

2009 Pending State Legislation for Security Guard Companies and Officers

Report as of July 22, 2009

New Activities and New Legislation Since July 17, 2009

CALIFORNIA		
S.B. 741	Would require proprietary employers to register with the State and make other technical and clean up changes to the state's laws regarding proprietary security.	05/14/09 – Passed out of Senate 34-3, referred to Assembly. 07/02/09 – Passed out of Assembly B & P Committee 8-0 07/15/2009 – Passed out of Assembly Appropriations Committee [next heard on Assembly Floor]
NORTH CAROLINA		
S.B. 584	Would amend Private Security Services Act to allow security firms to hire an unarmed security officer on a probationary basis for 20 consecutive calendar days before that security officer would have to meet North Carolina training and background screening standards	7/2/09 – House passed second reading 7/13/09 – Senate concurred on third reading – bill ratified 07/14/09 – Bill sent to Governor for signature
Senate Proposal	North Carolina legislators are at odds on how to raise \$1 billion in additional taxes to close an estimated \$4.7 billion budget deficit. It appears that the House is proposing an increase in the general sales tax, as well as an increase in the personal tax bracket for the wealthiest North Carolinians. At least some members in the Senate are calling for a sales tax on services. While security is not specifically mentioned, we have to presume the proposal includes our industry.	06/23/09 - The House and Senate approved a temporary stopgap spending plan to give the Legislature additional time to negotiate the two-year budget and provide direction to the Governor and state agencies on how they can spend money with no budget in place. 07/03/09 – NASCO drafted an opposition letter to be distributed. 07/15/09 - Lawmakers approved another measure to extend the budget deadline to July 31.

Previously Tracked Bills with No Activity

Bill	Description	Status
ALABAMA		
A.B. 60	Creates the Alabama Security Regulatory Board. The Board would provide for the certification of security officers and trainers, would provide fees for licensing and certification, and would provide training requirements. Provides for the reciprocity between states regarding the employment and deployment of security officers, minimum standards, and the licensing and regulating of nonexempt persons and entities engaged in security work or operating security companies in the state. Provides for the carrying of firearms by certain security officers. Provides for uniform and motor vehicle identifying insignia.	5/17/09 – Voted out of Senate, back to House for concurrence and to the Governor for Signature 05/20/09 – Governor signed the bill, now an act 06/12/09 – Initial meeting held to discuss appointment of Regulatory Board and to discuss overall timeframe
ARIZONA		
H.B. 2092	Creates a transaction privilege tax of three and one-half per cent of gross income derived from the business with a deduction of up to twenty thousand dollars received from each client per calendar year.	01/20/09 Introduced in House
CALIFORNIA		
A.B. 1235	Would provide legal clarity to security firms and security officers (covered by a collective bargaining agreement) that on duty meal periods are allowed under state law, protecting employers from lawsuits.	5/13/09 – Passed Assembly Labor Committee 5/19/09 – Referred to Assembly Appropriations Committee 5/29/09 – Passed Appropriations Committee (13-4) 06/16/09 – Amended to deal with seismic safety at hospitals – no longer security-related bill.
S.B. 665	Would provide legal clarity to security firms and security officers that on duty meal periods are allowed under state law, protecting employers from lawsuits relating to these meal break.	SB 665 granted rule waiver to be allowed hearing after normal deadline
CONNECTICUT		
H.B. 6349	Would impose a sales tax on services.	02/05/09 – Referred to Joint Committee on Finance, Revenue and Bonding and held public hearing on 02/09/09 on matter

Bill	Description	Status
S.B. 932	Broad-based tax package would impose a sales tax on services effective on July 1, 2009 retroactive to January 1, 2009. The bill would also impose limits on business tax credits and add a 30 percent surcharge on the corporate tax rate for each of the next three years.	04/20/09 – Passed out of the Committee on Finance, Revenue and Bonding, awaiting hearing in Senate
FLORIDA		
H.B. 309	Provides for temporary detention of persons by specified licensed security officers or managers under circumstances which reasonably indicate that such persons have committed, are committing, or are about to commit criminal violations; requires prompt notification of law enforcement agencies; provides limits on duration & location of such detention; permits limited searches of persons temporarily detained, etc.	5/02/09 – Indefinitely postponed and withdrawn from consideration
S.B. 1406	Would have authorized certain licensed security officers to detain certain individuals until the arrival of a law enforcement officer; providing limits on such detention; requiring that such security officers notify the appropriate law enforcement agency as quickly as possible.	5/02/09 – Indefinitely postponed and withdrawn from consideration
GEORGIA		
S.B. 162	Replaces “registration” terminology with “license/licensee” terminology in describing requirements related to armed security officers (unarmed officers does not require licensing). Adds a pre-licensing training requirement for security officers.	03/25/09 - Passed out of both houses and is on Governor’s desk awaiting signature or veto
LOUISIANA		
H.B 873	Doubles from \$400 to \$800 the fee for a state license for a private security firm.	5/7/09 - Referred to House Committee on Commerce 5/18/09 - Passed Committee (10-0) 5/28/09 - Scheduled for Floor Debate, FAILED Floor Vote 05/28/09 – Motion to reconsider tabled
S.B. 291	Would allow a security officer working at a church, synagogue, mosque or other place of worship to carry a concealed handgun.	4/27/09 - Bill awaiting hearing in Senate Judiciary Committee 5/20/09 - Adopted in committee with amendments 6/1/09 - Passed Senate (33-0) and sent to House 6/3/09 – In House: Referred to Committee on Administration and Criminal Justice

Bill	Description	Status
MASSACHUSETTS		
H.B. 275	Provides that no person may perform the duties of security staff (bouncers, doormen, floor staff, or other persons performing duties related to admission of patrons and/or maintaining order and safety) at bars, clubs, pubs, taverns, or any other establishment serving alcoholic beverages pursuant to a license authorized by section 12 of chapter 138 of the general laws of Massachusetts unless the proprietor, owner, or manager of the establishment has performed a CORI check pursuant to chapter 6 of the general laws of Massachusetts and chapter 803 of the Code of Massachusetts Regulations, that person has been found qualified to perform the required duties, and that such determination of qualification has been memorialized in writing by the proprietor, owner, or manager. The background check should focus on violent criminal history or other incidents that are strictly related to the duties of the position.	5/5/2009 – In Joint Committee on Consumer Protection and Professional Licensure: Heard. Eligible for Executive Session 6/19/09 – Referred to House Committee on Ways and Means
Proposed Ordinance in Boston	Would require any person employed as an armed security officer within the City of Boston to be licensed as a Boston Police Department “Special Officer.” Currently, there is no requirement that armed security officers register as Special Officers. Cost of licensing would be responsibility of employer.	7/2/09 – Boston City Council held hearing and took testimony from various parties including private security, SEIU and local law enforcement. No action was taken at the hearing.
NEVADA		
S.B. 265	Removes the authority of cities and counties to issue private security licenses and places it with the state.	4/20/09 - Passed State Senate, to Assembly 5/18/09 - Amended in Assembly Committee on Commerce and Labor 5/20/09 - Passed Assembly 5/21/09 - In Senate; 5/26/09 - Passed Senate, Sent to Governor for Executive Session 5/29/09 – Approved by Governor: goes into effect January 1, 2010

Bill	Description	Status
NEW HAMPSHIRE		
H.B. 651	Would require private security firms and officers to register with the State Commissioner Office of Public Safety, among other industries.	5/13/09 - Assigned to Senate Committee for hearing
NEW JERSEY		
A.B. 3206	Expands current NJ law covering only security guard companies/office to companies which employ proprietary or in-house security personnel. Companies which maintain a proprietary security function would also have to hire at least one employee to act a compliance officer for all security guard related requirements under current law. The bill also mandates criminal history record background checks for all prospective security officers and lists disqualifying criteria. Companies maintaining a proprietary or in-house security function and their security officers would have six months from the effective date of SIRA to comply with its provisions.	09/25/08 - Referred to Assembly Law and Public Safety Committee
S.B. 1200	The bill eliminates the 7% sales and use tax on investigation and security services, which was instituted through state legislation in October 2006. The elimination of the sales and use tax on investigation and security services will alleviate the overall tax liability of service recipients and reduce the total cost of providing a wide-range of critical services in this State.	02/21/08 - Referred to Senate Budget and Appropriations Committee
A.B. 3938	Allows holders of a state Private Investigation license to perform executive protection services, as defined.	5/7/09 – Introduced 5/11/09 - Referred to Assembly Law and Public Safety Committee
S.B. 2801	Substantially revised the provisions for obtaining a firearm permits. Changes from 2 to 5 years the renewal period for said licenses.	5/7/09 - Introduced, Referred to Senate Law and Public Safety and Veterans' Affairs Committee
A.B. 324	Requires the licensing of private security officers and the registration of security guard companies. The bill institutes three classes of licenses: an unarmed security officer license, an armed security officer license and an armored car security officer license. Licensees must pass a criminal history background check, complete required training, a written competency exam and other requirements. Current security officers employed in New Jersey, or coming from states with similar requirements, shall receive licensure if they pass the written exam and complete the complete the training requirements. Licenses shall be reissued biennially upon completion by the applicant of four hours of renewal training. The department will maintain a registry of all persons who apply for licensure or who have been licensed.	9/25/08 - Transferred to Assembly Regulated Professions Committee

Bill	Description	Status
S.B. 2477	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 .Sets eligibility requirement for “in-house” security officers. The provisions of this bill expand the definition of "security officer" to establish that all security officers must comply with such requirements. Persons registered as security officers would also be issued special cards identifying them as security officers. Illegal use of this card would be a crime of the fourth degree.	1/13/09 - Introduced in the Senate, Referred to Senate Law and Public Safety and Veterans' Affairs Committee
NEW YORK		
S.B. 599	In addition to the requirements of existing state security guard laws, no private security guard company shall be employed to provide security services on the waters of New York state unless the company has also been approved to provide such services by the office of homeland security. Approval will be based upon criteria determined by the office. Permits will issued and renewable every two years upon showing that the criteria required for the issuance of the initial permit has been met.	1/09/09 - Introduced and referred to Senate Veterans Affairs and Homeland Security Committee
S.B. 3773	Would amend the state law regarding training of security officers to include a mandatory twelve hour course on “sex offence training,” including a course on how to deal with victims of such crimes.	3/17/09 – Introduced in the State Senate
A.B. 2019	Requires private hospital security officers to receive forty hours of comprehensive training in specified areas. Authorizes the development of such training by the State labor commissioner. Requires additional sixteen hours of training annually.	1/15/09 - Introduced and referred to committee on Assembly Labor
A.B. 8196	Allows employment of retired police officers as special security officers for school districts without otherwise being licensed as a private security officer.	5/07/09 - Introduced and referred to Assembly Committee on Codes

Bill	Description	Status
NORTH DAKOTA		
H.B. 1102 H.B. 1103 S.B. 2113	H.B. 1102 will shorten the required renewal for a license to provide security services from two years to one year. H.B. 1103 will raise the registration renewal fee from \$5 to \$25. S.B. 2113 will expand the list of persons obtaining licenses and registrations to include non-licensed members, partners, officers and owners of at least 10 percent interest in the entity.	All three bills have been signed into law by the Governor
OREGON		
H.B. 3394	Modifies current unarmed security officer training requirement to 32 hours of training, with an additional 16 classroom and 8 hours of range shooting for armed security officers. Adds a 24 hour class room training requirement for applicants for licensure as an executive manager or supervisory manager of a security company. Adds an oral examination requirement for security officers and managers.	4/20/09 - Bill in House Judiciary Committee. Public hearing held
PENNSYLVANIA		
H.B. 65	Removes county/city level licensing of security services and requires state-level licensing and established state-level standards for private investigators, security officers, and fugitive recovery agents.	5/6/09, Introduced, Referred to Committee on Professional Licensure
TENNESSEE		
H.B. 792 S.B. 651	Relatively identical bills, which require security services licensees to submit specified information concerning security officers and clients to local law enforcement agencies and requires local law enforcement agencies to notify commissioner of known violations of private protective services laws/regulations.	HB 792 5/18/09 - Placed on calendar for hearing schedule SB 651 5/18/09 – Passed House with Amendments 5/21/09 – Senate refused concurrence with amendments, sent to conference committee 6/1/09 – Placed on calendar 6/23/09 – S.B. 651 signed by the Governor

Bill	Description	Status
TEXAS		
H.B. 2730	Makes a number of technical changes to the state Private Security Board, and clarifies the Board's responsibility to adopt regulations to list the types of offenses which would cause a person to be denied a private security license.	5/18/09 - In Senate; Read first time; Referred to Government Organization committee 5/26/09 - In Senate; Placed on intent calendar 5/28/09 - Amended in Senate and passed 5/29/09 - House refused to accept concurrence in Senate amendments 5/30/09 - In conference committee, passed with technical amendments 5/31/09 - House and Senate adopt conference report 6/19/09 – Signed by Governor
H.B. 654	Would allow Governor the option to freeze certain prices on services and goods during a State of Emergency Declaration to prevent persons from taking advantage of consumers by charging exorbitant or excessive prices for essential consumer goods or services that are not readily available as a result of a disaster.	3/18/09 - Bill is pending in subcommittee of Business & Industry Committee
VIRGINIA		
Proposed regulation	The Criminal Justice Services Board proposes to amend its Minimum Training Standards for Jailors, Courthouse and Courtroom Security Officers and Civil Process Service Officers. Specifically, the Board proposes to move the responsibility of setting performance outcomes from the Board to the standing Committee on Training. Proposed changes in training standards was not specified.	6/10/09 – Introduced fast-track proposed rule 8/5/09 – Deadline to submit comments