

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 2737

By: Kerbs

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending Sections 11 and 15, Chapter 407, O.S.L.
9 2013, as amended by Sections 6 and 9, Chapter 373,
10 O.S.L. 2014 (59 O.S. Supp. 2017, Sections 1350.10 and
11 1350.14), which relate to the Bail Enforcement and
12 Licensing Act; directing applicants to submit
13 nonrefundable fee for late renewal applications;
14 adding exception to certain nondisclosure
15 requirement; amending 59 O.S. 2011, Sections 1750.3A,
16 1750.5, as last amended by Section 11, Chapter 373,
17 O.S.L. 2014, 1750.6, as last amended by Section 1,
18 Chapter 398, O.S.L. 2014, 1750.7 and 1750.8 (59 O.S.
19 Supp. 2017, Sections 1750.5 and 1750.6), which relate
20 to the Oklahoma Security Guard and Private
21 Investigator Act; directing administration of certain
22 psychological evaluation for armed private
23 investigator license applicants; clarifying which
24 individuals are exempt from psychological evaluation
requirements; prohibiting the Council on Law
Enforcement Education and Training (CLEET) from
issuing or renewing certain licenses for applicants
who have been involuntarily committed; stating
permanent preclusive period; providing an exception;
clarifying requirements for issuing conditional
licenses to certain persons; modifying and adding
qualifications for issuing security guard and private
investigator licenses; increasing fee amount for
duplicate licenses; modifying and adding conditions
that may subject a licensee to denial, suspension,
revocation, disciplinary penalty or fine by CLEET;
modifying and adding conditions that may subject an
agency license to denial, suspension, revocation,
disciplinary penalty or fine by CLEET; adding
exception to certain nondisclosure requirement; and
providing an effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. AMENDATORY Section 11, Chapter 407, O.S.L.
3 2013, as amended by Section 6, Chapter 373, O.S.L. 2014 (59 O.S.
4 Supp. 2017, Section 1350.10), is amended to read as follows:

5 Section 1350.10 A. 1. Application for a bail enforcer license
6 shall be made on forms provided by the Council on Law Enforcement
7 Education and Training and shall be submitted in writing by the
8 applicant under oath. The application shall require the applicant
9 to furnish information reasonably required by the Council to
10 implement the provisions of the Bail Enforcement and Licensing Act,
11 including classifiable fingerprints to enable the search of criminal
12 indices for evidence of a prior criminal record, including, but not
13 limited to, a national criminal history record check as defined by
14 Section 150.9 of Title 74 of the Oklahoma Statutes.

15 2. Upon request of the Council, the Oklahoma State Bureau of
16 Investigation and other state and local law enforcement agencies
17 shall furnish a copy of any existent criminal history data relating
18 to an applicant to enable the Council to determine the
19 qualifications and fitness of such applicant for a license.

20 B. 1. On and after February 1, 2015, the original application
21 and any license renewal shall be accompanied by a fee of:

22 a. Three Hundred Dollars (\$300.00) for an unarmed bail
23 enforcer license, or
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1 b. Four Hundred Dollars (\$400.00) for an armed bail
2 enforcer license.

3 If an individual does not qualify for the type of license or
4 renewal license requested, the Council shall retain twenty percent
5 (20%) of the licensing fee as a processing fee and refund the
6 remaining amount to the individual or agency submitting payment. In
7 addition to the fees provided in this subsection, the original
8 application for a bail enforcer license shall be accompanied by a
9 nonrefundable fee for a national criminal history record check with
10 fingerprint analysis, as provided in Section 150.9 of Title 74 of
11 the Oklahoma Statutes.

12 2. A licensee whose license has been suspended may apply for
13 reinstatement of license after the term of the suspension has
14 passed, if otherwise qualified. Any application for reinstatement
15 following a suspension of licensure shall be accompanied by a
16 nonrefundable fee of:

17 a. One Hundred Dollars (\$100.00) for the reinstatement of
18 an unarmed bail enforcer license, or

19 b. One Hundred Fifty Dollars (\$150.00) for an armed bail
20 enforcer license.

21 A revoked license shall not be reinstated.

22 3. ~~A licensee who fails to file a~~ Any renewal application ~~on or~~
23 ~~before the expiration~~ of a license received after the expiration
24 date of the license shall ~~pay~~ be accompanied by a nonrefundable late

1 fee of Fifty Dollars (\$50.00) for an unarmed bail enforcer license
2 and a late fee of One Hundred Dollars (\$100.00) for an armed bail
3 enforcer license.

4 4. The fees charged and collected, including portions of fees
5 retained as processing fees, pursuant to the provisions of this
6 section shall be deposited to the credit of the CLEET Bail
7 Enforcement Revolving Fund created pursuant to Section ~~21~~ 1350.20 of
8 this ~~act~~ title.

9 C. On and after February 1, 2015, a bail enforcer license or
10 armed bail enforcer license shall be valid for a period of three (3)
11 years and may be renewed for additional three-year terms.

12 D. The Council shall devise a system for issuance of licenses
13 for the purpose of evenly distributing the expiration dates of the
14 licenses.

15 E. Pursuant to rule, the Council may issue a duplicate license
16 to a person licensed pursuant to the provisions of the Bail
17 Enforcement and Licensing Act. On and after February 1, 2015, the
18 Council may assess a fee of Twenty-five Dollars (\$25.00) for the
19 issuance of a duplicate license. The fee shall accompany the
20 request for a duplicate license. All duplicate license fees shall
21 be deposited to the credit of the CLEET Bail Enforcement Revolving
22 Fund created pursuant to Section 1350.20 of this title.

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1 SECTION 2. AMENDATORY Section 15, Chapter 407, O.S.L.
2 2013, as amended by Section 9, Chapter 373, O.S.L. 2014 (59 O.S.
3 Supp. 2017, Section 1350.14), is amended to read as follows:

4 Section 1350.14 The Council on Law Enforcement Education and
5 Training (CLEET) or its employees shall not disclose application
6 information pertaining to applicants or persons licensed pursuant to
7 the Bail Enforcement and Licensing Act, except:

8 1. To verify the current license status of an applicant or
9 licensee to the public;

10 2. As may be necessary to perform duties or comply with rules
11 or law pursuant to the Bail Enforcement and Licensing Act;

12 3. To a bona fide law enforcement agency or judicial authority,
13 upon request;

14 4. To an insurance company licensed in this state for purposes
15 of issuing a bond for licensure or for claims purposes;

16 5. To provide the published name, address and phone number,
17 upon request by the public; provided, however, CLEET may withhold
18 the physical residence address of an applicant or licensee from the
19 public when the applicant or licensee has so requested and has
20 provided CLEET a business or alternative address for public
21 dissemination; ~~or~~

22 6. As required by court order; or
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1 7. To provide final orders where an applicant or licensee was
2 the respondent in or was the subject of an administrative proceeding
3 initiated by CLEET.

4 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1750.3A, is
5 amended to read as follows:

6 Section 1750.3A A. Each applicant for an armed security guard
7 license or armed private investigator license shall be administered
8 any current standard form of the Minnesota Multiphasic Personality
9 Inventory (MMPI), or other psychological evaluation instrument
10 approved by the Council on Law Enforcement Education and Training,
11 which shall be administered during the firearms training phase
12 required by Section 1750.3 of this title. The security training
13 school administering such instrument shall forward the response data
14 to a psychologist licensed by the Oklahoma State Board of Examiners
15 of Psychologists for evaluation. The licensed psychologist shall be
16 of the applicant's choice. Applicants with comparable training
17 shall complete the psychological test and evaluation requirements
18 prior to licensing. It shall be the responsibility of the applicant
19 to bear the cost of the psychological evaluation.

20 B. If the licensed psychologist is unable to certify the
21 applicant's psychological capability to exercise appropriate
22 judgment, restraint, and self-control, after evaluating the data,
23 the psychologist shall employ whatever other psychological measuring
24 instruments or techniques deemed necessary to form a professional

1 opinion. The use of any psychological measuring instruments or
2 techniques shall require a full and complete written explanation to
3 the Council on Law Enforcement Education and Training.

4 C. The psychologist shall forward a written psychological
5 evaluation, on a form prescribed by the Council, to the Council
6 within fifteen (15) days of the evaluation, even if the applicant is
7 found to be psychologically at risk. The Council may utilize the
8 results of the psychological evaluation for up to six (6) months
9 from the date of the evaluation after which the applicant shall be
10 reexamined. No person who has been found psychologically at risk in
11 the exercise of appropriate judgment, restraint, or self-control
12 shall reapply for ~~certification~~ licensing until one (1) year from
13 the date of being found psychologically at risk.

14 D. 1. Active full-time peace officers who have been certified
15 as full-time peace officers by the Council on Law Enforcement
16 Education and Training shall be exempt from the provisions of this
17 section.

18 2. Retired full-time peace officers who have been certified as
19 full-time peace officers by the Council on Law Enforcement Education
20 and Training shall be exempt from the provisions of this section for
21 a period of one (1) year from retirement.

22 3. Retired peace officers who are not exempt from this section
23 and who have previously undergone treatment for a mental illness,
24 condition, or disorder which required medication or supervision, as

1 defined by paragraph 7 of Section 1290.10 of Title 21 of the
2 Oklahoma Statutes may apply for an armed security guard license or
3 armed private investigator license only after three (3) years from
4 the last date of treatment or upon presentation of a certified
5 statement from a licensed physician stating that the person is
6 either no longer disabled by any mental or psychiatric illness,
7 condition, or disorder or that the person has been stabilized on
8 medication for ten (10) years or more.

9 E. The Council on Law Enforcement Education and Training shall
10 not issue or renew an armed security guard license, armed private
11 investigator license, armed bail enforcer license or any other
12 license permitting a person to carry a firearm or weapon if the
13 applicant has been involuntarily committed for a mental illness,
14 condition or disorder pursuant to the provisions of Section 5-410 of
15 Title 43A of the Oklahoma Statutes or any involuntary commitment in
16 another state pursuant to the provisions of law of that state. The
17 preclusive period shall be permanent as provided by Section
18 922(g) (4) of Title 18 of the United States Code, unless the person
19 has been granted relief from the disqualifying disability pursuant
20 to Section 1290.27 of Title 21 of the Oklahoma Statutes.

21 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1750.5, as
22 last amended by Section 11, Chapter 373, O.S.L. 2014 (59 O.S. Supp.
23 2017, Section 1750.5), is amended to read as follows:

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1 Section 1750.5 A. Licenses authorized to be issued by the
2 Council on Law Enforcement Education and Training (CLEET) shall be
3 as follows:

- 4 1. Security Agency License;
- 5 2. Investigative Agency License;
- 6 3. Private Investigator License (unarmed);
- 7 4. Security Guard License (unarmed);
- 8 5. Armed Security Guard License;
- 9 6. Special Event License (unarmed);
- 10 7. Armed Private Investigator License;
- 11 8. Bail Enforcer License; and
- 12 9. Armed Bail Enforcer License.

13 B. Any qualified applicant meeting the requirements for more
14 than one of the positions of private investigator, security guard, ,
15 armed security guard, bail enforcer, or armed bail enforcer may be
16 issued a separate license for each position for which qualified, or
17 in the discretion of the Council, a combination license provided the
18 required license fees are paid.

19 C. 1. A private investigator may carry a firearm, if the
20 private investigator also performs the functions of an armed
21 security guard, under the authority of the armed security guard
22 license.

23 2. If the private investigator performs no functions of an
24 armed security guard, the Council may issue an armed private

1 investigator license. If a person has been issued an armed private
2 investigator license, the Council may issue an armed bail enforcer
3 license if the applicant is otherwise eligible and qualified. The
4 applicant for an armed private investigator license must complete
5 Phase I, III and IV training and pass the psychological examination
6 and state test; provided however, active certified peace officers
7 and retired certified peace officers shall be exempt from the
8 psychological examination as provided in Section 1750.3A of this
9 title, and active certified peace officers of any state, county or
10 municipal law enforcement agency in this state shall be exempt from
11 the Phase I, III and IV training and state test for an armed private
12 investigator. The Council will charge the same fee for the armed
13 private investigators license as the cost of the armed security
14 guard license; provided however, an active certified peace officer
15 who is an applicant for an armed private investigator or armed
16 security guard license shall be charged only twenty percent (20%) of
17 the required fee.

18 3. Any person issued an armed private investigator license may
19 carry a concealed or unconcealed firearm when on and off duty,
20 provided the person is in possession of a valid driver license and a
21 valid armed private investigator license.

22 4. Any person issued an armed bail enforcer license may carry a
23 concealed approved pistol, or may open-carry an approved pistol with
24 a visible bail enforcer badge affixed to the holster or belt

1 immediately next to the firearm while wearing clearly marked apparel
2 designating the person as a "Bail Enforcer" or "Bail Enforcement"
3 when actively engaged in the recovery of a defendant, subject to all
4 rules for use and conduct of firearms promulgated by the Council.
5 An armed bail enforcer shall be permitted to carry a concealed
6 pistol when not actively engaged in the recovery of a defendant
7 provided the bail enforcer badge authorized or issued by CLEET and a
8 state-issued driver license or identification card are in the
9 possession of the person while carrying the firearm.

10 D. Any identification card or badge issued to a person meeting
11 the license requirements for an armed security guard , an armed
12 private investigator or armed bail enforcer shall be distinct and
13 shall explicitly state that the person is authorized to carry a
14 firearm pursuant to the provisions of the Oklahoma Security Guard
15 and Private Investigator Act or the Bail Enforcement and Licensing
16 Act. Upon receipt of the license and identification card, the armed
17 security guard, armed private investigator or armed bail enforcer is
18 authorized to carry a firearm subject to the respective provisions
19 of the Oklahoma Security Guard and Private Investigator Act or the
20 Bail Enforcement and Licensing Act and the rules promulgated by the
21 Council.

22 E. The Council may issue a conditional license to a person
23 employed by a security or investigative agency as a trainee for a an
24 unarmed security guard, ~~armed security guard,~~ or unarmed private

1 investigator position, when the person has submitted a properly
2 completed application, made under oath, subject to the following
3 conditions:

4 1. A conditional license shall authorize employees to perform
5 the same functions that regular licensees perform, but subject to
6 supervision by the employing agency as the Council may prescribe;

7 2. The holder of a conditional license shall complete the
8 necessary training requirements within one hundred eighty (180) days
9 from the effective date of the conditional license, after which the
10 conditional license shall expire;

11 ~~3. The holder of a conditional license as an armed security~~
12 ~~guard shall not carry a firearm in the performance of duties until~~
13 ~~after completing a course of firearms training as prescribed by the~~
14 ~~Council, and having been issued a regular license by the Council;~~

15 ~~4.~~ A conditional license may be renewed at the discretion of
16 the Council, if necessary to allow an applicant to complete any
17 training required for a regular license;

18 ~~5.~~ 4. When the Council finds that a conditional license holder
19 has completed the required training and is otherwise qualified for a
20 license pursuant to the provisions of the Oklahoma Security Guard
21 and Private Investigator Act, the Council shall issue a regular
22 license; and

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1 ~~6.~~ 5. The Council shall be prohibited from issuing a
2 conditional license to a bail enforcer under the Bail Enforcement
3 and Licensing Act.

4 F. A Security Agency License may be issued to an individual,
5 corporation, or other legal entity meeting the following
6 qualifications:

7 1. If the license is to be issued in the name of a legal entity
8 other than a natural person, the applicant must furnish proof that
9 the entity is legally recognized, such as the issuance of a
10 corporate charter; and

11 2. The executive officer, manager, or other person in charge of
12 supervising security guards in the performance of their duties shall
13 be a licensed security guard.

14 G. An Investigative Agency License may be issued to an
15 individual, corporation, or other legal entity meeting the following
16 qualifications:

17 1. If the license is to be issued in the name of a legal entity
18 other than a natural person, the applicant must furnish proof that
19 the entity is legally recognized, such as the issuance of a
20 corporate charter;

21 2. Any person, otherwise qualified, may own a private
22 investigation agency; and

23 3. A self-employed private investigator who employs no other
24 investigators shall also be licensed as an investigative agency, but

1 shall only be required to be insured or bonded as a self-employed
2 private investigator.

3 H. A Security Guard License, Armed Security Guard License,
4 Private Investigator License, Armed Private Investigator License, or
5 combination thereof may be issued to an applicant meeting the
6 following qualifications. The applicant shall:

7 1. Be a citizen of the United States or an alien legally
8 residing in the United States;

9 2. Be at least eighteen (18) years of age, except that an
10 applicant for an Armed Security Guard License or Armed Private
11 Investigator License shall be at least twenty-one (21) years of age;

12 3. Have successfully completed training requirements for the
13 license applied for, as prescribed by the Council;

14 4. Be of good moral character;

15 5. Not have a record of a felony conviction, entry of a plea of
16 guilty, nolo contendere, an "Alford" plea, or any plea other than a
17 not guilty plea in a felony case naming the applicant as a
18 defendant;

19 6. Not have a record of conviction, entry of a plea of guilty,
20 nolo contendere, an "Alford" plea, or any plea other than a not
21 guilty plea for larceny, theft, false pretense, fraud, embezzlement,
22 false personation of an officer, any offense involving moral
23 turpitude, any offense involving a minor as a victim, any
24 nonconsensual sex offense, any offense involving the possession,

1 use, distribution, or sale of a controlled dangerous substance, any
2 offense involving a firearm, or any other offense as prescribed by
3 the Council, as provided herein.

4 a. If any conviction, entry of a plea of guilty, nolo
5 contendere, an "Alford" plea, or any plea other than a
6 not guilty plea which disqualifies an applicant
7 occurred more than five (5) years prior to the
8 application date and the Council is convinced the
9 offense constituted an isolated incident and the
10 applicant has been rehabilitated, the Council may, in
11 its discretion, waive the ~~conviction~~ disqualification
12 as provided for in this paragraph and issue an unarmed
13 security guard license or ~~a~~ an unarmed private
14 investigator license, but shall not issue an armed
15 guard license or an armed private investigator license
16 to the applicant if the ~~felony~~ charge involved the use
17 of a firearm or was violent in nature.

18 b. If an Oklahoma State Bureau of Investigation records
19 check and a local records check reveal that there are
20 no felony convictions, criminal convictions involving
21 moral turpitude, or any other ~~disqualifying~~
22 ~~convictions~~ disqualifiers as specified in the Oklahoma
23 Security Guard and Private Investigator Act or
24 prescribed by the Council, then the Council may

1 conditionally issue an armed security guard license
2 pending completion of the criminal history and
3 background check.

4 c. Under oath, the applicant shall certify that he or she
5 has no disqualifying convictions, entry of a plea of
6 guilty, nolo contendere, an "Alford" plea, or any plea
7 other than a not guilty plea as specified in the
8 Oklahoma Security Guard and Private Investigator Act
9 or by the Council.

10 d. The applicant shall further meet all other
11 qualifications.

12 e. If upon completion of the required background
13 investigation it is discovered that a disqualifying
14 conviction, entry of a plea of guilty, nolo
15 contendere, an "Alford" plea or any plea other than a
16 not guilty plea exists, the Council shall immediately
17 revoke the ~~armed~~ security guard license or the private
18 investigator license of the applicant;

19 7. Make a statement that the applicant is not currently
20 undergoing treatment for a mental illness, condition, or disorder,
21 make a statement whether the applicant has ever been adjudicated
22 incompetent or committed to a mental institution, and make a
23 statement regarding any history of illegal drug use or alcohol
24 abuse. Upon presentation by the Council on Law Enforcement

1 Education and Training of the name, gender, date of birth, and
2 address of the applicant to the Department of Mental Health and
3 Substance Abuse Services, the Department of Mental Health and
4 Substance Abuse Services shall notify the Council within ten (10)
5 days whether the computerized records of the Department indicate the
6 applicant has ever been involuntarily committed to an Oklahoma state
7 mental institution. For purposes of this subsection, "currently
8 undergoing treatment for a mental illness, condition, or disorder"
9 means the person has been diagnosed by a licensed physician or
10 psychologist as being afflicted with a substantial disorder of
11 thought, mood, perception, psychological orientation, or memory that
12 significantly impairs judgment, behavior, capacity to recognize
13 reality, or ability to meet the ordinary demands of life and such
14 condition continues to exist; ~~and~~

15 8. Make a statement regarding misdemeanor domestic violence
16 charges;

17 9. Not be a defendant in a disqualifying charge that is pending
18 in any court in this state, another state, tribal court or pursuant
19 to the United States Code; and

20 10. Not be the subject of an order deferring imposition of
21 judgment and sentence in any court in this state, another state,
22 tribal court or pursuant to the United States Code. The preclusive
23 period under the provisions of this paragraph shall be for five (5)
24 years and shall begin upon the final determination of the matter.

1 I. A special event license may be issued to an employee of a
2 security agency who is hired on a temporary basis as an unarmed
3 security guard for a particular event. An application for a special
4 event license shall be made by the agency employing the applicant.
5 The agency shall certify to the Council that the applicant meets the
6 qualifications for security guards, pursuant to subsection H of this
7 section.

8 J. 1. All persons and agencies shall obtain and maintain
9 liability coverage in accordance with the following minimum
10 standards:

- 11 a. general liability insurance coverage for bodily
12 injury, personal injury, and property damage, with
13 endorsements for personal injury including false
14 arrest, libel, slander, and invasion of privacy, or
- 15 b. a surety bond that allows persons to recover for
16 actionable injuries, loss, or damage as a result of
17 the willful, or wrongful acts or omissions of the
18 principal and protects this state, its agents,
19 officers and employees from judgments against the
20 principal or insured licensee, and is further
21 conditioned upon the faithful and honest conduct of
22 the principal's business.

23 2. Liability coverages and bonds outlined in this section shall
24 be in the minimum amounts of One Hundred Thousand Dollars

1 (\$100,000.00) for agencies, Ten Thousand Dollars (\$10,000.00) for
2 armed security guards and armed private investigators, or
3 combination armed license; and Five Thousand Dollars (\$5,000.00) for
4 unarmed security guards and self-employed unarmed private
5 investigators who employ no other investigators.

6 3. Security agencies and investigative agencies shall ensure
7 that all employees of these agencies have met the minimum liability
8 coverages as prescribed in this section.

9 4. Insurance policies and bonds issued pursuant to this section
10 shall not be modified or canceled unless ten (10) days' prior
11 written notice is given to the Council. All persons and agencies
12 insured or bonded pursuant to this section shall be insured or
13 bonded by an insurance carrier or a surety company licensed in the
14 state in which the insurance or bond was purchased, or in this
15 state.

16 5. In lieu of the requirements of this subsection, the Council
17 may accept a written statement from a corporation which is
18 registered with the Oklahoma Secretary of State attesting that the
19 corporation self-insures the general operation of business for the
20 types of liability set out in paragraphs 1 and 2 of this subsection.

21 K. Upon written notice, any license may be placed on inactive
22 status.

23 L. Similar or duplicate agency names will not be issued. Each
24 agency name must be distinguishably different.

1 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1750.6, as
2 last amended by Section 1, Chapter 398, O.S.L. 2014 (59 O.S. Supp.
3 2017, Section 1750.6), is amended to read as follows:

4 Section 1750.6 A. 1. Application for a license shall be made
5 on forms provided by the Council on Law Enforcement Education and
6 Training and shall be submitted in writing by the applicant under
7 oath. The application shall require the applicant to furnish
8 information reasonably required by the Council to implement the
9 provisions of the Oklahoma Security Guard and Private Investigator
10 Act, including classifiable fingerprints to enable the search of
11 criminal indices for evidence of a prior criminal record, including,
12 but not limited to, a national criminal history record check as
13 defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

14 2. Upon request of the Council, the Oklahoma State Bureau of
15 Investigation and other state and local law enforcement agencies
16 shall furnish a copy of any existent criminal history data relating
17 to an applicant, including investigation reports which are otherwise
18 required by law to be deemed confidential, to enable the Council to
19 determine the qualifications and fitness of such applicant for a
20 license.

21 B. 1. a. An original application and any license renewal shall
22 be accompanied by a fee of Fifty Dollars (\$50.00) for
23 each original application and renewal of a private
24 investigator or an unarmed security guard, One Hundred

1 Dollars (\$100.00) for each original application and
2 renewal of an armed security guard or an armed private
3 investigator; provided however, an active certified
4 peace officer upon application or renewal of an armed
5 security guard or armed private investigator shall be
6 charged only twenty percent (20%) of the required fee,
7 Seven Dollars (\$7.00) for each special event license,
8 and Three Hundred Dollars (\$300.00) for either the
9 original application or each renewal for a security
10 agency or investigative agency. If an individual or
11 agency does not qualify for the type of license or
12 renewal license requested, CLEET shall retain twenty
13 percent (20%) of the licensing fee as a processing fee
14 and refund the remaining amount, if any, to the
15 remitter. The individual license fee paid by a
16 licensed agency will be refunded to the agency.

17 b. In addition to the fees provided in this subsection,
18 the original application of an unarmed private
19 investigator, unarmed security guard, armed security
20 guard or armed private investigator shall be
21 accompanied by a nonrefundable fee for a national
22 criminal history record with fingerprint analysis, as
23 provided in Section 150.9 of Title 74 of the Oklahoma
24 Statutes.

1 c. A refund request for any reason other than
2 disqualification or denial shall be made in writing
3 and submitted within six (6) months of the date
4 payment was received.

5 2. A licensee whose license has been suspended may apply for
6 reinstatement of license after the term of the suspension has
7 passed. Any application for reinstatement following a suspension of
8 licensure shall be accompanied by a nonrefundable fee of Twenty-five
9 Dollars (\$25.00) for the reinstatement of a private investigator or
10 unarmed security guard, Fifty Dollars (\$50.00) for the reinstatement
11 of an armed security guard or armed private investigator, and Two
12 Hundred Dollars (\$200.00) for reinstatement of a security or
13 investigative agency.

14 3. A licensee who fails to file a renewal application on or
15 before the expiration of a license shall pay a late fee of Twenty-
16 five Dollars (\$25.00) for an individual license and a late fee of
17 One Hundred Dollars (\$100.00) for an agency license.

18 4. The fees charged and collected pursuant to the provisions of
19 this subsection shall be deposited to the credit of the CLEET
20 Private Security Revolving Fund. The prevailing fingerprint
21 processing fee for the original application for a private
22 investigator, an unarmed security guard, an armed security guard or
23 an armed private investigator shall be deposited in the OSBI
24 Revolving Fund.

1 C. A Security Guard License, Armed Security Guard License,
2 Private Investigator License, or Armed Private Investigator License
3 shall be valid for a period of three (3) years and may be renewed
4 for additional three-year terms. A Security Agency License or
5 Investigative Agency License shall be valid for a period of five (5)
6 years and may be renewed for additional five-year terms. A special
7 event license shall be valid only for the duration of the event for
8 which it is expressly issued. Any individual may be issued up to
9 two special event licenses during any calendar year.

10 D. The Council shall devise a system for issuance of licenses
11 for the purpose of evenly distributing the expiration dates of the
12 licenses.

13 E. Pursuant to its rules, the Council may issue a duplicate
14 license to a person licensed pursuant to the provisions of the
15 Oklahoma Security Guard and Private Investigator Act. The Council
16 may assess a fee of ~~Eight Dollars (\$8.00)~~ Ten Dollars (\$10.00) for
17 the issuance of a duplicate license. The fee must accompany the
18 request for a duplicate license.

19 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1750.7, is
20 amended to read as follows:

21 Section 1750.7 A. A Security Guard License, Armed Security
22 Guard License, Private Investigator License, and any conditional
23 license shall be subject to denial, suspension, ~~or~~ revocation
24 ~~and/or~~, disciplinary penalty or fine by the Council on Law

1 Enforcement Education and Training subject to the Administrative
2 Procedures Act for, but not limited to, the following reasons by
3 clear and convincing evidence:

4 1. ~~Any erroneous or false statement~~ Falsification or a willful
5 misrepresentation of information in:

6 a. an employment application ~~for a license submitted~~
7 ~~pursuant to Section 1750.1 et seq. of this title or~~
8 application to the Council on Law Enforcement
9 Education and Training,

10 b. records of evidence, or

11 c. testimony under oath;

12 2. Failure to successfully complete any prescribed course of
13 training as required by the Council;

14 3. Violation of a provision of the Oklahoma Security Guard and
15 Private Investigator Act or a rule promulgated pursuant to the act;

16 4. A conviction, entry of a plea of guilty, nolo contendere, an
17 "Alford" plea or any plea other than a not guilty plea for larceny,
18 theft, embezzlement, false pretense, fraud, ~~an~~ false personation of
19 a peace officer, any offense involving moral turpitude, any
20 nonconsensual sex offense, any offense involving a minor as a
21 victim, any offense involving the possession, use, distribution or
22 sale of a controlled dangerous substance, any offense involving a
23 firearm, ~~or~~ any felony or any other offense as prescribed by the
24 Council, as provided herein;

1 5. Use of beverages containing alcohol while armed with a
2 firearm;

3 6. Knowingly impersonating a law enforcement officer; ~~or~~

4 7. Failure to obtain or maintain liability insurance coverage
5 or a surety bond pursuant to subsection J of Section 1750.5 of this
6 title; or

7 8. Revocation or voluntary surrender of reserve peace officer
8 or peace officer certification, private security guard license,
9 private investigator license or bail enforcer license in any state
10 for a violation of any law or rule or pursuant to a settlement of
11 any disciplinary action in such state.

12 B. A Security Agency License or Investigative Agency License
13 shall be subject to denial, suspension, or revocation ~~and/or,~~
14 disciplinary penalty or fine by the Council subject to the
15 Administrative Procedures Act for, but not limited to, the following
16 reasons by clear and convincing evidence:

17 1. ~~A false statement in a license~~ Falsification or a willful
18 misrepresentation of information in:

19 a. an employment application or application to the
20 Council on Law Enforcement Education and Training,

21 b. records of evidence, or

22 c. testimony under oath;

23 2. Violation of any provision of the Oklahoma Security Guard
24 and Private Investigator Act or a rule adopted pursuant thereto;

1 3. Employing, authorizing, or permitting an unlicensed,
2 uninsured or unbonded person to perform a security guard, armed
3 security guard, unarmed private investigator or armed private
4 investigator function; ~~or~~

5 4. Permitting a person to perform a security guard, armed
6 security guard, unarmed private investigator or armed private
7 investigator function, knowing the person has committed any offense
8 enumerated in subsection A of this section; or

9 5. Revocation or voluntary surrender of reserve peace officer
10 or peace officer certification, private security guard license,
11 private investigator license or bail enforcer license in any state
12 for a violation of any law or rule or pursuant to a settlement of
13 any disciplinary action in such state.

14 C. Upon the effective date of suspension or revocation of any
15 license, the licensee shall have the duty to surrender the license
16 and any identification card issued pursuant thereto to the Council.

17 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1750.8, is
18 amended to read as follows:

19 Section 1750.8 A. No person who is exempt from the provisions
20 of ~~Section 1750.1 et seq. of this title~~ the Oklahoma Security Guard
21 and Private Investigator Act shall display any badge or
22 identification card bearing the words "private investigator" or
23 "private detective", or use any words or phrases that imply that
24 such person is a private investigator or private detective.

1 B. No person licensed as a private investigator shall:

2 1. Divulge any information gained by ~~him~~ the private
3 investigator in his or her employment except as ~~his~~ the employer of
4 the private investigator may direct or as ~~he~~ the private
5 investigator may be required by law to divulge; or

6 2. Willfully make a false report to ~~his~~ the employer of the
7 private investigator or to a client.

8 Any violation of this subsection, upon conviction, shall be
9 punishable by a fine of not more than Five Hundred Dollars (\$500.00)
10 or by imprisonment for not more than one (1) year, or by both such
11 fine and imprisonment.

12 C. The Council on Law Enforcement Education and Training or its
13 employees shall not disclose application information pertaining to
14 persons licensed pursuant to this act, except:

15 1. To verify the current license status of any applicant or
16 licensee to the public;

17 2. To perform duties pursuant to this act;

18 3. To a bona fide law enforcement agency;

19 4. To a licensing authority in another jurisdiction; ~~or~~

20 5. As required by court order; or

21 6. To provide final orders where an applicant or licensee was
22 the respondent in or was the subject of an administrative proceeding
23 initiated by the Council.

1 SECTION 8. This act shall become effective November 1, 2018.

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