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## HOUSE BILL NO. 2241

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Militia, Police and Public Safety  
on February 6, 2009)

(Patron Prior to Substitute—Delegate Valentine)

*A BILL to amend and reenact §§ 9.1-138, 9.1-141, and 9.1-143 of the Code of Virginia, relating to detector canine handlers and examiners and certification.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 9.1-138, 9.1-141, and 9.1-143 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, 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 (ii) cameras used to detect intrusions, concealment or theft, to safeguard and protect persons and property. This shall not include tags, labels, and other devices that are attached or affixed to items offered for sale, library books, and other protected articles as part of an electronic article surveillance and theft detection and

60 deterrence system.

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

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

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

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

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

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

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

78 "Key cutting" means making duplicate keys from an existing key and includes no other locksmith  
79 services.

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

82 "Locksmith" means any individual that performs locksmith services, or advertises or represents to the  
83 general public that the individual is a locksmith even if the specific term locksmith is substituted with  
84 any other term by which a reasonable person could construe that the individual possesses special skills  
85 relating to locks or locking devices, including use of the words lock technician, lockman, safe  
86 technician, safeman, boxman, unlocking technician, lock installer, lock opener, physical security  
87 technician or similar descriptions.

88 "Locksmith services" mean selling, servicing, rebuilding, repairing, rekeying, repinning, changing the  
89 combination to an electronic or mechanical locking device; programming either keys to a device or the  
90 device to accept electronic controlled keys; originating keys for locks or copying keys; adjusting or  
91 installing locks or deadbolts, mechanical or electronic locking devices, egress control devices, safes, and  
92 vaults; opening, defeating or bypassing locks or latching mechanisms in a manner other than intended by  
93 the manufacturer; with or without compensation for the general public or on property not his own nor  
94 under his own control or authority.

95 "Natural person" means an individual person.

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

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

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

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

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

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

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

120 "Registration category" means any one of the following categories: (i) unarmed security officer and  
121 armed security officer/courier, (ii) security canine handler, (iii) armored car personnel, (iv) private

investigator, (v) personal protection specialist, (vi) alarm respondent, (vii) central station dispatcher, (viii) electronic security sales representative, (ix) electronic security technician, (x) electronic technician's assistant, (xi) detector canine handler, or (xii) locksmith.

"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 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, and who does not carry or have access to a firearm in the performance of his duties.

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

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 *partial* exemption from such *compulsory, entry-level* training for persons having previous employment as law-enforcement officers for a *local, state or the federal government, to include units of the United States Armed Forces, or for persons employed in classifications defined in § 9.1-138*. 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 *or whose employment as a private security services business employee* was terminated because of his misconduct or incompetence. The regulations may include *separate* provisions for partial exemption from 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 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.~~

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

183 enumerated in Board regulations.

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

186 § 9.1-143. Private Security Services Advisory Board; membership.

187 The Private Security Services Advisory Board is established as an advisory board within the meaning  
188 of § 2.2-2100, in the executive branch of state government. The Private Security Services Advisory  
189 Board shall consist of 15 members as follows: two members shall be private investigators; two shall be  
190 representatives of electronic security businesses; two members shall be representatives of locksmith  
191 businesses; three shall be representatives of private security services businesses providing security  
192 officers, armed couriers, *detector canine handlers*, or ~~guard dog~~ *security canine* handlers; one shall be a  
193 representative of a private security services business providing armored car personnel; one shall be a  
194 representative of a private security services business involving personal protection specialists; one shall  
195 be a certified private security services instructor; one shall be a special conservator of the peace  
196 appointed pursuant to § 19.2-13; one shall be a licensed bail bondsman and one shall be a representative  
197 of law enforcement. The Private Security Services Advisory Board shall be appointed by the Criminal  
198 Justice Services Board and shall advise the Criminal Justice Services Board on all issues relating to  
199 regulation of private security services businesses.