

ASSEMBLY, No. 1043

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman DORIA and Assemblywoman WEINBERG

1 **AN ACT** providing for the licensing of certain security officers and the
2 registration of their employers and supplementing Title 45 of the
3 Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. As used in this act:

9 "Armed security officer" means a person who is required by his
10 employer to carry a handgun while in the performance of his duties and
11 who is licensed as an armed security officer under this act.

12 "Armored car company" means a company which, for itself or under
13 contract with another, transports currency, valuables, jewelry, food
14 stamps, or any other item which requires secured delivery from one
15 place to another with armored personnel.

16 "Armored car security other" means an armed security officer who
17 is employed by an armored car company.

18 "Board" means the State Advisory Board on Security Officers
19 established pursuant to section 13 of this act.

20 "Director" means the Director of the Division of State Licensing of
21 Security Officers in the Department of Law and Public Safety
22 established pursuant to section 12 of this act.

23 "Division" means the Division of State Licensing of Security
24 Officers in the Department of Law and Public Safety established
25 pursuant to section 12 of this act.

26 "Employer" means a security officer company, an armored car
27 company, or agency that employs security officers or, in the case of
28 security officers employed for in-house service, a person that employs
29 security officers for that purpose , all of which are required to register
30 pursuant to this act.

31 "Security officer" a. means a person who is employed, part or full
32 time, in uniform or plain clothes, primarily to protect persons or
33 property, or both, for any purpose, including, but not limited to:

34 (1) The prevention of intrusion or entry, larceny, vandalism, abuse,
35 fire, trespass or any unauthorized activity on private property;

1 (2) The control, regulation or direction of the flow or movements
2 of the public, whether by vehicle, on foot or otherwise on private
3 property;

4 (3) The maintenance of order and safety at athletic, entertainment
5 or other public activities;

6 (4) Providing canine services for guarding of premises or for the
7 detection of any unlawful device or substance; and

8 (5) The protection of individuals from bodily harm.

9 b. The term shall include:

10 (1) Security personnel employed for in-house service by any
11 organization;

12 (2) Except as otherwise provided, persons employed as watchmen,
13 guards and private patrolmen by a private detective business which is
14 licensed in accordance with "The Private Detective Act of 1939,"
15 P.L.1939, c.369 (C.45:19-8 et seq.); and

16 (3) Armed security officers, unarmed security officers, and
17 armored car security officers.

18 c. The term shall not include:

19 (1) An employee whose duties are restricted to the central station
20 of a fire or burglar alarm company unless the employee physically
21 reports to the premises where the alarm originated;

22 (2) An employee whose duties are primarily internal audit and
23 credit functions;

24 (3) Air carriers regulated by the Federal Aviation Administration
25 pursuant to 14 CFR §§121.1 et seq. or 135.1 et seq., their contractors,
26 or air carrier security operations performed in accordance with 14
27 CFR §§107.1 et seq. or 108.1 et seq.

28 (4) A security officer or security supervisor for a nuclear facility
29 existing under license of the federal Nuclear Regulatory Commission;
30 and

31 (5) Law enforcement personnel who are active or retired. An
32 employer or potential employer, however, may require training of a
33 law enforcement officer.

34 "Unarmed security officer" means a person who is not required by
35 his employer to carry a handgun while in the performance of his duties,
36 and who is licensed as an unarmed security officer.

37

38 2. a. The director shall issue any of the following to a person
39 satisfying the requirements set forth in section 3 of this act:

40 (1) An "A" license for an unarmed security officer;

41 (2) A "B" license for an armed security officer;

42 (3) A "C" license for an armored car security officer.

43 b. The director shall register an employer according to the
44 provisions of subsection a. of section 4 of this act.

45 c. The board, after a public hearing, shall establish fees to be
46 imposed for the purposes of this act. These fees , dedicated to the

1 administration of this act, shall not be in excess of the prorated direct
2 costs of administration.

3

4 3. a. A person shall meet the requirements for licensure under this
5 act prior to becoming or continuing in employment as a watchman or
6 guard under "The Private Detective Act of 1939," P.L.1939, c.369
7 (C.45:19-8 et seq.) or as a security officer under this act. The
8 director shall issue an appropriate license to a person who:

9 (1) Pursuant to a criminal history background check, including
10 fingerprint comparison, conducted through the Federal Bureau of
11 Investigation or the State Bureau of Identification in the Division of
12 State Police, has no record of conviction for a crime enumerated in
13 section 5 of this act. The result of the criminal history background
14 check shall be reported to the applicant and the employer or
15 prospective employer within five days after the director receives the
16 information;

17 (2) Satisfactorily completes at least eight hours of training
18 approved by the board. This training shall include, but not be limited
19 to, report writing, fire detection, reporting, and safety procedures,
20 general crime prevention procedures and legal powers and limitations
21 of a security officer. Training shall be provided by an instructor
22 certified by the director for the training of security officers pursuant
23 to section 10 of this act. The training programs provided by
24 employers with in-house security officers shall meet the standards for
25 training approved by the board. The instructors for the training
26 programs provided by employers with in-house security officers shall
27 be certified by the director according to standards recommended by
28 the board;

29 (3) Completes eight consecutive hours of on-the-job training
30 conducted by the employer or prospective employer. On-the-job
31 training shall include, but not be limited to, reviewing the layout of the
32 assigned workplace, site-specific emergency procedures and phone
33 numbers, contact persons, and existing security apparatus. An
34 armored car security officer shall complete eight consecutive hours of
35 on-the-job training conducted by the employer;

36 (4) Satisfactorily completes a physical examination by a physician
37 licensed by the State of New Jersey;

38 (5) Satisfactorily completes a psychological examination approved
39 by the board;

40 (6) Has not been disqualified for licensure pursuant to section 5 of
41 this act;

42 (7) Successfully completes a written competency examination
43 approved by the board; and

44 (8) Furnishes in a timely manner the employee statement, as
45 required by section 7 of this act.

46 b. A security officer employed in this State on the effective date of

1 this act shall receive licensure if, within one year of the effective date
2 of this act, he successfully completes the written examination required
3 by this section, or if within 90 days after failing that examination, he
4 successfully completes the course of instruction required pursuant to
5 this section.

6 c. Any applicant for licensure who fails the written competency
7 examination required pursuant to paragraph (7) of subsection a. of this
8 section three times within one twelve month period shall not receive
9 licensure. Persons disqualified for licensure pursuant to this
10 subsection or section 5 of this act may not reapply for licensure except
11 under extraordinary circumstances, as established by the director.

12 d. A person holding a valid security officer license from another
13 state , which has licensing requirements which are substantially similar
14 to the licensing requirements of this act, shall receive licensure if,
15 within 90 days of employment as a security officer in this State, he
16 successfully completes the written examination required pursuant to
17 this section, or within 90 days of failing that written examination, he
18 successfully completes the course of instruction required pursuant to
19 this section.

20 e. A license issued pursuant to subsection a. of this section shall be
21 reissued biennially by the director upon completion by the applicant of
22 four hours of renewal training approved by the board and upon
23 completion of any other requirements recommended by the board.
24 Notwithstanding the provisions of this subsection, an armored car
25 security officer and his employer shall comply with the requirements
26 of federal law pursuant to the "Armored Car Industry Reciprocity Act
27 of 1993," Pub.L.103-55 (15 U.S.C.§5901 et seq.).

28 f. Notwithstanding the provisions of this section (1) a person who
29 possesses an unarmed security officer license issued by another state,
30 an armed security officer license issued by another state and a valid
31 permit to carry a handgun pursuant to N.J.S.2C:58-4, or an armored
32 car security officer license issued by another state may be employed
33 as an unarmed security officer, armed security officer, or armored car
34 security officer in this State for a period not to exceed 90 days in one
35 12 month period, provided that the license was issued by a state with
36 licensing requirements substantially similar to the requirements of this
37 act; or (2) a person who is employed as a security officer by an out of
38 State employer and who has completed a training program of an
39 employer whose training requirements are substantially similar to the
40 requirements of this act may be employed as an unarmed security
41 officer in this State for a period not to exceed 90 days in one 12 month
42 period, and provided further that the licensee or person described in
43 paragraph (2) of this subsection:

- 44 (a) is on temporary assignment;
45 (b) performs the duties pursuant to the license ,if applicable;
46 (c) continues to be employed by the employer from the state where

1 the license was issued or training given; and provided further that the
2 employer notifies the director of the assignment.

3

4 4. a. No employer shall employ a security officer or offer security
5 officer services unless the employer is registered by the director
6 according to the requirements recommended by the board. These
7 requirements shall include, but not be limited to, three letters of
8 reference from other citizens and a statement noting the primary place
9 of business and the locations of all other branches of business. The
10 registration shall be reissued biennially by the director. The
11 registration shall be posted in a place visible to the public in the
12 employer's primary place of business.

13 b. Employers who employ security officers on the effective date of
14 this act may continue such employment without being registered for no
15 more than 90 days after that date. Any change in the information
16 required by the director for registration shall be reported to the
17 director within five days. The requirements of this subsection shall not
18 apply to any person who contracts with an employer of security
19 officers for the provision of security officers.

20 c. An employer shall hire and retain in employment only those
21 security officers who are licensed by the director or who are in the
22 process of applying for licensure pursuant to section 3 of this act. An
23 employer may issue a non-renewable, temporary license for no more
24 than 90 days, provided that the applicant has completed the
25 requirements of section 3 of this act and the employer has no
26 knowledge of the applicant's conviction of a crime which would
27 disqualify him pursuant to section 5 of this act. The director may issue
28 a 45-day special renewal license beyond the 90-day period to any
29 individual whose application is otherwise complete and approvable
30 except for the receipt of the criminal background check.

31 d. An employer may pay all or part of the costs of licensure and the
32 costs of the training required pursuant to this act. An individual
33 seeking security officer licensure may pay the costs of licensure and
34 the costs of the training required pursuant to this act.

35 e. All employers shall be required to maintain comprehensive
36 general liability insurance for death, personal injury, false arrest, false
37 imprisonment, malicious prosecution, libel, slander and violation of the
38 right of privacy, in an amount no less than \$100,000 per occurrence
39 and \$300,000 in the aggregate. An employer's general liability
40 insurance cannot be cancelled unless 30 days notice is given to the
41 director.

42 f. An emergency situation shall exist if a temporary, unforeseen
43 combination of circumstances requires immediate action to secure or
44 protect personnel, property, or both. In an emergency situation, an
45 employer may employ for no more than 48 hours unarmed security
46 officers that have not yet completed the training required in paragraph

1 (3) of subsection a. of section 3 of this act. Unarmed security officers
2 employed in an emergency situation shall complete the on-the-job
3 training required by this act as soon as is reasonable.

4

5 5. a. A person shall not be licensed or, if licensed, shall lose
6 licensure as a security officer if he has been convicted of a crime of the
7 first, second or third degree or has been convicted more than once of
8 a crime of the fourth degree or their equivalents in any jurisdiction,
9 and who has not, subsequent to such conviction, received executive
10 pardon therefor. All licensees shall report any disqualifying conviction
11 to the director within 24 hours of the conviction.

12 b. Any person whose private detective or investigator's license
13 under "The Private Detective Act of 1939," P.L.1939, c.369
14 (C.45:19-8 et seq.) was revoked or application for the license was
15 denied by the director or by the authorities of any other state or
16 territory because of conviction for any of the crimes or offenses
17 specified in this section shall not be licensed unless the licensing action
18 has been nullified by a court of competent jurisdiction.

19 c. The director shall conduct a cross reference criminal history
20 check of each licensed security officer at least annually with the
21 national and State crime registries. The cost of the annual
22 cross-reference criminal history check shall be included in the license
23 and registration fees approved by the board.

24

25 6. a. An armed security officer shall complete, in addition to the
26 training required by section 3 of this act, a firearms training program
27 and annual firearms refresher course which shall be approved by the
28 Police Training Commission in the Department of Law and Public
29 Safety established pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.),
30 and which shall comply with standards substantially based on the
31 firearms training course and range qualification course established at
32 the Monmouth County Police Academy, and which shall be taught by
33 an instructor certified by the director. The firearms training program
34 and annual firearms refresher course shall consist of a written
35 examination on which an applicant shall obtain a score of 90% or
36 above and shall consist of actual firing range experience at which an
37 applicant shall obtain an average score of 80% or above.

38 b. All armed security officers and armored car security officers
39 shall be exempt from the requirements of N.J.S.2C:58-4 for a permit
40 to carry a handgun, but shall complete the requirements for an armed
41 security officer under this act

42

43 7. a. Notwithstanding any provisions to the contrary for
44 watchmen, guards or private patrolmen under section 9 of P.L.1939,
45 c.369 (C.45:19-16), the employer or prospective employer of a person
46 who applies to be a licensed security officer shall submit to the

1 director a statement, executed by the employee or prospective
2 employee, to be known as an "employee statement," setting forth the
3 following:

4 (1) Full name, age, residence address, and place and date of birth;

5 (2) The country of which he is a citizen;

6 (3) The businesses or occupations engaged in for the five years
7 immediately preceding the date of the filing of the statement, setting
8 forth the place or places where such businesses or occupations were
9 engaged in, and the name or names of employers, if any;

10 (4) Convictions of crimes or offenses involving moral turpitude or
11 of any of the crimes or offenses referred to or described in section 5
12 of this act;

13 (5) The names and addresses of three personal references; and

14 (6) Any further information that the director may by rule require
15 to show the good character, competency and integrity of the applicant.

16 b. An employer or prospective employer shall make every effort to
17 verify an employee statement as required pursuant to subsection a. of
18 this section.

19

20 8. For each application for licensure as a security officer, the
21 director shall:

22 a. Assemble all records and other information concerning the
23 applicant required for licensure pursuant to section 3 of this act.

24 b. Evaluate the qualifications of an applicant for licensure in
25 accordance with the requirements of this act.

26 c. Notify by regular mail the applicant, and the employer or the
27 prospective employer, of his determination within five days of the
28 receipt of the State criminal background check. Failure of the director
29 to receive a report of federal fingerprint files shall not alone constitute
30 a ground for denying a license to an applicant.

31 d. The denial of licensure as a security officer under this section
32 shall be reviewable by an administrative adjudication as set forth in the
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.).

35

36 9. a. The director shall maintain a computerized registry of all
37 persons who apply for licensure or have been licensed as a security
38 officer. The employer or potential employer shall obtain only the
39 name, date of birth, registration number, employment history and
40 security officer license status of the employee or potential employee.

41 b. The director shall maintain all records collected from applicants
42 pursuant to this act for a period of five years after the applicant's
43 termination as a security officer, resignation, retirement, or
44 non-renewal of the applicant's license. An employer shall notify the
45 director whenever a security officer in their employ is terminated,
46 resigns, or retires.

1 10. a. No instructor shall teach a course of instruction required by
2 this act unless he is certified by the director according to standards
3 recommended by the board.

4 b. A course of instruction required by this act shall be certified by
5 the board.

6 c. The director shall monitor the course of instruction offered by
7 any certified instructor at least annually, without notice, to ensure
8 compliance with the standards promulgated pursuant to this act.

9

10 11. a. Any security officer who violates a provision of this act shall
11 be guilty of a disorderly persons offense.

12 b. Any employer who violates a provision of this act is guilty of a
13 disorderly persons offense and subject to a fine not to exceed \$1,000
14 for each offense. The fines collected pursuant to this subsection shall
15 be deposited in the General Fund.

16

17 12. a. There is created in the Department of Law and Public Safety
18 a Division of State Licensing of Security Officers to be administered
19 by a director, who shall be appointed by the Attorney General and
20 serve at the Attorney General's pleasure, and which shall include other
21 personnel as determined by the Attorney General. The director and
22 staff shall carry out the duties specified pursuant to this act.

23 b. The Attorney General shall maintain within any public building,
24 whether owned or leased by the State, suitable quarters for the
25 division's office and meeting place, except that no office or meeting
26 place shall be within premises owned or occupied by an officer or
27 member of the board.

28 c. The director is authorized and directed to employ field
29 investigators and administrative staff to assist in the enforcement of
30 this act.

31 d. The director shall report annually to the board concerning the
32 costs of administering this act and make recommendations regarding
33 the adjustment of fees.

34 e. All information gathered by the division relating to employer
35 personnel matters shall be kept strictly confidential unless otherwise
36 noted in this act.

37

38 13. a. There is created in the Department of Law and Public Safety
39 a State Advisory Board on Security Officers consisting of 11 members,
40 10 of whom shall be appointed by the Governor, with the advice and
41 consent of the Senate. The membership of the board shall be as
42 follows: the Attorney General, or his designee, who shall serve ex
43 officio; and the 10 appointed members, including a representative of
44 the New Jersey State Association of Chiefs of Police; a representative
45 from the National Association of Security Companies; one public
46 member who is not affiliated with the private security industry and one

1 other public member; three representatives of private industry
2 employing proprietary security; a representative of the National
3 Armored Car Association; a representative of the burglar alarm
4 industry; and a representative of private industry who hires contract
5 security officers.

6 The term of office of each appointed board member shall be four
7 years; except that of the members first appointed, three shall serve for
8 two years, three shall serve for three years, and four shall serve for
9 four years. Vacancies shall be filled for the unexpired terms only. No
10 member may be appointed for more than two consecutive terms.

11 The organization, meetings and management of the board shall be
12 established in regulations promulgated by the Attorney General.

13 The officers and members of the board shall not be compensated,
14 but shall be reimbursed for actual expenses reasonably incurred in the
15 performance of their duties.

16 The Attorney General shall maintain within any public building,
17 whether owned or leased by the State, suitable quarters for the board's
18 office and meeting place, except that no office or meeting place shall
19 be within premises owned or occupied by an officer or member of the
20 board.

21 The executive secretary of the board shall be appointed by the
22 Attorney General and shall serve at his pleasure.

23 The Attorney General shall provide staffing and any administrative
24 assistance that he may deem necessary in order for the board to carry
25 out its duties pursuant to this act.

26 b. The duties of the board shall be as follows: to establish
27 standards for the training and examination of security officers; to establish
28 standards for the certification of instructors; to establish
29 standards for the registration of employers; to recommend to the
30 director and the Attorney General regulations necessary to effectuate
31 the provisions of this act; to participate in the formulation of rules and
32 regulations, the hearing of grievances, the establishment of standards,
33 and the issuance and revocation of licenses registrations and
34 certificates; to monitor and regulate misleading advertising of security
35 officer services by employers; to establish fees pursuant to the
36 provisions of section 2 of this act for the licensing of security officers,
37 the registration of employers and the certification of instructors¹; to
38 oversee the implementation of this act by the director and the Attorney
39 General; and to report to the Legislature on the effectiveness of this
40 act and to recommend any changes in the law necessary to provide
41 competent and trustworthy private security officersonservices to the
42 general public.

43 c. All information gathered by the board relating to employer
44 personnel matters shall be kept strictly confidential unless otherwise
45 noted in this act.

1 14. The Attorney General shall promulgate rules and regulations
2 recommended by the board pursuant to the "Administrative Procedure
3 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) in order to effectuate the
4 provisions of this act.

5

6 15. This act shall take effect one year after enactment, but sections
7 12, 13 and 14 of this act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill requires the licensing of security officers by the Director
13 of the Division of State Licensing of Security Officers, which is
14 established by the bill in the Department of Law and Public Safety.
15 The substitute also creates in the Department of Law and Public
16 Safety a State Advisory Board on Security Officers to consist of nine
17 members, eight of whom shall be appointed by the Governor with the
18 advice and consent of the Senate, and a ninth member who shall be the
19 Attorney General or his designee who shall serve ex officio.

The bill requires the director to issue an unarmed security officer license, an armed security officer license or an armored car security officer license to anyone satisfying the respective licensing requirements. Applicants for licensure must satisfy the following requirements: a State or federal criminal history background check which reveals no convictions for crimes of the first, second or third degree or not more than one conviction of a crime of the fourth degree; completion of twelve hours of training approved by the board; completion of four consecutive hours of on-the-job training; completion of a physical and psychological examination; completion of a written competency exam; and execution of an employee statement.

32 The substitute's licensing requirements do not apply to: employees
33 whose duties are restricted to the central station of a fire or burglar
34 alarm company unless the employee physically reports to the premises
35 where the alarm originated or to employees whose duties are primarily
36 internal audit and credit functions; to air carriers, their contractors or
37 air carrier security operations regulated by the Federal Aviation
38 Administration; and to security officers or security supervisors for a
39 nuclear facility existing under license of the Nuclear Regulatory
40 Commission. Active or retired law enforcement personnel are not
41 subject to the bill's licensing requirements; however, they may be
42 required by their employers to satisfy training requirements.

43 Security officers employed on the bill's effective date shall receive
44 licensure if they pass the written exam within one year after the
45 effective date or if they complete the training requirements within 90
46 days after failing the written exam.

1

2

3 Requires the licensing of certain security officers and the registration
4 of their employers.