



Senate

General Assembly

File No. 128

February Session, 2008

Substitute Senate Bill No. 179

Senate, March 25, 2008

The Committee on Public Safety and Security reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

1 Section 1. Section 29-152u of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 As used in this chapter:

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

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

8 (3) "Licensee" means any person, firm, company, partnership or
9 corporation engaged in the business of providing investigative or
10 security services;

11 (4) "Private detective" means any person engaged in the business of,
12 or advertising as engaged in the business of (A) investigating crimes or
13 civil wrongs, (B) investigating the location, disposition or recovery of
14 property, (C) investigating the cause of accidents, fire damage or
15 injuries to persons or to property, except persons performing bona fide
16 engineering services, (D) providing the personal protection of
17 individuals, (E) conducting surveillance activity, (F) conducting
18 background investigations, or (G) securing evidence to be used before
19 a court, board, officer or investigation committee;

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

24 (6) "Private investigator" means an employee of a licensed private
25 detective or private detective agency who performs services necessary
26 for the conduct of such licensee's business;

27 [(6)] (7) "Security officer" means the licensed and registered person
28 hired to safeguard and protect persons and property, by (A) the
29 detection or prevention of any unlawful intrusion or entry, larceny,
30 vandalism, abuse, arson or trespass on the property such security
31 officer is hired to protect, or (B) the prevention, observation, or
32 detection of any unauthorized activity on the property the security
33 officer was hired to protect. Such security officer may be (i) employed
34 by a security service, or (ii) employed by a business and is [a
35 uniformed] an employee who performs security work, wears a
36 uniform for such purpose and performs such work on the premises of
37 the employer's business when such premises are located in an area that
38 is accessible and unrestricted to the public, or has access only by paid
39 admission; and

40 [(7)] (8) "Security service" means any person, firm, association or
41 corporation that, for consideration, provides to another person, firm,
42 association or corporation one or more of the following: (A) The
43 prevention or detection of intrusion, entry, larceny, vandalism, abuse,

44 fire, or trespass on the property the security service was hired to
45 protect; (B) the prevention, observation or detection of any
46 unauthorized activity on property the security service was hired to
47 protect; (C) the protection of patrons and persons authorized to be on
48 the premises of a person, firm, association or corporation that the
49 security service was hired to protect; (D) the secure transportation of
50 papers, money, negotiable instruments and other valuables; (E) the
51 provision of patrol and armored car services; or (F) the provision of
52 guard dogs.

53 Sec. 2. Section 29-156a of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2008*):

55 (a) Any licensee may employ as many [agents, operators, assistants,
56 guards, watchmen or patrolmen] private investigators as such licensee
57 deems necessary for the conduct of such licensee's business, provided
58 such employees shall be of good moral character and at least eighteen
59 years of age.

60 (b) Immediately upon hiring [an agent, operator, assistant, guard,
61 watchman or patrolman] a private investigator, the licensee shall
62 [make application] apply to register such employee with the
63 Commissioner of Public Safety. Such application shall be made on
64 forms furnished by the commissioner, and, under oath of the
65 employee, shall give the employee's name, address, date and place of
66 birth, employment for the past five years, experience in the position
67 applied for, any convictions for violations of the law and such other
68 information as the commissioner may require, by regulation, to
69 properly investigate the character, competency and integrity of the
70 employee.

71 (c) The Commissioner of Public Safety shall require any applicant
72 for registration under this section to submit to state and national
73 criminal history records checks [. The criminal history records checks
74 required pursuant to this section shall be] conducted in accordance
75 with section 29-17a. The application for registration shall be
76 accompanied by two sets of fingerprints of the employee and two full-

77 face photographs of the employee, two inches wide by two inches
78 high, [full-face, taken within] taken no earlier than six months prior
79 [thereto] to the date of application for registration, and a twenty-dollar
80 registration fee payable to the state. Subject to the provisions of section
81 46a-80, no person shall be [approved for employment] registered who
82 has been convicted of a felony, any sexual offense or any crime [that
83 would tend to question such person's honesty and integrity] involving
84 moral turpitude, or who has been refused a license under the
85 provisions of this chapter for any reason except lack of minimum
86 experience, or whose license, having been granted, has been revoked
87 or is under suspension. [Upon being satisfied of the suitability of the
88 applicant for employment the] The commissioner shall register [the
89 employee] all qualified employees and so notify the licensee and place
90 the registration form and all related material on file with the Division
91 of State Police within the Department of Public Safety.

92 (d) The licensee shall notify the commissioner [within] not later than
93 five days [of] after the termination of employment of any registered
94 employees.

95 (e) Any person, firm or corporation that violates any provision of
96 this section shall be fined seventy-five dollars for each offense. Each
97 distinct violation of this section shall be a separate offense and, in the
98 case of a continuing violation, each day thereof shall be deemed a
99 separate offense.

100 Sec. 3. Section 29-156b of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective October 1, 2008*):

102 The licensee of a private detective agency shall issue to each of the
103 agency's [nonuniformed] private investigators [, operators or agents,]
104 an identification card, of such size, color and design as the
105 commissioner may prescribe, which card shall contain the name and
106 photograph of the private investigator, [operator or agent,] the name
107 and business address of the licensee, the license number and expiration
108 date, and the certification that the named private investigator [,
109 operator or agent] is employed as [an] a private investigator [, operator

110 or agent] of the licensee. Such card shall be carried by the private
111 investigator [, operator or agent] at all times when engaged in the
112 activities of the licensee. No person shall hold, possess or show an
113 identification card not authorized and issued to such person by a
114 licensed employer, or possess such card after termination of such
115 person's employment with the issuing licensee.

116 Sec. 4. Section 29-156d of the general statutes is repealed and the
117 following is substituted in lieu thereof (*Effective October 1, 2008*):

118 No private detective licensed under the provisions of sections 29-
119 153 to 29-161, inclusive, as amended by this act, or officer, director,
120 employee [, operator or agent] or private investigator of such licensee,
121 or any other person shall wear, carry, accept or show any badge or
122 shield of any description, purporting to indicate that such person is a
123 private detective or connected with the private detective business.

124 Sec. 5. Section 29-158 of the general statutes is repealed and the
125 following is substituted in lieu thereof (*Effective October 1, 2008*):

126 Any license or registration may be suspended or revoked by the
127 commissioner, [provided notice shall have been given to the licensee to
128 appear before the commissioner to show cause why the license should
129 not be suspended or revoked, upon a finding by the commissioner
130 that: (1) The licensee has violated] after giving notice and an
131 opportunity to be heard to the licensee or registrant when the
132 commissioner finds that the licensee or registrant has: (1) Violated any
133 of the terms or provisions of sections 29-153 to 29-161, inclusive, as
134 amended by this act, or any of the regulations adopted thereunder; (2)
135 [the licensee has] practiced fraud, deceit or misrepresentation [to] in
136 dealing with the clients of the licensee or registrant; (3) [the licensee
137 has] made a material misstatement in the application for issuance of
138 such license or registration, or, in the case of a licensee, or renewal of
139 such [licensee's] license; (4) [the licensee has] demonstrated
140 incompetence or untrustworthiness in the conduct of [such licensee's]
141 the business; (5) [the licensee has] been convicted of a felony or other
142 crime [affecting such licensee's honesty, integrity or moral fitness]

143 involving moral turpitude. If the licensee or registrant has been
144 convicted under section 53a-61 or 53a-62, the commissioner shall
145 consider the facts and circumstances surrounding such convictions
146 prior to suspending or revoking the license or registration. Any party
147 aggrieved by an order of the commissioner [hereunder] under the
148 provisions of this section may appeal therefrom in accordance with the
149 provisions of section 4-183, except the venue for such appeal shall be
150 [in] the judicial district of New Britain.

151 Sec. 6. Section 29-161 of the general statutes is repealed and the
152 following is substituted in lieu thereof (*Effective October 1, 2008*):

153 (a) [Any] Except as provided in section 29-156a, as amended by this
154 act, any person who violates any provision of sections 29-153 to 29-161,
155 inclusive, as amended by this act, shall be fined not more than five
156 thousand dollars or imprisoned not more than one year or both. The
157 commissioner may establish, by regulation, civil penalties for
158 violations of sections 29-153 to 29-161, inclusive, as amended by this
159 act, but no such penalty shall be more than five thousand dollars. No
160 person who violates any provision of section 29-153 shall be eligible to
161 apply for a license for two years. Any experience accrued while
162 operating without being licensed will not be counted [to] toward the
163 requirements [as outlined] specified in section 29-154a.

164 (b) The commissioner shall adopt regulations in accordance with the
165 provisions of chapter 54 to implement the provisions of sections 29-153
166 to 29-161, inclusive, as amended by this act.

167 Sec. 7. Section 29-161m of the general statutes is repealed and the
168 following is substituted in lieu thereof (*Effective October 1, 2008*):

169 Upon being satisfied, after investigation, of the good moral
170 character, competency and integrity of an applicant, or, if the applicant
171 is an association or partnership, of the individual members thereof, or
172 if a corporation, of all officers and directors thereof, the Commissioner
173 of Public Safety may grant a license to conduct business as a security
174 service and to maintain a bureau, agency, subagency, office or branch

175 office for the conduct of such business on the premises stated in such
176 application. [The license for an individual, a corporation, association or
177 partnership conducting a security service shall be as a security service.
178 Such license shall be] The commissioner shall grant a security service
179 license to any qualified individual, corporation, association or
180 partnership for a term of two years and application for renewal shall
181 be on a form furnished by the commissioner. Each licensee shall permit
182 the department to inspect, review or copy those documents, business
183 records or training records in the licensee's possession that are
184 required by sections 29-161g to 29-161x, inclusive, as amended by this
185 act, or regulation adopted pursuant to section 29-161x, as amended by
186 this act, to be maintained.

187 Sec. 8. Section 29-161q of the general statutes is repealed and the
188 following is substituted in lieu thereof (*Effective October 1, 2008*):

189 (a) Any security service or business may employ as many security
190 officers as [the licensee] such security service or business deems
191 necessary for the conduct of the business, provided such [employees
192 shall be] security officers are of good moral character and at least
193 eighteen years of age.

194 (b) [Any] No person hired or otherwise engaged to perform work as
195 a security officer shall [be licensed as] perform the duties of a security
196 officer prior to [a security service making application to register the
197 security officer with] being licensed as a security officer by the
198 Commissioner of Public Safety. [The employee] Each applicant for a
199 license shall complete a minimum of eight hours training in the
200 following areas: Basic first aid, search and seizure laws and
201 regulations, use of force, basic criminal justice and public safety issues.
202 The training shall be approved by the commissioner in accordance
203 with regulations adopted pursuant to section 29-161x, as amended by
204 this act.

205 (1) On and after October 1, 2008, no person or employee of an
206 association, corporation or partnership shall conduct such training
207 without the approval of the commissioner except as provided in

208 subdivision (2) of this subsection. Application for such approval shall
209 be submitted on forms prescribed by the commissioner. Such
210 application shall be made under oath and shall contain the applicant's
211 name, address, date and place of birth, employment for the previous
212 five years, education or training in the subjects required to be taught
213 under this subsection, any convictions for violations of the law and
214 such other information as the commissioner may require by regulation
215 adopted pursuant to said section 29-161x to properly investigate the
216 character, competency and integrity of the applicant. No person shall
217 be approved as an instructor for such training who has been convicted
218 of a felony, a sexual offense or a crime of moral turpitude or who has
219 been denied approval as a security service licensee, a security officer or
220 instructor in the security industry by any licensing authority, or whose
221 approval has been revoked or suspended.

222 (2) The provisions of this subsection shall not apply to any person
223 serving as an instructor of a security officer training course approved
224 by the commissioner on or before September 30, 2008, provided such
225 instructor has not been convicted of a felony, a sexual offense or a
226 crime of moral turpitude.

227 (c) Upon successful completion of [such training, an employee] the
228 training pursuant to subsection (b) of this section, the applicant may
229 submit an application for a license as a security officer on forms
230 furnished by the commissioner and, under oath, shall give the
231 [employee's] applicant's name, address, date and place of birth,
232 employment for the [past] previous five years, experience in the
233 position applied for, any convictions for violations of the law and such
234 other information as the commissioner may require, by regulation, to
235 properly investigate the character, competency and integrity of the
236 [employee. The initial application for a license shall be accompanied
237 by] applicant. Applicants shall submit with their application two sets
238 of fingerprints of the employee and the Commissioner of Public Safety
239 shall require any applicant for a license under this section to submit to
240 state and national criminal history records checks [. The criminal
241 history records checks required pursuant to this subsection shall be]

242 conducted in accordance with section 29-17a. [The application for a
243 license shall be accompanied by] Applicants shall submit with their
244 application two sets of their fingerprints [of the employee] and two
245 full-face photographs of [the employee] them, two inches wide by two
246 inches high, [full-face,] taken [within] not earlier than six months prior
247 [thereto] to the date of application, and a [twenty-dollar licensing fee
248 to be renewed every two years] fifty-dollar licensing fee, made payable
249 to the state. Subject to the provisions of section 46a-80, no person shall
250 be approved for a license who has been convicted of a felony, any
251 sexual offense or any crime [that would tend to question such person's
252 honesty and integrity] involving moral turpitude, or who has been
253 refused a license under the provisions of sections 29-161g to 29-161x,
254 inclusive, as amended by this act, for any reason except minimum
255 experience, or whose license, having been granted, has been revoked
256 or is under suspension. Upon being satisfied of the suitability of the
257 applicant for licensure, the commissioner may license the [employee]
258 applicant as a security officer. Such license shall be renewed every five
259 years for a fifty-dollar fee. Any fee or portion of a fee paid pursuant to
260 this section shall not be refundable.

261 (d) Upon the security officer's successful completion of training and
262 licensing by the commissioner, or immediately upon hiring a licensed
263 security officer, the security service employing such security officer
264 shall [make application] apply to register such security officer with the
265 commissioner on forms provided by the commissioner. Such
266 application shall be accompanied by payment of a twenty-dollar
267 application fee payable to the state. The [completed registration form
268 and all related material shall be kept on file with the] Division of State
269 Police within the Department of Public Safety shall keep on file the
270 completed registration form and all related material. An identification
271 card with the name, date of birth, address, full-face photograph,
272 physical descriptors and signature of the applicant shall be issued to
273 the security officer, and shall be carried by the security officer at all
274 times while performing the duties associated with the security officer's
275 employment. Registered security officers, in the course of performing
276 their duties, shall present such card for inspection upon the request of

277 a law enforcement officer.

278 (e) The security service shall notify the commissioner [within] not
279 later than five days [of] after the termination of employment of any
280 registered employee.

281 (f) No person, firm or corporation shall employ or otherwise engage
282 any person as a security officer, as defined in section 29-152u, as
283 amended by this act, unless such persons are licensed security officers.

284 (g) Any person, firm or corporation that violates any provision of
285 subsection (b), (d), (e) or (f) of this section shall be fined seventy-five
286 dollars for each offense. Each distinct violation of this section shall be a
287 separate offense and, in the case of a continuing violation, each day
288 thereof shall be deemed a separate offense.

289 Sec. 9. Section 29-161v of the general statutes is repealed and the
290 following is substituted in lieu thereof (*Effective October 1, 2008*):

291 Any license for a security service or security officer or approval as a
292 security officer instructor may be suspended or revoked by the
293 Commissioner of Public Safety, provided notice shall have been given
294 to the licensee or instructor to appear before the commissioner to show
295 cause why the license or approval should not be suspended or
296 revoked, upon a finding by the commissioner that: (1) The licensee has
297 violated any of the terms or provisions of sections 29-161g to 29-161x,
298 inclusive, as amended by this act, or in the case of an instructor, section
299 29-161q, as amended by this act, or any of the regulations adopted
300 pursuant to section 29-161x, as amended by this act; (2) the licensee or
301 instructor has practiced fraud, deceit or misrepresentation; (3) the
302 licensee or instructor has made a material misstatement in the
303 application for issuance or renewal of the license or approval; (4) the
304 licensee or instructor has demonstrated incompetence or
305 untrustworthiness in the conduct of the business; or (5) the licensee or
306 instructor has been convicted of a felony or other crime affecting the
307 licensee's honesty, integrity or moral fitness. Any party aggrieved by
308 an order of the commissioner under this section may appeal therefrom

309 in accordance with the provisions of section 4-183, except the venue for
310 such appeal shall be [in] the judicial district of New Britain.

311 Sec. 10. Section 29-161x of the general statutes is repealed and the
312 following is substituted in lieu thereof (*Effective October 1, 2008*):

313 (a) [Any] Except as provided in sections 29-161q and 29-161y, as
314 amended by this act, any person who violates any provision of sections
315 29-161g to [29-161x] 29-161z, inclusive, as amended by this act, shall be
316 fined not more than five thousand dollars or imprisoned not more than
317 one year, or both. The commissioner may adopt regulations pursuant
318 to subsection (b) of this section establishing civil penalties for
319 violations of sections 29-161g to 29-161x, inclusive, as amended by this
320 act, but no such penalty shall be more than five thousand dollars. Any
321 person who violates any provision of section 29-161g shall not be
322 eligible to apply for a license for two years after the date the penalty
323 was imposed. Any experience accrued while operating without being
324 licensed shall not be counted toward the requirements specified in
325 section 29-161h.

326 (b) The Commissioner of Public Safety shall adopt regulations, in
327 accordance with the provisions of chapter 54, to implement the
328 provisions of sections 29-161g to 29-161x, inclusive, as amended by this
329 act.

330 Sec. 11. Section 29-161y of the general statutes is repealed and the
331 following is substituted in lieu thereof (*Effective October 1, 2008*):

332 (a) Any person, firm or corporation may employ as many security
333 officers or security personnel carrying firearms as it deems necessary
334 for the conduct of its business, provided such employees shall be of
335 good moral character and at least twenty-one years of age. Each
336 person, firm or corporation shall make application to register such
337 personnel with the Commissioner of Public Safety immediately upon
338 their hiring. Application for registration shall be made in the same
339 manner as is provided in section [29-156a] 29-161q, as amended by this
340 act, and applicants shall meet the requirements specified in said

341 section.

342 [(b) Each person, firm or corporation employing nonarmed
343 proprietary security personnel may register such employees with the
344 Commissioner of Public Safety in accordance with the provisions of
345 this section.]

346 [(c)] (b) Any person, firm or corporation [which] that violates any
347 provision of this section shall be fined seventy-five dollars for each
348 offense. Each violation of this section shall be a separate and distinct
349 offense, and, in the case of a continuing violation, each day's
350 continuance thereof shall be deemed to be a separate and distinct
351 offense.

352 Sec. 12. Section 29-161z of the general statutes is repealed and the
353 following is substituted in lieu thereof (*Effective October 1, 2008*):

354 (a) No employee of a licensed security service and no employee [of]
355 hired by a firm or corporation [hired] to perform work as a security
356 [services] officer may carry a pistol, revolver or other firearm while on
357 duty or directly en route to or from such employment unless such
358 employee obtains a special permit from the Commissioner of Public
359 Safety in accordance with the provisions of subsection (b) of this
360 section. No licensed security service and no firm or corporation may
361 permit any employee to carry a pistol, revolver or other firearm while
362 on duty or directly en route to or from such employment unless it
363 obtains proof that such employee has obtained such permit from the
364 commissioner. The permit required under this section shall be in
365 addition to the permit requirement imposed under section 29-28 of the
366 2008 supplement to the general statutes.

367 (b) The Commissioner of Public Safety may grant to any suitable
368 employee of a licensed security service, or to an employee hired by a
369 firm or corporation to perform work as a uniformed or nonuniformed
370 security [services by a firm or corporation] officer, a special permit to
371 carry a pistol or revolver or other firearm while actually on duty on the
372 premises of the employer, or, while directly en route to or from such

373 employment, provided that such employee has proven to the
374 satisfaction of the commissioner that such employee has successfully
375 completed a course, approved by the commissioner, of training in the
376 safety and use of firearms. The commissioner may grant to such
377 employee a temporary permit pending issuance of the permit,
378 provided such employee has submitted an application and
379 successfully completed such training course immediately following
380 employment. All armed security officers shall complete such safety
381 course and yearly complete a refresher safety course approved by the
382 commissioner. The commissioner shall adopt regulations in
383 accordance with the provisions of chapter 54 concerning the approval
384 of schools, institutions or organizations offering such courses,
385 requirements for instructors and the required number of hours and
386 content of such courses.

387 (c) (1) On and after October 1, 2008, no person or employee of an
388 association, corporation or partnership shall conduct the training
389 pursuant to subsection (b) of this section without the approval of the
390 commissioner, except as provided in subdivision (2) of this subsection.
391 Application for such approval shall be submitted on forms prescribed
392 by the commissioner. Such application shall be made under oath and
393 shall contain the applicant's name, address, date and place of birth,
394 employment for the previous five years, education or training in the
395 subjects required to be taught under subsection (b) of this section, any
396 convictions for violations of the law and such other information as the
397 commissioner may require by regulation adopted pursuant to section
398 29-161x, as amended by this act, to properly investigate the character,
399 competency and integrity of the applicant. No person shall be
400 approved as an instructor for such training who has been convicted of
401 a felony, a sexual offense or a crime of moral turpitude or who has
402 been denied approval as a security service licensee, a security officer or
403 instructor in the security industry by any licensing authority, or whose
404 approval has been revoked or suspended.

405 (2) The provisions of this subsection shall not apply to any person
406 -serving as an instructor of a security officer training course approved

407 by the commissioner on or before September 30, 2008, provided such
408 instructor has not been convicted of a felony, a sexual offense or a
409 crime of moral turpitude.

410 [(c)] (d) Application for such permit shall be made on forms
411 provided by the commissioner and shall be accompanied by a thirty-
412 one-dollar fee. Such permit shall have the same expiration date as the
413 pistol permit issued under subsection (b) of section 29-28 of the 2008
414 supplement to the general statutes and may be renewed for additional
415 five-year periods.

416 [(d)] (e) Any person, firm or corporation [which] that violates any
417 provision of this section shall be fined seventy-five dollars for each
418 offense. Each violation of this section shall be a separate and distinct
419 offense, and, in the case of a continuing violation, each day's
420 continuance thereof shall be deemed to be a separate and distinct
421 offense.

422 [(e)] (f) The commissioner may suspend or revoke a security service
423 license, a special permit issued to a security officer or instructor
424 approval upon a finding by the commissioner that such licensee,
425 permit holder or instructor has violated [the provisions of subsection
426 (a)] any provision of this section, provided notice shall have been
427 given to such licensee, permit holder or instructor to appear before the
428 commissioner to show cause why the license, permit or approval
429 should not be suspended or revoked. Any party aggrieved by an order
430 of the commissioner may appeal therefrom in accordance with the
431 provisions of section 4-183, except the venue for such appeal shall be
432 [in] the judicial district of New Britain.

433 Sec. 13. Subsection (b) of section 51-164n of the 2008 supplement to
434 the general statutes is repealed and the following is substituted in lieu
435 thereof (*Effective October 1, 2008*):

436 (b) Notwithstanding any provision of the general statutes, any
437 person who is alleged to have committed (1) a violation under the
438 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-

439 283, 7-325, 7-393, 8-25 of the 2008 supplement to the general statutes, 8-
440 27, 9-63, 9-296 of the 2008 supplement to the general statutes, 9-305, 9-
441 322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-
442 170aa, 12-292, or 12-326g of the 2008 supplement to the general
443 statutes, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of
444 section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-
445 107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-
446 140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42,
447 section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a,
448 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412,
449 section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-
450 27a, subsection (e) of section 14-34a, subsection (d) of section 14-35,
451 section 14-43, 14-49 of the 2008 supplement to the general statutes, 14-
452 50a or 14-58, subsection (b) of section 14-66 of the 2008 supplement to
453 the general statutes, section 14-66a, 14-66b or 14-67a, subsection (g) of
454 section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b,
455 14-103a of the 2008 supplement to the general statutes, 14-106a, 14-
456 106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in
457 subsection (f) of section 14-164i, section 14-219 as specified in
458 subsection (e) of said section, subdivision (1) of section 14-223a, section
459 14-240, 14-249, 14-250 or 14-253a of the 2008 supplement to the general
460 statutes, subsection (a) of section 14-261a of the 2008 supplement to the
461 general statutes, section 14-262, 14-264, 14-267a of the 2008 supplement
462 to the general statutes, 14-269, 14-270, 14-275a, 14-278 or 14-279,
463 subsection (e) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-
464 319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1),
465 (2) or (3) of section 14-386a, section 15-33, subsection (a) of section 15-
466 115, section 16-256, 16-256e, 16a-15 of the 2008 supplement to the
467 general statutes or 16a-22, subsection (a) or (b) of section 16a-22h,
468 section 17a-24, 17a-145 of the 2008 supplement to the general statutes,
469 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 of the
470 2008 supplement to the general statutes or 17b-734, subsection (b) of
471 section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b)
472 of section 19a-87a, section 19a-91 of the 2008 supplement to the general
473 statutes, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286,

474 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339,
475 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or
476 20-324e, subsection (a) of section 20-341 of the 2008 supplement to the
477 general statutes, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-
478 39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25 of the 2008
479 supplement to the general statutes, 21a-26 or 21a-30, subsection (a) of
480 section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77 of the 2008
481 supplement to the general statutes, subsection (b) of section 21a-79,
482 section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34,
483 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49,
484 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a,
485 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of
486 section 22-344, section 22-359, 22-366, 22-391 of the 2008 supplement to
487 the general statutes, 22-413 of the 2008 supplement to the general
488 statutes, 22-414 of the 2008 supplement to the general statutes, 22-415
489 of the 2008 supplement to the general statutes, 22a-66a of the 2008
490 supplement to the general statutes or 22a-246, subsection (a) of section
491 22a-250, subsection (e) of section 22a-256h, subsection (a) of section
492 22a-381d, section 22a-449 of the 2008 supplement to the general
493 statutes, 22a-461, 23-37, 23-38, 23-46 of the 2008 supplement to the
494 general statutes or 23-61b, subsection (a) or (b) of section 23-65, section
495 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61,
496 26-64, 26-79, 26-89, 26-97 of the 2008 supplement to the general
497 statutes, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207,
498 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13 of the 2008 supplement to
499 the general statutes, 29-6a, 29-109, 29-143o, 29-143z, 29-156a, as
500 amended by this act, subsection (b), (d), (e) or (f) of section 29-161q, as
501 amended by this act, section 29-161y, 29-161z, 29-198, 29-210 of the
502 2008 supplement to the general statutes, 29-243, 29-277, 29-316, 29-318,
503 29-341 of the 2008 supplement to the general statutes, 29-381, 30-48a,
504 30-86a, 31-3, 31-10, 31-11, 31-12 of the 2008 supplement to the general
505 statutes, 31-13 of the 2008 supplement to the general statutes, 31-14, 31-
506 15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a,
507 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54,
508 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,

509 31-76a of the 2008 supplement to the general statutes, 31-89b or 31-134,
510 subsection (i) of section 31-273, section 31-288 of the 2008 supplement
511 to the general statutes, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658,
512 subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22 of the
513 2008 supplement to the general statutes, 46b-24 of the 2008 supplement
514 to the general statutes, 46b-34, 46b-38dd of the 2008 supplement to the
515 general statutes, 46b-38gg of the 2008 supplement to the general
516 statutes, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, subsection (a)
517 or (b) of section 53-211, or section 53-212a, 53-249a, 53-252, 53-264, 53-
518 302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450,
519 or (2) a violation under the provisions of chapter 268, or (3) a violation
520 of any regulation adopted in accordance with the provisions of section
521 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance,
522 regulation or bylaw of any town, city or borough, except violations of
523 building codes and the health code, for which the penalty exceeds
524 ninety dollars but does not exceed two hundred fifty dollars, unless
525 such town, city or borough has established a payment and hearing
526 procedure for such violation pursuant to section 7-152c, shall follow
527 the procedures set forth in this section.

528 Sec. 14. Section 51-344b of the general statutes is repealed and the
529 following is substituted in lieu thereof (*Effective October 1, 2008*):

530 Whenever the term "judicial district of Hartford" is used or referred
531 to in the following sections of the general statutes, the term "judicial
532 district of New Britain" shall be substituted in lieu thereof: Subsection
533 (b) of section 3-70a, sections 3-71a and 4-164, subsection (c) of section 4-
534 183, subdivision (4) of subsection (g) of section 10-153e, subparagraph
535 (C) of subdivision (4) of subsection (e) of section 10a-109n of the 2008
536 supplement to the general statutes, sections 12-3a, 12-89, 12-103, 12-
537 208, 12-237, 12-242hh, 12-242ii, 12-242kk, 12-268l, 12-307, 12-312, 12-
538 330m, 12-405k, 12-422, 12-448, 12-454, 12-463, 12-489, 12-522, 12-554, 12-
539 586g and 12-597, subsection (b) of section 12-638i, sections 12-730, 14-
540 57, 14-66 of the 2008 supplement to the general statutes, 14-195, 14-324,
541 14-331 and 19a-85, subsection (f) of section 19a-332e, subsection (d) of
542 section 19a-653, sections 20-156, 20-247, 20-307, 20-373, 20-583 and 21a-

543 55, subsection (e) of section 22-7, sections 22-320d and 22-386,
 544 subsection (e) of section 22a-6b of the 2008 supplement to the general
 545 statutes, section 22a-30, subsection (a) of section 22a-34, subsection (b)
 546 of section 22a-34, section 22a-182a, subsection (f) of section 22a-225,
 547 sections 22a-227, 22a-344, 22a-374, 22a-408 and 22a-449g, subsection (f)
 548 of section 25-32e, section 29-158, as amended by this act, subsection
 549 [(e)] (f) of section 29-161z, as amended by this act, sections 36b-30 and
 550 36b-76, subsection (f) of section 38a-41, section 38a-52, subsection (c) of
 551 section 38a-150, sections 38a-185, 38a-209 and 38a-225, subdivision (3)
 552 of section 38a-226b, sections 38a-241, 38a-337 and 38a-657, subsection
 553 (c) of section 38a-774, section 38a-776, subsection (c) of section 38a-817
 554 and section 38a-994.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	29-152u
Sec. 2	<i>October 1, 2008</i>	29-156a
Sec. 3	<i>October 1, 2008</i>	29-156b
Sec. 4	<i>October 1, 2008</i>	29-156d
Sec. 5	<i>October 1, 2008</i>	29-158
Sec. 6	<i>October 1, 2008</i>	29-161
Sec. 7	<i>October 1, 2008</i>	29-161m
Sec. 8	<i>October 1, 2008</i>	29-161q
Sec. 9	<i>October 1, 2008</i>	29-161v
Sec. 10	<i>October 1, 2008</i>	29-161x
Sec. 11	<i>October 1, 2008</i>	29-161y
Sec. 12	<i>October 1, 2008</i>	29-161z
Sec. 13	<i>October 1, 2008</i>	51-164n(b)
Sec. 14	<i>October 1, 2008</i>	51-344b

PS *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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Judicial Department (Probation); Correction, Dept.	GF - Potential Savings	Minimal	Minimal
Judicial Dept.	GF - Potential Revenue Loss	Minimal	Minimal
Public Safety, Dept.	GF - See Below	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases the security officer license fee from \$20 to \$50, which will result in a minimal revenue gain in FY 09. The bill also increases the license renewal period from two to five years, however, which will result in a minimal revenue loss in FY 10. Over the long term, the revenue impact will be neutral as the effect of increasing the renewal period will mitigate the effect of the fee increase. Although the security officer fee will be collected by the Department of Public Safety (DPS), the funds will be deposited into the General Fund.

Upon a security officer’s successful licensure, DPS would be required to provide that security guard with an ID card, resulting in a minimal cost to the agency associated with producing and printing the card.

The bill reduces criminal penalties for certain violations related to the registering of private security officers, private detectives and private detective agencies.¹ It thereby decreases the likelihood that any person who violates these provisions would be sentenced to a

¹ Over the past six complete fiscal years, 8 Superior Court cases have been disposed of under these statutes; none of these offenses resulted in fines or imprisonment.

term of imprisonment and/or probation supervision, which could result in state savings.

The Out Years

The annualized savings identified above would continue into the future subject to inflation. The annualized revenue impact to the Judicial Department identified above would remain constant into the future since fine amounts are set by statute. The annualized cost to the Department of Public Safety identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 179*****AN ACT CONCERNING THE LICENSING AND TRAINING OF PRIVATE DETECTIVES, GUARD SERVICES AND SECURITY PERSONNEL.*****SUMMARY:**

This bill makes changes in the private investigative and private security laws. It requires security officers employed by non-security businesses to be licensed, but not registered, if they (1) are uniformed and (2) perform security work in any area of the employer's premises to which the public has unrestricted access or access only by paid admission. It explicitly prohibits any security officer required to be licensed from working before being licensed. It extends the license renewal period from two to five years, changes the fee from \$20 to \$50 to reflect the additional three years, and conforms the law to practice by making the fee nonrefundable.

The bill defines a "private investigator" as anyone providing detective services to a private detective business or private detective agency business and requires employers to register them with the Department of Public Safety (DPS). This reflects DPS practice of registering "employee investigators." It allows DPS to take administrative sanctions against private investigators who violate the law. It specifies that for regulatory purposes of the private detective and private security industry, a licensee is a person or corporation "engaged in the business."

The bill requires anyone teaching security officer licensure and firearm safety and use courses to be approved by the commissioner and meet standards, unless they were teaching approved courses before September 30, 2008. The approval is free and, apparently, valid for life unless suspended or revoked.

The bill modifies the penalties for certain violations and imposes penalties for others, including imposing a \$75 per day penalty on an instructor who provides the security officer firearms safety and use course without the commissioner's approval. Another statute, which this bill does not change, sets the penalty for this same violation at \$5,000, imprisonment for up to five years, or both. The bill allows fines for certain violations to be paid by mail.

The bill makes miscellaneous minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2008

SECURITY OFFICER

Licensing

For licensing and regulatory purposes, security officers fall into two broad categories: (1) those employed by private security companies (businesses) and (2) those employed by non-security businesses (and sometimes called proprietary security officers). The law requires security officers employed by security businesses to be licensed and registered by DPS. It does not appear to (and DPS does not, in practice) require those employed by non-security businesses to be licensed or registered, unless the employees carry firearms on the job, in which case they must be registered. By law, all security officers who carry firearms on the job must be registered and get a special DPS gun permit, regardless of who employs them.

The bill requires security officers employed by non-security businesses to be trained and licensed (but not registered) only if they (1) are uniformed and (2) perform security work in any area to which the public has unrestricted access or access only by paid admission. It prohibits anyone required to be licensed as a security officer, irrespective of who employs them, to work as such before being licensed. It also eliminates a provision requiring security officers employed by security companies to be licensed before their employers apply to register them. It eliminates a provision allowing employers of

proprietary security officers who do not carry firearms on the job to register the security officers with DPS.

The bill allows the commissioner to suspend or revoke the special firearm permit for violations of the provisions governing the permit. This includes failure to take the annual refresher course in firearm safety and use and carrying the firearm without the valid permits (§ 12). Aggrieved parties may appeal the commissioner's action to Superior Court.

Security Officer Identification

The bill requires that a security officer be issued an identification card (apparently by DPS) after completing licensure training. The card must contain the security officer's name, date of birth, address, full-face photograph, physical description, and signature. The security officer must carry it on the job and show it to any law enforcement official who asks to see it (§ 8).

SECURITY SERVICE LICENSE

The law requires an applicant for licensure as a security service business to have, among other qualifications, (1) at least five years supervisory or management experience in industrial security, a state or federal security agency, or a state or local police department or (2) 10 years experience as a police officer. The bill does not count individual experience gained while operating unlicensed toward the business licensing requirement.

PRIVATE INVESTIGATORS

Definition

The law defines private detective and private detective agencies as licensed businesses that provide investigative services or workers to provide such services. The bill defines "private investigator" as an employee who performs services necessary for the conduct of such businesses. In keeping with current DPS practice, the bill requires the businesses to register these employees (currently labeled investigatory employees) with DPS and inform DPS when it terminates any of them.

It substitutes the term “private investigator” for the following terms that more appropriately apply to a security guard business licensee: agent operator, assistant, guard, watchman, and patrolman.

The bill changes two registration conditions. First, it eliminates a requirement that the commissioner find applicants suitable and requires, instead, that he register all qualified applicants. Secondly, it requires the commissioner to deny registration to anyone convicted of a crime involving moral turpitude, instead of crimes involving a person’s honesty and integrity. (*Black’s Law Dictionary* defines “moral turpitude” as conduct contrary to justice, honesty, and morality.)

INSTRUCTOR APPROVALS

By law, security officers who carry firearms on the job must get a special DPS permit, in addition to and after getting a DPS permit required to carry handguns in Connecticut. To qualify for the special permit, the applicant must successfully complete an approved firearm safety and use training course. The law requires the commissioner to adopt regulations governing the approval of schools or organizations offering the courses, including the requirement for instructors, number of hours, and course contents. The bill codifies the approval requirement for course instructors. It also requires the commissioner to approve the instructors for the licensure course for security officers. The approval for both courses appears to be valid for life, unless revoked or suspended for violations (§ 8(b)(1)) and 12(c)(1)).

Approval Application

Approval applications must be made on DPS forms under oath. An applicant must provide his or her (1) name, address, date and place of birth; (2) employment during the previous five years; (3) education or training in the subjects; (4) convictions for violations of the law; and (5) any other information DPS requires by regulation to properly investigate the applicant’s character, competency and integrity.

The bill prohibits the commissioner from approving anyone (1) convicted of a felony, sexual offense, or crime of moral turpitude; (2)

who has been denied “approval as a security service licensee, a security officer or instructor in the security industry”; or (3) whose approval has been revoked or suspended.

The bill exempts from the approval requirement instructors teaching courses approved by the commissioner on or before September 30, 2008, unless they have been convicted of a felony, sexual offense, or crime of moral turpitude (§§ 12, 8).

Revocation or Suspension of Private Investigator Registration (§ 5); Security Officer Instructor Approval (§ 9)

The bill allows the commissioner to suspend or revoke private investigator registration and security officer instructor approval, after notice and hearing opportunity, if the person:

1. violated pertinent laws or regulations,
2. has practiced fraud, deceit, or misrepresentation;
3. made a material misstatement in the applicable application;
4. has demonstrated incompetence or untrustworthiness in the conduct of the pertinent business; or
5. has been convicted of a felony or other crime (a) involving moral turpitude or, in the case of the security officer instructor approval, (b) affecting the applicant’s honesty, integrity, or moral fitness (§§ 9 & 5).

If the registrant (but apparently not the instructor) has been convicted of 3rd degree assault or 2nd threatening, the commissioner must consider the facts and circumstances surrounding the conviction before suspending or revoking the registration. Parties aggrieved by the commissioner’s actions may appeal to the New Britain Superior Court (§ 5).

An aggrieved party may appeal the commissioner’s order to the Superior Court.

Revocation or Suspension of Firearm Safety Use Instructor Approval

The commissioner may suspend or revoke the firearm permit instructor approval if he finds that the instructor violated the provisions governing approval. The commission must provide notice and opportunity to be heard. Any aggrieved party may appeal to the Superior Court (§ 12(f)).

VIOLATIONS AND PENALTIES***Private Detective Industry***

The bill reduces the penalty for private detective and private detective agency licensees who fail to register or inform DPS when they terminate registered employees. Under current law, the penalty is imprisonment for up to one year, a fine of up to \$5,000, or both (§ 6). The bill instead imposes a penalty of \$75 per offense, with (1) each distinct violation and (2) each day of a continuing violation being separate offenses (§ 2(e)).

Security Industry

The bill reduces the penalty for licensees failing to register security officers or notify DPS of terminated employees. Under current law, the penalty is imprisonment for up to one year, a fine of up to \$5,000, or both (§§ 10(a); 8(d), (e)). The bill, instead, imposes a penalty of \$75 per offense, with (1) each distinct violation and (2) each day of a continuing violation being separate offenses. It imposes the same penalties on (1) non-security businesses that violate these provisions, (2) licensees and non-security businesses who illegally employ unlicensed security officers (§ 8(f)), (3) security officers required to be licensed who work unlicensed (§ 8(b)), and (4) instructors who provide the security officer licensure training without the commissioner's approval (§ 8(b)(1)).

Special Firearms Permit

Under existing law, which the bill does not change, the penalty for violating the provisions governing the special gun permit for armed security officers is \$75 for each day of a violation. The bill amends a

separate statute imposing a fine of up to \$5,000, imprisonment for up to five years, or both for the same violation (§ 10(a)).

The bill imposes a penalty of \$75 per day on any instructor who provides the security officer firearms safety and use course without the commissioner's approval. Another statute sets the penalty for the same violation at \$5,000, imprisonment for up to five years, or both (§ 10(a), 12(d)).

Civil Penalties

The bill allows the commissioner to adopt regulations establishing civil penalties up to \$5,000 for violations of the provisions governing the security industry, except those pertaining to the permit for armed security officers (§ 10(a)). By law, the commissioner must already adopt regulations concerning the course content, hours, schools and instructors for the permit (§ 12(b)).

Fines Payable by Mail

The bill allows violators to pay the fines for the following violations by mail: (1) providing security officer training without the commissioner's approval, (2) failure to register security officers or notify the commissioner of terminated employees, and (3) employment of or working as an unlicensed security guard when licensure is required. Similar fines for other violations of the security and private industry laws are already payable by mail.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 22 Nay 0 (03/06/2008)