

1 SB434
2 126483-6
3 By Senator Keahey
4 RFD: Small Business
5 First Read: 21-APR-11

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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 remove certain individuals
24 and entities from exemptions.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Sections 34-27C-4 and 34-27C-17, Code of
4 Alabama 1975, relating to the Alabama Security Regulatory
5 Board; to provide further for a criminal history background
6 check for applicants and for fees for licensing and
7 certification; and to provide further for exemptions.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 34-27C-4 and 34-27C-17, Code of
10 Alabama 1975, are amended to read as follows:

11 "§34-27C-4.

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

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

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

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

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

6 "(4) The names of at least three unrelated and
7 disinterested persons to be used as references for board
8 inquiries regarding the character, standing, and reputation of
9 the applicant.

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

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

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

24 "(3) A contract security company shall notify the
25 board within 10 working days if the qualifying agent for the
26 company ceases to perform his or her duties as qualifying
27 agent and shall obtain a substitute qualifying agent within 30

1 days after the original qualifying agent ceases to serve. The
2 board may grant an extension to the company for good cause,
3 for not more than three months.

4 "(d) Every applicant for licensure shall provide the
5 following to the board:

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

10 "(2) Proof that the applicant is a citizen of the
11 United States or a resident alien.

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

14 "a. That he or she has never been convicted in any
15 jurisdiction of the United States of any felony or crime
16 involving moral turpitude for which a full pardon has not been
17 granted.

18 "b. That he or she has never been declared, by any
19 court of competent jurisdiction, incompetent by reason of
20 mental defect or disease, and competency has not been
21 restored.

22 "c. That he or she is not suffering from habitual
23 drunkenness or from narcotics addiction or dependence. The
24 board may require certified results of medical tests for drug
25 or alcohol use.

26 "(e) In addition to the requirements of subsection
27 (d), an applicant for certification or renewal shall submit to

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

24 "(f) Applications for licensure shall be filed with
25 the board on a form developed by the board. The board shall
26 prescribe the procedures and methods of submission,
27 consideration, and disposition of applications. An applicant

1 corporation incorporated under the laws of this state or any
2 other state shall be required to qualify with a certificate of
3 authority issued by the Secretary of State and shall designate
4 an agent for service of process. The applicant shall be issued
5 a license or denied a license in writing within a reasonable
6 period after receipt by the board of all required information.

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

26 "(2) Each security officer or armed security officer
27 requesting or renewing a license shall pay a nonrefundable

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

15 "(h) No license issued pursuant to this chapter
16 shall be assigned or transferred by operation of law or in any
17 other manner. A new license for an assignee or transferee of a
18 business shall be applied for using the same procedures and
19 requirements as set forth in this chapter for an initial
20 license applicant. The security operation of a security
21 company may continue until the final disposition of the
22 pending license application.

23 "(i) The current license certificate or duplicate
24 copy of the certificate shall be posted and displayed at all
25 times at all business offices of the licensee within the
26 state.

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

5 "§34-27C-17.

6 "The following persons and entities, including
7 affiliated entities under common control, are exempt from this
8 chapter:

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

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

13 "(3) A sworn peace officer who only provides
14 security services within the scope of his or her employment
15 with a public entity and who does not contract for or
16 otherwise provide in any manner private contract security
17 services.

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

22 "~~(5) A contract security company which employs, or~~
23 ~~has an employer-employee relationship with, collectively less~~
24 ~~than 100 security officers or armed security officers, or~~
25 ~~both.~~

26 "~~(6) Any person 65 years of age or older who works~~
27 ~~as a security officer, seeks employment as a security officer,~~

1 ~~or contracts to provide security services directly to an~~
2 ~~individual business or businesses, unless the person works for~~
3 ~~an entity covered by this chapter."~~

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