

1 HB499
2 138346-1
3 By Representative Buttram
4 RFD: Boards, Agencies and Commissions
5 First Read: 08-MAR-12

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8 SYNOPSIS: Under existing law, the Alabama Security
9 Regulatory Board provides a professional licensing
10 board for security officers employed in this state.

11 Under existing law, a security company or a
12 security officer pays a fee to request or renew a
13 license.

14 Under existing law, certain individuals and
15 entities are exempt from control by the board.

16 Under existing law, applicants for licensure
17 must submit to a background check.

18 This bill would provide further for a
19 criminal background check.

20 This bill would allow the board to determine
21 the licensure fees.

22 This bill would cap the fees.

23 This bill would clarify language.

24 This bill would remove certain individuals
25 and entities from exemptions.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 To amend Sections 34-27C-4, as amended by Act
5 2011-174, 2011 Regular Session, 34-27C-7, and 34-27C-17, Code
6 of Alabama 1975, relating to the Alabama Security Regulatory
7 Board; to provide further for a criminal history background
8 check for applicants and for fees for licensing and
9 certification; to clarify language and to provide further for
10 exemptions.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 34-27C-4, as amended by Act
13 2011-174, 2011 Regular Session, 34-27C-7, and 34-27C-17, Code
14 of Alabama 1975, are amended to read as follows:

15 "§34-27C-4.

16 "(a) Commencing on May 21, 2009, any security guard,
17 armed security guard, or contract security company providing
18 private security services in this state shall apply to the
19 board for a license. Any security guard, armed security guard,
20 or contract security company providing security services in
21 this state before May 21, 2009, may continue to engage in
22 business operations pending a final determination by the
23 board, provided such security guard, armed security guard, or
24 contract security company files an application for license.
25 This chapter shall not abrogate the terms of a contract
26 existing on May 21, 2009.

1 "(b) An application for licensure shall include all
2 of the following information:

3 "(1) The full name, home address, post office box,
4 and actual street address of the business of the applicant.

5 "(2) The name under which the applicant intends to
6 do business.

7 "(3) The full name and address of any partners in
8 the business, principal officers, directors, and business
9 manager, if applicable.

10 "(4) The names of at least three unrelated and
11 disinterested persons to be used as references for board
12 inquiries regarding the character, standing, and reputation of
13 the applicant.

14 "(5) Such other information, evidence, statements,
15 or documents as may be required by the board.

16 "(c) (1) A contract security company applying for a
17 license shall include proof that the business entity has at
18 least one person in its employ serving as a qualifying agent
19 that, in addition to meeting the requirements of subsection
20 (d), possesses three years of experience as a manager,
21 supervisor, or administrator with a contract security company
22 or possesses three years of supervisory experience with any
23 federal, military, state, county, or municipal law enforcement
24 agency.

25 "(2) No person may serve as the qualifying agent for
26 more than one contract security company without prior written
27 approval of the board.

1 "(3) A contract security company shall notify the
2 board within 10 working days if the qualifying agent for the
3 company ceases to perform his or her duties as qualifying
4 agent and shall obtain a substitute qualifying agent within 30
5 days after the original qualifying agent ceases to serve. The
6 board may grant an extension to the company for good cause,
7 for not more than three months.

8 "(d) Every applicant for licensure shall provide the
9 following to the board:

10 "(1) Proof that the applicant is 21 years of age or
11 older, or 18 years of age if the person is not allowed to
12 carry any type of firearm in the course of his or her
13 employment with the contract security company.

14 "(2) Proof that the applicant is a citizen of the
15 United States or, if not a citizen of the United States, a
16 person who is legally present in the United States with
17 appropriate documentation from the federal government.

18 "(3) A statement of the applicant, made under oath,
19 declaring all of the following:

20 "a. That he or she has never been convicted in any
21 jurisdiction of the United States of any felony or crime
22 involving moral turpitude for which a full pardon has not been
23 granted.

24 "b. That he or she has never been declared, by any
25 court of competent jurisdiction, incompetent by reason of
26 mental defect or disease, and competency has not been
27 restored.

1 "c. That he or she is not suffering from habitual
2 drunkenness or from narcotics addiction or dependence. The
3 board may require certified results of medical tests for drug
4 or alcohol use.

5 "(e) In addition to the requirements of subsection
6 (d), an applicant for certification or renewal shall submit to
7 the board a form, sworn to by the applicant, containing the
8 name, date of birth, and Social Security number, ~~and two~~
9 ~~complete sets of fingerprints of the applicant, any other~~
10 ~~identifying information as determined necessary by the board,~~
11 ~~and a signed statement by the applicant consenting to a~~
12 ~~criminal background check. The board shall forward the~~
13 ~~completed form to the Alabama Department of Public Safety, and~~
14 ~~the department shall then conduct a criminal background check~~
15 ~~of the applicant. The results of the background check shall be~~
16 ~~sent to the board for its consideration. for completion of a~~
17 ~~criminal history background check. The applicant shall submit~~
18 ~~two complete sets of fingerprints to the board. The board~~
19 ~~shall submit the fingerprints to the Alabama Bureau of~~
20 ~~Investigation (ABI) for a state criminal history record check.~~
21 ~~The fingerprints shall be forwarded by the ABI to the Federal~~
22 ~~Bureau of Investigation (FBI) for a national criminal history~~
23 ~~record check. Costs associated with conducting a criminal~~
24 ~~history background check shall be borne by the applicant. The~~
25 ~~board shall keep information received pursuant to this section~~
26 ~~confidential, except that such information received and relied~~
27 ~~upon in denying the issuance of a certificate of qualification~~

1 for a license to a security officer in this state may be
2 disclosed if necessary to support the denial.

3 "(f) Applications for licensure shall be filed with
4 the board on a form developed by the board. The board shall
5 prescribe the procedures and methods of submission,
6 consideration, and disposition of applications. An applicant
7 corporation incorporated under the laws of this state or any
8 other state shall be required to qualify with a certificate of
9 authority issued by the Secretary of State and shall designate
10 an agent for service of process. The applicant shall be issued
11 a license or denied a license in writing within a reasonable
12 period after receipt by the board of all required information.

13 "(g) (1) Each contract security company requesting or
14 renewing a license shall pay a security license fee ~~of two~~
15 ~~hundred dollars (\$200) to the board upon application. If the~~
16 ~~license is not issued or renewed, the board shall refund one~~
17 ~~hundred dollars (\$100) of the fee to the company to be~~
18 determined by the board that shall not exceed five hundred
19 dollars (\$500) and shall not be increased more than fifty
20 dollars (\$50) per licensing period. A license shall expire on
21 September 30 and an application for renewal shall be submitted
22 to the board before October 1. A renewal application may not
23 be accepted by the board after October 31. The board may
24 impose a reasonable late fee on renewals not filed by October
25 1. The board shall promptly notify an applicant if the board
26 refuses to issue or renew a license. An applicant or licensee
27 may appeal any decision of the board and may request a

1 hearing, in accordance with the Administrative Procedure Act,
2 on the decision of the board to refuse to issue or renew a
3 license. A licensee may continue to engage in the security
4 business while his or her renewal application is pending.

5 "(2) Each security officer or armed security officer
6 requesting or renewing a license shall pay a nonrefundable
7 security license fee ~~of twenty-five dollars (\$25)~~ to the board
8 upon application to be determined by the board that shall not
9 exceed one hundred fifty dollars (\$150) and shall not be
10 increased more than twenty-five dollars (\$25) per licensing
11 period. The license issued to a security officer or armed
12 security officer shall expire two years from the date of
13 issuance. If the board refuses to issue or renew a license,
14 the applicant or licensee shall be promptly notified. The
15 applicant or licensee may appeal any decision of the board and
16 may request a hearing, in accordance with the Administrative
17 Procedure Act, on the refusal of the board to issue or renew a
18 license. A licensee may continue to serve as a security
19 officer or armed security officer while his or her renewal
20 application is pending. The board may impose a reasonable late
21 fee on renewals not filed by October 1.

22 "(h) No license issued pursuant to this chapter
23 shall be assigned or transferred by operation of law or in any
24 other manner. A new license for an assignee or transferee of a
25 business shall be applied for using the same procedures and
26 requirements as set forth in this chapter for an initial
27 license applicant. The security operation of a security

1 company may continue until the final disposition of the
2 pending license application.

3 "(i) The current license certificate or duplicate
4 copy of the certificate shall be posted and displayed at all
5 times at all business offices of the licensee within the
6 state.

7 "(j) The board shall be notified within 30 days of
8 any changes in officers, directors, or management of a
9 licensee or any changes that may reasonably affect the right
10 of a licensee to hold a license under this chapter.

11 §34-27C-7.

12 "(a) Within 30 days after initial employment, a
13 security officer or armed security officer shall apply to the
14 board for ~~certification~~ a license. On or after May 21, 2009,
15 all security officers or armed security officers not exempted
16 under Section 34-27C-17, shall apply to the board for
17 ~~certification~~ a license in accordance with this chapter. A
18 ~~certification~~ license card issued by the board shall be
19 carried by each security officer and armed security officer
20 while performing his or her duties. A temporary card may be
21 issued by the board pending the completion of training.
22 ~~Certification~~ Licensure shall be renewed every two years on
23 the date which original certification was granted.

24 "(b) Each applicant for ~~certification~~ licensure or
25 renewal of ~~certification~~ licensure shall submit to the board,
26 within 30 days after initial employment or 30 days before
27 ~~certification~~ licensure expiration, the appropriate form as

1 developed by the board, a fee of twenty-five dollars (\$25),
2 and proof of completion of a certified training program or
3 refresher course.

4 "(c) ~~Certification~~ Licensure shall be denied or may
5 be revoked if a security officer or armed security officer
6 does not meet the standards of a security officer or armed
7 security officer established by the board pursuant to this
8 chapter. In the event of denial or revocation of ~~certification~~
9 a license by the board, the applicant may appeal the action of
10 the board. Upon receipt of a notice of appeal from the
11 applicant, the board shall set a hearing date and promptly
12 notify the applicant of the hearing date. The hearing shall be
13 held in accordance with the Administrative Procedure Act.

14 "(d) A contract security company shall notify the
15 board within 10 days after discovering any adverse information
16 pertaining to the eligibility of an individual to be ~~certified~~
17 licensed as a security officer or armed security officer.

18 "(e) The board may issue a ~~certificate~~ license to a
19 security officer who has been ~~certified~~ licensed as a security
20 officer in another state if the board determines that the
21 applicant is currently a resident of this state and the
22 qualifying and training requirements of the issuing state are
23 equivalent to those required by this chapter.

24 "§34-27C-17.

25 "The following persons and entities, including
26 affiliated entities under common control, are exempt from this
27 chapter:

1 "(1) Any person or entity which uses the employees
2 of the person or entity for security services.

3 "(2) Any employee who provides security services
4 only for his or her employer and not for any third party.

5 "(3) A sworn peace officer who only provides
6 security services within the scope of his or her employment
7 with a public entity and who does not contract for or
8 otherwise provide in any manner private contract security
9 services.

10 ~~"(4) Any person who is employed with a contract
11 security company which employs, or has an employer-employee
12 relationship with, collectively less than 100 security
13 officers or armed security officers, or both.~~

14 ~~"(5) A contract security company which employs, or
15 has an employer-employee relationship with, collectively less
16 than 100 security officers or armed security officers, or
17 both.~~

18 ~~"(6) Any person 65 years of age or older who works
19 as a security officer, seeks employment as a security officer,
20 or contracts to provide security services directly to an
21 individual business or businesses, unless the person works for
22 an entity covered by this chapter."~~

23 Section 2. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.