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SENATE BILL NO. 1346

Offered January 28, 2005

A *BILL to amend and reenact § 9.1-138 of the Code of Virginia, relating to the Department of Criminal Justice Services; private security; definitions.*

Patron—Martin

Unanimous consent to introduce

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 9.1-138 of the Code of Virginia is amended and reenacted as follows:****§ 9.1-138. Definitions.**

In addition to the definitions set forth in § 9.1-101, as used in this article, unless the context requires a different meaning:

"Alarm respondent" means an individual who responds to the signal of an alarm for the purpose of detecting an intrusion of the home, business or property of the end user.

"Armed" means a private security registrant who carries or has immediate access to a firearm in the performance of his duties.

"Armed security officer" means a natural person employed to (i) safeguard and protect persons and property or (ii) deter theft, loss, or concealment of any tangible or intangible personal property on the premises he is contracted to protect, and who carries or has access to a firearm in the performance of his duties.

"Armored car personnel" means persons who transport or offer to transport under armed security from one place to another, money, negotiable instruments or other valuables in a specially equipped motor vehicle with a high degree of security and certainty of delivery.

"Business advertising material" means display advertisements in telephone directories, letterhead, business cards, local newspaper advertising and contracts.

"Central station dispatcher" means an individual who monitors burglar alarm signal devices, burglar alarms or any other electrical, mechanical or electronic device used (i) to prevent or detect burglary, theft, shoplifting, pilferage or similar losses; (ii) to prevent or detect intrusion; or (iii) primarily to summon aid for other emergencies.

"Certification" means the method of regulation indicating that qualified persons have met the minimum requirements as private security services training schools, private security services instructors, compliance agents, or certified detector canine handler examiners.

"Compliance agent" means an individual who owns or is employed by a licensed private security services business to ensure the compliance of the private security services business with this title.

"Courier" means any armed person who transports or offers to transport from one place to another documents or other papers, negotiable or nonnegotiable instruments, or other small items of value that require expeditious services.

"Detector canine" means any dog that detects drugs or explosives or both drugs and explosives.

"Detector canine handler" means any individual who uses a detector canine in the performance of private security duties.

"Detector canine handler examiner" means any individual who examines the proficiency and reliability of detector canines and detector canine handlers in the detection of drugs or explosives or both drugs and explosives.

"Detector canine team" means the detector canine handler and his detector canine performing private security duties.

"Electronic security business" means any person who engages in the business of or undertakes to (i) install, service, maintain, design or consult in the design of any electronic security equipment to an end user; (ii) respond to or cause a response to electronic security equipment for an end user; or (iii) have access to confidential information concerning the design, extent, status, password, contact list, or location of an end user's electronic security equipment.

"Electronic security employee" means an individual who is employed by an electronic security business in any capacity which may give him access to information concerning the design, extent, status, password, contact list, or location of an end user's electronic security equipment.

"Electronic security equipment" means (i) electronic or mechanical alarm signaling devices including burglar alarms or holdup alarms *used to safeguard and protect persons and property; ~~or~~ and* (ii)

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59 cameras used to detect intrusions, concealment or theft, to safeguard and protect persons and property.
60 This shall not include tags, labels, and other devices that are attached or affixed to items offered for
61 sale, library books, and other protected articles as part of an electronic article surveillance and theft
62 detection and deterrence system.

63 "Electronic security sales representative" means an individual who sells electronic security equipment
64 on behalf of an electronic security business to the end user.

65 "Electronic security technician" means an individual who installs, services, maintains or repairs
66 electronic security equipment.

67 "Electronic security technician's assistant" means an individual who works as a laborer under the
68 supervision of the electronic security technician in the course of his normal duties, but who may not
69 make connections to any electronic security equipment.

70 "Employed" means to be in an employer/employee relationship where the employee is providing
71 work in exchange for compensation and the employer directly controls the employee's conduct and pays
72 some taxes on behalf of the employee. The term "employed" shall not be construed to include
73 independent contractors.

74 "End user" means any person who purchases or leases electronic security equipment for use in that
75 person's home or business.

76 "Firearms training verification" means the verification of successful completion of either initial or
77 retraining requirements for handgun or shotgun training, or both.

78 "General public" means individuals who have access to areas open to all and not restricted to any
79 particular class of the community.

80 "License number" means the official number issued to a private security services business licensed by
81 the Department.

82 "Natural person" means an individual person.

83 "Personal protection specialist" means any individual who engages in the duties of providing close
84 protection from bodily harm to any person.

85 "Private investigator" means any individual who engages in the business of, or accepts employment
86 to make, investigations to obtain information on (i) crimes or civil wrongs; (ii) the location, disposition,
87 or recovery of stolen property; (iii) the cause of accidents, fires, damages, or injuries to persons or to
88 property; or (iv) evidence to be used before any court, board, officer, or investigative committee.

89 "Private security services business" means any person engaged in the business of providing, or who
90 undertakes to provide, armored car personnel, security officers, personal protection specialists, private
91 investigators, couriers, security canine handlers, security canine teams, detector canine handlers, detector
92 canine teams, alarm respondents, central station dispatchers, electronic security employees, electronic
93 security sales representatives or electronic security technicians and their assistants to another person
94 under contract, express or implied.

95 "Private security services instructor" means any individual certified by the Department to provide
96 mandated instruction in private security subjects for a certified private security services training school.

97 "Private security services registrant" means any qualified individual who has met the requirements
98 under this article to perform the duties of alarm respondent, armored car personnel, central station
99 dispatcher, courier, electronic security sales representative, electronic security technician, electronic
100 security technician's assistant, personal protection specialist, private investigator, security canine handler,
101 detector canine handler, unarmed security officer or armed security officer.

102 "Private security services training school" means any person certified by the Department to provide
103 instruction in private security subjects for the training of private security services business personnel in
104 accordance with this article.

105 "Registration" means a method of regulation whereby certain personnel employed by a private
106 security services business are required to register with the Department pursuant to this article.

107 "Registration category" means any one of the following categories: (i) unarmed security officer and
108 armed security officer/courier, (ii) security canine handler, (iii) armored car personnel, (iv) private
109 investigator, (v) personal protection specialist, (vi) alarm respondent, (vii) central station dispatcher,
110 (viii) electronic security sales representative, (ix) electronic security technician, (x) electronic technician's
111 assistant, or (xi) detector canine handler.

112 "Security canine" means a dog that has attended, completed, and been certified as a security canine
113 by a certified security canine handler instructor in accordance with approved Department procedures and
114 certification guidelines. "Security canines" shall not include detector dogs.

115 "Security canine handler" means any individual who utilizes his security canine in the performance of
116 private security duties.

117 "Security canine team" means the security canine handler and his security canine performing private
118 security duties.

119 "Supervisor" means any individual who directly or indirectly supervises registered or certified private
120 security services business personnel.

121 "Unarmed security officer" means a natural person who performs the functions of observation,
122 detection, reporting, or notification of appropriate authorities or designated agents regarding persons or
123 property on the premises he is contracted to protect, and who does not carry or have access to a firearm
124 in the performance of his duties.

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