

104TH CONGRESS
1ST SESSION

H. R. 2092

To expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1995

Mr. BARR (for himself, Mr. MARTINEZ, Mr. HEINEMAN, Mr. SCHIFF, Mr. BERMAN, Mr. SERRANO, and Mr. BRYANT of Tennessee) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Private Security Offi-
5 cer Quality Assurance Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) employment of private security officers in
2 the United States is growing rapidly;

3 (2) the private security industry provides nu-
4 merous opportunities for entry-level job applicants,
5 including individuals suffering from unemployment
6 due to economic conditions or dislocations;

7 (3) sworn law enforcement officers provide sig-
8 nificant services to the citizens of the United States
9 in its public areas, and are only supplemented by
10 private security officers who provide prevention and
11 reporting services in support of, but not in place of,
12 regular sworn police;

13 (4) given the growth of large private shopping
14 malls, and the consequent reduction in the number
15 of public shopping streets, the American public is
16 more likely to have contact with private security per-
17 sonnel in the course of a day than with sworn law
18 enforcement officers;

19 (5) regardless of the differences in their duties,
20 skill, and responsibilities, the public has difficulty in
21 discerning the difference between sworn law enforce-
22 ment officers and private security personnel;

23 (6) the American public demands the employ-
24 ment of qualified, well-trained private security per-

1 sonnel as an adjunct, but not a replacement for
2 sworn law enforcement officers;

3 (7) the States and employers should be required
4 to determine the qualifications of applicants for em-
5 ployment as private security personnel;

6 (8) employers should be required to ensure at
7 least minimum training for newly hired private secu-
8 rity personnel and refresher training for experienced
9 personnel, based upon State-imposed standards;

10 (9) State requirements, if any, for screening
11 and training private security personnel vary widely;

12 (10) public safety would be improved if all
13 States required appropriate screening and training
14 of private security personnel;

15 (11) States should enact laws imposing mini-
16 mum standards that are uniform nationwide for the
17 screening and training of private security personnel,
18 although States should be allowed to enact stricter
19 or more rigorous standards if they so choose; and

20 (12) State law applicable to private security
21 personnel should apply to all private security person-
22 nel.

23 **SEC. 3. BACKGROUND CHECKS.**

24 (a) IN GENERAL.—An association of employers of
25 private security officers, designated for the purpose of this

1 section by the Attorney General, may submit fingerprints
2 or other methods of positive identification approved by the
3 Attorney General, to the Attorney General on behalf of
4 any applicant for a State license or certificate of registra-
5 tion as a private security officer or employer of private
6 security officers. In response to such a submission, the At-
7 torney General may, to the extent provided by State law
8 conforming to the requirements of the second paragraph
9 under the heading “Federal Bureau of Investigation” and
10 the subheading “Salaries and Expenses” in title II of Pub-
11 lic Law 92–544 (86 Stat. 1115), exchange, for licensing
12 and employment purposes, identification and criminal his-
13 tory records with the State governmental agencies to
14 which such applicant has applied.

15 (b) REGULATIONS.—The Attorney General may pre-
16 scribe such regulations as may be necessary to carry out
17 this section, including measures relating to the security,
18 confidentiality, accuracy, use, and dissemination of infor-
19 mation and audits and recordkeeping.

20 (c) REPORT.—The Attorney General shall report to
21 the Senate and House Committees on the Judiciary 2
22 years after the date of enactment of this bill on the num-
23 ber of inquiries made by the association of employers
24 under this section and their disposition.

1 **SEC. 4. STATE LICENSING OR REGISTRATION OF SECURITY**
2 **OFFICERS.**

3 For the purpose of assuring that private security offi-
4 cers are qualified to provide the public with security serv-
5 ices, it is the sense of the Congress that the several States
6 should enact statutes which would include the following:

7 (1) EMPLOYER LICENSES.—Requirements and
8 procedures for issuing licenses to, and reviewing se-
9 curity services, of employers. A State could require
10 an employer to name an individual holder of such li-
11 cense:

12 (A) FEES.—Fees on licenses of employers
13 of private security officers should compensate
14 the State for its direct costs of implementing
15 and enforcing the program. Revenues from such
16 fees should be dedicated to this regulatory pro-
17 gram.

18 (B) ASSIGNMENT TO DUTY.—Procedures
19 should require that employers may assign an
20 employee to duty as an unarmed private secu-
21 rity officer prior to the State's approval of the
22 employee's registration as a private security of-
23 ficer only after the employer has—

24 (i) submitted an application for a
25 criminal records background check,

1 (ii) initiated verification of the em-
2 ployee's personal references and 5 year em-
3 ployment history, and

4 (iii) verified that the employee has
5 successfully completed the classroom train-
6 ing required by paragraph (3).

7 (2) REGISTRATION PERMITS.—Requirements
8 for issuance of registration permits by the State reg-
9 ulatory authority to private security officers, includ-
10 ing the following provisions:

11 (A) Permits should be valid for 3 years.

12 (B) Applicants who have been convicted of
13 committing a felony or a misdemeanor, either of
14 which the State Regulatory Agency determines
15 relevant to the performance of security services
16 should be denied a registration permit. States
17 should utilize the criminal records forwarded by
18 the Department of Justice in addition to State
19 police records in making this determination.

20 (C) Employers must certify that the em-
21 ployees have completed classroom and on the
22 job training.

23 (3) TRAINING REQUIREMENTS.—Each State
24 should have in effect training requirements for pri-

1 vate security officers that consist of the following, at
2 a minimum:

3 (A) For unarmed security officers, the fol-
4 lowing:

5 (i) Eight hours of basic classroom in-
6 struction, successful completion of a writ-
7 ten examination, and four hours of on the
8 job training.

9 (ii) Such classroom training should in-
10 clude, at a minimum, the following:

11 (I) The legal powers and limita-
12 tions of a private security officer, in-
13 cluding instruction in the law of ar-
14 rest, search and seizure, and the use
15 of force as related to security services.

16 (II) Safety and fire detection and
17 reporting.

18 (III) When and how to notify
19 public authorities.

20 (IV) The techniques of observa-
21 tion and reporting of incidents, and
22 how to prepare an incident report.

23 (V) The fundamentals of patrol-
24 ling.

25 (VI) Deportment and ethics.

1 (B) For armored car personnel, the State
2 should have in effect training and testing that
3 appropriately reflects the nature of their duties
4 rather than the classroom instruction required
5 by subparagraph (A).

6 (C) For electronic security officers, the
7 State should require training and testing that
8 adequately prepares the registrant for duties in
9 the fields of burglar alarms, fire alarms, closed
10 circuit television, access control, or system mon-
11 itoring.

12 (D) For armed private security officers, in
13 addition to the training required by paragraph
14 (1) or (2), the following:

15 (i) Fifteen hours of weapons instruc-
16 tions (including the marksmanship de-
17 scribed in clause (ii)) and successful com-
18 pletion of a written examination on—

19 (I) the legal limitations on the
20 use of,

21 (II) weapons handling, and

22 (III) safety and maintenance.

23 (ii) A minimum marksmanship quali-
24 fication of 70 percent attained on any sil-

1 houette target course approved by the
2 State regulatory agency.

3 (E) Each State should have in effect a re-
4 quirement for an annual refresher course in the
5 subjects listed in this section. Armed private se-
6 curity officers should be required to requalify
7 on the range.

8 (4) WAIVER.—On the request of an employer,
9 a State should waive the preassignment screening
10 requirements and training requirement if the secu-
11 rity officer holds a valid registration certificate of
12 that State, or is a sworn law enforcement officer.

13 (5) RECOGNITION OF OUT-OF-STATE LI-
14 CENSES.—A State should accept proof of licensure
15 of registration (accompanied by an appropriate fee)
16 from other States as valid licenses providing the
17 State's training and screening requirements are con-
18 sistent.

19 (6) EMPLOYEE PROTECTION.—A State should
20 have in effect a law that makes invalid and unen-
21 forceable any unreasonable limitation imposed by an
22 employer on the right of an employee to seek or ob-
23 tain subsequent employment as a private security of-
24 ficer after voluntary or involuntary termination of
25 employment by such employer.

1 (7) **ADVISORY BOARDS.**—States should use ad-
2 visory boards to provide information to regulators
3 enforcing the statute. Such boards should include
4 persons engaged in the business of providing secu-
5 rity, security managers, law enforcement officials,
6 and members of the public.

7 **SEC. 5. DEFINITIONS.**

8 As used in this Act—

9 (1) the term “employee” includes an applicant
10 for employment;

11 (2) the term “employer” means any person
12 that—

13 (A) employs one or more private security
14 officers; or

15 (B) provides, as an independent contrac-
16 tor, for consideration, the services of one or
17 more private security officers (possibly includ-
18 ing oneself);

19 (3) the term “felony” means an offense for
20 which a term of imprisonment exceeding one year
21 may be imposed;

22 (4) the term “misdemeanor” means an offense
23 for which a maximum term of imprisonment of one
24 year or less may be imposed;

25 (5) the term “private security officer”

1 (A) means—

2 (i) an individual who performs secu-
3 rity services, full or part time, for consider-
4 ation as an independent contractor or an
5 employee, whether armed or unarmed and
6 in uniform or plain clothes whose primary
7 duty is to perform security services, or

8 (ii) an individual who is an employee
9 of an electronic security system company
10 engaged in one or more of the following ac-
11 tivities in the State: burglar alarm techni-
12 cian, fire alarm technician, closed circuit
13 television technician, access control techni-
14 cian, or security system monitor; but

15 (B) does not include—

16 (i) sworn police officers who have law
17 enforcement powers in the State,

18 (ii) attorneys, accountants, and other
19 professionals who are otherwise licensed in
20 the State,

21 (iii) employees whose duties are pri-
22 marily internal audit or credit functions,

23 (iv) persons whose duties may inciden-
24 tally include the reporting or apprehension
25 of shoplifters or trespassers, or

1 (v) an individual on active duty in the
2 military service;

3 (6) the term “registration permit” means a li-
4 cense, permit, certificate, registration card, or other
5 formal written permission from the State for the
6 person to engage in providing security services;

7 (7) the term “security services” means the per-
8 formance of one or more of the following:

9 (A) the observation or reporting of intru-
10 sion, larceny, vandalism, fire or trespass;

11 (B) the deterrence of theft or misappro-
12 priation of any goods, money, or other item of
13 value;

14 (C) the observation or reporting of any un-
15 lawful activity;

16 (D) the protection of individuals or prop-
17 erty, including proprietary information, from
18 harm or misappropriation;

19 (E) the control of access to premises being
20 protected;

21 (F) the secure movement of prisoners;

22 (G) the maintenance of order and safety at
23 athletic, entertainment, or other public activi-
24 ties;

1 (H) the provision of canine services for
2 protecting premises or for the detection of any
3 unlawful device or substance; and

4 (I) the transportation of money or other
5 valuables by armored vehicle;

6 (8) the term “State” means any of the several
7 States, the District of Columbia, the Commonwealth
8 of Puerto Rico, the United States Virgin Islands,
9 American Samoa, Guam, and the Commonwealth of
10 the Northern Mariana Islands; and

11 (9) the term “State Regulatory Agency” means
12 an appropriate State regulatory entity.

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