

SENATE, No. 1850

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1997

By Senator BASSANO

1 AN ACT providing for the certification of certain security guards and  
2 supplementing Title 45 of the Revised Statutes.

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

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7 1. As used in this act:

8 "Commission" means the Police Training Commission in the  
9 Department of Law and Public Safety established pursuant to  
10 P.L.1961, c.56 (C.52:17B-66 et seq.).

11 "Security guard" means a person who is primarily employed,  
12 whether armed or unarmed, to protect persons or property, or both,  
13 for any purpose including, but not limited to:

14 a. The prevention of intrusion or entry, larceny, vandalism, abuse,  
15 fire or trespass on private property;

16 b. The control, regulation or direction of the flow or movements  
17 of the public, whether by vehicle, on foot or otherwise on private  
18 property;

19 c. The prevention, observation or detection of any unauthorized  
20 activity on property; and

21 d. The protection of individuals from bodily harm.

22 It shall not include law enforcement personnel who are active or  
23 retired but shall include, except as otherwise provided, persons  
24 employed watchmen, guards and private patrolmen by a private  
25 detective business which is licensed in accordance with "The Private  
26 Detective Act of 1939," P.L.1939, c.369 (C.45:19-8 et seq.).

27 "Superintendent" means the Superintendent of State Police in the  
28 Department of Law and Public Safety.

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30 2. A person shall meet the requirements for certification under this  
31 act prior to becoming or continuing in employment as a watchman or  
32 guard under "The Private Detective Act of 1939," P.L.1939, c.369  
33 (C.45:19-8 et seq.) or as a security guard under this act. The  
34 superintendent shall certify as a security guard a person who:

35 a. Pursuant to a State and federal criminal history background  
36 check through the State Bureau of Identification in the Division of  
37 State Police, has no record of conviction for a crime enumerated in

1 section 4 of this act;

2 b. Satisfactorily completes at least 40 hours of training approved  
3 by the commission. A security guard hired on or after the effective  
4 date of this act shall complete the training within 90 days. A security  
5 guard employed prior to the effective date of this act shall have 180  
6 days to complete the training requirement;

7 c. If hired for the first time as a security guard, completes eight  
8 hours of preassignment training. This training shall be at the expense  
9 of the prospective employer and shall include, but not be limited to,  
10 instruction concerning first aid, report writing, fire prevention and  
11 other emergency procedures, apprehension, and legal powers and  
12 limitations of a security guard. Training shall be provided by an  
13 instructor certified by the commission for the training of security  
14 guards;

15 d. Satisfactorily completes a basic physical and psychological  
16 examination approved by the commission;

17 e. Has not been disqualified for certification pursuant to section 4  
18 of this act; and

19 f. Furnishes in a timely manner the "employee's statement," set  
20 forth in section 6 of this act.

21 The commission may promulgate rules and regulations pursuant to  
22 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
23 seq.) establishing any additional requirements deemed necessary for  
24 the training of security guards and for the certification qualifications  
25 of instructors.

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27 3. A person shall hire and retain in employment only those security  
28 guards who are certified by the superintendent or who are in the  
29 process of applying for certification pursuant to section 2 of this act.  
30 Except as provided in section 9 of this act, a security guard who fails  
31 to satisfactorily complete the requirements of section 2 of this act  
32 during the initial 90 days of employment shall be immediately  
33 terminated and shall be ineligible to apply for certification or be  
34 rehired by any person or private detective business as a security guard  
35 for 24 months. Persons disqualified for certification pursuant to  
36 subsection a. of section 2 or section 4 may not reapply for certification  
37 except under extraordinary circumstances, as established by the  
38 superintendent.

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40 4. A person shall not be certified or shall lose certification as a  
41 security guard if convicted of a crime of the first, second or third  
42 degree or any of the following other crimes and offenses or their  
43 equivalents under the New Jersey Code of Criminal Justice, and if,  
44 subsequent to such conviction, did not receive executive pardon  
45 therefor removing any civil disabilities incurred thereby:

46 a. Theft and related offenses as set forth in N.J.S.2C:20-2b.(3);

- 1       b. Making or possessing burglar's instruments;  
2       c. Buying or receiving stolen property which constitutes theft as  
3 set forth in N.J.S.2C:20-2b.(3);  
4       d. Criminal trespass; or  
5       e. Causing or facilitating escape from official detention.

6       Further, any person whose private detective or investigator's license  
7 under "The Private Detective Act of 1939," P.L.1939, c.369  
8 (C.45:19-8 et seq.) was revoked or application for the license was  
9 denied by the superintendent or by the authorities of any other state or  
10 territory because of conviction for any of the crimes or offenses  
11 specified in this section shall not be certified except where the  
12 licensing action has been nullified by a court of competent jurisdiction.

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14       5. A security guard who is required by his employer to carry a  
15 handgun while in the performance of his duties shall have have a valid  
16 permit to carry a handgun pursuant to N.J.S.2C:58-4 and shall  
17 complete, in addition to the training required in subsection b. of  
18 section 2 of this act, a firearms training program and annual firearms  
19 refresher course which shall comply with standards promulgated by the  
20 commission.

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22       6. a. Notwithstanding any provisions to the contrary for  
23 watchmen, guards or private patrolmen under section 9 of P.L.1939,  
24 c.369 (C.45:19-16), the employer or prospective employer of a person  
25 who applies to be a certified security guard shall submit to the chief  
26 law enforcement officer in the municipality in which the person is to  
27 be primarily employed:

28       (1) A request for a criminal history background check of the  
29 employee or prospective employee, and

30       (2) A verified statement submitted by the employee or prospective  
31 employee, to be known as an "employee's statement," setting forth the  
32 following:

33       (a) Full name, age, residence address, and place and date of birth;

34       (b) The country of which he is a citizen;

35       (c) The businesses or occupations engaged in for the five years  
36 immediately preceding the date of the filing of the statement, setting  
37 forth the place or places where such businesses or occupations were  
38 engaged in, and the name or names of employers, if any;

39       (d) Convictions of crimes or offenses involving moral turpitude or  
40 of any of the crimes or offenses referred to or described in section 4  
41 of this act; and

42       (e) Any further information that the superintendent may by rule  
43 require to show the good character, competency and integrity of the  
44 applicant.

45       b. Immediately upon the receipt of the request for a criminal  
46 history background check and the employee's statement, the police

1 department of the municipality in which the person is to be primarily  
2 employed may verify any or all portions of the statement and shall  
3 cause the prospective employee to have two sets of fingerprints taken.  
4 These fingerprints shall be filed with the superintendent together with  
5 any verification of an employee's statement. The employer or  
6 prospective employer shall be responsible for the cost of the criminal  
7 history background check. Within seven days after the filing of the  
8 fingerprints, the superintendent shall cause the fingerprints to be  
9 compared with fingerprints filed with the State Bureau of  
10 Identification. The bureau shall further exchange fingerprint data and  
11 criminal record information with the Federal Bureau of Investigation  
12 on a person seeking to be employed as a certified security guard.

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14 7. For each application for certification as a security guard, the  
15 superintendent shall:

16 a. Assemble all records and other information concerning the  
17 applicant required for certification pursuant to section 2.

18 b. Evaluate the qualifications of an applicant for certification in  
19 accordance with the requirements of this act.

20 c. Notify the applicant and the prospective employer, if any, of his  
21 determination within 30 days of the receipt of all required records and  
22 other information.

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24 8. a. The superintendent shall maintain a computerized registry of  
25 all persons who apply for certification as a security guard. He shall  
26 issue a registration card, in a form he prescribes, authorizing persons  
27 whom he certifies to perform security guard functions. The  
28 superintendent shall forthwith give notice of his decision to the  
29 security guard and his employer or prospective employer, by regular  
30 mail. Failure of the superintendent to obtain a report of federal  
31 fingerprint files shall not alone constitute a ground for denying a  
32 registration card to an applicant.

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

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38 9. Security guards employed on the effective date of this act may  
39 continue in service if, within six months of the effective date of this  
40 act, they will have completed all training and certification requirements  
41 of this act.

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43 10. This act shall take effect on the first day of the seventh month  
44 after enactment.

## STATEMENT

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3 This bill requires the State certification of security guards by the  
4 Superintendent of State Police. Persons who are not certified as  
5 security guards may be hired temporarily while they undergo the  
6 review involved in the certification process.

7 All security guards would be required to complete a 40 hour  
8 training course approved by the Police Training Commission as a  
9 condition of certification. New guards, would also be required to  
10 complete eight hours of preassignment training. Applicants also would  
11 be required to pass a State and federal criminal history background  
12 check based on fingerprints submitted to the local police and pass a  
13 basic physical and psychological examination approved by the Police  
14 Training Commission. If the guard is required to carry a handgun, he  
15 would have to meet the requirements of the State's firearms laws.  
16 Applicants for security guard positions would also be required to  
17 submit an "employee's statement" containing identifying information,  
18 employment information for the previous five years, and a statement  
19 that he or she has not been convicted of any crimes or offenses  
20 enumerated in the bill that would disqualify a person for certification.

21 Disqualifying crimes include: all first, second and third degree  
22 crimes and certain thefts; making or possessing burglar's instruments;  
23 buying or receiving certain stolen property; criminal trespass; causing  
24 or facilitating escape from official detention; or having a private  
25 detective or investigator's license revoked or an application therefor  
26 denied because of a conviction of any of the aforementioned crimes or  
27 offenses.

28 Personnel hired as watchmen, guards or private patrolmen by  
29 licensed private detective businesses would also be required to become  
30 certified since "The Private Detective Act of 1939," under which they  
31 are now regulated by the State Police, neither requires special training  
32 for them nor provides a means of reviewing the criminal records of  
33 currently employed guards.

34 Security guards employed on the bill's effective date may continue  
35 in service if they complete the required training and other certification  
36 requirements within six months.

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41 Requires training, certification of certain security guards.