



House of Representatives

General Assembly

File No. 618

January Session, 2003

Substitute House Bill No. 6525

House of Representatives, May 1, 2003

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING LICENSING AND TRAINING OF PRIVATE DETECTIVES AND GUARD SERVICES AND SECURITY PERSONNEL SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) As used in chapter 534 of
2 the general statutes:

3 (1) "Armed security officer" means a security officer who carries or
4 has immediate access to a firearm in the performance of such officer's
5 duties as a security officer;

6 (2) "Commissioner" means the Commissioner of Public Safety;

7 (3) "Licensee" means any person, firm, company, partnership or
8 corporation providing investigative or security services;

9 (4) "Private detective" means any person engaged in the business of,
10 or advertising as engaged in the business of, (A) investigating crimes

11 or civil wrongs, (B) investigating the location, disposition or recovery
12 of property, (C) investigating the cause of accidents, fire damage or
13 injuries to persons or to property, except persons performing bona fide
14 engineering services, (D) providing the personal protection of
15 individuals, (E) conducting surveillance activity, (F) conducting
16 background investigations, or (G) securing evidence to be used before
17 a court, board, officer or investigation committee;

18 (5) "Private detective agency" means any person, firm, company,
19 partnership or corporation that, for consideration, advertises as
20 providing, or is engaged in the business of providing, private
21 detectives;

22 (6) "Security officer" means the licensed and registered person hired
23 to safeguard and protect persons and property, by (A) the detection or
24 prevention of any unlawful intrusion or entry, larceny, vandalism,
25 abuse, arson or trespass on property such security officer is hired to
26 protect, or (B) the prevention, observation, or detection of any
27 unauthorized activity on property the security officer was hired to
28 protect. Such security officer may be (i) employed by a security service,
29 or (ii) employed by a business and is a uniformed employee who
30 performs security work on the premises of the employer's business
31 when such premises are located in an area that is accessible and
32 unrestricted to the public, or has access only by paid admission;

33 (7) "Security service" means any person, firm, association or
34 corporation that, for consideration, provides to another person, firm,
35 association or corporation one or more of the following: (A) The
36 prevention or detection of intrusion, entry, larceny, vandalism, abuse,
37 fire, or trespass on the property the security service was hired to
38 protect; (B) the prevention, observation or detection of any
39 unauthorized activity on property the security service was hired to
40 protect; (C) the protection of patrons and persons authorized to be on
41 the premises of a person, firm, association or corporation that the
42 security service was hired to protect; (D) the transportation of
43 prisoners; (E) the secure transportation of papers, money, negotiable

44 instruments and other valuables; (F) the provision of patrol and
45 armored car services; or (G) the provision of guard dogs.

46 Sec. 2. Section 29-153 of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective October 1, 2003*):

48 No person shall engage in the business of, or solicit business as a
49 private detective or [investigator or as a watchman, guard or patrol
50 service or represent himself to be, hold himself out as] make
51 representations to be or advertise as a private detective [or
52 investigator] or as furnishing detective or investigating services [or as
53 a watchman, guard or patrol service] without first obtaining a license
54 from the Commissioner of Public Safety.

55 Sec. 3. Section 29-154a of the general statutes is repealed and the
56 following is substituted in lieu thereof (*Effective October 1, 2003*):

57 (a) The commissioner may grant a private detective or
58 [investigator's license or a watchman, guard or patrol service] private
59 detective agency license to any suitable person, or to any corporation,
60 association or partnership subject to the following qualifications:

61 [(1) Private detective or investigator:] The applicant for a private
62 detective or [investigator's] private detective agency license shall be
63 not less than twenty-five years of age and of good moral character and
64 shall have had at least five years' experience as a full-time investigator,
65 [either in the employment of a licensed private detective or
66 investigator or with a United States government investigative service,
67 a state or organized municipal fire or police department or the
68 Division of Public Defender Services] as determined in regulations
69 adopted by the commissioner pursuant to section 29-161, as amended
70 by this act, or shall have had at least ten years' experience as a police
71 officer with a state or organized municipal police department.
72 Employment as a [watchman, guard or private patrolman] security
73 officer shall not be considered as employment as an investigator. If the
74 applicant is a corporation, association or partnership, the person filing
75 the application in behalf of such corporation, association or

76 partnership shall meet the qualifications set out herein for an
77 individual applicant, and shall be an officer of such corporation or
78 member of such association or partnership. If the commissioner grants
79 a private detective or [investigator's] private detective agency license
80 to an applicant based on such applicant's experience as an investigator
81 with an organized municipal fire department, such license shall restrict
82 such licensee to performing the same type of investigations as [he]
83 were performed for the municipal fire department.

84 [(2) Watchman, guard or patrol service: The applicant for a license
85 as a watchman, guard or patrol service shall be not less than twenty-
86 five years of age and of good moral character and shall have had at
87 least five years' experience as a supervisor or administrator in
88 industrial security or in the employment of a private guard, watchman
89 or patrol service or with a federal security agency or a state or
90 organized municipal police department. If the applicant is a
91 corporation, association or partnership, the person making the
92 application shall be an officer of the corporation or a member of the
93 association or partnership, and meet the foregoing qualifications.]

94 [(3)] (b) The commissioner may, at [his] the commissioner's
95 discretion, substitute up to one year of experience for [either] a private
96 detective or [investigator or a watchman, guard or patrol service]
97 private detective agency applicant upon proof of satisfactory
98 participation in a course of instruction pertinent to the license applied
99 for.

100 [(4)] (c) No license shall be issued to any person who has been
101 [convicted of a felony or an offense involving moral turpitude, or has
102 been discharged from military service under other than honorable
103 conditions] (1) convicted of any felony, (2) convicted of any
104 misdemeanor under section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62,
105 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, or equivalent
106 conviction in another jurisdiction, within the past seven years, (3)
107 convicted of any offense involving moral turpitude, or (4) discharged
108 from military service under conditions that demonstrate questionable

109 moral character.

110 (d) Any applicant who has been denied a license may appeal in
111 writing to the commissioner not later than thirty days after receipt of
112 such denial.

113 Sec. 4. Section 29-154c of the general statutes is repealed and the
114 following is substituted in lieu thereof (*Effective October 1, 2003*):

115 No member of the state, or any town, city or borough, police force
116 or any other person vested with police powers shall be eligible for a
117 license under the provisions of [this chapter] sections 29-153 to 29-161,
118 inclusive, as amended by this act. If the applicant is a corporation,
119 association or partnership, no person comprising the corporation,
120 association or partnership may be such a member or person.

121 Sec. 5. Section 29-155 of the general statutes is repealed and the
122 following is substituted in lieu thereof (*Effective October 1, 2003*):

123 (a) Application for a license as a private detective or [investigator or
124 as a watchman, guard or patrol service,] as a private detective agency
125 shall be made in writing, under oath, on a form to be furnished by the
126 commissioner. The application shall state the applicant's full name,
127 age, date and place of birth, residences and employment within the
128 past five years and [his] the applicant's present occupation with the
129 names and addresses of employers, the date and place of conviction of
130 any crime and such additional information as the commissioner
131 requires to investigate the qualification, character, competency and
132 integrity of the applicant. If the applicant is an association, corporation
133 or partnership, similar information shall be required of each individual
134 composing or intending to compose such association, corporation or
135 partnership.

136 (b) The commissioner shall require any applicant for a license under
137 this section to submit to state and national criminal history records
138 checks. Each applicant and, in the case of an association, corporation or
139 partnership, each individual composing such association, corporation

140 or partnership, shall submit with the application two complete sets of
141 fingerprints on forms specified and furnished by the commissioner
142 and two photographs, two inches wide by three inches high, taken
143 within six months prior to the application. The criminal history records
144 checks required pursuant to this subsection shall be conducted in
145 accordance with section 29-17a.

146 (c) The application shall state the trade name or proposed trade
147 name to be used by the applicant and the location of the principal
148 place of business and the location of each office and branch office. If
149 the applicant is a corporation, the application shall give the name of
150 the corporation, if different from the proposed trade name, and the
151 date and place of incorporation. Any trade name or proposed trade
152 name shall require the approval of the commissioner. No trade name
153 or designation shall be used which implies any association with any
154 municipal, county or state government or the federal government, or
155 any agency thereof. No licensee shall use any advertisement, seal or
156 card, or any other media which may tend to mislead the public.

157 (d) The application shall contain such additional information and
158 documentation as the commissioner may require by regulation.

159 Sec. 6. Section 29-155a of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective October 1, 2003*):

161 (a) Each applicant for a license as a private detective or as a private
162 detective agency [, and each applicant for a license as a security service
163 or a security agency] shall post with the commissioner a bond in favor
164 of the state with surety in the amount of ten thousand dollars. No
165 bond shall be accepted for filing unless it is with a surety company
166 authorized to do business in this state and conditioned that the
167 principal named therein shall not do any act meriting suspension or
168 revocation of [his] such principal's license under the provisions of this
169 chapter. Any person aggrieved by an act of the principal named in
170 such bond in violation of the provisions of [this chapter] sections 29-
171 153 to 29-161, inclusive, as amended by this act, may proceed on such
172 bond against the principal or surety therein, or both, to recover

173 damages.

174 (b) Prior to being issued a license, an applicant shall provide a copy
175 of a certificate of general liability insurance for not less than three
176 hundred thousand dollars.

177 (c) A licensee shall notify the commissioner in writing within thirty
178 days of a change of status in the liability insurance or surety bond
179 required by this section.

180 Sec. 7. Section 29-155b of the general statutes is repealed and the
181 following is substituted in lieu thereof (*Effective October 1, 2003*):

182 Upon being satisfied, after investigation, of the good character,
183 competency and integrity of an applicant, or, if the applicant is an
184 association or partnership, of the individual members thereof, or if a
185 corporation, of all officers and directors thereof, the commissioner may
186 grant a license to conduct such private detective business [or
187 watchman, guard or patrol agency] and to maintain a bureau, agency,
188 subagency, office or branch office for the conduct of such business on
189 the premises stated in such application. The license for an individual
190 private detective [or investigator] shall be as a private detective, and,
191 the license for a corporation, association or partnership shall be as a
192 private detective agency. [The license for an individual conducting a
193 watchman, guard or patrol service shall be as a security service, and, if
194 for a corporation, association or partnership, shall be as a security
195 agency.] Such license shall be for [one year] two years and application
196 for renewal shall be on a form furnished by the commissioner. Each
197 licensee shall permit the department to inspect, review or copy those
198 documents, business records or training records in the licensee's
199 possession that are required by regulation to be maintained.

200 Sec. 8. Section 29-155c of the general statutes is repealed and the
201 following is substituted in lieu thereof (*Effective October 1, 2003*):

202 The fee for an individual private detective [or security service] shall,
203 for an original license, be [six hundred dollars and for renewal of any

204 such license four hundred fifty dollars per year] one thousand two
205 hundred dollars and for renewal of any such license, five hundred
206 dollars every two years. The fee for a private detective agency [or
207 security agency] shall, for an original license, be [seven hundred fifty
208 dollars and for renewal thereof six hundred dollars per year. The fee
209 for a combination private detective and security service license shall be
210 six hundred dollars, and for renewal of any such license three hundred
211 dollars per year, and for a combination detective agency and security
212 agency license seven hundred fifty dollars per year, and for renewal of
213 any such license four hundred fifty dollars per year] one thousand five
214 hundred dollars and for renewal of any such license, eight hundred
215 dollars every two years. If a licensee fails to apply for renewal of any
216 license within [six months] ninety days after the expiration thereof,
217 [he] such licensee shall pay for renewal thereof the fee provided for an
218 original license.

219 Sec. 9. Section 29-155d of the general statutes is repealed and the
220 following is substituted in lieu thereof (*Effective October 1, 2003*):

221 Immediately upon the receipt of a license certificate issued by the
222 Commissioner of Public Safety pursuant to [this chapter] sections 29-
223 153 to 29-161, inclusive, as amended by this act, the licensee shall post
224 and at all times display such license in a conspicuous place at [his] the
225 licensee's place of business. A copy or duplicate of the license
226 certificate shall be conspicuously posted at each branch or suboffice.

227 Sec. 10. Section 29-156 of the general statutes is repealed and the
228 following is substituted in lieu thereof (*Effective October 1, 2003*):

229 Upon the issuance of a license as provided in [this chapter] sections
230 29-153 to 29-161, inclusive, as amended by this act, the commissioner
231 shall issue to each licensee and, in the case of a corporation, association
232 or partnership, each officer or member thereof, a pocket identification
233 card, of such size and design as the commissioner may prescribe,
234 which card shall contain a photograph [and fingerprint] of the person
235 to whom issued, the name and business address of the licensee, the
236 license number and date of its expiration and the imprint or impress of

237 the seal of the state of Connecticut. Such card shall be carried upon the
238 person to whom issued at all times when engaged in the activities of
239 [his] the licensed business, which card shall be evidence of due
240 authorization pursuant to the terms of [this chapter] sections 29-153 to
241 29-161, inclusive, as amended by this act. All persons to whom such
242 identification cards have been issued shall be responsible for the safe
243 keeping of the same and shall not lend, enable, let or allow any other
244 person to have, hold, possess or display such identification card, and
245 no person shall possess, hold or display any identification card or
246 facsimile thereof, which is not duly authorized and issued by the
247 commissioner pursuant to the foregoing provisions.

248 Sec. 11. Section 29-156a of the general statutes is repealed and the
249 following is substituted in lieu thereof (*Effective October 1, 2003*):

250 (a) Any licensee may employ as many agents, operators, assistants,
251 guards, watchmen or patrolmen as such licensee deems necessary for
252 the conduct of such licensee's business, provided such employees shall
253 be of good moral character and at least eighteen years of age.

254 (b) Immediately upon hiring an agent, operator, assistant, guard,
255 watchman or patrolman, the licensee shall make application to register
256 such employee with the Commissioner of Public Safety. Such
257 application shall be made on forms furnished by the commissioner,
258 and, under oath of the employee, shall give the employee's name,
259 address, date and place of birth, employment for the past five years,
260 experience in the position applied for, any convictions for violations of
261 the law and such other information as the commissioner may require,
262 by regulation, to properly investigate the character, competency and
263 integrity of the employee.

264 (c) The Commissioner of Public Safety shall require any applicant
265 for a license under this section to submit to state and national criminal
266 history records checks. The criminal history records checks required
267 pursuant to this section shall be conducted in accordance with section
268 29-17a. The application for registration shall be accompanied by two
269 sets of fingerprints of the employee and two photographs of the

270 employee, two inches wide by two inches high, full-face, [with and
271 without head covering,] taken within six months prior thereto, and a
272 [thirteen-dollar] twenty-dollar registration fee payable to the state.
273 Subject to the provisions of section 46a-80, no person shall be approved
274 for employment who has been convicted of a felony, any sexual
275 offense or any crime that would tend to question such person's
276 honesty and integrity, or who has been refused a license under the
277 provisions of this chapter for any reason except minimum experience,
278 or whose license, having been granted, has been revoked or is under
279 suspension. Upon being satisfied of the suitability of the applicant for
280 employment the commissioner shall register the employee and so
281 notify the licensee and place the registration form and all related
282 material on file with the Division of State Police within the Department
283 of Public Safety.

284 (d) The licensee shall notify the commissioner within five days of
285 the termination of employment of any registered employees.

286 [(e) The commissioner may waive state and national criminal
287 history records checks and the submission of fingerprints and
288 photographs for any employee who has been employed by a licensed
289 private detective or security service or agency within the previous six
290 months.]

291 Sec. 12. Section 29-156b of the general statutes is repealed and the
292 following is substituted in lieu thereof (*Effective October 1, 2003*):

293 The licensee of a private detective [business] agency shall issue to
294 each of [his] the agency's nonuniformed investigators, operators or
295 agents, [and the licensee of a watchman, guard or patrol service shall
296 issue to each of his nonuniformed agents,] an identification card, of
297 such size, color and design as the commissioner may prescribe, which
298 card shall contain the name [,] and photograph [and index fingerprint]
299 of the [employee] investigator, operator or agent, the name and
300 business address of the licensee, the license number and expiration
301 date, and the certification that the named [employee] investigator,
302 operator or agent is employed as an investigator, operator or agent of

303 the licensee. Such card shall be carried by the [employee] investigator,
304 operator or agent at all times when engaged in the activities of [his
305 employer] the licensee. No person shall hold, possess or show an
306 [employee] identification card not authorized and issued to [him] such
307 person by a licensed employer, or possess such card after termination
308 of [his] such person's employment with the issuing licensee.

309 Sec. 13. Section 29-156d of the general statutes is repealed and the
310 following is substituted in lieu thereof (*Effective October 1, 2003*):

311 No private detective [or investigator] licensed under the [provision]
312 provisions of [this chapter] sections 29-153 to 29-161, inclusive, as
313 amended by this act, or officer, director, employee, operator or agent
314 of such licensee, or any other person shall wear, carry, accept or show
315 any badge or shield of any description, purporting to indicate that
316 such person is a private detective [or investigator] or connected with
317 the private detective business.

318 Sec. 14. Section 29-156e of the general statutes is repealed and the
319 following is substituted in lieu thereof (*Effective October 1, 2003*):

320 Any licensee may operate as many branch or suboffices as [he] such
321 licensee deems necessary to conduct [his] the business properly. [He]
322 Such licensee shall advise the commissioner, in writing not later than
323 five business days after opening such branch or suboffice for business,
324 of the location of each branch or suboffice, giving the town or city,
325 street, number and telephone number and the name of the manager of
326 such branch or suboffice.

327 Sec. 15. Section 29-156g of the general statutes is repealed and the
328 following is substituted in lieu thereof (*Effective October 1, 2003*):

329 No person who is or has been an employee of a licensed private
330 detective [or investigator] shall divulge any information to anyone
331 other than [his] such person's employer, or as [his] the employer may
332 direct, except as may be required by law and including a hearing
333 before the commissioner, in respect to any of the work to which [he]

334 such person shall have been assigned by such employer or any other
335 information relating to the business of [his] the employer gained
336 during such employment or association.

337 Sec. 16. Section 29-156h of the general statutes is repealed and the
338 following is substituted in lieu thereof (*Effective October 1, 2003*):

339 Nothing in this chapter shall preclude a private detective or private
340 detective agency from providing nonuniformed guard services for
341 private property or persons in the normal course of their business, [or
342 a security service or agency from performing the investigation of
343 offenses upon property they are employed to service.]

344 Sec. 17. Section 29-158 of the general statutes is repealed and the
345 following is substituted in lieu thereof (*Effective October 1, 2003*):

346 Any license may be suspended or revoked by the commissioner,
347 provided notice shall have been given to the licensee to appear before
348 the commissioner to show cause why the license should not be
349 suspended or revoked, upon a finding by the commissioner that: (1)
350 The licensee has violated any of the terms or provisions of sections 29-
351 153 to 29-161, inclusive, as amended by this act, or any of the
352 regulations promulgated thereunder; (2) the licensee has practiced
353 fraud, deceit or misrepresentation to the clients of the licensee; (3) the
354 licensee has made a material misstatement in the application for
355 issuance or renewal of [his] such licensee's license; (4) the licensee has
356 demonstrated incompetence or untrustworthiness in the conduct of
357 [his] such licensee's business; (5) the licensee has been convicted of a
358 felony or other crime affecting [his] such licensee's honesty, integrity or
359 moral fitness. If the licensee has been convicted under section 53a-61 or
360 53a-62, the commissioner shall consider the fact and circumstance
361 surrounding such convictions prior to suspending or revoking said
362 license. Any party aggrieved by an order of the commissioner
363 hereunder may appeal therefrom in accordance with the provisions of
364 section 4-183, except venue for such appeal shall be in the judicial
365 district of New Britain.

366 Sec. 18. Section 29-161 of the general statutes is repealed and the
367 following is substituted in lieu thereof (*Effective October 1, 2003*):

368 (a) Any person who violates any provision of sections 29-153 to 29-
369 161, inclusive, as amended by this act, shall be fined not more than five
370 thousand dollars or imprisoned not more than one year or both. The
371 commissioner may establish, by regulation, civil penalties for
372 violations of sections 29-153 to 29-161, inclusive, as amended by this
373 act, but no such penalty shall be more than five thousand dollars. No
374 person who violates any provision of section 29-153, as amended by
375 this act, shall be eligible to apply for a license for two years. Any
376 experience accrued while operating without being licensed will not be
377 counted to the requirements as outlined in section 29-154a, as
378 amended by this act.

379 (b) The commissioner shall adopt regulations in accordance with the
380 provisions of chapter 54 to carry out the provisions of sections 29-153
381 to 29-161, inclusive, as amended by this act.

382 Sec. 19. Section 29-161a of the general statutes is repealed and the
383 following is substituted in lieu thereof (*Effective October 1, 2003*):

384 (a) Any person, firm or corporation may employ as many [guards,
385 watchmen, patrolmen] security officers or security personnel carrying
386 firearms as it deems necessary for the conduct of its business, provided
387 such employees shall be of good moral character and at least [eighteen]
388 twenty-one years of age. Each person, firm or corporation shall make
389 application to register such personnel [employed on and after October
390 1, 1983,] with the Commissioner of Public Safety immediately upon
391 their hiring. [A person, firm or corporation currently employing such
392 personnel shall make application to register such employees within
393 ninety days of October 1, 1983.] Application for registration shall be
394 made in the same manner as is provided in section 29-156a, as
395 amended by this act, and applicants shall meet the requirements
396 specified in said section.

397 (b) Each person, firm or corporation employing nonarmed

398 proprietary security personnel may register such employees with the
399 Commissioner of Public Safety in accordance with the provisions of
400 this section.

401 (c) Any person, firm or corporation which violates any provision of
402 this section shall be fined seventy-five dollars for each offense. Each
403 violation of this section shall be a separate and distinct offense, and, in
404 the case of a continuing violation, each day's continuance thereof shall
405 be deemed to be a separate and distinct offense.

406 Sec. 20. Section 29-161b of the general statutes is repealed and the
407 following is substituted in lieu thereof (*Effective October 1, 2003*):

408 (a) No employee of a licensed [watchman, guard or patrol] security
409 service and no employee of a firm or corporation hired to perform
410 [watchman, guard or] security services may carry a pistol, revolver or
411 other firearm while on duty or directly en route to or from such
412 employment unless [he] such employee obtains a special permit from
413 the Commissioner of Public Safety in accordance with the provisions
414 of subsection (b) of this section. No licensed [watchman, guard or
415 patrol] security service and no firm or corporation may permit any
416 employee to carry a pistol, revolver or other firearm while on duty or
417 directly en route to or from such employment unless it obtains proof
418 that such employee has obtained such permit from the commissioner.
419 The permit required under this section shall be in addition to the
420 permit requirement imposed under section 29-28.

421 (b) The Commissioner of Public Safety may grant to any suitable
422 employee of a licensed [watchman, guard or patrol] security service, or
423 to an employee hired to perform [watchman, guard or] uniformed or
424 nonuniformed security services by a firm or corporation, a permit to
425 carry a pistol or revolver or other firearm while actually on duty on the
426 premises of the employer, or, while directly en route to or from such
427 employment, provided that such employee has proven to the
428 satisfaction of the commissioner that [he] such employee has
429 successfully completed a course, approved by the commissioner, of
430 training in the safety and use of firearms. The commissioner may grant

431 to such employee a temporary permit pending issuance of the permit,
432 provided [he] such employee has submitted [his] an application and
433 successfully completed such training course immediately following
434 employment. All armed security officers must complete such safety
435 course and yearly complete a refresher safety course approved by the
436 commissioner. The commissioner shall adopt regulations in
437 accordance with the provisions of chapter 54 concerning the approval
438 of schools, institutions or organizations offering such courses,
439 requirements for instructors and the required number of hours and
440 content of such courses.

441 (c) Application for such permit shall be made on forms provided by
442 the commissioner and shall be accompanied by a thirty-one dollar fee.
443 Such permit shall [expire five years after the date it becomes effective]
444 have the same expiration date as the pistol permit issued under
445 subsection (b) of section 29-28 and may be renewed for additional five-
446 year periods.

447 (d) Any person, firm or corporation which violates any provision of
448 this section shall be fined seventy-five dollars for each offense. Each
449 violation of this section shall be a separate and distinct offense, and, in
450 the case of a continuing violation, each day's continuance thereof shall
451 be deemed to be a separate and distinct offense.

452 (e) The commissioner may suspend or revoke a [watchman, guard
453 or patrol] security service license upon a finding by the commissioner
454 that such licensee has violated the provisions of subsection (a) of this
455 section, provided notice shall have been given to such licensee to
456 appear before the commissioner to show cause why the license should
457 not be suspended or revoked. Any party aggrieved by an order of the
458 commissioner may appeal therefrom in accordance with the provisions
459 of section 4-183, except venue for such appeal shall be in the judicial
460 district of New Britain.

461 Sec. 21. Section 29-161c of the general statutes is repealed and the
462 following is substituted in lieu thereof (*Effective October 1, 2003*):

463 Any licensed [watchman, guard or patrol] security service or any
464 firm or corporation employing proprietary security personnel shall
465 furnish the state police or the municipal police department with
466 written notice of the assignments of any security [guards] officers or
467 personnel who carry firearms and are stationed within the jurisdiction
468 of such law enforcement agencies.

469 Sec. 22. (NEW) (*Effective October 1, 2003*) No person shall engage in
470 the business of, or solicit business as a security service or make
471 representations to be or advertise as furnishing security services
472 without first obtaining a license from the Commissioner of Public
473 Safety.

474 Sec. 23. (NEW) (*Effective October 1, 2003*) (a) The Commissioner of
475 Public Safety may grant a security service license to any suitable
476 person, or to any corporation, association or partnership subject to the
477 following qualifications: The applicant for a license as a security
478 service shall be not less than twenty-five years of age and of good
479 moral character and shall have had at least five years' experience in a
480 supervisory management capacity in industrial security, or a
481 supervisor within a federal or state security agency, or within a state or
482 organized municipal police department or shall have had at least ten
483 years' experience as a police officer with a state or organized municipal
484 police department. If the applicant is a corporation, association or
485 partnership, the person making the application shall be an officer of
486 the corporation or a member of the association or partnership, and
487 meet the foregoing qualifications.

488 (b) The commissioner may, at the commissioner's discretion,
489 substitute up to one year of experience for a security service applicant
490 upon proof of satisfactory participation in a course of instruction
491 pertinent to the license applied for.

492 (c) No license shall be issued to any person who has been (1)
493 convicted of any felony, (2) convicted of any misdemeanor under
494 section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,
495 53a-176, 53a-178 or 53a-181d of the general statutes, or equivalent

496 conviction in another jurisdiction, within the past seven years, (3)
497 convicted of any offense involving moral turpitude, or (4) discharged
498 from military service under conditions that demonstrate questionable
499 moral character.

500 (d) Any applicant for a security service or security officer license
501 who has been denied such license may appeal in writing to the
502 commissioner within thirty days.

503 Sec. 24. (NEW) (*Effective October 1, 2003*) An application for a license
504 of a corporation may be denied by the Commissioner of Public Safety,
505 or suspended or revoked, if it appears that ten per cent or more of the
506 stock of such corporation is held by a person who cannot meet the
507 character standards required of an applicant.

508 Sec. 25. (NEW) (*Effective October 1, 2003*) No member of the state, or
509 any town, city or borough, police force or any other person vested with
510 police powers shall be eligible for a license under the provisions of
511 sections 22 to 39, inclusive, of this act. If the applicant is a corporation,
512 association or partnership, no person comprising the corporation,
513 association or partnership may be such a member or person.

514 Sec. 26. (NEW) (*Effective October 1, 2003*) (a) Application for a license
515 as a security service, shall be made in writing, under oath, on a form to
516 be furnished by the Commissioner of Public Safety. The application
517 shall state the applicant's full name, age, date and place of birth,
518 residences and employment within the past five years and the
519 applicant's present occupation with the names and addresses of
520 employers, the date and place of conviction of any crime and such
521 additional information as the commissioner requires to investigate the
522 qualification, character, competency and integrity of the applicant. If
523 the applicant is an association, corporation or partnership, similar
524 information shall be required of each individual composing or
525 intending to compose such association, corporation or partnership.

526 (b) The Commissioner of Public Safety shall require any applicant
527 for a license under this section to submit to state and national criminal

528 history records checks. Each applicant and, in the case of an
529 association, corporation or partnership, each individual composing
530 such association, corporation or partnership, shall submit with the
531 application two complete sets of fingerprints on forms specified and
532 furnished by the commissioner and two photographs, two inches wide
533 by three inches high, taken within six months prior to the application.
534 The criminal history records checks required pursuant to this section
535 shall be conducted in accordance with section 29-17a of the general
536 statutes.

537 (c) The application shall state the trade name or proposed trade
538 name to be used by the applicant and the location of the principal
539 place of business and the location of each office and branch office. If
540 the applicant is a corporation, the application shall give the name of
541 the corporation, if different from the proposed trade name, and the
542 date and place of incorporation. Any trade name or proposed trade
543 name shall require the approval of the commissioner. No trade name
544 or designation shall be used which implies any association with any
545 municipal, county or state government or the federal government, or
546 any agency thereof. No licensee shall use any advertisement, seal or
547 card, or any other media which may tend to mislead the public.

548 (d) The application shall contain such additional information and
549 documentation as the commissioner may require by regulation.

550 Sec. 27. (NEW) (*Effective October 1, 2003*) (a) Each applicant for a
551 license as a security service shall post with the Commissioner of Public
552 Safety a bond in favor of the state with surety in the amount of ten
553 thousand dollars. No bond shall be accepted for filing unless it is with
554 a surety company authorized to do business in this state and
555 conditioned that the principal named therein shall not do any act
556 meriting suspension or revocation of such principal's license under the
557 provisions of sections 22 to 39, inclusive, of this act. Any person
558 aggrieved by an act of the principal named in such bond in violation of
559 the provisions of chapter 534 of the general statutes may proceed on
560 such bond against the principal or surety therein, or both, to recover

561 damages.

562 (b) Prior to being issued a license, an applicant shall provide a copy
563 of a certificate of general liability insurance for not less than three
564 hundred thousand dollars. The licensee shall notify the commissioner,
565 in writing, within thirty days of a change of status in the liability
566 insurance or surety bond required by this section.

567 Sec. 28. (NEW) (*Effective October 1, 2003*) Upon being satisfied, after
568 investigation, of the good moral character, competency and integrity of
569 an applicant, or, if the applicant is an association or partnership, of the
570 individual members thereof, or if a corporation, of all officers and
571 directors thereof, the Commissioner of Public Safety may grant a
572 license to conduct business as a security service and to maintain a
573 bureau, agency, subagency, office or branch office for the conduct of
574 such business on the premises stated in such application. The license
575 for an individual, a corporation, association or partnership conducting
576 a security service shall be as a security service. Such license shall be for
577 two years and application for renewal shall be on a form furnished by
578 the commissioner. Each licensee shall permit the department to
579 inspect, review or copy those documents, business records or training
580 records in the licensee's possession that are required by sections 22 to
581 39, inclusive, of this act to be maintained.

582 Sec. 29. (NEW) (*Effective October 1, 2003*) The fee for an individual,
583 association or partnership licensed as a security service shall, for an
584 original license, be one thousand two hundred dollars, and for renewal
585 thereof, five hundred dollars every two years. The fee for a corporation
586 licensed as a security service shall, for an original license, be one
587 thousand five hundred dollars and for renewal thereof eight hundred
588 dollars every two years. If a licensee fails to apply for renewal of any
589 license within ninety days after the expiration thereof, the licensee
590 shall pay for renewal thereof the fee provided for an original license.

591 Sec. 30. (NEW) (*Effective October 1, 2003*) Immediately upon the
592 receipt of a license certificate issued by the Commissioner of Public
593 Safety pursuant to section 23 of this act, the licensee shall post and at

594 all times display such license in a conspicuous place at the licensee's
595 place of business. A copy or duplicate of the license certificate shall be
596 conspicuously posted at each branch or suboffice.

597 Sec. 31. (NEW) (*Effective October 1, 2003*) Upon the issuance of a
598 license as provided in sections 22 to 39, inclusive, of this act, the
599 Commissioner of Public Safety shall issue to each licensee and, in the
600 case of a corporation, association or partnership, each officer or
601 member thereof, a pocket identification card, of such size and design
602 as the commissioner may prescribe, which card shall contain a
603 photograph of the person to whom issued, the name and business
604 address of the licensee, the license number and date of its expiration
605 and the imprint or impress of the seal of the state of Connecticut. Such
606 card shall be carried upon the person to whom issued at all times
607 when engaged in the activities of the licensed business, which card
608 shall be evidence of due authorization pursuant to the terms of
609 sections 22 to 39, inclusive, of this act. All persons to whom such
610 identification cards have been issued shall be responsible for the safe
611 keeping of the same and shall not lend [.] such identification card to
612 any other person or enable, let or allow any other person to have, hold,
613 possess or display such identification card, and no person shall
614 possess, hold or display any identification card or facsimile thereof,
615 which is not duly authorized and issued by the commissioner
616 pursuant to the foregoing provisions.

617 Sec. 32. (NEW) (*Effective October 1, 2003*) (a) Any security service
618 may employ as many security officers as the licensee deems necessary
619 for the conduct of the business, provided such employees shall be of
620 good moral character and at least eighteen years of age.

621 (b) Any person hired to work as a security officer shall be licensed
622 as a security officer prior to a security service making application to
623 register the security officer with the Commissioner of Public Safety.
624 The employee shall complete a minimum of eight hours training in the
625 following areas: Basic first aid, search and seizure laws and
626 regulations, use of force, basic criminal justice and public safety issues.

627 The training shall be approved by the commissioner in accordance
628 with regulations adopted pursuant to section 39 of this act.

629 (c) Upon successful completion of such training, an employee may
630 submit an application for a license as a security officer on forms
631 furnished by the commissioner and, under oath, shall give the
632 employee's name, address, date and place of birth, employment for the
633 past five years, experience in the position applied for, any convictions
634 for violations of the law and such other information as the
635 commissioner may require, by regulation, to properly investigate the
636 character, competency and integrity of the employee. The initial
637 application for a license shall be accompanied by two sets of
638 fingerprints of the employee and the Commissioner of Public Safety
639 shall require any applicant for a license under this section to submit to
640 state and national criminal history records checks. The criminal history
641 records checks required pursuant to this subsection shall be conducted
642 in accordance with section 29-17a of the general statutes. The
643 application for a license shall be accompanied by two sets of
644 fingerprints of the employee and two photographs of the employee,
645 two inches wide by two inches high, full-face, taken within six months
646 prior thereto, and a twenty-dollar licensing fee to be renewed every
647 two years, made payable to the state. Subject to the provisions of
648 section 46a-80 of the general statutes, no person shall be approved for a
649 license who has been convicted of a felony, any sexual offense or any
650 crime that would tend to question such person's honesty and integrity,
651 or who has been refused a license under the provisions of sections 22
652 to 39, inclusive, of this act, for any reason except minimum experience,
653 or whose license, having been granted, has been revoked or is under
654 suspension. Upon being satisfied of the suitability of the applicant for
655 licensure, the commissioner may license the employee as a security
656 officer.

657 (d) Upon the security officer's successful completion of training and
658 licensing by the commissioner, or immediately upon hiring a licensed
659 security officer, the security service shall make application to register
660 such security officer with the commissioner on forms provided by the

661 commissioner. Such application shall be accompanied by payment of a
662 twenty-dollar application fee payable to the state. The completed
663 registration form and all related material shall be kept on file with the
664 Division of State Police within the Department of Public Safety.

665 (e) The security service shall notify the commissioner within five
666 days of the termination of employment of any registered employee.

667 Sec. 33. (NEW) (*Effective October 1, 2003*) The licensee of a security
668 service shall issue to each nonuniformed security officer employed by
669 such security service an identification card, of such size, color and
670 design as the Commissioner of Public Safety may prescribe, which
671 card shall contain the name and photograph of the security officer, the
672 name and business address of the security service, the license number
673 and expiration date and the certification that the named security officer
674 is employed as a security officer by the security service. Such card shall
675 be carried by the security officer at all times when engaged in the
676 activities of such security officer's employer. No person shall hold,
677 possess or show an identification card not authorized and issued to
678 such person by a licensed employer, or possess such card after
679 termination of such person's employment with the issuing licensee.

680 Sec. 34. (NEW) (*Effective October 1, 2003*) The licensee of a security
681 service shall issue to each uniformed employee a metal or woven
682 insignia of a design approved by the Commissioner of Public Safety,
683 with an inscription thereon containing the word "security", the name of
684 the licensee and an identification number. Such insignia shall be
685 conspicuously worn at all times by the employee when in uniform and
686 acting in the service of the licensee, and the commissioner may
687 prescribe the manner of displaying such insignia. As used in this
688 section, "uniform" means any manner or type of dress of a particular
689 style and distinctive appearance as distinguished from clothing
690 usually worn by the public.

691 Sec. 35. (NEW) (*Effective October 1, 2003*) Any security service may
692 operate as many branch or suboffices as the licensee deems necessary
693 to conduct the business properly. The licensee of the security service

694 shall advise the Commissioner of Public Safety, in writing, not later
695 than five business days after opening such branch or suboffice for
696 business, of the location of each branch or suboffice, giving the town or
697 city, street address and telephone number and the name of the
698 manager of such branch or suboffice.

699 Sec. 36. (NEW) (*Effective October 1, 2003*) Nothing in sections 22 to
700 39, inclusive, of this act, shall preclude a security service from
701 performing the investigation of offenses upon property such security
702 service is employed to service.

703 Sec. 37. (NEW) (*Effective October 1, 2003*) Any license for a security
704 service or security officer may be suspended or revoked by the
705 Commissioner of Public Safety, provided notice shall have been given
706 to the licensee to appear before the commissioner to show cause why
707 the license should not be suspended or revoked, upon a finding by the
708 commissioner that: (1) The licensee has violated any of the terms or
709 provisions of sections 22 to 39, inclusive, of this act, or any of the
710 regulations adopted pursuant to section 39 of this act; (2) the licensee
711 has practiced fraud, deceit or misrepresentation; (3) the licensee has
712 made a material misstatement in the application for issuance or
713 renewal of the license; (4) the licensee has demonstrated incompetence
714 or untrustworthiness in the conduct of the business; or (5) the licensee
715 has been convicted of a felony or other crime affecting the licensee's
716 honesty, integrity or moral fitness. Any party aggrieved by an order of
717 the commissioner under this section may appeal therefrom in
718 accordance with the provisions of section 4-183, of the general statutes
719 except venue for such appeal shall be in the judicial district of New
720 Britain.

721 Sec. 38. (NEW) (*Effective October 1, 2003*) The Commissioner of
722 Public Safety shall annually prepare and publish a list of licensed
723 security services and security officers and distribute copies of such list
724 to the chiefs of police in Connecticut and to the clerks' offices of the
725 superior court and to any licensee upon request.

726 Sec. 39. (NEW) (*Effective October 1, 2003*) (a) Any person who

727 violates any provision of sections 22 to 39, inclusive, of this act, shall be
 728 fined not more than five thousand dollars or imprisoned not more than
 729 one year, or both. Any person who violates any provision of section 22
 730 of this act shall not be eligible to apply for a license for two years after
 731 the date the penalty was imposed.

732 (b) The Commissioner of Public Safety shall adopt regulations, in
 733 accordance with the provisions of chapter 54 of the general statutes, to
 734 carry out the provisions of sections 22 to 39, inclusive, of this act.

735 Sec. 40. Section 7-92 of the general statutes is repealed and the
 736 following is substituted in lieu thereof (*Effective October 1, 2003*):

737 The chief executive officer of any municipality may appoint such
 738 number of special constables as he or she deems necessary to preserve
 739 the public peace within such municipality, who may serve for terms of
 740 not more than two years or during any public celebration or gathering
 741 or any riot or unusual excitement, and such special officers shall have
 742 the authority of constables of such town to serve criminal process and
 743 make arrests for commission of crime. The chief executive officer may
 744 appoint special constables: (1) With limited geographical jurisdiction;
 745 or (2) who are appointed at the request of corporations, associations or
 746 businesses and are subject to such limitations, restrictions and
 747 conditions as the chief executive officer of the municipality deems
 748 appropriate, and who shall: (A) Have jurisdiction only on land
 749 controlled by such corporation, association or business; (B) be deemed
 750 for all purposes to be agents and employees of such corporation,
 751 association or business; and (C) be paid for their services by such
 752 corporation, association or business.

753 Sec. 41. (*Effective October 1, 2003*) Section 29-156c of the general
 754 statutes is repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>
Sec. 15	<i>October 1, 2003</i>
Sec. 16	<i>October 1, 2003</i>
Sec. 17	<i>October 1, 2003</i>
Sec. 18	<i>October 1, 2003</i>
Sec. 19	<i>October 1, 2003</i>
Sec. 20	<i>October 1, 2003</i>
Sec. 21	<i>October 1, 2003</i>
Sec. 22	<i>October 1, 2003</i>
Sec. 23	<i>October 1, 2003</i>
Sec. 24	<i>October 1, 2003</i>
Sec. 25	<i>October 1, 2003</i>
Sec. 26	<i>October 1, 2003</i>
Sec. 27	<i>October 1, 2003</i>
Sec. 28	<i>October 1, 2003</i>
Sec. 29	<i>October 1, 2003</i>
Sec. 30	<i>October 1, 2003</i>
Sec. 31	<i>October 1, 2003</i>
Sec. 32	<i>October 1, 2003</i>
Sec. 33	<i>October 1, 2003</i>
Sec. 34	<i>October 1, 2003</i>
Sec. 35	<i>October 1, 2003</i>
Sec. 36	<i>October 1, 2003</i>
Sec. 37	<i>October 1, 2003</i>
Sec. 38	<i>October 1, 2003</i>
Sec. 39	<i>October 1, 2003</i>
Sec. 40	<i>October 1, 2003</i>
Sec. 41	<i>October 1, 2003</i>

PS *Joint Favorable Subst. C/R*

JUD

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Public Safety, Dept.; Judicial Dept.	GF - Revenue Gain	Indeterminate	Indeterminate
Correction, Dept.	GF - Cost	Potential Indeterminate	Potential Indeterminate

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill upgrades the standards and statutes relating to private detectives, private detective agencies, security services and security officers. Passage of this portion of the bill would not result in the need for additional resources.

The bill also adjusts various fees and eliminates combination licenses. Passage of the bill would result in a revenue increase since two separate licenses would be required after the bill’s effective date. Last year, almost \$300,000 was collected in fees relating to detective and security services. About 20% was from individuals and agencies that received combination licenses. The elimination of these licenses could result in additional revenues of up to \$75,000.

Finally, the bill authorizes fines of up to \$5,000 to handle compliance issues and licensee violations. In addition, the bill makes current criminal penalties applicable to a broader range of licensee violations. Passage of this portion of the bill would result in potential indeterminate revenue that would be dependent on the violation and collection of fines. There would also be potential indeterminate cost to the Department of Correction.

OLR Bill Analysis

sHB 6525

AN ACT CONCERNING LICENSING AND TRAINING OF PRIVATE DETECTIVES AND GUARD SERVICES AND SECURITY PERSONNEL SERVICES**SUMMARY:**

This bill makes extensive changes in the private investigation and private security laws. It:

1. establishes separate licensing, qualification, and license revocation schemes for private investigative and private security personnel and defines private investigative and private security jobs to reflect current industry and State Police practice;
2. sets more stringent licensing criteria;
3. requires security officers employed by security businesses to be licensed every two years and sets minimum training and other licensing standards for them;
4. conforms the law to practice and underlying laws by raising, from 18 to 21, the age at which a security officer may get a Department of Public Safety (DPS) permit to carry firearms on the job, and requires armed security officers to complete a DPS-approved refresher gun safety course annually;
5. requires that, as a prerequisite to licensing, applicants for a private detective, private detective agency, or security service license provide the DPS commissioner with a copy of a certificate of general liability insurance for at least \$300,000, and requires such licensees to notify DPS within 30 days of any change in the status of the insurance or the currently required \$10,000 performance bond (§§ 6(b) & 27(b));
6. allows the commissioner to establish, by regulation, civil penalties of up to \$5,000 for private detective and private detective agency licensee violations;

7. applies current criminal penalties to a broader range of licensee violations;
8. adjusts license fees, eliminates some licenses, and changes the license renewal frequency from one to two years;
9. requires the commissioner to adopt implementing regulations (§§ 18 & 39);
10. subjects special constables appointed by municipal chief executive officers at the request of corporations, associations, or businesses to such limitations, restrictions, and conditions as the chief executive officer deems appropriate; and
11. makes miscellaneous minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2003

LICENSING OF PRIVATE SECURITY BUSINESSES

Entities Required to be Licensed

Currently, any contract security company (business that contracts to provide guard, patrol, or watchman services) must be licensed by DPS as a (1) security service, if the provider is an individual, or (2) security agency, if the provider is a corporate entity (i.e., corporation, association, or partnership). Private entities that employ their own security officers (commonly called proprietary or in-house security officers) but are not in the security business do not have to be licensed (§ 7).

The bill eliminates the security agency classification and licensure and requires every security business to be licensed as a security service, whether operated by an individual or a corporate entity (§§ 22 & 23). It broadens the range of services that require a license by defining “security service” as any person or corporate entity that, for pay, provides:

1. patrol and armored car services;
2. guard dog services;

3. security services for transporting papers, money, negotiable instruments, and other valuables;
4. prisoner transportation services;
5. security for patrons and people authorized to be on property a licensee was hired to protect;
6. services intended to prevent or detect intrusion, entry, larceny, vandalism, abuse, fire, or trespass on property that the licensee was hired to protect; or
7. services intended to prevent, observe, or detect unauthorized activity on property the licensee was hired to protect (§ 1(7)).

Under current law, the license is required for providing guard, watchman, or patrol services (§ 7).

License Eligibility Criteria

Experience Qualifications. The bill modifies the work experience required for licensure. Under current law, it is at least five years experience as a supervisor or administrator (1) in industrial security; (2) in the employment of a private guard, watchman, or patrol service; or (3) with a federal security agency or police department. The bill eliminates the security service experience and instead requires that the experience in industrial security be in supervisory management. It also allows licensure based on 10 years experience as a police officer, in any capacity, and five years supervisory experience in a state security agency (§§ 23 & 3(a) (2)).

Disqualifying Crimes. Under current law, people convicted of felonies or offenses involving moral turpitude are ineligible for licensure. The bill adds convictions for the following 11 misdemeanors or their equivalent in any jurisdiction in the seven years preceding the application to the crimes barring licensure:

1. illegal possession of certain drugs;
2. criminally negligent homicide;
3. 3rd degree assault;

4. 3rd degree assault of an elderly, blind, disabled, pregnant, or mentally retarded person;
5. 2nd degree threatening;
6. 1st degree reckless endangerment;
7. 2nd degree unlawful restraint;
8. 1st degree riot;
9. 2nd degree riot
10. inciting to riot; and
11. 2nd degree stalking (§§ 23(c) & 3(c)).

Other Criteria. Under current law, DPS cannot license anyone discharged from the military under other than honorable conditions. The bill instead bars licensure for discharge under conditions that demonstrate questionable character (§ 3(c)).

By law, (1) applicants must be at least age 25 and of good moral character and must undergo state and national criminal history background checks, and (2) the commissioner may deny a corporate license application or suspend or revoke a corporate license, if it appears that 10 percent or more of the corporation's stock is held by anyone of questionable character (CGS § 29-154b).

License Denials

The bill allows applicants to appeal license denials, in writing, to the commissioner within 30 days after such denials (23(d)).

LICENSING OF SECURITY OFFICERS EMPLOYED BY PRIVATE SECURITY BUSINESSES

The bill defines "security officers," which is not defined under current law, as any licensed and registered person hired to safeguard and protect people and property by (1) detecting or preventing unlawful entry, larceny, vandalism, abuse, arson, or trespass or (2) observing, detecting, or preventing unauthorized activity. The security officer

may be employed (1) by a security service or (2) as a uniformed employee who performs security work on an employer's business premises located in an area to which the public has unrestricted access or access only by paid admission (§ 1(6)).

By law, (1) security officers employed by private (or contract) security businesses must be registered with DPS; (2) security officers who carry firearms on the job must be registered with DPS, whether they are employed by private security businesses or are proprietary security officers; and (3) unarmed proprietary security officers may be registered at their employers' discretion.

The bill requires security officers employed by private security businesses to be licensed and sets licensing and minimum training and other standards for them (§ 32(b)). It does not appear that these licensing standards apply to security guards employed by other businesses, even though the definition of security officers implies such coverage.

Qualifications for Security Officer License

As a condition of licensing, applicants must complete at least eight hours training in basic first aid, search and seizure laws and regulations, use of force, and basic criminal justice and public safety issues that the commissioner approves (§ 32(b)).

The bill prohibits licensing anyone (1) convicted of any felony, (2) convicted of a sexual offense or crime that raises questions about his integrity and honesty, (3) denied a security service or security officer license for any reason except minimum experience, or (4) whose license was ever revoked or is under suspension (§ 32(c)). These are the same grounds on which registration is barred under current law.

It bars licensing police officers and people vested with police powers (§ 25). By law, they are ineligible for a private detective or security business license (§ 4).

By law, applicants must be at least age 18 and of good moral character, and the commissioner must find them suitable (§§ 32(a), 11 & 32(c)).

The license fee is \$20, and the license is renewable every two years (§ 32(c)).

License Application

The bill requires a security officer license applicant, rather than the security service that employs him, to provide certain information about himself on a DPS form. The information is: the applicant's name, address, date and place of birth; employment in the last five years; experience in the position applied for; convictions, if any; and other information the commissioner may require by regulation to properly investigate the applicant's character, competence, and integrity. The applicant must submit with the initial application two sets of his fingerprints and two photographs of himself—two-by-two inches—taken in the past six months. He must undergo state and national criminal history record checks following a process outlined in law for such checks (§§ 32(c) & 11(b) & (c)). Under current DPS practice, security officers must undergo state criminal history record checks.

The commissioner must find the security officer license applicant suitable to be licensed.

Security Officer Identification

DPS Identification. As is currently required for private security business licenses, when the commissioner issues a security officer license, he must give the licensee a pocket identification card in a size and design he prescribes. The card must contain the licensee's photograph, name, and business address; license number and expiration date; and the imprint or impress of the Connecticut seal. The licensee must carry the card on the job. He cannot lend it or let anyone else use, keep, or display it. The bill prohibits unauthorized people from possessing, holding, or displaying a licensee's card (§ 31).

License Denial, Suspension, and Revocation

Denial. The bill allows applicants to appeal license denials, in writing, to the commissioner within 30 days after such denials (§ 23(d)).

The bill allows the commissioner to suspend and revoke a security officer's license, after notice and hearing opportunity, on the same grounds on which he may suspend and revoke a security service license under current law. These are:

1. violations of private security laws and regulations;

2. fraud, deceit, misrepresentation;
3. material misstatements in a license application;
4. incompetence or untrustworthy business conduct; or
5. conviction for felony or other crime affecting the licensee's integrity, honesty, or moral fitness.

As is currently the case with security service license suspensions and revocations, the bill allows security officers aggrieved by license suspensions or revocations to appeal under the Uniform Administrative Procedures Act (UAPA). The appeal venue is the New Britain judicial district court (§§ 37 & 17).

REGISTRATION OF SECURITY OFFICERS

Under current law, a security service must apply to register its security officers with DPS immediately after it hires them (§ 11). The bill instead requires the security service to apply to register licensed security officers immediately after it hires them and unlicensed security officers once they complete their training and are licensed (§ 32(d)).

The bill eliminates a requirement for the security service to include photographs and fingerprints of the security officers and certain information on them with the registration application, requiring instead that security officers provide them as part of the license application. It also eliminates (1) a requirement for the commissioner to find security applicants suitable as a condition of registration, instead requiring that he find them suitable to be licensed and (2) grounds barring registration. By law, the State Police must keep the completed registration and all related material on file (§ 11(c) 32(c)).

The bill raises the registration fee from \$13 to \$20 (§ 11(c) & 32(d)).

ARMED SECURITY OFFICERS

By law, anyone wanting to carry a handgun in Connecticut must get a DPS permit. The minimum age for getting this permit is 21. Security officers who carry firearms on the job must get a special DPS permit as well. Under current law, the minimum age for this permit is 18. The

bill conforms the law to practice and the underlying existing handgun permit law by raising the minimum age for the armed security officer's permit to 21 (§19). It gives this permit the same expiration date as the regular permit. Under current law, the armed security officer's permit expires five years after the date it becomes effective (even if the underlying permit has expired).

By law, armed security officers must complete a DPS-approved gun safety and use course as a condition of getting the special gun permit. The bill additionally requires them to complete a DPS-approved refresher gun safety course every year (§ 20b).

By law, a violation of the armed security officer provisions carries a \$75 fine. Each offense is separate and distinct and for continuing violations, each day's continuance is a distinct and separate offense (§ 19(c) & 20(d)).

LICENSING OF PRIVATE DETECTIVE BUSINESSES

Under current law, an individual operating a private detective business may be licensed either as a private detective or private investigator (§ 7). The bill conforms the law to State Police practice by eliminating the private investigator license.

Private Detectives

The bill defines a "private detective" as someone engaged, or advertising he is engaged, in the business of:

1. investigating crimes or civil wrongs;
2. investigating property location, disposition, or recovery;
3. investigating the cause of accidents, fire damage or injuries to property or people, except people performing bona fide engineering services;
4. protecting people;
5. conducting surveillance activities;
6. conducting background investigations; or

7. securing evidence for use before a court, board, officer, or investigation committee (§ 1(4)).

Employment Qualifications for Licensure. The bill changes the licensing standards for private detectives. Current law requires that the applicant have five years full-time investigator experience with a licensed private detective or investigator, a U.S. government investigative service, a municipal fire or police department, or the Division of Public Defender Services. The bill instead requires the commissioner to determine the nature of the investigator experience in regulations that he must adopt. By law, unchanged by the bill, (1) a person may also be licensed if he has at least 10 years experience as a police officer and (2) the commissioner may substitute up to one year of experience for private detective agency applicants upon proof of satisfactory participation in a course of instruction pertinent to the license (§ 3(a)).

Crimes Barring Licensure. The bill expands the crimes that disqualify an applicant from being licensed as a private detective. Under current law, the crimes are felonies or offenses involving moral turpitude. The bill adds convictions for the following misdemeanors or their equivalent in any jurisdiction in the past seven years to the disqualifiers:

1. illegal possession of certain drugs;
2. criminally negligent homicide;
3. 3rd degree assault;
4. 3rd degree assault of an elderly, blind, disabled, pregnant, or mentally retarded person;
5. 2nd degree threatening;
6. 1st degree reckless endangerment;
7. 2nd degree unlawful restraint;
8. 1st degree riot;
9. 2nd degree riot;

10. inciting to riot; and

11. 2nd degree stalking (§ 3(c)).

Other Criteria Barring Licensure. Current law bars DPS from licensing anyone discharged from the military under other than honorable conditions. The bill instead bars licensure for discharge under conditions that demonstrate questionable character to the grounds that bar licensure (§ 3).

By law, applicants must be at least age 25 and of good moral character and must undergo state and national criminal history record checks (§ 3).

License Denial, Revocation, and Suspension. The bill makes the law conform to practice by giving private detective license applicants 30 days to appeal denials to the commissioner in writing (§ 3(d)).

Suspension and Revocation. One of the grounds for license suspension or revocation under current law is fraud, deceit, or misrepresentation. The bill limits the applicability of this provision to cases involving the licensee's clients (§ 17).

By law, the commissioner may also suspend or revoke a license for any conviction for felony or other crime affecting the licensee's integrity, honesty, or moral fitness. The bill requires him to consider the fact and circumstances surrounding convictions for 3rd degree assault or 2nd degree threatening before suspending or revoking the license (§ 17).

By law, aggrieved parties may appeal the commissioner's decision pursuant to UAPA (§ 17).

Private Detective Agency

By law, a corporate entity is licensed as an agency (§ 7). The bill defines a "private detective agency" as any person, firm, company, partnership, or corporation that, for consideration, advertises as providing, or is engaged in the business of providing, private detective services (§ 1(5)). It sets the same licensing and other standards for agency applicants as those described above for private detectives (§ 3). In practice, the agency must already meet the standards that apply to

private detectives under current law.

Identification Documents. The bill eliminates a requirement that an agency licensee issue to its uniformed investigators, operators, or agents an identification card in a size, color, and design the commissioner prescribes and with specified information. (The requirement still applies to the agency's nonuniformed staff.) The bill also eliminates a requirement for index fingerprints on the identification card of a licensee's employee (§ 12).

LICENSEES' EMPLOYEES TO BE REGISTERED

By law, private detective business licensees must register with DPS all agents, operators, guards, watchmen, or patrolmen they employ. The bill increases the registration fee from \$13 to \$20, and it eliminates the requirement that the photographs submitted with a registration application show the applicant with and without head covering (§ 11).

LICENSE FEES (§§ 8, 29 & 32)

The bill eliminates combination licenses and revises license fees and the renewal schedule from one to two years as follows:

License	Current Law			Bill		
	Original Fee	Renewal Fee	License Duration	Original Fee	Renewal Fee	License Duration
Private detective (Individual)	\$600	\$450	1 year	\$1,200	\$500	2 years
Private detective agency (Corporate)	\$750	\$600	1 year	\$1,500	\$800	2 years
Security service (Individual)	\$600	\$450	1 year	\$1,200	\$500	2 years
Security Agency (Corporate)	\$750	\$600	1 year	\$1,500	\$800	2 years
Security officer	NA	NA	NA	\$20	\$20	2 years
Private Detective and Security Service combined	\$600	\$300	1 year	NA	NA	NA
Private Detective and Security Agency combined	\$750	\$450	1 year	NA	NA	NA

Under the new licensing scheme, an association or partnership in the security business is licensed as a security service. Under current law, they are licensed as security agencies.

The bill shortens the grace period for license renewal for private detectives, private detective agencies, and security services from six months to 90 days after expiration. By law, licensees who fail to renew within the deadlines must pay the original license fee (§§ 7, 8, 28, 29, & 31(c)).

FINES AND PENALTIES

The bill extends current criminal penalties for violations of the private security and private detective laws to the violations it creates. Violations (except of the armed security guard provisions, which are subject to separate fines unchanged by the bill) are subject to imprisonment for up to five years, a fine of up to \$5,000, or both (§§ 18 & 39). The bill allows the commissioner to establish, by regulation, civil penalties of up to \$5,000 for violating the private detective and private detective agency provisions (§§ 18).

The bill makes unlicensed people who engage in or solicit private security work ineligible for licensure for two years after a penalty is imposed for this violation (§ 39). It makes unlicensed people who engage in the private detective business or hold themselves out to be in such business ineligible for licensure for two years. But it does not tie the ban to a specific event or date. Under the bill, experience working without a license as a private detective does not count as experience for licensing purposes.

MISCELLANEOUS PROVISIONS FOR SECURITY AND DETECTIVE LICENSEES

New Business Notification Requirement

By law, licensees must notify DPS of the location of their new business and branches or sub offices (§§ 14 & 35). This bill requires the notification within five business days after opening.

Inspection of Licensees' Records

Under the bill, corporate licensees must allow DPS to inspect, review, or copy any document or business or training record that DPS

regulations require them to maintain (§§ 7 & 28).

General Liability Insurance Required for Licensees

The bill requires applicants for a private detective, private detective agency, or security service, to provide DPS with a copy of a certificate of general liability insurance for at least \$300,000, before being issued a license. Licensees must notify the commissioner in writing within 30 days of a change in status of their liability insurance or the currently required \$10,000 surety bond (§§ 6 & 27)).

DPS List of Licensees

Under current law, DPS must prepare and publish a list of licensed private detectives and private detective agencies and security services and security agencies and distribute copies to police chiefs and Superior Court offices upon request. The bill requires DPS to add licensed security officers to the list (§ 38).

DPS Authority

Criminal History Record Checks. The bill eliminates the commissioner's discretion to waive the mandatory state and national criminal background checks and fingerprinting submission for certain license applicants employed by licensed private detective or security service or agency in the last six months (§ 11 (e)).

Private Detective Identification. The bill eliminates a requirement for the private detective or private detective agency licensee's DPS pocket identification to contain the licensee's fingerprints (§ 10).

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Change of Reference
Yea 22 Nay 0

Judiciary Committee

Joint Favorable Substitute
Yea 36 Nay 0

