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HOUSE BILL NO. 1691

Offered January 17, 1995

A BILL to amend and reenact §§ 9-182, 9-183.1, 9-183.2, and 9-183.3 of the Code of Virginia, relating to compulsory training standards for private security services business personnel; definitions; licensing and registration.

Patron—Keating

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 9-182, 9-183.1, and 9-183.3 of the Code of Virginia are amended and reenacted as follows:

§ 9-182. Compulsory training standards for private security services business personnel.

A. The Board shall have the power to issue regulations pursuant to Chapter 1.1:1 (§ 9-6.14:1 et seq.) of this title, establishing compulsory minimum, entry-level, in-service, and advanced training standards for persons employed by private security services businesses in classifications defined in § 9-183.1. 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 its regulations. In establishing by regulation compulsory training standards for each of the classifications defined in § 9-183.1, the Board shall be guided by the policy of this section which is to secure the public safety and welfare against incompetent or unqualified persons engaging in the activities regulated by this section and Article 2.1 (§ 9-183.1 et seq.) of this title. The regulations may provide for exemption from such 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 such training for persons having previous training which meets or exceeds the minimum training standards and has been approved by the Department, or for persons employed in classifications defined in § 9-183.1; 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 private security services business employee was terminated because of his misconduct or incompetence.*

B. The Board shall have the power to promulgate regulations pursuant to the Administrative Process Act (§ 9-6.14:1 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 as follows:

1. To establish the qualifications of applicants for registration or licensure under Article 2.1 (§ 9-183.1) of Chapter 27 of this title;

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

3. To certify or license qualified applicants as practitioners of private security services businesses;

4. To levy and collect fees for registration or licensure and renewal that are sufficient to cover all expenses for administration and operation of a program of registration and licensure for private security services businesses;

5. To promulgate regulations necessary to ensure continued competency, and to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system promulgated by the Board;

6. To 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. To revoke, suspend or fail to renew a registration or license for just cause as enumerated in regulations of the Board.

C. In promulgating its regulations under subsections A and B of this section, the Board shall seek the advice of the Private Security Services Advisory Board established pursuant to § 9-183.5.

§ 9-183.1. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Alarm respondent" means a natural person who responds to the first signal of alarm of the home, business or property of the end user.

"Armed security officer" means a security officer, as defined below, who carries or has immediate

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60 access to a firearm or other deadly weapon in the performance of his duties.

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

64 "Board" means the Criminal Justice Services Board or any successor board or agency.

65 "Central station dispatcher" means a natural person who monitors burglar alarm signal devices,
66 burglar alarms or any other electrical, mechanical or electronic device used to prevent or detect burglary,
67 theft, shoplifting, pilferage or similar losses; used to prevent or detect intrusion; or used primarily to
68 summon aid for other emergencies.

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

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

74 "Department" means the Department of Criminal Justice Services or any successor agency.

75 "Electronic security business" means any person who engages in the business of or undertakes to (i)
76 install, service, maintain, design or consult in the design of any electronic security equipment to an end
77 user or (ii) respond to or cause a response to electronic security equipment for an end user.

78 "Electronic security employee" means a natural person who is employed by an electronic security
79 business in any capacity which may give him access to information concerning the design, extent or
80 status of an end user's electronic security equipment.

81 "Electronic security equipment" means electronic or mechanical alarm signaling devices including
82 burglar alarms or holdup alarms or cameras used to detect intrusions, concealment or theft.

83 "Electronic security sales representative" means a natural person who sells electronic security
84 equipment on behalf of an electronic security business to the end user.

85 "Electronic security technician" means a natural person who installs, services, maintains or repairs
86 electronic security equipment.

87 *"Electronic security technician's assistant" means a natural person who works as a laborer under the*
88 *supervision of the electronic security technician in the course of his normal duties, but who may not*
89 *make connections to any electronic security equipment.*

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

92 "Guard dog handler" means any person employed by a private security services business to handle
93 dogs in the performance of duty in protection of property or persons.

94 "Person" means any individual, group of individuals, firm, company, corporation, partnership,
95 business, trust, association, or other legal entity.

96 "Personal protection specialist," on and after July 1, 1995, means any person who engages in the
97 business of providing protection from bodily harm to another.

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

103 "Private security services business" means any person engaged in the business of providing, or who
104 undertakes to provide, (i) armored car personnel, security officers, personal protection specialists, private
105 investigators, couriers, or guard dog handlers to another person under contract, express or implied or (ii)
106 alarm respondents, central station dispatchers, electronic security employees, electronic security sales
107 representatives or electronic security technicians to another person under contract, express or implied.

108 "Registration" means a method of regulation whereby certain personnel employed by a private
109 security services business are required to obtain a registration from the Department pursuant to this
110 article.

111 "Security officer" means any person employed by a private security services business to safeguard
112 and protect persons and property or to prevent theft, loss, or concealment of any tangible or intangible
113 personal property.

114 "Unarmed security officer" means a security officer who does not carry or have immediate access to
115 a firearm or other deadly weapon in the performance of his duties.

116 § 9-183.3. Licensing and registration.

117 A. No person shall engage in the private security services business including, on and after July 1,
118 1995, the electronic security business in this Commonwealth without having obtained a license from the
119 Department. No person shall be issued a private security services business license until a compliance
120 agent is designated in writing on forms provided by the Department. The compliance agent shall assure
121 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.

B. No person shall be employed by a licensed private security services business in this 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 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 90 days while completing compulsory minimum training standards.

E. The compliance agent of each licensed private security services business shall maintain documentary evidence that each 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. 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. 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.

G. 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.

H. 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.

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 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.