

[Fourth Reprint]  
ASSEMBLY, No. 1043

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman DORIA. Assemblywoman WEINBERG,  
Assemblymen Zisa, Blee and LeFevre

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 officer" 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 <sup>2</sup>the State or any agency or instrumentality of  
27 the State, or any political subdivision of the State, or any agency or  
28 instrumentality of such political subdivision that employs security

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

<sup>1</sup> Assembly ACP committee amendments adopted December 16, 1996.

<sup>2</sup> Assembly AAP committee amendments adopted March 3, 1997.

<sup>3</sup> Assembly floor amendments adopted March 13, 1997.

<sup>4</sup> Assembly floor amendments adopted June 19, 1997.

1 officers or<sup>2</sup> a security officer company, an armored car company, or  
2 agency that employs security officers or, in the case of security officers  
3 employed for in-house service, a person that employs security officers  
4 for that purpose , all of which are required to register pursuant to this  
5 act <sup>4</sup>[<sup>2</sup>, except that no entity with 50 or fewer employees shall be  
6 considered an employer for purposes of this act<sup>2</sup>]<sup>4</sup>.

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

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

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

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

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

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

20 b. The term shall include:

21 (1) Security personnel employed for in-house service by any  
22 organization;

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

27 (3) Armed security officers, unarmed security officers, and  
28 armored car security officers.

29 c. The term shall not include:

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

33 (2) An employee whose duties are primarily internal audit and  
34 credit functions;

35 (3) Air carriers regulated by the Federal Aviation Administration  
36 pursuant to 14 C.F.R §§121.1 et seq. or 135.1 et seq., their  
37 contractors, or air carrier security operations performed in accordance  
38 with 14 C.F.R §§107.1 et seq. or 108.1 et seq.

39 (4) A security officer or security supervisor for a nuclear facility  
40 existing under license of the federal Nuclear Regulatory Commission;  
41 <sup>1</sup>[and]<sup>1</sup>

42 (5) Law enforcement personnel who are active or retired. An  
43 employer or potential employer, however, may require training of a  
44 law enforcement officer <sup>3</sup>[<sup>1</sup>; and]<sup>3</sup>

45 (6) An employee of a business who is unarmed and in plain clothes  
46 and whose primary responsibility is loss prevention and the protection

1 of the business's assets<sup>1 3</sup>; and

2 (7) A person licensed to act as a port watchman pursuant to Article  
3 X of Part I of chapter 23 of P.L.1953, c.202 (C.32:23-39 et seq.)  
4 when acting in that capacity<sup>3</sup>.

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

8

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

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

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

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

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

16 c. The board, after a public hearing, shall establish fees to be  
17 imposed for the purposes of this act. These fees, dedicated to the  
18 administration of this act, shall not be in excess of the prorated direct  
19 cost of administration <sup>4</sup>; provided that in no event shall the fees  
20 annually exceed \$30 per security officer<sup>4</sup>.

21

22 3. a. A person shall meet the requirements for licensure under this  
23 act prior to <sup>2</sup>[becoming] beginning<sup>2</sup> or continuing in employment as a  
24 watchman or guard under "The Private Detective Act of 1939,"  
25 P.L.1939, c.369 (C.45:19-8 et seq.) or as a security officer under this  
26 act. The director shall issue an appropriate license to a person who:

27 (1) Pursuant to a criminal history background check, including  
28 fingerprint comparison, conducted through the Federal Bureau of  
29 Investigation or the State Bureau of Identification in the Division of  
30 State Police, has no record of conviction for a crime enumerated in  
31 section 5 of this act. The result of the criminal history background  
32 check shall be reported to the applicant and the employer or  
33 prospective employer within five days after the director receives the  
34 information;

35 (2) Satisfactorily completes at least eight hours of training  
36 approved by the board. This training shall include, but not be limited  
37 to, report writing, fire detection, reporting, and safety procedures,  
38 general crime prevention procedures and legal powers and limitations  
39 of a security officer. Training shall be provided by an instructor  
40 certified by the director for the training of security officers pursuant  
41 to section 10 of this act. The training programs provided by  
42 employers with in-house security officers shall meet the standards for  
43 training approved by the board. The instructors for the training  
44 programs provided by employers with in-house security officers shall  
45 be certified by the director according to standards recommended by  
46 the board <sup>2</sup>. An armored car security officer shall satisfactorily

1 complete at least eight hours of training approved by the board, which  
2 shall include, but not be limited to, administration and armored car  
3 orientation, emergency and defensive procedures, general duties, and  
4 legal powers and limitations of an armored car security officer<sup>2</sup>;

5 (3) Completes eight consecutive hours of on-the-job training  
6 conducted by the employer or prospective employer. On-the-job  
7 training shall include, but not be limited to, reviewing the layout of the  
8 assigned workplace, site-specific emergency procedures and phone  
9 numbers, contact persons, and existing security apparatus. An  
10 armored car security officer shall complete eight consecutive hours of  
11 on-the-job training conducted by the employer <sup>2</sup>, which shall include,  
12 but not be limited to, armored car procedures in regard to prevention  
13 and detention, robbery and loss, defensive and general operations, and  
14 documentation<sup>2</sup>;

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

17 (5) Satisfactorily completes a psychological examination approved  
18 by the board;

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

21 (7) Successfully completes a written competency examination  
22 approved by the board; and

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

25 b. A security officer employed in this State on the effective date of  
26 this act shall receive licensure if, within one year of the effective date  
27 of this act, he successfully completes the written examination required  
28 by this section, or if within <sup>2</sup>[90] 120<sup>2</sup> days after failing that  
29 examination, he successfully completes the course of instruction  
30 required pursuant to this section.

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

37 d. A person holding a valid security officer license from another  
38 state, which has licensing requirements which are substantially similar  
39 to the licensing requirements of this act, shall receive licensure if,  
40 within <sup>2</sup>[90] 120<sup>2</sup> days of employment as a security officer in this  
41 State, he successfully completes the written examination required  
42 pursuant to this section, or within <sup>2</sup>[90] 120<sup>2</sup> days of failing that  
43 written examination, he successfully completes the course of  
44 instruction required pursuant to this section.

45 e. A license issued pursuant to subsection a. of this section shall be  
46 reissued biennially by the director upon completion by the applicant of

1 four hours of renewal training approved by the board and upon  
2 completion of any other requirements recommended by the board.  
3 Notwithstanding the provisions of this subsection, an armored car  
4 security officer and his employer shall comply with the requirements  
5 of federal law pursuant to the "Armored Car Industry Reciprocity Act  
6 of 1993," Pub.L.103-55 (15 U.S.C.§5901 et seq.).

7 f. Notwithstanding the provisions of this section, (1) a person who  
8 possesses an unarmed security officer license issued by another state,  
9 an armed security officer license issued by another state and a valid  
10 permit to carry a handgun pursuant to N.J.S.2C:58-4, or an armored  
11 car security officer license issued by another state, may be employed  
12 as an unarmed security officer, armed security officer, or armored car  
13 security officer in this State for a period not to exceed <sup>2</sup>[90] 120<sup>2</sup> days  
14 in one 12 month period, provided that the license was issued by a  
15 state with licensing requirements substantially similar to the  
16 requirements of this act; or (2) a person who is employed as a security  
17 officer by an out-of-State employer and who has completed a training  
18 program of an employer whose training requirements are substantially  
19 similar to the requirements of this act may be employed as an unarmed  
20 security officer in this State for a period not to exceed <sup>2</sup>[90] 120<sup>2</sup> days  
21 in one 12 month period, and provided further that the licensee or  
22 person described in paragraph (2) of this subsection:

23 (a) is on temporary assignment;

24 (b) performs the duties pursuant to the license, if applicable;

25 (c) continues to be employed by the employer from the state where  
26 the license was issued or training given; and provided further that the  
27 employer notifies the director of the assignment.

28  
29 4. a. No employer shall employ a security officer or offer security  
30 officer services unless the employer is registered by the director  
31 according to the requirements recommended by the board. These  
32 requirements shall include, but not be limited to, three letters of  
33 reference from other citizens and a statement noting the primary place  
34 of business and the locations of all other branches of business. The  
35 registration shall be reissued biennially by the director. The  
36 registration shall be posted in a place visible to the public in the  
37 employer's primary place of business.

38 b. Employers who employ security officers on the effective date of  
39 this act may continue such employment without being registered for no  
40 more than <sup>2</sup>[90] 120<sup>2</sup> days after that date. Any change in the  
41 information required by the director for registration shall be reported  
42 to the director within five days. The requirements of this subsection  
43 shall not apply to any person who contracts with an employer of  
44 security officers for the provision of security officers.

45 c. An employer shall hire and retain in employment only those  
46 security officers who are licensed by the director or who are in the

1 process of applying for licensure pursuant to section 3 of this act. An  
2 employer may issue a non-renewable, temporary license for no more  
3 than <sup>2</sup>[90] 120<sup>2</sup> days, provided that the applicant has completed the  
4 requirements of subsection a. of section 3 of this act and the employer  
5 has no knowledge of the applicant's conviction of a crime which would  
6 disqualify him pursuant to section 5 of this act. The director may issue  
7 a 45-day special renewal license beyond the <sup>2</sup>[90-day] 120-day<sup>2</sup> period  
8 to any individual whose application is otherwise complete and  
9 approvable except for the receipt of the criminal background check.

10 d. An employer may pay all or part of the costs of licensure and the  
11 costs of the training required pursuant to this act. An individual  
12 seeking security officer licensure may pay the costs of licensure and  
13 the costs of the training required pursuant to this act.

14 e. All employers shall be required to maintain comprehensive  
15 general liability insurance for death, personal injury, false arrest, false  
16 imprisonment, malicious prosecution, libel, slander and violation of the  
17 right of privacy, in an amount <sup>2</sup>[no] not<sup>2</sup> less than \$100,000 per  
18 occurrence and \$300,000 in the aggregate <sup>2</sup>,except that employers of  
19 armored car companies shall be required to maintain comprehensive  
20 general liability insurance in an amount not less than \$500,000 per  
21 occurrence and \$1,000,000 in the aggregate<sup>2</sup>. An employer's general  
22 liability insurance cannot be cancelled unless 30 days' notice is given  
23 to the director.

24 f. An emergency situation shall exist if a temporary, unforeseen  
25 combination of circumstances requires immediate action to secure or  
26 protect personnel, property, or both. In an emergency situation, an  
27 employer may employ for no more than 48 hours unarmed security  
28 officers that have not yet completed the training required in paragraph  
29 (3) of subsection a. of section 3 of this act. Unarmed security officers  
30 employed in an emergency situation shall complete the on-the-job  
31 training required by this act as soon as is reasonable.

32  
33 5. a. A person shall not be licensed or, if licensed, shall lose  
34 licensure as a security officer if he has been convicted of a crime of the  
35 first, second or third degree or has been convicted more than once of  
36 a crime of the fourth degree or their equivalents in any jurisdiction,  
37 and who has not, subsequent to such conviction, received executive  
38 pardon therefor. All licensees shall report any disqualifying conviction  
39 to the director within 24 hours of the conviction.

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

1 c. The director shall conduct a cross reference criminal history  
2 check of each licensed security officer at least annually with the  
3 national and State crime registries. The cost of the annual  
4 cross-reference criminal history check shall be included in the license  
5 and registration fees approved by the board.

6  
7 6. a. An armed security officer shall complete, in addition to the  
8 training required by section 3 of this act, a firearms training program  
9 and annual firearms refresher course which shall be approved by the  
10 Police Training Commission in the Department of Law and Public  
11 Safety established pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.),  
12 and which shall comply with standards substantially based on the  
13 firearms training course and range qualification course established at  
14 the Monmouth County Police Academy, and which shall be taught by  
15 an instructor certified by the director. The firearms training program  
16 and annual firearms refresher course shall consist of a written  
17 examination on which an applicant must obtain a score of 90% or  
18 above and shall consist of actual firing range experience at which an  
19 applicant must obtain an average score of 80% or above.

20 <sup>2</sup>b. (1) An armored car security officer shall complete, in addition  
21 to the training required by section 3 of this act, a firearms training  
22 program and an annual firearms refresher course which shall be  
23 approved by the Police Training Commission in the Department of  
24 Law and Public Safety established pursuant to P.L.1961, c.56  
25 (C.52:17B-66 et seq.), and which shall include an approved standard  
26 handgun training and qualification program with each type and caliber  
27 of firearm an armored car security officer may have access to while on  
28 duty, and which shall be taught by an instructor certified by the  
29 director.

30 (2) The firearms training program shall consist of:

31 (a) At least eight hours of handgun classroom training, which shall  
32 include: the proper care of the weapon; civil liability of the use of  
33 firearms; criminal liability of the use of firearms; deadly physical force;  
34 justifiable use of deadly physical force; range safety; practical firearms  
35 handling; principles of marksmanship; and written examination;

36 (b) Range experience that provides adequate and practical firearms  
37 training to an armored car security officer;

38 (c) At least one hour of shotgun classroom training, which shall  
39 include: the proper care and handling of the shotgun; nomenclature;  
40 positions and loading techniques; and written examination; and

41 (d) Range experience that provides adequate and practical shotgun  
42 training to an armored car security officer.

43 (3) The annual firearms refresher course shall consist of not less  
44 than two hours of firearms classroom and firing range training and  
45 each applicant must requalify under the supervision of an instructor  
46 certified by the director.

1     c.<sup>2</sup> All armed security officers and armored car security officers  
2 shall be exempt from the requirements of N.J.S.2C:58-4 for a permit  
3 to carry a handgun, but shall complete the requirements for an armed  
4 security officer under this act.

5  
6     7. a. Notwithstanding any provisions to the contrary for  
7 watchmen, guards or private patrolmen under section 9 of P.L.1939,  
8 c.369 (C.45:19-16), the employer or prospective employer of a person  
9 who applies to be a licensed security officer shall submit to the  
10 director a statement, executed by the employee or prospective  
11 employee, to be known as an "employee statement," setting forth the  
12 following:

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

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

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

19       (4) Convictions of crimes or offenses involving moral turpitude or  
20 of any of the crimes or offenses referred to or described in section 5  
21 of this act;

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

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

25     b. An employer or prospective employer shall make every  
26 reasonable<sup>2</sup> effort to verify an employee statement as required  
27 pursuant to subsection a. of this section.

28  
29     8. For each application for licensure as a security officer, the  
30 director shall:

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

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

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

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

44  
45     9. a. The director shall maintain a computerized registry of all  
46 persons who apply for licensure or have been licensed as a security

1 officer. The employer or potential employer shall obtain only the  
2 name, date of birth, registration number, employment history and  
3 security officer license status of the employee or potential employee.

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

10

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

14 b. A course of instruction required by this act shall be certified by  
15 the board.

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

19

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

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

26

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

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

38 c. The director is authorized and directed to employ field  
39 investigators and administrative staff to assist in the enforcement of  
40 this act.

41 d. The director shall report annually to the board concerning the  
42 costs of administering this act and make recommendations regarding  
43 the adjustment of fees.

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

1       13. a. There is created in the Department of Law and Public Safety  
2 a State Advisory Board on Security Officers consisting of 11 members,  
3 10 of whom shall be appointed by the Governor, with the advice and  
4 consent of the Senate. The membership of the board shall be as  
5 follows: the Attorney General, or his designee, who shall serve ex  
6 officio; and the 10 appointed members, including a representative of  
7 the New Jersey State Association of Chiefs of Police; a representative  
8 from the National Association of Security Companies; one public  
9 member who is not affiliated with the private security industry and one  
10 other public member; three representatives of private industry  
11 employing proprietary security; a representative of the National  
12 Armored Car Association; a representative of the burglar alarm  
13 industry; and a representative of private industry who hires contract  
14 security officers.

15       The term of office of each appointed board member shall be four  
16 years; except that of the members first appointed, three shall serve for  
17 two years, three shall serve for three years, and four shall serve for  
18 four years. Vacancies shall be filled for the unexpired terms only. No  
19 member may be appointed for more than two consecutive terms.

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

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

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

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

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

35       b. The duties of the board shall be as follows: to establish  
36 standards for the training and examination of security officers; to  
37 recommend standards for the certification of instructors; to establish  
38 standards for the registration of employers; to recommend to the  
39 director and the Attorney General regulations necessary to effectuate  
40 the provisions of this act; to participate in the formulation of rules and  
41 regulations, the hearing of grievances, the establishment of standards,  
42 and the issuance and revocation of licenses registrations and  
43 certificates; to monitor and regulate misleading advertising of security  
44 officer services by employers; to establish fees pursuant to the  
45 provisions of section 2 of this act for the licensing of security officers,  
46 the registration of employers and the certification of instructors<sup>1</sup>; to

1 oversee the implementation of this act by the director and the Attorney  
2 General; and to report to the Legislature on the effectiveness of this  
3 act and to recommend any changes in the law necessary to provide  
4 competent and trustworthy private security officerservices to the  
5 general public.

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

9

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

14

15 15. This act shall take effect one year after enactment, but sections  
16 12, 13 and 14 of this act shall take effect immediately.

17

18

19

20

21 Requires the licensing of certain security officers and the registration  
22 of their employers.