

1 SB161
2 197052-3
3 By Senators Waggoner, Melson, Shelnutt, Ward, Albritton,
4 Elliott, Price, Singleton, Williams, Chesteen, Marsh, Holley
5 and Butler
6 RFD: Governmental Affairs
7 First Read: 21-MAR-19

1 SB161

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3
4 ENROLLED, An Act,

5 To amend Sections 34-27C-1, 34-27C-2, 34-27C-3,
6 34-27C-4, 34-27C-5, 34-27C-7, 34-27C-8, 34-27C-9, 34-27C-10,
7 34-27C-11, 34-27C-12, 34-27C-13, 34-27C-16, 34-27C-17, and
8 34-27C-18, Code of Alabama 1975, relating to the Alabama
9 Security Regulatory Board; to provide further for the
10 compensation of board members; to authorize the board to hold
11 hearings, issue subpoenas, and administer oaths; to authorize
12 the board, by rule, to establish license and certification
13 application fees and limit the amount by which each fee may be
14 increased per licensing period; to authorize the board to
15 impose reasonable late fees on late renewals; to clarify that
16 hearings held on appeals of decisions of the board be in
17 accordance with the rules of the board and the Administrative
18 Procedure Act; to clarify the authority of the board to refuse
19 to issue or renew a license or certification, place a licensee
20 on probation, or suspend or revoke a license or certification
21 for a violation of the licensing law or rule of the board; to
22 provide further for the obligations of a contract security
23 company to the board relating to employee security officers
24 and armed security officers; to require the board, by rule, to
25 outline, define, and modify specific training requirements for

1 applicants for original and renewal licensure or
2 certification, or both, as a security officer or armed
3 security officer; to provide that any person who practices or
4 offers to practice as a security officer or armed security
5 officer without a license or certification is guilty of a
6 Class A misdemeanor; to provide further for reciprocity; to
7 clarify that all sworn peace officers are exempt; and in
8 connection therewith would have as its purpose or effect the
9 requirement of a new or increased expenditure of local funds
10 within the meaning of Amendment 621 of the Constitution of
11 Alabama of 1901, now appearing as Section 111.05 of the
12 Official Recompilation of the Constitution of Alabama of 1901,
13 as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 34-27C-1, 34-27C-2, 34-27C-3,
16 34-27C-4, 34-27C-5, 34-27C-7, 34-27C-8, 34-27C-9, 34-27C-10,
17 34-27C-11, 34-27C-12, 34-27C-13, 34-27C-16, 34-27C-17, and
18 34-27C-18 of the Code of Alabama 1975, are amended to read as
19 follows:

20 "§34-27C-1.

21 "For the purposes of this chapter, the following
22 terms shall have the following meanings:

23 "(1) ARMED SECURITY OFFICER. An individual whose
24 principal duty is that of a security officer and who at any
25 time wears, carries, possesses, or has access to a firearm in

1 the performance of his or her duties. ~~This definition does not~~
2 ~~include an off-duty law enforcement officer employed by and~~
3 ~~working for a public entity.~~

4 "(2) BOARD. The Alabama Security Regulatory Board.

5 "(3) CERTIFICATION CARD or LICENSURE CARD. The
6 identification card issued by the board to an individual as
7 evidence that he or she has met the basic qualifications
8 required by this chapter and is currently certified or
9 licensed with the board to perform the duties of a security
10 officer.

11 "(4) CERTIFIED TRAINER. Any person approved and
12 certified by the board as qualified to administer, and certify
13 as to the successful completion of, the basic training
14 requirements for security officers required by this chapter.

15 "(5) CONTRACT SECURITY COMPANY. Any individual,
16 firm, association, company, partnership, limited liability
17 company, corporation, institution, or similar business entity
18 engaged in the business of providing, or which undertakes to
19 provide, a security officer on a contractual basis to another
20 person or entity. The security officer provided by a contract
21 security company is a contract security officer. In addition,
22 any person who provides security services for more than one
23 employer in any one week period, except for a permanent change
24 of employment, shall be deemed to be engaged in the contract

1 security company business and shall be licensed pursuant to
2 this chapter.

3 "(6) EMPLOYER-EMPLOYEE RELATIONSHIP. The performance
4 of any service for wages or under any contract of hire,
5 written, oral, expressed, or implied by an individual,
6 provided the employer has control or direction over the
7 performance of the employee and provided the service is
8 performed personally by the employee. ~~This definition does not
9 include the employer-employee relationship between a law
10 enforcement officer and the public entity employing that law
11 enforcement officer.~~

12 "(7) LICENSEE. Any person or contract security
13 company to which a license is granted in accordance with this
14 chapter.

15 "(8) PUBLIC ENTITY. The federal government, the
16 state, or any political subdivision, agency, department,
17 branch, or service of either the state or federal government,
18 or any county or municipality, or any other unit of local
19 government.

20 "(9) SECURITY OFFICER.

21 "a. A person employed under contract, whose
22 principal purpose is to protect a person or persons or
23 property from criminal activity, and whose duties include, but
24 are not limited to, the following:

1 ~~"a.~~ 1. The detection and prevention of unauthorized
2 intrusion or entry, larceny, vandalism, abuse, arson, or
3 trespass on private property.

4 ~~"b.~~ 2. The prevention, observation, or detection of
5 any unauthorized activity on private property.

6 ~~"c.~~ 3. The control, regulation, or direction of the
7 flow or movements of individuals, whether by vehicle, on foot,
8 or otherwise.

9 ~~"d. The wearing of a uniform prescribed by his or
10 her employer identifying him or her as a security officer.~~

11 ~~Persons~~ b. The term does not include persons whose duties are
12 limited to custodial duties or the reporting of violations of
13 inhouse administrative regulations only, and who do not wear a
14 security uniform, are specifically excluded from this
15 definition. ~~This definition does not include an off-duty law
16 enforcement officer employed by and working for a public
17 entity.~~

18 "(10) SWORN PEACE OFFICER. Any individual who
19 derives plenary or special law enforcement powers from, and is
20 an employee of, or certified by, the federal government, the
21 state, or any political subdivision, agency, department,
22 branch, or service of either, or of any county or
23 municipality, or of any other unit of local government.

24 "§34-27C-2.

1 "(a) The Alabama Security Regulatory Board is
2 created. Each member of the board shall be a citizen of the
3 United States and a resident of this state, and the ~~membership~~
4 ~~of the board, which shall reflect the racial, gender,~~
5 ~~geographic, urban and rural, and economic diversity of the~~
6 ~~state,~~ appointing authorities shall coordinate their
7 appointments so that diversity of gender, race, and
8 geographical areas is reflective of the makeup of this state.
9 The board shall consist of the following members:

10 "(1) Two members appointed by the Governor. The
11 appointees shall ~~be residents of the state who are not be~~
12 ~~qualified to be licensed under this chapter, who have not been~~
13 ~~not be~~ engaged in the rendering of contract security service
14 for a minimum of three years prior to appointment, ~~who are not~~
15 ~~not be~~ employed by or affiliated with any other member of the
16 board, and ~~who shall~~ have served for five or more years in a
17 supervisory position in law enforcement in any municipality,
18 county, state, or district attorney's office. The members
19 appointed by the Governor shall be selected from a list of
20 names submitted by a recognized security association such as
21 the American Society of Industrial Security (ASIS), the
22 National Association of Security Companies (NASCO), or any
23 state or private security service association which may be
24 organized. ~~The initial term of one of the members appointed by~~
25 ~~the Governor shall be two years and the initial term of one of~~

1 ~~the members appointed by the Governor shall be three years.~~
2 ~~Subsequent terms shall be for three years.~~

3 "(2) One member appointed by the Lieutenant
4 Governor. The appointee shall represent consumers and shall ~~be~~
5 ~~a citizen of the United States, a resident of this state, not~~
6 ~~have been~~ not be engaged in the rendering of contract security
7 service, and not employed by, related to, or affiliated with
8 any other member of the board or licensee of the board. ~~The~~
9 ~~initial term of the member appointed by the Lieutenant~~
10 ~~Governor shall be one year. Subsequent terms shall be for~~
11 ~~three years.~~

12 "(3) One member appointed by the Speaker of the
13 House of Representatives. The appointee shall be from an
14 entity that employs, or has an employer-employee relationship
15 with, a contract security company.

16 "(4) One member appointed by the Attorney General.
17 The appointee ~~shall reside in the state and~~ shall be selected
18 from a list of names submitted by the Alabama Sheriff's
19 Association.

20 "(b) Unless otherwise provided in subsection (a),
21 board members shall serve three-year terms of office. A
22 vacancy in any board position shall be filled for the duration
23 of the unexpired term in the same manner as the original
24 appointment. Should an appointing authority fail to make an
25 appointment to fill an unexpired or new term within 60 days

1 after receiving notice from the board of the vacancy, the
2 board shall make the appointment of a qualified person within
3 the appropriate category by majority vote of the board members
4 present. The board shall annually elect a chair from among the
5 membership of the board at its first meeting. The board shall
6 meet on a quarterly basis at a date, time, and place
7 designated by the chair. No compensation shall be paid to
8 members of the board. Actual expenses incurred by board
9 members in the performance of duties on behalf of the board
10 shall be reimbursed from the funds of the board. Decisions of
11 the board shall be determined by a majority vote of the board
12 members present and voting.

13 "(c) The members of the board shall receive up to
14 three hundred dollars (\$300) per day, for a maximum of 12 days
15 per year, while performing their official duties, in addition
16 to the same per diem and mileage as provided to state
17 employees.

18 ~~"(c)(d) The Alabama Security Regulatory Board board~~
19 shall be subject to the Alabama Sunset Law, Title 41, Chapter
20 20, as an enumerated agency as provided in Section 41-20-3,
21 and shall have a termination date of October 1, 2011, and
22 every four years thereafter, unless continued pursuant to the
23 Alabama Sunset Law.

24 "§34-27C-3.

25 "(a) The board shall have the following powers:

1 "(1) In accordance with the Administrative Procedure
2 Act, to promulgate rules not in conflict with the laws of this
3 state which are reasonable, proper, and necessary to carry out
4 the functions of the board in the regulation of persons
5 engaged in providing security officers within this state. Any
6 interested person may petition the board to adopt, amend, or
7 repeal any rule and the board shall prescribe by rule any
8 necessary forms for petitions and procedures for submission,
9 consideration, and disposition of petitions.

10 "(2) To enforce compliance with this chapter.

11 "(3) To establish rules and procedures for the
12 preparation and processing of examinations, applications,
13 license certificates, certification cards, licensure cards,
14 renewals, appeals, hearings, and rule making proceedings.

15 "(4) To determine the qualifications of licensees,
16 certified trainers, and security officers consistent with this
17 chapter.

18 "(5) To levy and collect fees in amounts determined
19 necessary by the board for licensing, application processing,
20 background checks, including fingerprints, inspections,
21 investigations, and hearings.

22 "(6) To employ or contract for necessary personnel,
23 including a director, pursuant to the state Merit System,
24 provided such persons are employed by the board on a full-time
25 basis exceeding 32 hours per calendar week, and provide for

1 necessary offices, supplies, and equipment to fulfill the
2 requirements of this chapter.

3 "(7) To delegate its power and duties by resolution
4 to a named designee.

5 "(8) To enter into contracts and expend funds of the
6 board to fulfill the requirements of this chapter.

7 "(9) To borrow money.

8 "(10) To work with the Attorney General and other
9 law enforcement agencies to prohibit and punish any violation
10 of this chapter.

11 "(11) To establish volunteer procedures for those
12 persons or businesses that are exempt from this chapter.

13 "(12) To engage in dialogue and to enter into
14 reciprocal licensing agreements with governmental entities in
15 other states that supervise and regulate the provision of
16 private contract security services in order to ensure that
17 security officers and armed security officers licensed by the
18 State of Alabama have full reciprocity to operate in other
19 states.

20 "(13) Upon the declaration of the Governor of a
21 state of emergency, to authorize the operation of out-of-state
22 contract security companies and staff within the state for the
23 duration of the state of emergency, and up to a maximum of 30
24 days after the expiration of the state of emergency. To be
25 eligible to operate within the state pursuant to this

1 subdivision, the out-of-state contract security company shall
2 satisfy all of the following requirements:

3 "a. Be licensed in another state in which the
4 qualifications, insurance, training, and other requirements
5 for licensure are substantially similar to those required by
6 this chapter, as determined by the board.

7 "b. Provide notice to the board of an intention to
8 operate in the state and submit to the board any information
9 requested by the board.

10 "(14) To inspect the business premises of any
11 licensee, licensed contract security company, or unlicensed
12 contract security company during normal business hours.

13 ~~"The inspection of a licensed contract security~~
14 ~~company shall be limited to an inspection of training records.~~
15 ~~The inspection of an unlicensed contract security company~~
16 ~~shall be limited to licensure compliance.~~

17 "(15) To hold hearings, conduct investigations,
18 subpoena witnesses, subpoena documents, administer oaths, and
19 take testimony as necessary to provide for the implementation
20 of this chapter.

21 "(b) All powers granted in this chapter and any
22 other powers granted to the board are public and governmental
23 functions, exercised for a public purpose, and matters of
24 public necessity.

25 "§34-27C-4.

1 "(a) Commencing on May 21, 2009, any security ~~guard~~
2 officer, armed security ~~guard~~ officer, or contract security
3 company providing private security services in this state
4 shall apply to the board for a license or certification. Any
5 security ~~guard~~ officer, armed security ~~guard~~ officer, or
6 contract security company providing security services in this
7 state before May 21, 2009, may continue to engage in business
8 operations pending a final determination by the board,
9 provided such security ~~guard~~ officer, armed security ~~guard~~
10 officer, or contract security company files an application for
11 license. This chapter shall not abrogate the terms of a
12 contract existing on May 21, 2009.

13 "(b) An application for licensure or certification
14 shall include all of the following information:

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

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

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

22 "(4) The names of at least three unrelated and
23 disinterested persons to be used as references for board
24 inquiries regarding the character, standing, and reputation of
25 the applicant.

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

3 "(c) (1) A contract security company applying for a
4 license or certification shall include proof that the business
5 entity has at least one person in its employ serving as a
6 qualifying agent who is licensed by the board as a security
7 ~~guard~~ officer that, in addition to meeting the requirements of
8 subsection (d), possesses three years of experience as a
9 manager, supervisor, or administrator with a contract security
10 company or possesses three years of supervisory experience
11 with any federal, military, state, county, or municipal law
12 enforcement agency.

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

16 "(3) A contract security company shall notify the
17 board within 10 working days if the qualifying agent for the
18 company ceases to perform his or her duties as qualifying
19 agent and shall obtain a substitute qualifying agent within 30
20 days after the original qualifying agent ceases to serve. The
21 board may grant an extension to the company for good cause,
22 for not more than three months.

23 "(d) Every applicant for licensure or certification
24 shall provide the following to the board:

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

5 "(2) Proof that the applicant is a citizen of the
6 United States or, if not a citizen of the United States, a
7 person who is legally present in the United States with
8 appropriate documentation from the federal government.

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

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

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

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

23 "(e) In addition to the requirements of subsection
24 (d), an applicant for licensure or certification or renewal
25 shall submit to the board a form, sworn to by the applicant,

1 containing the name, date of birth, and Social Security number
2 for completion of a criminal history background check. The
3 applicant shall submit two complete sets of fingerprints to
4 the board. The board shall submit the fingerprints to the
5 Alabama ~~Bureau of Investigation (ABI)~~ State Law Enforcement
6 Agency (ALEA) for a state criminal history record check. The
7 fingerprints shall be forwarded by ~~the ABI~~ ALEA to the Federal
8 Bureau of Investigation (FBI) for a national criminal history
9 record check. Costs associated with conducting a criminal
10 history background check shall be borne by the applicant. The
11 board shall keep information received pursuant to this section
12 confidential, except that such information received and relied
13 upon in denying the issuance of a certificate of qualification
14 for a license or certification to a security officer in this
15 state may be disclosed if necessary to support the denial of
16 the license or certification, if required by court order, or
17 for any other reason allowed by law.

18 "(f) Applications for licensure and certification
19 shall be filed with the board on a form developed by the
20 board. The board shall prescribe the procedures and methods of
21 submission, consideration, and disposition of applications. An
22 applicant corporation incorporated under the laws of this
23 state or any other state shall be required to qualify with a
24 certificate of authority issued by the Secretary of State and
25 shall designate an agent for service of process. The applicant

1 shall be issued a license or denied a license in writing
2 within a reasonable period after receipt by the board of all
3 required information.

4 "(g) (1) Each contract security company requesting or
5 renewing a license shall pay a security license fee upon
6 application to be determined by the board that does not exceed
7 three hundred fifty dollars (\$350) and may not be increased
8 more than fifty dollars (\$50) per licensing period. A license
9 shall expire on September 30 and an application for renewal
10 shall be submitted to the board before October 1. A renewal
11 application may not be accepted by the board after October 31.
12 The board may impose a reasonable late fee on renewals not
13 filed by October 1. The board shall promptly notify an
14 applicant if the board refuses to issue or renew a license or
15 certification. ~~Am~~ If the board refuses to issue or renew a
16 license or certification, the applicant or licensee may appeal
17 ~~any~~ the decision of the board and may request a hearing, in
18 accordance with the rules of the board and the Administrative
19 Procedure Act, ~~on the decision of the board to refuse to issue~~
20 ~~or renew a license.~~ A licensee may continue to engage in the
21 security business while his or her appeal or renewal
22 application is pending. The board may impose a reasonable late
23 fee on any renewal that is not filed before the expiration
24 date of the license.

1 "(2) Each security officer or armed security officer
2 requesting or renewing a license or certification shall pay a
3 nonrefundable security license fee to the board upon
4 application to be determined by the board that does not exceed
5 one hundred dollars (\$100) and may not be increased more than
6 twenty-five dollars (\$25) per licensing period. The license or
7 certification issued to a security officer or armed security
8 officer shall expire two years from the date of issuance. If
9 the board refuses to issue or renew a license or
10 certification, the applicant or licensee shall be promptly
11 notified. ~~The~~ If the board refuses to issue or renew a license
12 or certification, the applicant or licensee may appeal ~~any~~ the
13 decision of the board and may request a hearing, in accordance
14 with the rules of the board and the Administrative Procedure
15 Act, ~~on the refusal of the board to issue or renew a license.~~
16 A licensee may continue to serve as a security officer or
17 armed security officer while his or her appeal or renewal
18 application is pending. The board may impose a reasonable late
19 fee on renewals not filed before the date of expiration of the
20 license.

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

1 an initial license or certification applicant. The security
2 operation of a security company may continue until the final
3 disposition of the pending license or certification
4 application.

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

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

14 "§34-27C-5.

15 "(a) ~~Ⓐ~~ The board may refuse to issue or renew a
16 license or certification, place a licensee on probation, or
17 suspend or revoke a license ~~may be revoked or suspended by the~~
18 ~~board~~ or certification for any violation of this chapter or
19 rule of the board.

20 "(b) In the event of a denial, probation,
21 revocation, or suspension of a license, an applicant or a
22 licensee shall be notified of the action of the board. The
23 applicant or licensee may request a hearing and appeal the
24 decision of the board in accordance with rules of the board
25 and the Administrative Procedure Act. The licensee shall cease

1 to provide security services to clients immediately upon
2 receipt of a final notice from the board of revocation or
3 suspension of its license or certification.

4 "(c) The board may grant a stay or postponement of
5 probation or a revocation or suspension under certain
6 circumstances and with certain conditions attached, upon a
7 majority vote of the board.

8 "§34-27C-7.

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

1 violation of this subsection shall be in violation of this
2 chapter.

3 "(b) Each applicant for licensure or certification
4 or renewal of licensure or certification shall submit to the
5 board, within 30 days after initial employment or 30 days
6 before licensure or certification expiration, the appropriate
7 form as developed by the board, a fee of twenty-five dollars
8 (\$25), and proof of completion of a certified training program
9 or refresher course.

10 "(c) Licensure or certification shall be denied or
11 ~~may be revoked~~ not renewed if a security officer or armed
12 security officer does not meet the standards of a security
13 officer or armed security officer established by the board
14 pursuant to this chapter. In the event of denial or ~~revocation~~
15 nonrenewal of a license or certification by the board, the
16 applicant may appeal the action of the board. Upon receipt of
17 a notice of appeal from the applicant, the board shall set a
18 hearing date and promptly notify the applicant of the hearing
19 date. The hearing shall be held in accordance with the rules
20 of the board and the Administrative Procedure Act.

21 "(d) A contract security company shall notify the
22 board within 10 days after discovering any adverse information
23 pertaining to the eligibility of an individual to be licensed
24 ~~as~~ or certified, or any adverse information that may affect

1 the licensure or certification status of a security officer or
2 armed security officer.

3 "(e) The board may issue a license or certification
4 to a security officer who has been licensed or certified as a
5 security officer in another state if the board determines that
6 the applicant is currently a resident of this state and the
7 qualifying and training requirements of the issuing state are
8 equivalent, or substantially similar, to those required by
9 this chapter.

10 "(f) A security officer or armed security officer
11 who works as such for six months or less per year may pay a
12 one time fee for special licensure by the board. Any security
13 officer or armed security officer who works as such for more
14 than six months in a year shall be subject to all fees and
15 requirements of this chapter. The board, by rule, may
16 establish the one time fee, which may not exceed one hundred
17 dollars (\$100).

18 "§34-27C-8.

19 "(a) A person seeking initial licensure or
20 certification as a security officer or ~~an~~ armed security
21 officer shall have completed ~~at least eight hours of~~ board
22 approved ~~classroom~~ training with a certified trainer. ~~This~~
23 ~~training shall include, but may not be limited to, fire~~
24 ~~prevention, legal information relevant to providing security~~
25 ~~services, detention procedures, methods of handling crisis~~

1 ~~situations, methods of crowd control, and the use of equipment~~
2 ~~needed in providing security services. Training shall be~~
3 ~~completed as follows:~~ Initial board approved training shall
4 consist of a minimum of eight hours. Specific initial training
5 requirements may be outlined, defined, and modified by board
6 rule.

7 ~~"(1) Security officers and armed security officers~~
8 ~~employed as such on or before May 21, 2009, shall have until~~
9 ~~January 1, 2010, to complete the first four hours of training.~~
10 ~~The second four hours of training shall be completed by July~~
11 ~~1, 2011.~~

12 ~~"(2) Persons hired as security officers or armed~~
13 ~~security officers after May 21, 2009, shall complete the first~~
14 ~~four hours of training within 30 days after their initial~~
15 ~~employment, and the second four hours of training shall be~~
16 ~~completed within six months after their initial employment.~~

17 ~~"(b) After initial licensure or certification in~~
18 ~~accordance with this chapter, security officers and armed~~
19 ~~security officers shall complete ~~eight hours of~~ board approved~~
20 ~~refresher training before submitting an application for~~
21 licensure or certification renewal. Specific refresher
22 training requirements may be outlined, defined, and modified
23 by board rule.

24 ~~"(c) In addition to the requirements of subsections~~
25 ~~(a) and (b), a person seeking initial licensure or~~

1 certification as an armed security officer shall ~~initially~~
2 ~~complete four hours of~~ have completed board approved firearms
3 safety training ~~and annually complete two hours of board~~
4 ~~approved firearms refresher training~~ Specific requirements for
5 firearms safety training may be outlined, defined, and
6 modified by board rule.

7 "(d) After initial licensure or certification, an
8 armed security officer shall complete board approved refresher
9 firearms safety training before submitting an application for
10 licensure or certification renewal. Specific refresher
11 training requirements may be outlined, defined, and modified
12 by board rule.

13 "(e) In addition to the requirements of subsections
14 (a) to (d), inclusive, a person seeking initial licensure or
15 certification as a security officer or armed security officer
16 shall have completed board approved use of force training.
17 Specific requirements for use of force training may be
18 outlined, defined, and modified by board rule.

19 "(f) After initial licensure or certification,
20 security officers and armed security officers shall complete
21 board approved refresher use of force training before
22 submitting an application for licensure or certification
23 renewal. Specific refresher training requirements may be
24 outlined, defined, and modified by board rule.

1 "~~(d)~~(g) The following persons are exempt from the
2 basic training requirements of subsections (a), ~~(b)~~, and ~~(c)~~
3 to (f), inclusive, except to the extent set forth below:

4 "(1) Any security officer or armed security officer
5 who, within three years before applying for licensure or
6 certification, completed basic security training through a
7 military, government, or security training institute that
8 meets or exceeds the training required by this chapter. The
9 board shall examine proof of training before declaring an
10 applicant exempt. An initial exemption granted pursuant to
11 this subdivision does not exempt an applicant from annual
12 training requirements or refresher training requirements.

13 "(2) Any security officer or armed security officer
14 employed by a contract security company that has a training
15 curriculum and standards that the board determines, upon
16 presentation of proof of training, meet or exceed those
17 required by this chapter. The board shall examine proof of
18 training before declaring an applicant exempt. An initial
19 exemption granted pursuant to this subdivision does not exempt
20 an applicant from annual training requirements or refresher
21 training requirements.

22 "(3) Any person who is employed as a sworn peace
23 officer ~~or who is a retired sworn peace officer~~.

24 "~~(4) Any person who has a minimum of five years of~~
25 ~~continuous experience as a security officer or armed security~~

1 ~~officer is not subject to the eight hours of classroom~~
2 ~~training required in subsection (a). Notwithstanding the~~
3 ~~foregoing, such individual shall be required to complete~~
4 ~~annual training pursuant to subsections (b) and (c).~~

5 "~~(e)~~ (h) The minimum training standards provided in
6 this section are in addition to any qualifications required by
7 an employing contract security company.

8 "§34-27C-9.

9 "Any person conducting training of security officers
10 shall be licensed or certified as a certified trainer by the
11 board. Any person seeking licensure or certification as a
12 certified trainer shall pay all fees required by the board and
13 meet all of the following qualifications:

14 "(1) Be 21 years of age or older.

15 "(2) Have a minimum of two years of supervisory
16 experience with a contract security company, a proprietary
17 company, or in federal, state, county, or municipal law
18 enforcement.

19 "(3) Have a minimum of one year of experience in
20 teaching security-related courses or have attended a board
21 approved two-week instructor's course.

22 "(4) Submit proof of compliance with all instruction
23 and training requirements established by the board.

24 "§34-27C-10.

1 "(a) A contract security company, at the request of
2 a security officer in its employ, may withhold from the wages
3 of the security officer those amounts necessary to pay for the
4 licensure or certification fees, uniforms, or other required
5 equipment of the security officer.

6 "(b) A reasonable deposit may be required of a
7 security officer by an employer to ensure the return of
8 uniforms and equipment. The total amount of deposit required
9 under this section may not exceed the actual cost of uniforms
10 and equipment provided to the security officer.

11 "§34-27C-11.

12 "An armed security officer shall apply for and have
13 his or her pistol permit issued by the sheriff of the county
14 of his or her residence. It is a violation of this chapter for
15 any security officer to carry a firearm in the performance of
16 his or her duties without holding a valid license or
17 certification card for an armed security officer issued by the
18 board.

19 "§34-27C-12.

20 "(a) It is unlawful for any person or entity to do
21 any of the following:

22 "(1) Issue a shield or badge not in conformance with
23 this chapter. Except for sworn peace officers, no person or
24 entity shall wear or display any badge, insignia, device,
25 shield, patch, or pattern containing words which would

1 indicate that he or she is a sworn peace officer or that
2 includes the Great Seal of the State of Alabama. The words
3 "security officer," or a similar term, shall be displayed on
4 any badge, insignia, device, shield, patch, or pattern worn by
5 a security officer or armed security officer. Except for the
6 vehicle of a sworn peace officer, no vehicle used by a
7 security officer or an armed security officer shall have any
8 equipment or markings denoting a law enforcement vehicle.

9 "(2) Publish, advertise, use printed letterhead or
10 circulars, or give statements, or use words or phrases which
11 in any way suggest or imply that the security ~~guard~~ officer,
12 armed security ~~guard~~ officer, or contract security company is
13 a law enforcement organization or sworn peace officer, or an
14 official of the state or federal government.

15 "(3) Designate an individual meeting the definition
16 of a security officer or armed security officer as anything
17 other than a security officer or armed security officer.

18 "(4) Knowingly ~~quote~~ make or provide false
19 statements to the board or omit any document or information
20 required to be filed with the board.

21 "(5) Falsely represent a person to be a holder of a
22 license or a certification card.

23 "(6) Engage in criminal conduct that would prohibit
24 licensing or certification.

1 "(b) In addition to subsection (a), it shall be
2 unlawful for a security officer, or armed security officer, or
3 contract security company to do any of the following:

4 "(1) Fail to comply with or violate this chapter and
5 the published rules of the board.

6 "(2) Divulge to anyone other than his or her
7 employer, unless required by law, any information that would
8 jeopardize the property for which he or she is providing
9 security.

10 "(3) Fail to return his or her license or
11 certification card, or license or certification of the
12 contract security company, to the board, if required.

13 "(4) Possess a certification card or licensure card
14 issued to any other person.

15 "(5) Use a badge or shield not in conformance with
16 this chapter.

17 "§34-27C-13.

18 "(a) A violation of this chapter by a security
19 officer or an armed security officer shall be punishable by a
20 fine of not less than seventy-five dollars (\$75) nor more than
21 two five thousand dollars ~~(\$2,000)~~ (\$5,000) per violation and
22 may result in the probation, revocation, or suspension of the
23 license or certification, or both, of the violator.

24 "(b) Any person who practices or offers to practice
25 as a security officer or an armed security officer in this

1 state without a license or certification issued and approved
2 by the board shall be guilty of a Class A misdemeanor.

3 "§34-27C-16.

4 "To the extent that other states which provide for
5 licensing and certification of any security ~~guard~~ officer,
6 armed security ~~guard~~ officer, or contract security company
7 provide for similar action for citizens of this state, the
8 board may grant a ~~contract security~~ license or certification
9 to a nonresident or out-of-state contract security company who
10 holds a valid ~~contract security~~ license or certification of
11 the same type from another state upon satisfactory proof
12 furnished to the board that the standards of licensure ~~and~~ or
13 certification in ~~such~~ the other state are ~~at least~~ equivalent
14 or substantially ~~equivalent~~ similar to those prevailing in
15 this state.

16 "§34-27C-17.

17 "The following persons and entities, including
18 affiliated entities under common control, are exempt from this
19 chapter:

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

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

24 "(3) A sworn peace officer ~~who only provides~~
25 ~~security services within the scope of his or her employment~~

1 ~~with a public entity and who does not contract for or~~
2 ~~otherwise provide in any manner private contract security~~
3 ~~services.~~

4 "§34-27C-18.

5 "(a) ~~Commencing on May 21, 2009, no~~ No governmental
6 subdivision of this state shall enact any legislation, code,
7 or ordinance, or promulgate any rule relating to the
8 licensing, training, or regulation of contract security
9 companies or individuals functioning as security ~~guards~~
10 officers, other than for the imposition of a bona fide
11 business tax or occupational tax, or both.

12 "(b) ~~Commencing on May 21, 2009, any~~ Any provision
13 of any legislative code, ordinance, or rule promulgated by any
14 local governmental subdivision of this state, relating to
15 licensing, training, or regulation of contract security
16 companies or security ~~guards~~ officers, shall be superseded by
17 this chapter."

18 Section 2. Although this bill would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded from further
21 requirements and application under Amendment 621, now
22 appearing as Section 111.05 of the Official Recompilation of
23 the Constitution of Alabama of 1901, as amended, because the
24 bill defines a new crime or amends the definition of an
25 existing crime.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB161

Senate 18-APR-19

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 14-MAY-19

By: Senator Waggoner