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HOUSE BILL NO. 3003

Offered January 10, 2007

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A BILL to amend and reenact §§ 9.1-138 through §§ 9.1-145 and 9.1-147 through 9.1-150 of the Code of Virginia, relating to the Department of Criminal Justice Services.

Patron—Scott, J.M.

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-138 through 9.1-145 and §§ 9.1-147 through 9.1-150 of the Code of Virginia are 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, (iii) transport or offer to transport from one place to another documents or other papers, negotiable or nonnegotiable instruments, or other small items of value that requires expeditious services, or (iv) respond to the signal of an alarm for the purpose of detecting an intrusion of the home, business, or property of the end user 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, school directors, 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.

"DCJS Authorized Service Partner" means a licensed private security services business or training school that has applied for and has been approved by the Department to perform ancillary functions to assist individuals in maintaining or initiating licensure, certification, or registration.

"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

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59 location of an end user's electronic security equipment.

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

63 "Electronic security equipment" means (i) electronic or mechanical alarm signaling devices including
64 burglar alarms or holdup alarms used to safeguard and protect persons and property; or (ii) cameras used
65 to detect intrusions, concealment or theft, to safeguard and protect persons and property. This shall not
66 include tags, labels, and other devices that are attached or affixed to items offered for sale, library
67 books, and other protected articles as part of an electronic article surveillance and theft detection and
68 deterrence system.

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

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

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

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

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

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

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

86 "License number" means the official number issued to a private security services business *or training*
87 *school* licensed by the Department.

88 "Natural person" means an individual person.

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

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

95 "Private security services business" means any *legal entity or* person engaged in the business of
96 providing, or who undertakes to provide, armored car ~~personnel services~~, security ~~officers~~ *officer, courier,*
97 *or alarm response services*, personal protection ~~specialists services~~, private ~~investigators investigations,~~
98 ~~couriers,~~ security canine handlers, security canine teams, detector canine handlers, detector canine teams,
99 ~~alarm respondents,~~ central station ~~dispatchers dispatching services~~, electronic security ~~employees,~~
100 ~~electronic security sales representatives or electronic security technicians and their assistants services~~ to
101 another person under contract, express or implied.

102 "Private security services instructor" means any individual certified by the Department to provide
103 mandated instruction in private security subjects for a ~~certified~~ *licensed* private security services training
104 school.

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

110 "Private security services training school" means any *legal entity or* person ~~certified~~ *licensed* by the
111 Department to provide instruction ~~in private security of~~ *mandated compulsory minimum training*
112 *standards subjects for the training of private security services business personnel to individuals*
113 *regulated by the Department* in accordance with this article and §§ 9.1-150.2, 9.1-185.2 and 9.1-186.2.

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

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

"School director" means an individual who owns or is employed by a licensed private security services training school to ensure the compliance of the private security services training school with this title.

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

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

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

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

"Unarmed security officer" means a natural person who (i) performs the functions of observation, detection, reporting, or notification of appropriate authorities or designated agents regarding persons or property on the premises he is contracted to protect, or (ii) responds to the signal of an alarm for the purpose of detecting an intrusion at the home, business, or property of the end user and; who does not carry or have access to a firearm in the performance of his duties.

§ 9.1-139. Licensing, certification, and registration required; qualifications; temporary licenses.

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 ensure the compliance of the private security services business with this article and shall meet the qualifications and perform the duties required by the regulations adopted 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 a private security services training school or solicit students for private security Department-mandated training in the Commonwealth without being certified/licensed by the Department. No person shall be issued a private security services training school certification license until a school director is designated in writing on forms provided by the Department. The school director shall ensure the compliance of the school with the provisions of this article and shall meet the qualifications and perform the duties required by the regulations adopted 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, detector canine handler, unarmed security officer, security canine handler, private investigator, personal protection specialist, alarm respondent, central station dispatcher, electronic security sales representative, electronic security technician's assistant, or electronic security technician without possessing a valid registration issued by the Department, except as provided in this article.

D. No person shall be employed by a licensed private security services business as a compliance agent without possessing a valid certification issued by the Department. No person shall be employed by a licensed private security services training school as a school director or utilized as an instructor or detector canine handler examiner without possessing a valid certification issued by the Department.

E. 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 for the business or a school director for a training school who has complied with the compulsory minimum training standards established by the Board pursuant to subsection A of § 9.1-141 for compliance agents or school directors, (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 Board regulations.

F. No person shall be employed by a licensed private security services business in the Commonwealth unless such person is certified or registered in accordance with this chapter.

F. 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 § 9.1-141, for armored car personnel, couriers, armed security officers, detector canine handlers, unarmed security officers, security canine handlers, private investigators, personal protection specialists, alarm respondents, central station dispatchers, electronic security sales representatives, electronic security technician's assistants, or electronic security technicians, (ii) submitted his fingerprints to be used for the conduct of a National

182 Criminal Records search and a Virginia Criminal History Records search, and (iii) met all other
183 requirements of this article and Board regulations.

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

194 H. A licensed private security services business in the Commonwealth shall not employ as an
195 unarmed security officer, electronic security technician's assistant, ~~unarmed alarm respondent~~, central
196 station dispatcher, electronic security sales representative, or electronic security technician, any person
197 who has not complied with, or been exempted from, the compulsory minimum training standards
198 established by the Board, pursuant to subsection A of § 9.1-141, except that such person may be so
199 employed for not more than 90 days while completing compulsory minimum training standards.

200 I. ~~No person shall be employed as an electronic security employee, electronic security technician's~~
201 ~~assistant, unarmed alarm respondent, central station dispatcher, electronic security sales representative,~~
202 ~~electronic security technician or supervisor until he has submitted his fingerprints to the Department to~~
203 ~~be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records~~
204 ~~search. The provisions of this subsection shall not apply to an out-of-state central station dispatcher~~
205 ~~meeting the requirements of subdivision 19 of § 9.1-140. A licensed private security services business in~~
206 ~~the Commonwealth shall not employ as armored car personnel any person who has not complied with,~~
207 ~~or been exempted from, the compulsory minimum training standards established by the Board pursuant~~
208 ~~to subsection A of § 9.1-141, except such person may serve as a driver of an armored car for not more~~
209 ~~than 90 days while completing compulsory minimum training standards, provided such person does not~~
210 ~~possess or have access to a firearm while serving as a driver.~~

211 J. The compliance agent of each licensed private security services business in the Commonwealth
212 shall maintain documentary evidence that each private security ~~registrant~~ *registered* and certified
213 employee employed by his private security services business has complied with, or been exempted from,
214 the compulsory minimum training standards required by the Board. ~~Before January 1, 2003, the~~
215 ~~compliance agent shall ensure that an investigation to determine suitability of each unarmed security~~
216 ~~officer employee has been conducted, except that any such unarmed security officer, upon initiating a~~
217 ~~request for such investigation under the provisions of subdivision 11 of subsection A of § 19.2-389, may~~
218 ~~be employed for up to 30 days pending completion of such investigation. After January 1, 2003, no~~
219 ~~person shall be employed as an unarmed security officer until he has submitted his fingerprints to the~~
220 ~~Department for the conduct of a National Criminal Records search and a Virginia Criminal History~~
221 ~~Records search. Any person who was employed as an unarmed security officer prior to January 1, 2003,~~
222 ~~shall submit his fingerprints to the Department in accordance with subsection B of § 9.1-145.~~

223 K. No person with a criminal conviction for a misdemeanor involving (i) moral turpitude, (ii) assault
224 and battery, (iii) damage to real or personal property, (iv) controlled substances or imitation controlled
225 substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (v) prohibited sexual
226 behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (vi) firearms, or any
227 felony shall be (a) employed as a registered or certified employee by a private security services business
228 or training school, or (b) issued a private security services registration, certification as an ~~unarmed~~
229 ~~security officer, electronic security employee or technician's assistant, a private security services training~~
230 ~~school or instructor certification, compliance agent certification, or a private security services business or~~
231 ~~license, except that, upon written request, the Director of the Department may waive such prohibition.~~

232 L. The Department may grant a temporary exemption from the requirement for licensure,
233 certification, or registration for a period of not more than 30 days in a situation deemed an emergency
234 by the Department.

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

237 N. ~~A licensed private security services business in the Commonwealth shall not employ as armored~~
238 ~~car personnel any person who has not complied with, or been exempted from, the compulsory minimum~~
239 ~~training standards established by the Board pursuant to subsection A of § 9.1-141, except such person~~
240 ~~may serve as a driver of an armored car for not more than 90 days while completing compulsory~~
241 ~~minimum training standards, provided such person does not possess or have access to a firearm while~~
242 ~~serving as a driver.~~

243 § 9.1-140. Exceptions from article.

The provisions of this article shall not apply to:

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

2. A person, except a private investigator as defined in § 9.1-138, 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 *if performing private security services regulated under this article in the course of providing legal or accounting services.*

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, or receiving compensation under the terms of a contract, express or implied, as a security officer, who is also a law-enforcement officer as defined by § 9.1-101 and employed by the Commonwealth or any of its political subdivisions.

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 conduct investigations as a part of the services being provided as a claims adjuster, by a claims adjuster who maintains an ongoing claims adjusting business, and any natural person employed by the claims adjuster to conduct investigations for the claims adjuster as a part of the services being provided as a claims adjuster.

8. Any natural person otherwise required to be registered pursuant to § 9.1-139 who is employed by a business that is not a private security services business for the performance of his duties for his employer. Any such employee, however, 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 the Department as required by this article.

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.

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 *if performing private security services regulated under this article in the course of providing professional engineering or professional architectural services.*

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.

19. An out-of-state central station dispatcher employed by a private security services business licensed 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.

20. Any person, or independent contractor or employee of any person, who (i) exclusively contracts directly with an agency of the federal government to conduct background investigations and (ii) possesses credentials issued by such agency authorizing such person, subcontractor or employee to conduct background investigations.

21. Any person whose occupation is limited to the technical reconstruction of the cause of accidents involving motor vehicles as defined in § 46.2-100, regardless of whether the information resulting from the investigation is to be used before a court, board, officer, or investigative committee, and who is not otherwise a private investigator as defined in § 9.1-138.

§ 9.1-141. Powers of Board relating to private security services businesses.

A. The Board may adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), establishing compulsory minimum, entry-level, in-service, and advanced training standards for persons employed by private security services businesses in classifications defined in § 9.1-138. The regulations may include provisions delegating to the Board's staff the right to inspect the facilities and programs of persons conducting training to ensure compliance with the law and Board regulations. In establishing compulsory training standards for each of the classifications defined in § 9.1-138, the Board shall be guided by the policy of this section to secure the public safety and welfare against incompetent or unqualified persons engaging in the activities regulated by this section and Article 4 (§ 9.1-138 et seq.) of this chapter. The regulations may provide for exemption from such *entry-level compulsory* training for persons having previous employment as law-enforcement officers for a state or the federal government. However, no such exemption shall be granted to persons having less than five continuous years of such employment, nor shall an exemption be provided for any person whose employment as a law-enforcement officer was terminated because of his misconduct or incompetence. The regulations may include provisions for ~~partial~~ exemption from *entry-level* compulsory training for persons having previous training that meets or exceeds the minimum training standards and has been approved by the Department, ~~or for persons and have been~~ employed in classifications defined in § 9.1-138. However, no exemption shall be granted to persons having less than five continuous years of such employment, nor shall an exemption be provided for any person whose employment as a private security services business employee was terminated because of his misconduct or incompetence. *The regulations may provide for alternative training credit to meet in-service training requirements provided that such alternative training meets or exceeds compulsory training standards, has been successfully completed within the 12-month period preceding the expiration of the registration or certification, and has been approved by the Department.*

B. The Board may enter into an agreement with other states for reciprocity or recognition of private security services businesses and their employees, duly licensed by such states. The agreements shall allow those businesses and their employees to provide and perform private security services within the Commonwealth to secure the public safety and welfare against incompetent, unqualified, unscrupulous, or unfit persons engaging in the activities of private security services businesses.

C. The Board may adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) to secure the public safety and welfare against incompetent, unqualified, unscrupulous, or unfit persons engaging in the activities of private security services businesses that:

1. Establish the qualifications of applicants for registration, certification, or licensure under Article 4 (§ 9.1-138) of this chapter;

2. Examine, or cause to be examined, the qualifications of each applicant for registration, certification, or licensure, including when necessary the preparation, administration and grading of examinations;

3. Certify qualified applicants for private security training schools and instructors or license qualified applicants as practitioners of private security services businesses;

4. Levy and collect fees for registration, certification, or licensure and renewal that are sufficient to cover all expenses for administration and operation of a program of registration, certification, and licensure for private security services businesses and training schools;

5. Are necessary to ensure continued competency, and to prevent deceptive or misleading practices by practitioners and effectively administer the regulatory system adopted by the Board;

6. Receive complaints concerning the conduct of any person whose activities are regulated by the Board, to conduct investigations, and to take appropriate disciplinary action if warranted; and

7. Revoke, suspend or fail to renew a registration, certification, or license for just cause as enumerated in Board regulations.

D. In adopting its regulations under subsections A and C, the Board shall seek the advice of the Private Security Services Advisory Board established pursuant to § 9.1-143.

§ 9.1-142. Powers of Department relating to private security services businesses.

A. In addition to the powers otherwise conferred upon it by law, the Department may:

1. Charge each applicant for licensure, certification or registration a nonrefundable fee as established by the Board to cover the costs of the Department for processing an application for a registration, certification or license, and enforcement of these regulations, and other costs associated with the maintenance of this program of regulation.

2. Charge nonrefundable fees for private security services training as established by the Board for processing school certifications and enforcement of training standards.

3. Conduct investigations to determine the suitability of applicants for registration, licensure, or certification of ~~compliance agents, training schools, and instructors~~. For purposes of this investigation, the Department shall have access to criminal history record information maintained by the Central Criminal Records Exchange of the Department of State Police and shall conduct a background investigation, to include a National Criminal Records search and a Virginia Criminal History Records search.

4. Issue subpoenas. The Director or a designated subordinate may make an ex parte application to the circuit court for the city or county wherein evidence sought is kept or wherein a licensee does business, for the issuance of a subpoena duces tecum in furtherance of the investigation of a sworn complaint within the jurisdiction of the Department or the Board to request production of any relevant records, documents and physical or other evidence of any person, ~~partnership, association or corporation or legal entity~~ licensed or regulated by the Department pursuant to this article. The court may issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena duces tecum requiring the immediate production of evidence.

5. Recover costs of the investigation and adjudication of violations of this article or Board regulations. Such costs may be recovered from the respondent when a sanction is imposed to fine or place on probation, suspend, revoke, or deny the issuance of any license, certification, or registration. Such costs shall be in addition to any monetary penalty which may be imposed. All costs recovered shall be deposited into the state treasury to the credit of the Private Security Services Regulatory Fund.

6. Institute proceedings to enjoin any person from engaging in any lawful act enumerated in § 9.1-147. Such proceedings shall be brought in the name of the Commonwealth by the Department in circuit court of the city or county in which the unlawful act occurred or in which the defendant resides.

B. The Director, or agents appointed by him, shall be vested with the authority to administer oaths or affirmations for the purpose of receiving complaints and conducting investigations of violations of this article, or any Board regulation promulgated pursuant to authority given by this article. Information concerning alleged criminal violations shall be turned over to law-enforcement officers in appropriate jurisdictions. Agents shall be vested with authority to serve such paper or process issued by the Department or the Board under regulations approved by the Board.

§ 9.1-143. Private Security Services Advisory Board; membership.

The Private Security Services Advisory Board is established as an advisory board within the meaning of § 2.2-2100, in the executive branch of state government. The Private Security Services Advisory Board shall consist of ~~13~~ 14 members as follows: two members shall be private investigators; two shall be representatives of electronic security businesses; three shall be representatives of private security services businesses providing security officers, armed couriers or guard dog handlers; one shall be a representative of a private security services business providing armored car personnel; one shall be a representative of a private security services business involving personal protection specialists; one shall be a certified private security services ~~instructor~~ school director; one shall be a special conservator of the peace appointed pursuant to § 19.2-13; one shall be a licensed bail bondsman; *one shall be a licensed bail enforcement agent*; and one shall be a representative of law enforcement. The Private Security Services Advisory Board shall be appointed by the Criminal Justice Services Board and shall advise the Criminal Justice Services Board on all issues relating to regulation of private security services businesses.

§ 9.1-144. Insurance required.

A. Every person licensed as a private security services business under subsection A of § 9.1-139 or ~~certified~~ licensed as a private security services training school under subsection B of § 9.1-139 shall, at the time of receiving the license ~~or certification~~ and before the license ~~or certification~~ shall be operative, file with the Department (i) a cash bond or evidence that the licensee or certificate holder is covered by a surety bond, executed by a surety company authorized to do business in the Commonwealth, in a reasonable amount to be fixed by the Department, conditioned upon the faithful and honest conduct of his business or employment; or (ii) evidence of a policy of liability insurance in an amount and with coverage as fixed by the Department. The bond or liability insurance shall be maintained for so long as the licensee or certificate holder is licensed or certified by the Department.

B. If any person aggrieved by the misconduct of any person licensed or certified under subsection A or B of § 9.1-139 recovers judgment against the licensee or certificate holder, which judgment is unsatisfied in whole or in part, such person may bring an action in his own name on the bond of the licensee or certificate holder.

§ 9.1-145. Fingerprints required; penalty.

A. Each applicant for initial registration, licensure or certification as a ~~compliance agent, private security services training school or instructor or unarmed security officer~~ under the provisions of this article and every person employed as an electronic security employee or electronic security technician's

428 assistant shall submit his fingerprints to the Department on a form provided by the Department. The
429 Department shall use the applicant's fingerprints and personal descriptive information for the conduct of
430 a National Criminal Records search and a Virginia Criminal History Records search.

431 B. Each currently certified unarmed security officer applying for renewal between January 1, 2003,
432 and December 31, 2004, shall submit his fingerprints to the Department on a form provided by the
433 Department. The Department shall use the applicant's fingerprints and personal descriptive information
434 for the conduct of a National Criminal Records search and a Virginia Criminal History Records search.
435 *No person shall be employed as an unarmed security officer, electronic security employee, electronic*
436 *security technician's assistant, unarmed alarm respondent, central station dispatcher, electronic security*
437 *sales representative, electronic security technician or supervisor until he has submitted his fingerprints*
438 *to the Department to be used for the conduct of a National Criminal Records search and a Virginia*
439 *Criminal History Records search. The provisions of this subsection shall not apply to an out-of-state*
440 *central station dispatcher meeting the requirements of subdivision 19 of § 9.1-140.*

441 C. The Department may suspend the registration, license or certification of any applicant who is
442 subsequently convicted of a misdemeanor involving (i) moral turpitude, (ii) assault and battery, (iii)
443 damage to real or personal property, (iv) controlled substances or imitation controlled substances as
444 defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (v) prohibited sexual behavior as
445 described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (vi) firearms or any felony.

446 D. Any person willfully and intentionally making a false statement in the personal descriptive
447 information required on the fingerprint card is guilty of a Class 5 felony.

448 § 9.1-147. Unlawful conduct generally; penalty.

449 A. It shall be unlawful for any person to:

450 1. Practice any trade or profession licensed, certified or registered under this article without obtaining
451 the necessary license, certification or registration required by statute or regulation;

452 2. Materially misrepresent facts in an application for licensure, certification or registration;

453 3. Willfully refuse to furnish the Department information or records required or requested pursuant to
454 statute or regulation; ~~and~~

455 4. Violate any statute or regulation governing the practice of the private security services businesses
456 or training schools regulated by this article; *and*

457 5. *Procure, or assist another to procure, through theft, fraud, or other illegal means, a registration,*
458 *certification or license.*

459 B. Any person who is convicted of willful violation of subsection A shall be guilty of a Class 1
460 misdemeanor. Any person convicted of a third or subsequent offense under this section during a
461 thirty-six-month period shall be guilty of a Class 6 felony.

462 § 9.1-148. Unlawful procurement of a license; penalty.

463 A. It shall be unlawful for any person to:

464 1. Procure, or assist another to procure, through theft, fraud or other illegal means, a registration,
465 *certification* or license, by giving to, or receiving from, any person any information, oral, written or
466 printed, during the administration of the examination, which is intended to, or will, assist any person
467 taking the examination in passing the examination and obtaining the required registration, *certification* or
468 license;

469 2. Attempt to procure, through theft, fraud or other illegal means, any questions intended to be used
470 by the Department conducting the examination, or the answers to the questions;

471 3. Promise or offer any valuable or other consideration to a person having access to the questions or
472 answers as an inducement to procure for delivery to the promisor, or any other person, a copy of any
473 questions or answers.

474 B. No person, other than a designee of the Department, shall procure or have in his possession prior
475 to the beginning of an examination, without written authority of the Department, any question intended
476 to be used by the Department, or receive or furnish to any person taking the examination, prior to or
477 during the examination, any written or printed material purporting to be answers to, or aid in answering
478 such questions;

479 C. If an examination is divided into separate parts, each of the parts shall be deemed an examination
480 for the purposes of this section.

481 D. Any person convicted of a violation of subsections A or B shall be guilty of a Class 2
482 misdemeanor.

483 § 9.1-149. Unlicensed activity prohibited; penalty.

484 A. No person:

485 1. Required to possess a registration under subsection C of § 9.1-139 shall be employed by a private
486 security services business, except as provided in this article, as *an unarmed security officer*, armored car
487 personnel, ~~equier~~, armed security officer, security canine handler, *detector canine handler*, personal
488 protection specialist, private investigator, ~~alarm respondent~~, central station dispatcher, electronic security
489 sales representative, *electronic security technician's assistant*, or electronic security technician without

possessing a valid registration.

2. Licensed or required to be licensed under subsection A of § 9.1-139 shall employ or otherwise utilize, except as provided in this article, as *an unarmed security officer*, armored car personnel, ~~courier~~, armed security officer, security canine handler, *detector canine handler*, personal protection specialist, private investigator, ~~alarm respondent~~, central station dispatcher, electronic security sales representative, *electronic security technician's assistant*, or electronic security technician, any person not possessing a valid registration.

3. *Licensed or required to be licensed under subsection A of § 9.1-139 as a private security business shall employ or otherwise utilize as a compliance agent any person not possessing a valid compliance agent certification.*

4. *Licensed or required to be licensed as a private security services training school under subsection B of § 9.1-139 shall employ or otherwise utilize, except as provided in § 9.1-141 and Board regulations, as a private security instructor, detector canine handler examiner or school director, any person not possessing a valid certification.*

5. Required to possess an instructor certification under subsection D of § 9.1-139 shall provide mandated instruction, except as provided in § 9.1-141 and Board regulations, without possessing a valid private security instructor certification.

6. *Required to possess a detector canine handler examiner certification under subsection D of § 9.1-139 shall provide examinations for individuals registered or required to be registered without possessing a valid private security detector canine handler examiner certification.*

4. ~~Certified or required to be certified as a private security services training school under subsection B of § 9.1-139 shall employ or otherwise utilize, except as provided in § 9.1-141 and Board regulations, as a private security instructor, any person not possessing a valid instructor certification.~~

B. ~~No compliance agent employed or otherwise utilized by a person licensed or required to be licensed under subsection A of § 9.1-139 shall:~~

1. ~~Employ or otherwise utilize as an unarmed security officer, except as provided in this article, any individual for whom the compliance agent does not possess documentary evidence of compliance with, or exemption from, the compulsory minimum training standards established by the Board for unarmed security officers and before January 1, 2003, maintain documentary evidence that an investigation to determine suitability has been conducted.~~

2. ~~Employ or otherwise utilize as an electronic security technician's assistant, except as provided in this article, any individual for whom the compliance agent does not possess documentary evidence of compliance with, or exemption from, the compulsory minimum training standards established by the Board for electronic security technician's assistants.~~

C. ~~Any person convicted of a violation of subsections A or B shall be guilty of a Class 1 misdemeanor.~~

§ 9.1-150. Monetary penalty.

Any person licensed, certified or registered by the Board pursuant to this article who violates any statute or Board regulation, *and* who is not criminally prosecuted, shall be subject to the monetary penalty provided in this section. If the Board determines that a respondent is guilty of the violation complained of, the Board shall determine the amount of the monetary penalty for the violation, which shall not exceed \$2,500 for each violation. The penalty may be sued for and recovered in the name of the Commonwealth. The monetary penalty shall be paid into the state treasury to the credit of the Literary Fund in accordance with § 19.2-353.