

2011 FINAL Priority State Legislation Report for Security Guard Companies and Officers

Report as of January 4, 2012

2011 Enacted Legislation

Bill	Description	Status
California		
AB 144 [Portantino]	AB 144 would ban the “open carry” of unloaded handguns in California. The bill makes it against the law to carry an unloaded handgun in any public place or street. Law enforcement personnel are exempt, as are hunters and others licensed to carry firearms including security guards.	09/21/2011 Approved by Governor, Chaptered by Secretary of State – Chapter 725 Statutes of 2011
Connecticut		
SB 913 [Labor and Employ Committee]	To require employers with fifty or more employees to provide paid sick leave to certain employees for use for the employee's sickness, the employee's child's, parent's or spouse's sickness	07/01/2011 Signed by Governor
Florida		
Regulation	Clarifies the rules for G licensed security officers and investigators, specifically, when a security officer may or may not carry a firearm in connection with his or her duties. Clarification in rules removes unintentional violations by officers and security contractors.	05/27/2011 Rule Adopted. Effective date 6/16/2011
Oklahoma		
SB 263 [Paddack]	Would amend minimum requirements for a mandatory continuing education program for all licensed private investigators and security guards which shall include, but not be limited to, a designated minimum number of clock hours of required attendance, not to exceed twenty-four clock hours during the licensing period, at accredited educational functions.	04/06/2011 Approved by Governor
Oregon		

Bill	Description	Status
SB 878 [Ladd]	Extends exception to private security professional licensing requirement to person employed for purpose of controlling access at entrance of premises by licensee of Oregon Liquor Control Commission.	06/24/2011 In Senate: Chapter 516, 2011 Laws.: Effective date June 23, 2011
Utah		
HB 375 [Ivory]	This bill provides that a person holding a valid license as an armed private security officer may also function as an unarmed private security officer without the additional license.	03/18/2011 Governor Signed Sent to Lt Gov's office for filing
Regulation	This rule increases basic training requirements for armed and unarmed private security officers from eight hours to 24 hours prior to submitting an application for licensure, establishes the topics to be covered by each training program, establishes a four hour training requirement for trainers themselves, and makes other technical amendments.	04/15/2011 Rule Adopted

2011 On-Hold Legislation

Bill	Description	Status
Alabama		
SB 434 [Keahey]	This bill would require private security companies, who have less than 100 security officer employees, to register with the Alabama State Regulatory Board. They are currently exempt.	04/21/2011 Read for the first time and referred to the Senate committee on Small Business
HB 495 [Hubbard]	This bill would require private security companies, who have less than 100 security officer employees, to register with the Alabama State Regulatory Board. They are currently exempt.	06/01/2011 Indefinitely Postponed
Arizona		
HB 2288 [Dial]	Beginning January 1, 2012, the governing body of each airport located in this state shall contract with a private person for all airport security screening. An airport in this state may not use the Transportation Safety Administration for airport screening.	01/24/2011 In House; Second Read
California		

Bill	Description	Status
AB 400 [Ma]	Provides that an employee who works in California for 7 or more days in a calendar year is entitled to paid sick days. It requires employers to provide paid sick days, upon the request of the employee, for diagnosis, care or treatment of health conditions of the employee or their family member. Days would rollover.	05/27/2011 In Assembly Appropriations Committee. Held under submission
AB 811 [Hall]	This bill would establish procedures allowing Private Patrol Operators to own firearms and to assign those firearms to employees of the Private Patrol Operator who are licensed security officers.	04/12/2011 In committee: Set, first hearing. Hearing canceled at the request of author
Regulation	Would give Bureau of Security & Investigative Services (BSIS) authority to issue citations and fines for unlicensed activity.	Hearing held on July 21. BSIS in the process of reviewing proposed changes received during public comment period
Connecticut		
HB 5100 [Candelora]	Would make any member of the state, or any town, city or borough, police force or any other person vested with police powers eligible for a security service license.	04/06/2011 Referred by House to Committee on Finance, Revenue and Bonding
Florida		
HB 513 [Crisafulli] * same bill as Florida SB 154	Provides that a security officer who engages in any activity for that requires license, but who acts without having license, commits misdemeanor of first degree; provides that such person commits felony of third degree for second or subsequent offense of engaging in activities without license; authorizes DACS to impose civil penalty not to exceed specified amount; provides penalties for person who commits any of various acts while impersonating security or other designated officer; authorizes licensed security officer or licensed security agency manager to detain person on premises of critical infrastructure facility in certain circumstances; provides identification requirements for certain licensed security officers.	10/28/2011 In House; Filed; 11/04/2011 In House; Referred to Business and Consumer Affairs Subcommittee; Criminal Justice Subcommittee; Appropriations Committee; Economic Affairs Committee

Bill	Description	Status
SB 154 [Latvala] * same bill as Florida HB 513	Provides that a security officer who engages in any activity for that requires license, but who acts without having license, commits misdemeanor of first degree; provides that such person commits felony of third degree for second or subsequent offense of engaging in activities without license; authorizes DACS to impose civil penalty not to exceed specified amount; provides penalties for person who commits any of various acts while impersonating security or other designated officer; authorizes licensed security officer or licensed security agency manager to detain person on premises of critical infrastructure facility in certain circumstances; provides identification requirements for certain licensed security officers.	12/08/2011 In Senate: Subreferred to Budget Subcommittee on General Government Appropriations Now in Budget Subcommittee on General Government Appropriations
SB 888 [Flores]	Would change the name of the Division of Consumer Services within the Department of Agriculture and Consumer Services to the Division of Consumer Protection and authorize the Department of Agriculture and Consumer Services to waive firearms training requirements for the initial licensure of private investigative, private security, or repossession services under certain circumstances (proof that applicant currently certified as a law enforcement officer, federal law enforcement officer or the applicant submits a valid firearm certificate and provides proof of completing the requalification training during the preceding 2 years of the licensing period.	12/06/2011 In Senate: Referred to Commerce and Tourism; Regulated Industries; Budget
SB 1916 [Detert]	Renames the Division of Consumer Services within the department as the "Division of Consumer Protection." Revises the information that a person must supply in an application for licensure as a private investigator, private security service, or repossession service. Requires the department to investigate the mental fitness of an applicant of a Class "K" firearms instructor license. Requires an application for a security officer school or training facility to be verified under oath.	05/06/2011 In Senate; Placed on Special Order Calendar, Read 2nd time Substituted CS/HB 7209 Laid on Table, refer to CS/HB 7209
Iowa		
HB 122 [Hagenow]	This bill would allow a security officer who possesses a valid license to carry offensive weapons, when the person's duties or lawful activities require or permit such possession. An offensive weapon is defined in Code section 724.1 to include a machine gun, a short-barreled rifle or short-barreled shotgun, certain other weapons which fire or can be made to fire a projectile by the explosion of a propellant charge, a bomb, grenade, or mine, any rocket having a propellant charge of more than four ounces, certain rockets, missiles and other similar devices.	02/04/2011 Assigned to subcommittee, Hagenow, R. Olson, and Shaw

Bill	Description	Status
HF 520 [Committee]	Would clarify state law that a security officer licensed to carry a firearm may carry a firearm on school grounds in the course of his official duty.	04/1/2011 – Introduced, assigned to Committee on Public Safety
Massachusetts		
HD 1344 [Murphy]	Relates to third party training and background checks for violent history for security staff at bars and clubs.	01/20/2011 Filed
HB 548 [Walsh]	Would amend Section 27H of Chapter 149 of the General Laws. No agreement or contract providing for the cleaning, maintenance or security guard services in public buildings or space rented by the commonwealth, shall be entered into or given by the commonwealth unless said contract or agreement contains a stipulation requiring prescribed rates of wages, as determined by the commissioners, to be paid to the employees of the maintenance security guard or cleaning contractor. Any such contract which does not contain said stipulation shall be invalid, and no payment shall be made thereunder. Said rates of wages shall be requested of the commissioner, and shall be furnished by the commissioner in a schedule containing the classifications of jobs and rate of wages to be paid for each job. Said rates of wages shall include payments to health and welfare plans and pension plans, or, if no such plan is in effect between employers and employees, the amount of such payments shall be paid directly to said employees.	02/14/2011 To Joint Committee on Labor and Workforce Development
HB 1398 [Kahn] SB 930 [Jehlen]	Submits the paid sick day act, so-called; entitles all employees in the commonwealth to at least 7 paid sick days within a twelve month period; articulates permissible uses of said sick days, including, but not limited to care of a child, spouse or parent; authorizes employers to require certification of illnesses when 3 or more paid sick days are taken consecutively; authorizes the carrying over of up to seven sick days per year; deems employers already providing sick days as within compliance.	07/14/2011 On hold
Michigan		
SB 241 [Booher]	A bill to license and regulate persons engaged in the security business; to protect the general public against unauthorized, unlicensed, and unethical operations by persons engaged in the security business; to establish minimum qualifications for persons engaged in the security business; to impose certain fees; to create the security guard fund; to prescribe the powers and duties of certain state agencies and departments; and to provide for remedies and penalties.	03/08/2011 Introduced, referred to Senate Committee on Regulatory Reform
Minnesota		

Bill	Description	Status
SB 107 [Limmer]	A security guard may not operate a motor vehicle in the course of employment that has the term "public safety" displayed on the motor vehicle or may not wear or display a badge that contains "public safety" during course of employment. Vehicles have until August 1, 2012 to comply.	01/24/2011 In Senate; Introduction and first reading; Referred to Judiciary and Public Safety
Missouri		
HB 71 [Nasheed]	Allows the City of St. Louis to establish a municipal police force completely under the city's authority including, regulating and licensing all private watchmen, private detectives and private policemen serving or acting as such in said cities.	05/12/2011 In Senate; Referred to Committee on Ways and Means and Fiscal Oversight
HB 1A [Nasheed]	Allows the City of St. Louis to establish a municipal police force completely under the city's authority including, regulating and licensing all private watchmen, private detectives and private policemen serving or acting as such in said cities.	09/20/2011 In Senate; Public Hearing Cancelled; Executive Session Scheduled - THURSDAY, SEPTEMBER 22, 2011, 9:00AM, SCR 1
New Jersey		
AB 2710 [Rible]	This bill requires any person who is employed as an in-house security officer by a company that maintains a proprietary or in-house security function to register with the Superintendent of State Police, and complete an education and training course as part of the Security Officer Registration Act.	05/13/2011 Introduced language
AB 215 [Quigley]	This bill requires the licensing of private security officers and the security officers of State and local governments and their agencies by the Department of Law and Public Safety. The bill establishes in the Department of Law and Public Safety a State Advisory Board on Security Officers (the board) and a State Advisory Board on Armored Car Security Officers (the State board). The bill institutes three classes of licenses. Licensees must pass a criminal history background check, complete eight hours of board-approved or State board-approved training; complete eight consecutive hours of on-the-job training; complete a physical and psychological examination. Employers of security officers must register with the director according to board and State board requirements.	Introduced on 01/12/2011 and referred to Assembly Regulated Professions Committee
SB 1635 [Kean]	Would require training and registration for in-house security officers.	03/04/2010 -- Introduced in the Senate, Referred to Senate Law and Public Safety Committee

Bill	Description	Status
SB 1147 [Bucco]	This bill removes investigation and security services from the imposition of the sales and use tax. The tax imposed on these services has, since October of 2006, increased the overall cost paid by consumers and served as a disincentive for the State's investigation and security services providers. The additional expense has forced certain recipients to cut or otherwise reduce the overall level of investigation and security services they receive, and has led certain others to avoid sales tax liabilities altogether through the development and training of proprietary, in-house investigation and security personnel.	Introduced 02/4/2010. Bill not referred to committee yet
AB 2710 [Rible]	This bill requires any person who is employed as an in-house security officer by a company that maintains a proprietary or in-house security function to register with the Superintendent of State Police, and complete an education and training course as part of the Security Officer Registration Act.	05/13/2011 Introduced language
New York		
SB 1778 [Perkins]	Whenever the state or any governmental agency or political subdivision or public benefit corporation of the state enters into a contract in excess of five hundred thousand dollars to purchase security services from any private investigator, or watch, guard or patrol agency, or security guard company, the contract shall provide that the entity providing the security services shall ensure that each security guard who performs services under the contract completes a training program certified by the Department of Homeland Security pursuant to the paragraph of subdivision two of section seven hundred nine of the executive law within ninety working days following employment, and that such training shall be provided at no cost to the security guards.	01/12/2011 Introduced and referred to Senate Committee on Finance
SB 4059 [Johnson]	An act to amend the general business law, in relation to requiring security guards in mercantile establishments to complete training on awareness and sensitivity to mental illness;	05/17/2011 Amend (T) and recommit to Senate Consumer Protection; Print number SB 4059 B
SB 5298 [Ball]	Regulates private security services by the division of homeland security and emergency services.	05/10/2011 Committee meeting set for Senate Veterans, Homeland Security, and Military Affairs; Reported and committed to Senate Finance
AB 2860 [Pretlow]	Permits security guard companies in certain instances to perform security related work in New York City by armed guards without obtaining a New York City firearms special permit.	01/20/2011 Introduced and referred to Assembly Committee on Codes

Bill	Description	Status
AB 7079 [Cusick]	A security officer who knowingly and willfully makes material misstatements in the application for or renewal of his or her registration card shall be guilty of a misdemeanor which can include fines, imprisonment or both.	04/12/2011 Bill scheduled in Assembly Appropriations Committee
Oklahoma		
HB 1436 [Maggart]	Assigns personal, civil, and criminal liability to private security guards using unauthorized deadly force.	03/01/2011 Assigned to Subcommittee General Sub of Judiciary
Rhode Island		
HB 5079 [Gallison]	This act would require any company transporting liquefied natural gas into or out of the State of Rhode Island to have peace officers on board and explicitly prohibits the use of private security personnel for the protection and enforcement of safety and security zones established by the U.S. Coast Guard.	03/03/2011 Scheduled for hearing and/or consideration
North Carolina		
HB 63 [Shepard]	An act that would provide that no business, commercial enterprise, or employer shall prohibit the transportation or storage of a firearm or ammunition when the firearm and ammunition are locked out of sight in a motor vehicle. Essentially, it would allow an employee to bring a firearm to work if the employee leaves it locked in their car.	02/23/2011 Introduced. Referred to House Judiciary Committee
Texas		
HB 2528 [Harper-Brown]	Relating to restrictions on security officers' use of vehicles that mimic law enforcement vehicles.	04/19/2011 In House; Pending in Committee
Regulation	Increases the minimum hours for level II (minimum of 6 hours) and level III (minimum of 40 hours) security officer training.	Effective Date: 11/13/2011
Tennessee		
SB 1814 [Johnson]	Assigns personal, civil, and criminal liability to private security guards using unauthorized deadly force.	02/24/2011 Passed second consideration, Referred to Senate Judiciary Committee
West Virginia		
HB 2787 [Morgan]	The purpose of this bill is to transfer the authority to license private security services from the Secretary of State to the Division of Criminal Justice Services.	02/10/2011 House Message received; Introduced in Senate; To Committee on Government Organization then to Committee on Judiciary; To Committee on Government Organization

2011 Vetoed Legislation

California		
<p>SB 931 [Evans]</p>	<p>Would add onerous new regulations to payroll cards. Provisions include – the employee is presented with the option of receiving his or her wages by direct deposit, the option of receiving payment by paper check, and the option of receiving payment by payroll card before selecting one of the options; The employer obtains the employee’s written consent to receive wages by payroll card and provides specified information (including a payroll card fee schedule); The employer does not make participation in the payroll card program a condition of hire or continued employment; The employer selects an issuer that offers employees a process for disputing payroll card account fees, as specified; The employer honors a written request by the employee to change the method of receiving wages within two pay periods from the time of the request.</p>	<p>10/10/2011 – Vetoed by Governor</p>
<p>AB 350 [Solorio]</p>	<p>Existing law, the Displaced Janitor Opportunity Act, requires contractors and subcontractors that are awarded contracts or subcontracts by an awarding authority to provide janitorial or building maintenance services at a particular job site or sites, to retain, for a period of 60 days, certain employees who were employed at that site by the previous contractor or subcontractor. The act requires the successor contractors and subcontractors to offer continued employment to those employees retained for the 60-day period if their performance during that 60-day period is satisfactory. The act authorizes an employee who was not offered employment or who has been discharged in violation of these provisions by a successor contractor or successor subcontractor, or an agent of the employee, to bring an action against a successor contractor or successor subcontractor in any superior court of the state having jurisdiction over the successor contractor or successor subcontractor, as specified. This bill would rename the act the Displaced Property Service Employee Opportunity Act and make the provisions of the act applicable to property services, which would include licensed security, as defined, landscape, window cleaning, and food cafeteria services in addition to janitorial and building maintenance services.</p>	<p>09/09/2011 Bill failed on Senate floor</p>

Florida		
<p>HB 1333 [Rouson]/ SB 1588 [Latvala]</p> <p>NOTE: These bills are sponsored by FASCO</p>	<p>Licensed Security Officers: Provides that person who engages in any activity for which specified provision requires license, but acts without having license, commits first-degree misdemeanor; authorizes DOACS to impose civil penalty not to exceed specified amount; provides that person who impersonates security officer or other designated officer during commission of felony commits second-degree felony; provides increased penalties for subsequent violations & violations involving other circumstances; authorizes licensed security officer or security agency manager to detain person on premises of critical infrastructure facility; provides requirements for such detention; provides for transfer of such person to law enforcement officer; provides identification requirements for licensed security officers.</p>	<p>05/07/2011 In House; Indefinitely postponed and withdrawn from consideration Died in Business and Consumer Affairs Subcommittee</p>
West Virginia		
<p>SB 609 [Palumbo]</p>	<p>Would exempt employees of property management firms from being required to be licensed as security guards.</p>	<p>03/15/2011 Bill failed in House</p>