

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 53

An Act to amend and reenact § 9-183.3 of the Code of Virginia, relating to licensure of electronic security contractors.

[H 509]

Approved March 11, 1998

Be it enacted by the General Assembly of Virginia:

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

§ 9-183.3. Licensing and registration.

A. No person shall engage in the private security services business or solicit private security business, including, on and after July 1, 1995, the electronic security business in ~~this 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 Department. *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 be employed by a licensed private security services business in ~~this the~~ Commonwealth as armored car personnel, courier, armed security officer, guard dog handler, or private investigator without possessing a valid registration issued by the Department. On and after July 1, 1995, no person shall be employed as an alarm respondent, central station dispatcher, electronic security sales representative or electronic security technician without possessing a valid registration issued by the Department.

C. No person shall be issued a 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, guard dog handlers, private investigators, alarm respondents, central station dispatchers, electronic security sales representatives or electronic security technicians and (ii) submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search, and the results of such searches have been submitted to the Department; however, a temporary registration may be issued as provided in the regulation for the purpose of awaiting the results of the state and national fingerprint search.

D. A licensed private security services business in ~~this the~~ Commonwealth shall 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 Board, pursuant to subsection A of § 9-182 for unarmed security officers, except that such person may be so employed for not more than ninety days while completing compulsory minimum training standards.

E. The compliance agent of each licensed private security services business in the Commonwealth shall maintain documentary evidence that each (i) unarmed security officer employee has complied with, or been exempted from, the compulsory minimum training standards required by the Board for unarmed security officers 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 and (ii) electronic security technician's assistant has complied with, or has been exempted from, the compulsory minimum training standards required by the Board for electronic security technician's assistants. No person with a criminal record of a misdemeanor involving moral turpitude or any felony shall be employed as an unarmed security officer, except that, upon written request, the Director of the Department of Criminal Justice Services may waive such prohibition.

F. A licensed private security services business in the Commonwealth shall not employ as an 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 for electronic security technicians' assistants, unarmed alarm respondents, central station dispatchers, electronic security sales representatives, and electronic security technicians, except that such person may be employed for not more than ninety days while completing the compulsory minimum training standards.

No person shall be employed as an electronic security technician's assistant, unarmed alarm

respondent, central station dispatcher, electronic security sales representative, or electronic security technician 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.

G. On and after July 1, 1994, no person shall be employed as an electronic security employee until (i) he has submitted his fingerprints to be used for the conduct of a national criminal records search and a Virginia criminal history records search and (ii) the results of the searches have been submitted to the Department. However, a temporary authorization to work may be issued while awaiting the results of the searches.

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

I. For a period of one year from July 1, 1995, any person subject to the provisions of subsections A, B and C of this section who has actually been employed by an electronic security business as an electronic security technician for a period of three years, a central station dispatcher for a period of one year, an electronic security sales representative for a period of one year, or an alarm respondent for a period of one year immediately preceding the date of application, may be registered; however, the Department shall require such person to submit satisfactory proof of his (i) full-time active engagement in such employment for such period and (ii) compliance with all applicable fees and requirements set forth in this chapter. The renewal of any registration shall be contingent upon the fulfillment of all rules and regulations promulgated by the Board.

J. For a period of one year from July 1, 1995, any person subject to the provisions of subsections A, B and C of this section who has actually been employed as a personal protection specialist for the three years immediately preceding the date of application, may be registered; however, the Department shall require such person to submit satisfactory documentation that he has (i) successfully completed personal protection training approved by the Department, (ii) been engaged in such employment for such period, and (iii) complied with all applicable fees and requirements set forth in this chapter. The renewal of any registration shall be contingent upon the fulfillment of all rules and regulations promulgated by the Board.

K. On or after July 1, 1997, all private security services businesses in the Commonwealth shall include their license number on all business advertising materials.