor convictions are not covered by the sentencing guidelines as the primary (or most serious) offense but may augment the sentence recommendation as additional offenses.

**Impact of Proposed Legislation:**

The impact of the proposed legislation on state-responsible (prison) bed space is expected to be negligible. Although the proposal would establish a new crime regarding false information on a fingerprint card, this offense may be covered under an existing statute. Recent LIDS data indicate that there were no misdemeanor convictions for violations of §9.1-149. The databases available to the Commission are insufficient to provide information on the number of incidences that may be affected by the proposed legislation. No adjustment to the guidelines would be necessary under the proposal.

**Pursuant to §30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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