



House of Representatives

File No. 665

General Assembly

February Session, 2018

(Reprint of File No. 174)

Substitute House Bill No. 5219
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 2, 2018

***AN ACT ALLOWING APPLICANTS FOR SECURITY OFFICER
LICENSES TO WORK AS SECURITY OFFICERS.***

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

1 Section 1. Section 29-161q of the 2018 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2018*):

4 (a) Any security service or business may employ as many security
5 officers as such security service or business deems necessary for the
6 conduct of the business, provided such security officers are of good
7 moral character and at least eighteen years of age.

8 (b) No person hired or otherwise engaged to perform work as a
9 security officer, as defined in section 29-152u, shall perform the duties
10 of a security officer prior to being licensed as a security officer by the
11 Commissioner of Emergency Services and Public Protection, except as
12 provided in subsection (h) of this section. Each applicant for a license
13 shall complete a minimum of eight hours training in the following
14 areas: Basic first aid, search and seizure laws and regulations, use of

15 force, basic criminal justice and public safety issues. The commissioner
16 shall waive such training for any person who, [(A)] while serving in
17 the armed forces or the National Guard, or [(B)] if such person is a
18 veteran, within two years of such person's discharge from the armed
19 forces, presents proof that such person has completed military training
20 that is equivalent to the training required by this subsection, and, if
21 applicable, such person's military discharge document or a certified
22 copy thereof. For the purposes of this subsection, "veteran" means any
23 person who was discharged or released under conditions other than
24 dishonorable from active service in the armed forces, "armed forces"
25 has the same meaning as provided in section 27-103, and "military
26 discharge document" has the same meaning as provided in section 1-
27 219. The training shall be approved by the commissioner in accordance
28 with regulations adopted pursuant to section 29-161x.

29 (1) On and after October 1, 2008, no person or employee of an
30 association, corporation or partnership shall conduct such training
31 without the approval of the commissioner except as provided in
32 subdivision (2) of this subsection. Application for such approval shall
33 be submitted on forms prescribed by the commissioner and
34 accompanied by a fee of forty dollars. Such application shall be made
35 under oath and shall contain the applicant's name, address, date and
36 place of birth, employment for the previous five years, education or
37 training in the subjects required to be taught under this subsection, any
38 convictions for violations of the law and such other information as the
39 commissioner may require by regulation adopted pursuant to section
40 29-161x to properly investigate the character, competency and integrity
41 of the applicant. No person shall be approved as an instructor for such
42 training who has been convicted of a felony, a sexual offense or a crime
43 of moral turpitude or who has been denied approval as a security
44 service licensee, a security officer or instructor in the security industry
45 by any licensing authority, or whose approval has been revoked or
46 suspended. The term for such approval shall not exceed two years. Not
47 later than two business days after a change of address, any person
48 approved as an instructor in accordance with this section shall notify

49 the commissioner of such change and such notification shall include
50 both the old and new addresses.

51 (2) If a security officer training course described in this subsection is
52 approved by the commissioner on or before September 30, 2008, the
53 instructor of such course shall have until April 1, 2009, to apply for
54 approval as an instructor in accordance with subdivision (1) of this
55 subsection.

56 (3) Each person approved as an instructor in accordance with this
57 section may apply for the renewal of such approval on a form
58 approved by the commissioner, accompanied by a fee of forty dollars.
59 Such form may require the disclosure of any information necessary for
60 the commissioner to determine whether the instructor's suitability to
61 serve as an instructor has changed since the issuance of the prior
62 approval. The term of such renewed approval shall not exceed two
63 years.

64 (c) Not later than two years after successful completion of the
65 training required pursuant to subsection (b) of this section, or the
66 waiver of such training, the applicant may submit an application for a
67 license as a security officer on forms furnished by the commissioner
68 and, under oath, shall give the applicant's name, address, date and
69 place of birth, employment for the previous five years, experience in
70 the position applied for, including military training and weapons
71 qualifications, any convictions for violations of the law and such other
72 information as the commissioner may require, by regulation, to
73 properly investigate the character, competency and integrity of the
74 applicant. The commissioner shall require any applicant for a license
75 under this section to submit to state and national criminal history
76 records checks conducted in accordance with section 29-17a. Each
77 applicant shall submit with the application two sets of his or her
78 fingerprints on forms specified and furnished by the commissioner,
79 two full-face photographs, two inches wide by two inches high, taken
80 not earlier than six months prior to the date of application, and a one-
81 hundred-dollar licensing fee, made payable to the state. Any applicant

82 who received a waiver as provided in subsection (b) of this section
83 shall be exempt from payment of such licensing fee. Subject to the
84 provisions of section 46a-80, no person shall be approved for a license
85 who has been convicted of a felony, any sexual offense or any crime
86 involving moral turpitude, or who has been refused a license under the
87 provisions of sections 29-161g to 29-161x, inclusive, for any reason
88 except minimum experience, or whose license, having been granted,
89 has been revoked or is under suspension. Upon being satisfied of the
90 suitability of the applicant for licensure, the commissioner may license
91 the applicant as a security officer. Such license shall be renewed every
92 five years for a one-hundred-dollar fee. The commissioner shall send a
93 notice of the expiration date of such license to the holder of such
94 license, by first class mail, not less than ninety days before such
95 expiration, and shall enclose with such notice an application for
96 renewal. The security officer license shall be valid for a period of
97 ninety days after its expiration date unless the license has been
98 revoked or is under suspension pursuant to section 29-161v. An
99 application for renewal filed with the commissioner after the
100 expiration date shall be accompanied by a late fee of twenty-five
101 dollars. The commissioner shall not renew any license that has been
102 expired for more than ninety days.

103 (d) Upon the security officer's successful completion of training and
104 licensing by the commissioner, or immediately upon hiring a licensed
105 security officer, the security service employing such security officer
106 shall apply to register such security officer with the commissioner on
107 forms provided by the commissioner. Such application shall be
108 accompanied by payment of a forty-dollar application fee payable to
109 the state. The Division of State Police within the Department of
110 Emergency Services and Public Protection shall keep on file the
111 completed registration form and all related material. An identification
112 card with the name, date of birth, address, full-face photograph,
113 physical descriptors and signature of the applicant shall be issued to
114 the security officer, and shall be carried by the security officer at all
115 times while performing the duties associated with the security officer's

116 employment. Registered security officers, in the course of performing
117 their duties, shall present such card for inspection upon the request of
118 a law enforcement officer.

119 (e) The security service shall notify the commissioner not later than
120 five days after the termination of employment of any registered
121 employee.

122 (f) Any fee or portion of a fee paid pursuant to this section shall not
123 be refundable.

124 (g) No person, firm or corporation shall employ or otherwise engage
125 any person as a security officer, as defined in section 29-152u, unless
126 such person (1) is a licensed security officer, or (2) meets the
127 requirements of subsection (h) of this section.

128 (h) During the time that an application for a license as a security
129 officer is pending with the commissioner, the applicant may perform
130 the duties of security officer, provided (1) the security service
131 employing the applicant conducts, or has a consumer reporting agency
132 regulated under the federal Fair Credit Reporting Act conduct, a state
133 and national criminal history records check and determines the
134 applicant meets the requirements of subsection (c) of this section to be
135 a security officer, and (2) the applicant (A) successfully completed the
136 training required pursuant to subsection (b) of this section, or obtained
137 a waiver of such training, and (B) performs the duties of a security
138 officer under the direct on-site supervision of a licensed security officer
139 with at least one year of experience as a licensed security officer. The
140 applicant shall not perform such duties at a public or private
141 preschool, elementary or secondary school or at a facility licensed and
142 used exclusively as a child care center, as described in subdivision (1)
143 of subsection (a) of section 19a-77. The applicant shall cease to perform
144 such duties pursuant to this subsection when the commissioner grants
145 or denies the pending application for a security license under this
146 section.

147 [(h)] (i) Any person, firm or corporation that violates any provision

148 of subsection (b), (d), (e), [or] (g) or (h) of this section shall be fined
149 seventy-five dollars for each offense. Each distinct violation of this
150 section shall be a separate offense and, in the case of a continuing
151 violation, each day thereof shall be deemed a separate offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	29-161q

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Department of Emergency Services and Public Protection	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

There is expected to be a minimal revenue gain resulting from the bill, which allows applicants of security officer licenses to work in a certain capacity while their application with the Department of Emergency Services and Public Protection is pending. There is approximately a three month backlog in license applications, deterring individuals from applying for a license. It is expected that, if individuals are able to work while their application is pending, more will be encouraged to apply and submit the associated \$100 fee.

House "A" required that applicants currently awaiting a license shall not work in certain child care and school setting. The amendment has no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5219 (as amended by House "A")******AN ACT ALLOWING APPLICANTS FOR SECURITY OFFICER LICENSES TO WORK AS SECURITY OFFICERS.*****SUMMARY**

This bill establishes conditions under which security services may employ applicants for a security officer license to work as security officers while their applications are pending. It also prohibits applicants from working at (1) public or private preschools, elementary schools, or secondary schools or (2) facilities licensed as child care centers and used solely for that purpose.

Under current law, only individuals licensed by the Department of Emergency Services and Public Protection (DESPP) commissioner may be hired as, and perform the duties of, security officers.

The bill subjects violators of these conditions to the same \$75 fine that applies to other provisions of the security officer licensure law. By law, each distinct violation is a separate offense, and each day's continuance of a violation is a separate offense.

The bill also makes technical and conforming changes.

*House Amendment "A" adds the provision on preschools, elementary and secondary schools, and child care centers.

EFFECTIVE DATE: July 1, 2018

CONDITIONS UNDER WHICH APPLICANTS MAY WORK AS SECURITY OFFICERS

Under the bill, an applicant for a security officer license may perform the duties of a security officer if the:

1. employing security service conducts, or has a consumer reporting agency regulated under the federal Fair Credit Reporting Act conduct, a state and national criminal history records check and determines that he or she meets the existing statutory requirements to be a security officer (see BACKGROUND);
2. applicant successfully completed the required security officer training or obtained a training waiver; and
3. applicant works under the direct on-site supervision of a licensed security officer with at least one year of experience.

Under the bill, the applicant's authority to work as a security officer under these conditions ends when the DESPP commissioner grants or denies his or her pending application.

BACKGROUND

Security Services

By law, a "security service" is any person or business that charges to provide various crime prevention or protection services, including the (1) prevention or detection of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on the property the security service was hired to protect; (2) provision of patrol and armored car services; or (3) provision of guard dogs (CGS § 29-152u(8)). Any person who engages in the business of, or solicits business as, a security service must be licensed by the DESPP commissioner (CGS § 29-161g).

Security Officers

By law, a "security officer" is a licensed and registered person hired to safeguard and protect people and property by (1) detecting or preventing unlawful intrusion, entry, larceny, vandalism, abuse, arson, or trespass or (2) preventing, observing, or detecting unauthorized activity. A security officer may be employed by a (1) security service or (2) non-security business as a uniformed employee who performs security work in an area of the business' premises to which the public

has unrestricted access or access only by paid admission (CGS § 29-152u(7)).

The existing statutory requirements to obtain a security officer license include (1) undergoing state and national criminal history records checks and (2) successfully completing, within the two previous years, at least eight hours of training in basic first aid, search and seizure laws and regulations, use of force, basic criminal justice, and public safety issues. An applicant may obtain a training waiver from the DESPP commissioner by providing proof of equivalent military training.

Existing law generally prohibits DESPP from licensing anyone:

1. convicted of any felony;
2. convicted of a sexual offense or crime that raises questions about his or her integrity and honesty;
3. denied a security service or security officer license for any reason except minimum experience; or
4. whose security service or security officer license was ever revoked or is under suspension (CGS §§ 29-161q(b) & (c)).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 21 Nay 4 (03/16/2018)