

AMENDED IN ASSEMBLY JUNE 23, 1998

AMENDED IN SENATE MAY 18, 1998

AMENDED IN SENATE APRIL 30, 1998

AMENDED IN SENATE APRIL 14, 1998

SENATE BILL

No. 2044

Introduced by Senator Rainey

February 20, 1998

An act to amend Sections 7583.9, 7583.10, and 7583.11 of, and to add Section 7583.43 to, the Business and Professions Code, relating to private patrol operators.

LEGISLATIVE COUNSEL'S DIGEST

SB 2044, as amended, Rainey. Private patrol operators.

Existing law, known as the Private Security Services Act, provides, among other things, for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services, and requires employees of those licensees who perform the function of a security guard or security patrolperson to apply for registration with, and submit 2 classifiable fingerprint cards and the appropriate registration fee to, the bureau within 3 working days after they are first compensated, as specified. Existing law provides that an employee of a licensee may, subject to specified exceptions, be assigned to work with a temporary registration card, generally valid for no more than 120 days, until the bureau issues a registration card or denies the application for registration.

This bill would require that employees of licensees, upon accepting employment by a private patrol operator, to submit a completed registration application and the fingerprint cards, ~~but would permit~~ *along with* the appropriate registration fee, to ~~be submitted separately to the bureau~~ within 3 *business days of that application*. It would ~~specifically not preclude~~ *authorize the bureau to permit applicants to submit their fingerprints into an electronic fingerprinting system administered by the Department of Justice. It would provide that a private patrol operator is not precluded from withholding the amount of the registration fee from an applicant's compensation where if the operator pays that fee.*

~~The bill would authorize the bureau to deem an application abandoned if the application fee is not submitted within the specified time period.~~ It would require *an employee to display* of the registration card or temporary registration card, as specified. This bill would also require a private patrol operator to notify his or her clients in writing, that security guards possessing temporary registration cards have not completed a full criminal history investigation through the Department of Justice. The bill would require that the temporary registration card have printed on its face in bold letters, in a form determined by the Director of the Bureau of Security and Investigative Services, a disclosure statement that the holder of the card has not completed a full criminal history investigation and that his or her criminal history is unknown. This bill would state legislative findings and declarations.

Existing law makes it a crime to violate any of the provisions of the Private Security Services Act. By adding new requirements within that act with respect to the registration of security guards and security patrol persons, this bill would expand the scope of an existing crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.



Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) There have been several documented cases of
4 security guards who have committed serious crimes while
5 working with a temporary registration issued by
6 employers pending a criminal history investigation. Many
7 of these guards had failed to disclose criminal histories
8 that would preclude registration by the Bureau of
9 Security and Investigative Services within the
10 Department of Consumer Affairs.

11 (b) More than 2,500 security guards a year, who were
12 issued temporary registrations, have had their
13 registrations revoked because of a criminal history that
14 was unreported in the initial application.

15 (c) The current system which permits employers and
16 trainers of security guards to issue temporary registration
17 to security guards without a prior criminal background
18 check jeopardizes the health, welfare and safety of the
19 public, clients who contract for security guard services,
20 and coworkers.

21 (d) Under existing practices, clients who use security
22 guards may not be informed as to the existence of the
23 criminal history status of security guards possessing
24 temporary registrations.

25 (e) Existing technology and administrative processes
26 may not permit timely criminal history investigations for
27 applicants when private patrol operators and clients have
28 an urgent need for security.

29 (f) This act is intended to ensure that clients who
30 contract for security guards are aware that security
31 guards working with a temporary registration have not
32 been screened for criminal histories.

33 (g) This act is an interim step toward the eventual
34 elimination of temporary registrations at that time when
35 technological advances make timely criminal



1 background investigations possible before applicants
2 actually commence employment.

3 SEC. 2. Section 7583.9 of the Business and Professions
4 Code is amended to read:

5 7583.9. (a) Upon accepting employment by a
6 private patrol operator, any employee who performs the
7 function of a security guard or security patrolperson who
8 is not currently registered with the bureau, shall ~~submit~~
9 ~~to the bureau a completed~~ *complete an* application for
10 registration on a form as prescribed by the director, *and*
11 *obtain* two classifiable fingerprint cards, ~~and. The~~
12 *applicant shall submit the application and fingerprints*
13 *along with the appropriate registration fee, except that*
14 ~~the fee may be submitted separately within three days of~~
15 ~~submitting the application.~~ *to the bureau within three*
16 *business days.*

17 (b) If a private patrol operator pays the application fee
18 on behalf of the applicant, nothing in this section shall
19 preclude the private patrol operator from withholding
20 the amount of the fee from the applicant's compensation.

21 (c) The licensee shall maintain supplies of applications
22 and fingerprint cards which shall be provided by the
23 bureau upon request.

24 (d) *In lieu of classifiable fingerprint cards provided for*
25 *in this section, the bureau may authorize applicants to*
26 *submit their fingerprints into an electronic*
27 *fingerprinting system administered by the Department*
28 *of Justice. Applicants who submit their fingerprints by*
29 *electronic means shall have their fingerprints entered*
30 *into the system through a terminal operated by a law*
31 *enforcement agency or other facility authorized by the*
32 *Department of Justice to conduct electronic*
33 *fingerprinting. The enforcement agency responsible for*
34 *operating the terminal may charge a fee sufficient to*
35 *reimburse it for the costs incurred in providing this*
36 *service.*

37 (e) *Upon receipt of an applicant's electronic*
38 *fingerprints as provided in this section, the Department*
39 *of Justice shall determine whether the applicant has been*



1 *convicted of any crime and forward the information to*
2 *the bureau.*

3 SEC. 3. Section 7583.10 of the Business and
4 Professions Code is amended to read:

5 7583.10. The application shall be verified and shall
6 include all of the following:

7 (a) The full name, residence address, telephone
8 number, and date of birth of the employee.

9 (b) The name, address, telephone number, and
10 license number of the employer and the date the
11 employment commenced.

12 (c) The signature of the employee and the employer's
13 certification that the employee has received a course in
14 the exercise of the power to arrest.

15 (d) A statement as to whether the employee has been
16 convicted of a misdemeanor, excluding minor traffic
17 violations.

18 (e) A statement as to whether the employee has been
19 convicted of a felony.

20 (f) The application fee provided for in this chapter or
21 the regulations adopted pursuant thereto, except as
22 provided in Section 7583.9. ~~The bureau may deem an~~
23 ~~application abandoned if the fee is not submitted in~~
24 ~~accordance with Section 7583.9.~~

25 SEC. 4. Section 7583.11 of the Business and
26 Professions Code is amended to read:

27 7583.11. (a) Except as provided in subdivision (b), an
28 employee of a licensee may be assigned to work with a
29 temporary registration card which indicates completion
30 of the course in the exercise of the power to arrest until
31 the bureau issues a registration card or denies the
32 application for registration. A temporary registration
33 card shall in no event be valid for more than 120 days.
34 However, the director may extend the expiration date
35 beyond the 120 days at any time when there is an
36 abnormal delay in processing applications for prospective
37 security guards. For purposes of this section, the 120-day
38 period shall commence on the date the applicant signs the
39 application.



1 (b) An employee who has been convicted of a crime
2 prior to applying for a position as a security guard shall not
3 be issued a temporary registration card and shall not be
4 assigned to work as a security guard until the bureau
5 issues a permanent registration card. This subdivision
6 shall apply only if the applicant for registration as a
7 security guard has disclosed the conviction to the bureau
8 on his or her application form, or if the fact of the
9 conviction has come to the attention of the bureau
10 through official court or other governmental documents.
11 In no event shall the director, the department, the
12 bureau, the chief, or the State of California be liable for
13 any civil damages in the event of the issuance of a
14 temporary registration where the applicant has falsified
15 his or her application to conceal a prior criminal
16 conviction.

17 (c) A temporary registration card issued pursuant to
18 this section shall include the name, address, and license
19 number of the private patrol operator employer or
20 training facility that issued the temporary registration
21 card.

22 (d) An employee shall, on the first day of employment,
23 ~~and upon request of the client at any time thereafter,~~
24 ~~display to the client his or her registration card or~~
25 ~~temporary registration card.~~ *display to the client his or*
26 *her registration card or temporary registration card,*
27 *when it is feasible and practical to comply with this*
28 *disclosure requirement. The employee shall thereafter*
29 *display to the client his or her registration card or*
30 *temporary registration card upon the request of the*
31 *client.*

32 SEC. 5. Section 7583.43 is added to the Business and
33 Professions Code, to read:

34 7583.43. (a) A private patrol operator shall notify his
35 or her client in writing that security guards possessing
36 temporary registration cards have not completed a full
37 criminal history investigation through the Department of
38 Justice. The temporary registration card shall have
39 printed on its face in bold letters a disclosure statement,
40 in a form determined by the director, that the holder has



1 not completed a full criminal history investigation and
2 that his or her criminal history is unknown.

3 (b) This section does not apply to a security guard
4 possessing a valid permanent security guard registration
5 issued under this chapter.

6 SEC. 6. No reimbursement is required by this act
7 pursuant to Section 6 of Article XIII B of the California
8 Constitution because the only costs that may be incurred
9 by a local agency or school district will be incurred
10 because this act creates a new crime or infraction,
11 eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section
13 17556 of the Government Code, or changes the definition
14 of a crime within the meaning of Section 6 of Article
15 XIII B of the California Constitution.

16 Notwithstanding Section 17580 of the Government
17 Code, unless otherwise specified, the provisions of this act
18 shall become operative on the same date that the act
19 takes effect pursuant to the California Constitution.

