

SB187 ENROLLED



1 QHMF11-2
2 By Senator Waggoner
3 RFD: Banking and Insurance
4 First Read: 06-Apr-23
5 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to the Alabama Security Regulatory Board; to
5 amend Sections 34-27C-2 and 34-27C-4, Code of Alabama 1975; to
6 delete conflicting language regarding compensation of board
7 members; and to provide further for criminal history
8 background checks on applicants for licensure or certification
9 and renewal.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 34-27C-2 and 34-27C-4 of the Code
12 of Alabama 1975, are amended to read as follows:

13 "§34-27C-2

14 (a) The Alabama Security Regulatory Board is created.
15 Each member of the board shall be a citizen of the United
16 States and a resident of this state, and the appointing
17 authorities shall coordinate their appointments ~~so that~~
18 ~~diversity of gender, race, and geographical areas is~~
19 ~~reflective of the makeup of this~~ to assure the board
20 membership is inclusive and reflects the racial, gender,
21 geographic, urban, rural, and economic diversity of the state.

22 The board shall consist of the following members:

23 (1) Two members appointed by the Governor. The
24 appointees shall not be qualified to be licensed under this
25 chapter, not be engaged in the rendering of contract security
26 service for a minimum of three years prior to appointment, not
27 be employed by or affiliated with any other member of the
28 board, and shall have served for five or more years in a



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29 supervisory position in law enforcement in any municipality,
30 county, state, or district attorney's office. The members
31 appointed by the Governor shall be selected from a list of
32 names submitted by a recognized security association such as
33 the American Society of Industrial Security (ASIS), the
34 National Association of Security Companies (NASCO), or any
35 state or private security service association which may be
36 organized.

37 (2) One member appointed by the Lieutenant Governor.
38 The appointee shall represent consumers and shall not be
39 engaged in the rendering of contract security service, and not
40 employed by, related to, or affiliated with any other member
41 of the board or licensee of the board.

42 (3) One member appointed by the Speaker of the House of
43 Representatives. The appointee shall be from an entity that
44 employs, or has an employer-employee relationship with, a
45 contract security company.

46 (4) One member appointed by the Attorney General. The
47 appointee shall be selected from a list of names submitted by
48 the Alabama Sheriffs Association.

49 (b) Unless otherwise provided in subsection (a), board
50 members shall serve three-year terms of office. A vacancy in
51 any board position shall be filled for the duration of the
52 unexpired term in the same manner as the original appointment.
53 Should an appointing authority fail to make an appointment to
54 fill an unexpired or new term within 60 days after receiving
55 notice from the board of the vacancy, the board shall make the
56 appointment of a qualified ~~person~~ individual within the



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57 appropriate category by majority vote of the board members
58 present. The board shall annually elect a chair from among the
59 membership of the board at its first meeting. The board shall
60 meet on a quarterly basis at a date, time, and place
61 designated by the chair. ~~No compensation shall be paid to~~
62 ~~members of the board.~~ Actual expenses incurred by board
63 members in the performance of duties on behalf of the board
64 shall be reimbursed from the funds of the board. Decisions of
65 the board shall be determined by a majority vote of the board
66 members present and voting.

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

71 (d) The board shall be subject to the Alabama Sunset
72 Law, Title 41, Chapter 20, as an enumerated agency as provided
73 in Section 41-20-3, and shall have a termination date of
74 October 1, 2011, and every four years thereafter, unless
75 continued pursuant to the Alabama Sunset Law."

76 "§34-27C-4

77 (a) Commencing on May 21, 2009, any security officer,
78 armed security officer, or contract security company providing
79 private security services in this state shall apply to the
80 board for a license or certification. Any security officer,
81 armed security officer, or contract security company providing
82 security services in this state before May 21, 2009, may
83 continue to engage in business operations pending a final
84 determination by the board, provided ~~such~~ the security



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85 officer, armed security officer, or contract security company
86 files an application for license. This chapter shall not
87 abrogate the terms of a contract existing on May 21, 2009.

88 (b) An application for licensure or certification shall
89 include all of the following information:

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

92 (2) The name under which the applicant intends to do
93 business.

94 (3) The full name and address of any partners in the
95 business, principal officers, directors, and business manager,
96 if applicable.

97 (4) The names of at least three unrelated and
98 disinterested ~~persons~~ individuals to be used as references for
99 board inquiries regarding the character, standing, and
100 reputation of the applicant.

101 (5) ~~Such~~ Any other information, evidence, statements,
102 or documents as may be required by the board.

103 (c) (1) A contract security company applying for a
104 license or certification shall include proof that the business
105 entity has at least one ~~person~~ individual in its employ
106 serving as a qualifying agent who is licensed by the board as
107 a security officer and, in addition to meeting the
108 requirements of subsection (d), possesses three years of
109 experience as a manager, supervisor, or administrator with a
110 contract security company or possesses three years of
111 supervisory experience with any federal, military, state,
112 county, or municipal law enforcement agency.



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113 (2) No ~~person~~ individual may serve as the qualifying
114 agent for more than one contract security company without
115 prior written approval of the board.

116 (3) A contract security company shall notify the board
117 within 10 working days if the qualifying agent for the company
118 ceases to perform his or her duties as qualifying agent and
119 shall obtain a substitute qualifying agent within 30 days
120 after the original qualifying agent ceases to serve. The board
121 may grant an extension to the company for good cause, for not
122 more than three months.

123 (d) Every applicant for licensure or certification
124 shall provide the following to the board:

125 (1) Proof that the applicant is 21 years of age or
126 older, or 18 years of age if the ~~person~~ individual is not
127 allowed to carry any type of firearm in the course of his or
128 her employment with the contract security company.

129 (2) Proof that the applicant is a citizen of the United
130 States or, if not a citizen of the United States, ~~a person~~ an
131 individual who is legally present in the United States with
132 appropriate documentation from the federal government.

133 (3) A statement of the applicant, made under oath,
134 declaring all of the following:

135 a. That he or she has never been convicted in any
136 jurisdiction of the United States of any felony or crime
137 involving moral turpitude for which a full pardon has not been
138 granted.

139 b. That he or she has never been declared, by any court
140 of competent jurisdiction, incompetent by reason of mental



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141 defect or disease, and competency has not been restored.

142 c. That he or she is not suffering from habitual
143 drunkenness or from narcotics addiction or dependence. The
144 board may require certified results of medical tests for drug
145 or alcohol use.

146 (e) (1) In addition to the requirements of subsection
147 (d), an applicant for licensure or certification, or renewal
148 of either, shall submit to the board a form, sworn to by the
149 applicant, containing the name, date of birth, and Social
150 Security number for completion of a criminal history
151 background check. The applicant shall submit two complete sets
152 of fingerprints to the board. The board shall submit the
153 fingerprints to the Alabama State Law Enforcement Agency
154 (ALEA) for a state criminal history record check. The
155 fingerprints shall be forwarded by ALEA to the Federal Bureau
156 of Investigation (FBI) for a national criminal history record
157 check. Costs associated with conducting a criminal history
158 background check for initial licensure or certification, or
159 for the renewal of licensure or certification, shall be borne
160 by the applicant. The board shall keep information received
161 pursuant to this section confidential, except that ~~such~~ the
162 information received and relied upon in denying the issuance
163 of a certificate of qualification for a license or
164 certification to a security officer in this state may be
165 disclosed if necessary to support the denial of the license or
166 certification, if required by court order, or for any other
167 reason allowed by law.

168 (2) In addition to the requirements of subsection (d),



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169 an applicant for renewal of licensure or certification shall
170 complete a supplemental criminal history background check
171 approved by the board.

172 (f) Applications for licensure and certification shall
173 be filed with the board on a form developed by the board. The
174 board shall prescribe the procedures and methods of
175 submission, consideration, and disposition of applications. An
176 applicant corporation incorporated under the laws of this
177 state or any other state shall be required to qualify with a
178 certificate of authority issued by the Secretary of State and
179 shall designate an agent for service of process. The applicant
180 shall be issued a license or denied a license in writing
181 within a reasonable period after receipt by the board of all
182 required information.

183 (g) (1) Each contract security company requesting or
184 renewing a license shall pay a security license fee upon
185 application to be determined by the board that does not exceed
186 three hundred fifty dollars (\$350) and may not be increased
187 more than fifty dollars (\$50) per licensing period. A license
188 shall expire on September 30 and an application for renewal
189 shall be submitted to the board before October 1. A renewal
190 application may not be accepted by the board after October 31.
191 The board may impose a reasonable late fee on renewals not
192 filed by October 1. The board shall promptly notify an
193 applicant if the board refuses to issue or renew a license or
194 certification. If the board refuses to issue or renew a
195 license or certification, the applicant or licensee may appeal
196 the decision of the board and may request a hearing, in



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197 accordance with the rules of the board and the Administrative
198 Procedure Act. A licensee may continue to engage in the
199 security business while his or her appeal or renewal
200 application is pending. The board may impose a reasonable late
201 fee on any renewal that is not filed before the expiration
202 date of the license.

203 (2) Each security officer or armed security officer
204 requesting or renewing a license or certification shall pay a
205 nonrefundable security license fee to the board upon
206 application to be determined by the board that does not exceed
207 one hundred dollars (\$100) and may not be increased more than
208 twenty-five dollars (\$25) per licensing period. The license or
209 certification issued to a security officer or armed security
210 officer shall expire two years from the date of issuance. If
211 the board refuses to issue or renew a license or
212 certification, the applicant or licensee shall be promptly
213 notified. If the board refuses to issue or renew a license or
214 certification, the applicant or licensee may appeal the
215 decision of the board and may request a hearing, in accordance
216 with the rules of the board and the Administrative Procedure
217 Act. A licensee may continue to serve as a security officer or
218 armed security officer while his or her appeal or renewal
219 application is pending. The board may impose a reasonable late
220 fee on renewals not filed before the date of expiration of the
221 license.

222 (h) No license or certification issued pursuant to this
223 chapter shall be assigned or transferred by operation of law
224 or in any other manner. A new license for an assignee or



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225 transferee of a business shall be applied for using the same
226 procedures and requirements as set forth in this chapter for
227 an initial license or certification applicant. The security
228 operation of a security company may continue until the final
229 disposition of the pending license or certification
230 application.

231 (i) The current license or certificate or duplicate
232 copy of the license or certificate shall be posted and
233 displayed at all times at all business offices of the licensee
234 within the state.

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

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



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 27-Apr-23

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

Patrick Harris,
Secretary.

House of Representatives

Passed: 01-Jun-23

By: Senator Waggoner