

1 HB399
2 190618-1
3 By Representative Howard
4 RFD: Judiciary
5 First Read: 08-FEB-18

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8 SYNOPSIS: Under existing law, the Alabama Security
9 Regulatory Board is responsible for the regulation
10 and licensing of security officers, armed security
11 officers, and contract security companies.

12 This bill would provide further for the
13 compensation of board members and would authorize
14 the board to hold hearings, issue subpoenas, and
15 administer oaths.

16 This bill would authorize the board, by
17 rule, to establish license and certification
18 application fees, would limit the amount by which
19 each fee could be increased per licensing period,
20 and would authorize the board to impose reasonable
21 late fees on late renewals.

22 This bill would clarify that hearings held
23 on appeals of decisions of the board be in
24 accordance with the rules of the board and the
25 Administrative Procedure Act.

26 This bill would clarify the authority of the
27 board to refuse to issue or renew a license or

1 certification, place a licensee on probation, or
2 suspend or revoke a license or certification for a
3 violation of the licensing law or rule of the
4 board.

5 This bill would provide further for the
6 obligations of a contract security company to the
7 board relating to security officers and armed
8 security officers employed by the company.

9 This bill would require the board, by rule,
10 to outline, define, and modify specific classroom
11 training requirements for applicants for original
12 and renewal certification as a security officer or
13 armed security officer.

14 This bill would provide that any person who
15 practices or offers to practice as a security
16 officer or armed security officer in this state
17 without a license or certification issued by the
18 board is guilty of a Class A misdemeanor.

19 This bill would provide further for
20 reciprocity and would clarify that all sworn peace
21 officers are exempt.

22 Amendment 621 of the Constitution of Alabama
23 of 1901, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, prohibits a general
26 law whose purpose or effect would be to require a
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local
2 governmental entity without enactment by a 2/3 vote
3 unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

8 The purpose or effect of this bill would be
9 to require a new or increased expenditure of local
10 funds within the meaning of the amendment. However,
11 the bill does not require approval of a local
12 governmental entity or enactment by a 2/3 vote to
13 become effective because it comes within one of the
14 specified exceptions contained in the amendment.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Sections 34-27C-1, 34-27C-2, 34-27C-3,
21 34-27C-4, 34-27C-5, 34-27C-7, 34-27C-8, 34-27C-9, 34-27C-10,
22 34-27C-11, 34-27C-12, 34-27C-13, 34-27C-16, 34-27C-17, and
23 34-27C-18, Code of Alabama 1975, relating to the Alabama
24 Security Regulatory Board; to provide further for the
25 compensation of board members; to authorize the board to hold
26 hearings, issue subpoenas, and administer oaths; to authorize
27 the board, by rule, to establish license and certification

1 application fees and limit the amount by which each fee may be
2 increased per licensing period; to authorize the board to
3 impose reasonable late fees on late renewals; to clarify that
4 hearings held on appeals of decisions of the board be in
5 accordance with the rules of the board and the Administrative
6 Procedure Act; to clarify the authority of the board to refuse
7 to issue or renew a license or certification, place a licensee
8 on probation, or suspend or revoke a license or certification
9 for a violation of the licensing law or rule of the board; to
10 provide further for the obligations of a contract security
11 company to the board relating to employee security officers
12 and armed security officers; to require the board, by rule, to
13 outline, define, and modify specific classroom training
14 requirements for applicants for original and renewal
15 certification as a security officer or armed security officer;
16 to provide that any person who practices or offers to practice
17 as a security officer or armed security officer without a
18 license or certification is guilty of a Class A misdemeanor;
19 to provide further for reciprocity; to clarify that all sworn
20 peace officers are exempt; and in connection therewith would
21 have as its purpose or effect the requirement of a new or
22 increased expenditure of local funds within the meaning of
23 Amendment 621 of the Constitution of Alabama of 1901, now
24 appearing as Section 111.05 of the Official Recompilation of
25 the Constitution of Alabama of 1901, as amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§34-27C-1.

7 "For the purposes of this chapter, the following
8 terms shall have the following meanings:

9 "(1) ARMED SECURITY OFFICER. An individual whose
10 principal duty is that of a security officer and who at any
11 time wears, carries, possesses, or has access to a firearm in
12 the performance of his or her duties. ~~This definition does not
13 include an off-duty law enforcement officer employed by and
14 working for a public entity.~~

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

16 "(3) CERTIFICATION CARD. The identification card
17 issued by the board to an individual as evidence that he or
18 she has met the basic qualifications required by this chapter
19 and is currently ~~certified~~ licensed with the board to perform
20 the duties of a security officer.

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

25 "(5) CONTRACT SECURITY COMPANY. Any individual,
26 firm, association, company, partnership, limited liability
27 company, corporation, institution, or similar business entity

1 engaged in the business of providing, or which undertakes to
2 provide, a security officer on a contractual basis to another
3 person or entity. The security officer provided by a contract
4 security company is a contract security officer. In addition,
5 any person who provides security services for more than one
6 employer in any one week period, except for a permanent change
7 of employment, shall be deemed to be engaged in the contract
8 security company business and shall be licensed pursuant to
9 this chapter.

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

19 "(7) LICENSEE. Any person or contract security
20 company to which a license is granted in accordance with this
21 chapter.

22 "(8) PUBLIC ENTITY. The federal government, the
23 state, or any political subdivision, agency, department,
24 branch, or service of either the state or federal government,
25 or any county or municipality, or any other unit of local
26 government.

27 "(9) SECURITY OFFICER.

1 "a. A person employed under contract, whose
2 principal purpose is to protect a person or persons or
3 property from criminal activity, and whose duties include, but
4 are not limited to, the following:

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

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

10 ~~"c.3.~~ The control, regulation, or direction of the
11 flow or movements of individuals, whether by vehicle, on foot,
12 or otherwise.

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

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

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

1 "§34-27C-2.

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

11 "(1) Two members appointed by the Governor. The
12 appointees shall ~~be residents of the state who are not~~ be
13 qualified to be licensed under this chapter, ~~who have not been~~
14 not be engaged in the rendering of contract security service
15 for a minimum of three years prior to appointment, ~~who are not~~
16 not be employed by or affiliated with any other member of the
17 board, and ~~who~~ shall have served for five or more years in a
18 supervisory position in law enforcement in any municipality,
19 county, state, or district attorney's office. The members
20 appointed by the Governor shall be selected from a list of
21 names submitted by a recognized security association such as
22 the American Society of Industrial Security (ASIS), the
23 National Association of Security Companies (NASCO), or any
24 state or private security service association which may be
25 organized. ~~The initial term of one of the members appointed by~~
26 ~~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 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
26 after receiving notice from the board of the vacancy, the
27 board shall make the appointment of a qualified person within

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

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

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

22 "§34-27C-3.

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

24 "(1) In accordance with the Administrative Procedure
25 Act, to promulgate rules not in conflict with the laws of this
26 state which are reasonable, proper, and necessary to carry out
27 the functions of the board in the regulation of persons

1 engaged in providing security officers within this state. Any
2 interested person may petition the board to adopt, amend, or
3 repeal any rule and the board shall prescribe by rule any
4 necessary forms for petitions and procedures for submission,
5 consideration, and disposition of petitions.

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

7 "(3) To establish rules and procedures for the
8 preparation and processing of examinations, applications,
9 license certificates, certification cards, renewals, appeals,
10 hearings, and rule making proceedings.

11 "(4) To determine the qualifications of licensees,
12 certified trainers, and security officers consistent with this
13 chapter.

14 "(5) To levy and collect fees in amounts determined
15 necessary by the board for licensing, application processing,
16 background checks, including fingerprints, inspections,
17 investigations, and hearings.

18 "(6) To employ or contract for necessary personnel,
19 including a director, pursuant to the state Merit System,
20 provided such persons are employed by the board on a full-time
21 basis exceeding 32 hours per calendar week, and provide for
22 necessary offices, supplies, and equipment to fulfill the
23 requirements of this chapter.

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

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

1 "(9) To borrow money.

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

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

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

14 "(13) Upon the declaration of the Governor of a
15 state of emergency, to authorize the operation of out-of-state
16 contract security companies and staff within the state for the
17 duration of the state of emergency, and up to a maximum of 30
18 days after the expiration of the state of emergency. To be
19 eligible to operate within the state pursuant to this
20 subdivision, the out-of-state contract security company shall
21 satisfy all of the following requirements:

22 "a. Be licensed in another state in which the
23 qualifications, insurance, training, and other requirements
24 for licensure are substantially similar to those required by
25 this chapter, as determined by the board.

1 "b. Provide notice to the board of an intention to
2 operate in the state and submit to the board any information
3 requested by the board.

4 "(14) To inspect the business premises of any
5 licensee, licensed contract security company, or unlicensed
6 contract security company during normal business hours.

7 ~~"The inspection of a licensed contract security~~
8 ~~company shall be limited to an inspection of training records.~~
9 ~~The inspection of an unlicensed contract security company~~
10 ~~shall be limited to licensure compliance.~~

11 "(15) To hold hearings, conduct investigations,
12 subpoena witnesses, subpoena documents, administer oaths, and
13 take testimony as necessary to provide for the implementation
14 of this chapter.

15 "(b) All powers granted in this chapter and any
16 other powers granted to the board are public and governmental
17 functions, exercised for a public purpose, and matters of
18 public necessity.

19 "§34-27C-4.

20 "(a) Commencing on May 21, 2009, any security ~~guard~~
21 officer, armed security ~~guard~~ officer, or contract security
22 company providing private security services in this state
23 shall apply to the board for a license or certification. Any
24 security ~~guard~~ officer, armed security ~~guard~~ officer, or
25 contract security company providing security services in this
26 state before May 21, 2009, may continue to engage in business
27 operations pending a final determination by the board,

1 provided such security ~~guard~~ officer, armed security ~~guard~~
2 officer, or contract security company files an application for
3 license. This chapter shall not abrogate the terms of a
4 contract existing on May 21, 2009.

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

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

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

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

14 "(4) The names of at least three unrelated and
15 disinterested persons to be used as references for board
16 inquiries regarding the character, standing, and reputation of
17 the applicant.

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

20 "(c) (1) A contract security company applying for a
21 license or certification shall include proof that the business
22 entity has at least one person in its employ serving as a
23 qualifying agent who is licensed by the board as a security
24 ~~guard~~ officer that, in addition to meeting the requirements of
25 subsection (d), possesses three years of experience as a
26 manager, supervisor, or administrator with a contract security
27 company or possesses three years of supervisory experience

1 with any federal, military, state, county, or municipal law
2 enforcement agency.

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

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

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

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

19 "(2) Proof that the applicant is a citizen of the
20 United States or, if not a citizen of the United States, a
21 person who is legally present in the United States with
22 appropriate documentation from the federal government.

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

25 "a. That he or she has never been convicted in any
26 jurisdiction of the United States of any felony or crime

1 involving moral turpitude for which a full pardon has not been
2 granted.

3 "b. That he or she has never been declared, by any
4 court of competent jurisdiction, incompetent by reason of
5 mental defect or disease, and competency has not been
6 restored.

7 "c. That he or she is not suffering from habitual
8 drunkenness or from narcotics addiction or dependence. The
9 board may require certified results of medical tests for drug
10 or alcohol use.

11 "(e) In addition to the requirements of subsection
12 (d), an applicant for licensure or certification or renewal
13 shall submit to the board a form, sworn to by the applicant,
14 containing the name, date of birth, and Social Security number
15 for completion of a criminal history background check. The
16 applicant shall submit two complete sets of fingerprints to
17 the board. The board shall submit the fingerprints to the
18 Alabama Bureau of Investigation (ABI) for a state criminal
19 history record check. The fingerprints shall be forwarded by
20 the ABI to the Federal Bureau of Investigation (FBI) for a
21 national criminal history record check. Costs associated with
22 conducting a criminal history background check shall be borne
23 by the applicant. The board shall keep information received
24 pursuant to this section confidential, except that such
25 information received and relied upon in denying the issuance
26 of a certificate of qualification for a license or
27 certification to a security officer in this state may be

1 disclosed if necessary to support the denial of the license or
2 certification, if required by court order, or for any other
3 reason allowed by law.

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

15 "(g) (1) Each contract security company requesting or
16 renewing a license shall pay a security license fee upon
17 application to be determined by the board that ~~does not exceed~~
18 ~~three hundred fifty dollars (\$350)~~ and may not be increased
19 more than fifty dollars (\$50) per licensing period. A license
20 shall expire on September 30 and an application for renewal
21 shall be submitted to the board before October 1. A renewal
22 application may not be accepted by the board after October 31.
23 The board may impose a reasonable late fee on renewals not
24 filed by October 1. The board shall promptly notify an
25 applicant if the board refuses to issue or renew a license or
26 certification. An If the board refuses to issue or renew a
27 license or certification, the applicant or licensee may appeal

1 ~~any~~ the decision of the board and may request a hearing, in
2 accordance with the rules of the board and the Administrative
3 Procedure Act, ~~on the decision of the board to refuse to issue~~
4 ~~or renew a license~~. A licensee may continue to engage in the
5 security business while his or her appeal or renewal
6 application is pending. The board may impose a reasonable late
7 fee on any renewal that is not filed before the expiration
8 date of the license.

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

1 fee on renewals not filed before the date of expiration of the
2 license.

3 "(h) No license or certification issued pursuant to
4 this chapter shall be assigned or transferred by operation of
5 law or in any other manner. A new license for an assignee or
6 transferee of a business shall be applied for using the same
7 procedures and requirements as set forth in this chapter for
8 an initial license or certification applicant. The security
9 operation of a security company may continue until the final
10 disposition of the pending license or certification
11 application.

12 "(i) The current license certificate or duplicate
13 copy of the license or certificate shall be posted and
14 displayed at all times at all business offices of the licensee
15 within the state.

16 "(j) The board shall be notified within 30 days of
17 any changes in officers, directors, or management of a
18 licensee or any changes that may reasonably affect the right
19 of a licensee to hold a license or certificate under this
20 chapter.

21 "§34-27C-5.

22 "(a) ~~Ⓐ~~ The board may refuse to issue or renew a
23 license or certification, place a licensee on probation, or
24 suspend or revoke a license may be revoked or suspended by the
25 board or certification for any violation of this chapter or
26 rule of the board.

1 "(b) In the event of a denial, probation,
2 revocation, or suspension of a license, an applicant or a
3 licensee shall be notified of the action of the board. The
4 applicant or licensee may request a hearing and appeal the
5 decision of the board in accordance with rules of the board
6 and the Administrative Procedure Act. The licensee shall cease
7 to provide security services to clients immediately upon
8 receipt of a final notice from the board of revocation or
9 suspension of its license or certification.

10 "(c) The board may grant a stay or postponement of
11 probation or a revocation or suspension under certain
12 circumstances and with certain conditions attached, upon a
13 majority vote of the board.

14 "§34-27C-7.

15 "(a) Within 30 days after initial employment, a
16 security officer or armed security officer shall apply to the
17 board for a license or certification. On or after May 21,
18 2009, all security officers or armed security officers not
19 exempted under Section 34-27C-17, shall apply to the board for
20 a license or certification in accordance with this chapter. A
21 license or certification card issued by the board shall be
22 carried by each security officer and armed security officer
23 while performing his or her duties. A temporary card ~~may~~ shall
24 be issued by the board and be in the possession of the
25 applicant or licensee while working as a security officer or
26 armed security officer pending the application process, the
27 completion of training, and the issuance of his or her license

1 or certification. Licensure and certification shall be renewed
2 every two years on the date which original licensure or
3 certification was granted. A contract security company that
4 employs a security officer or armed security officer who is in
5 violation of this subsection shall be in violation of this
6 chapter.

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

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

25 "(d) A contract security company shall notify the
26 board within 10 days after discovering any adverse information
27 pertaining to the eligibility of an individual to be licensed

1 ~~as~~ or certified, or any adverse information that may affect
2 the licensure or certification status of a security officer or
3 armed security officer.

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

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

19 "§34-27C-8.

20 "(a) A person seeking certification as a security
21 officer or ~~an~~ armed security officer shall have completed ~~at~~
22 ~~least~~ a minimum of eight hours of board approved classroom
23 training with a certified trainer, unless otherwise provided
24 by board rule. ~~This training shall include, but may not be~~
25 ~~limited to, fire prevention, legal information relevant to~~
26 ~~providing security services, detention procedures, methods of~~
27 ~~handling crisis situations, methods of crowd control, and the~~

1 ~~use of equipment needed in providing security services.~~
2 ~~Training shall be completed as follows: Specific classroom~~
3 ~~training requirements may be outlined, defined, and modified~~
4 ~~by board rule.~~

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

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

15 ~~"(b) After initial certification in accordance with~~
16 ~~this chapter, security officers and armed security officers~~
17 ~~shall complete a minimum of eight hours of board approved~~
18 ~~refresher classroom training before submitting an application~~
19 ~~for certification renewal.~~

20 ~~"(c) In addition to the requirements of subsections~~
21 ~~(a) and (b), a person seeking certification as an armed~~
22 ~~security officer shall ~~initially complete four~~ have completed~~
23 ~~a minimum of 16 hours of board approved firearms safety~~
24 ~~training and ~~annually complete two~~ four hours of board~~
25 ~~approved firearms safety refresher training during the off~~
26 ~~year of the license before renewal, unless otherwise provided~~
27 ~~by board rule. Specific requirements for firearms safety~~

1 training shall be outlined, defined, and modified by board
2 rule.

3 "(d) After initial certification, an armed security
4 officer shall complete a minimum of 16 hours of board approved
5 refresher firearms safety training before submitting an
6 application for certification renewal.

7 "(e) In addition to the requirements of subsections
8 (a), (b), and (c), a person seeking certification as a
9 security officer or armed security officer shall have
10 completed a minimum of four hours of board approved use of
11 force training. Specific requirements for use of force
12 training may be outlined, defined, and modified by board rule.

13 "(f) After initial certification, security officers
14 and armed security officers shall complete a minimum of four
15 hours of board approved refresher use of force training before
16 submitting an application for certification renewal.

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

20 "(1) Any security officer or armed security officer
21 who, within three years before applying for certification,
22 completed basic security training through a military,
23 government, or security training institute that meets or
24 exceeds the training required by this chapter. The board shall
25 examine proof of training before declaring an applicant
26 exempt. An initial exemption granted pursuant to this

1 subdivision does not exempt an applicant from annual training
2 requirements.

3 "(2) Any security officer or armed security officer
4 employed by a contract security company that has a training
5 curriculum and standards that the board determines, upon
6 presentation of proof of training, meet or exceed those
7 required by this chapter.

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

10 ~~"(4) Any person who has a minimum of five years of
11 continuous experience as a security officer or armed security
12 officer is not subject to the eight hours of classroom
13 training required in subsection (a). Notwithstanding the
14 foregoing, such individual shall be required to complete
15 annual training pursuant to subsections (b) and (c).~~

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

19 "§34-27C-9.

20 "Any person conducting training of security officers
21 shall be licensed or certified as a certified trainer by the
22 board. Any person seeking licensure or certification as a
23 certified trainer shall pay all fees required by the board and
24 meet all of the following qualifications:

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

26 "(2) Have a minimum of two years of supervisory
27 experience with a contract security company, a proprietary

1 company, or in federal, state, county, or municipal law
2 enforcement.

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

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

8 "§34-27C-10.

9 "(a) A contract security company, at the request of
10 a security officer in its employ, may withhold from the wages
11 of the security officer those amounts necessary to pay for the
12 licensure or certification fees, uniforms, or other required
13 equipment of the security officer.

14 "(b) A reasonable deposit may be required of a
15 security officer by an employer to ensure the return of
16 uniforms and equipment. The total amount of deposit required
17 under this section may not exceed the actual cost of uniforms
18 and equipment provided to the security officer.

19 "§34-27C-11.

20 "An armed security officer shall apply for and have
21 his or her pistol permit issued by the sheriff of the county
22 of his or her residence. It is a violation of this chapter for
23 any security officer to carry a firearm in the performance of
24 his or her duties without holding a valid license or
25 certification card for an armed security officer issued by the
26 board.

27 "§34-27C-12.

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

3 "(1) Issue a shield or badge not in conformance with
4 this chapter. Except for sworn peace officers, no person or
5 entity shall wear or display any badge, insignia, device,
6 shield, patch, or pattern containing words which would
7 indicate that he or she is a sworn peace officer or that
8 includes the Great Seal of the State of Alabama. The words
9 "security officer," or a similar term, shall be displayed on
10 any badge, insignia, device, shield, patch, or pattern worn by
11 a security officer or armed security officer. Except for the
12 vehicle of a sworn peace officer, no vehicle used by a
13 security officer or an armed security officer shall have any
14 equipment or markings denoting a law enforcement vehicle.

15 "(2) Publish, advertise, use printed letterhead or
16 circulars, or give statements, or use words or phrases which
17 in any way suggest or imply that the security ~~guard~~ officer,
18 armed security ~~guard~~ officer, or contract security company is
19 a law enforcement organization or sworn peace officer, or an
20 official of the state or federal government.

21 "(3) Designate an individual meeting the definition
22 of a security officer or armed security officer as anything
23 other than a security officer or armed security officer.

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

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

3 "(6) Engage in criminal conduct that would prohibit
4 licensing or certification.

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

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

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

14 "(3) Fail to return his or her license or
15 certification card, or license or certification of the
16 contract security company, to the board, if required.

17 "(4) Possess a certification card issued to any
18 other person.

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

21 "§34-27C-13.

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

1 "(b) Any person who practices or offers to practice
2 as a security officer or an armed security officer in this
3 state without a license or certification issued and approved
4 by the board shall be guilty of a Class A misdemeanor.

5 "§34-27C-16.

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

18 "§34-27C-17.

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

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

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

26 "(3) A sworn peace officer ~~who only provides~~
27 ~~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 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 provision of
13 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.