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## HOUSE BILL NO. 1184

Offered January 22, 1996

A BILL to amend and reenact §§ 9-183.1 and 9-183.3 of the Code of Virginia, relating to private security services businesses; locksmiths.

Patron—McClure

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:****1. That §§ 9-183.1 and 9-183.3 of the Code of Virginia are amended and reenacted as follows:****§ 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 signal of an alarm for the purpose of detecting an intrusion 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 access to a firearm or other deadly weapon 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.

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

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

"Compliance agent" means a natural person 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.

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

"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 or (ii) respond to or cause a response to electronic security equipment for an end user.

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

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

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

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

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

"End user" means any person who purchases or leases electronic security equipment, *mechanical locking devices, electrical or electro-mechanical locking devices* for use in that person's home or business.

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

"Locksmith" means a natural person who performs locksmith services for the general public for compensation and who represents himself as a locksmith for hire to the general public to perform locksmith services.

"Locksmith assistant" means a natural person who performs locksmith services under the supervision of a registered locksmith, but who may not bypass locking devices except in the presence of a registered locksmith.

"Locksmith services" means the installation, repair, maintenance and modification of locksmith security equipment.

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60 "Locksmith services business" means any person engaged in the business of providing or who  
61 undertakes to provide, locksmith services to the general public.

62 "Locksmith security equipment" means mechanical, electrical or electro-mechanical locking devices  
63 to safeguard and protect persons and property, and for the control of ingress or egress, but which do  
64 not primarily detect intrusion, concealment or theft.

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

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

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

73 "Private security services business" means any person engaged in the business of providing, or who  
74 undertakes to provide, (i) armored car personnel, security officers, personal protection specialists, private  
75 investigators, couriers, or guard dog handlers to another person under contract, express or implied or;  
76 (ii) alarm respondents, central station dispatchers, electronic security employees, electronic security sales  
77 representatives or electronic security technicians to another person under contract, express or implied; or  
78 (iii) locksmiths or locksmith assistants to another person under contract, express or implied.

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

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

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

87 § 9-183.3. Licensing and registration.

88 A. No person shall engage in the private security services business including, on and after July 1,  
89 1995 1998, the ~~electronic security~~ locksmith services business in this the Commonwealth without  
90 having obtained a license from the Department. No person shall be issued a private security services  
91 business license until a compliance agent is designated in writing on forms provided by the Department.  
92 The compliance agent shall assure the compliance of the private security services business with this  
93 article and shall meet the qualifications and perform the duties required by the regulations promulgated  
94 by the Department.

95 B. No person shall be employed by a licensed private security services business in this the  
96 Commonwealth as armored car personnel, courier, armed security officer, guard dog handler, or private  
97 investigator without possessing a valid registration issued by the Department. On and after July 1, 1995,  
98 no person shall be employed as an , alarm respondent, central station dispatcher, electronic security sales  
99 representative or electronic security technician without possessing a valid registration issued by the  
100 Department. On or after July 1, 1998, no person shall be employed as a locksmith without possessing a  
101 valid registration issued by the Department.

102 C. No person shall be issued a registration until he has (i) complied with, or been exempted from the  
103 compulsory minimum training standards established by the Board, pursuant to subsection A of § 9-182,  
104 for armored car personnel, couriers, armed security officers, guard dog handlers, private investigators,  
105 alarm respondents, central station dispatchers, electronic security sales representatives or, electronic  
106 security technicians, locksmiths or locksmith assistants and (ii) submitted his fingerprints to be used for  
107 the conduct of a National Criminal Records search and a Virginia Criminal History Records search, and  
108 the results of such searches have been submitted to the Department; however, a temporary registration  
109 may be issued as provided in the regulation for the purpose of awaiting the results of the state and  
110 national fingerprint search.

111 D. A licensed private security services business in this the Commonwealth shall not employ as an  
112 unarmed security officer any person who has not complied with, or been exempted from, the  
113 compulsory minimum training standards established by the Board, pursuant to subsection A of § 9-182  
114 for unarmed security officers, except that such person may be so employed for not more than 90 days  
115 while completing compulsory minimum training standards.

116 E. The compliance agent of each licensed private security services business in the Commonwealth  
117 shall maintain documentary evidence that each (i) unarmed security officer employee has complied with,  
118 or been exempted from, the compulsory minimum training standards required by the Board for unarmed  
119 security officers and that an investigation to determine suitability of each unarmed security officer  
120 employee has been conducted, except that any such unarmed security officer, upon initiating a request  
121 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; *and (iii) locksmith assistants have complied with, or have been exempted from, the compulsory minimum training standards required by the Board for locksmith 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 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, 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 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. A licensed private security services business in the Commonwealth shall not employ as a locksmith assistant a person who has not complied with, or has been exempted from the compulsory minimum training standards established by the Board pursuant to subsection A of § 9-182 for locksmith assistants, 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 a locksmith assistant 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.*

HI. 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.

IJ. 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.

JK. 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.

L. *For a period of one year from July 1, 1998, any person subject to the provisions of subsections A, B, and C who has actually been employed by a locksmith services business as a locksmith for a period of two years immediately preceding the date of application may be registered. However, the Department shall require such person to submit satisfactory proof of his (i) 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 regulations promulgated by the Board.*