

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 1850

STATE OF NEW JERSEY

ADOPTED MARCH 24, 1997

Sponsored by Senator BASSANO

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  
13 under contract with another, transports currency, valuables, jewelry,  
14 food stamps, or any other item which requires secured delivery from  
15 one place to another with armored personnel.

16 "Armored car security officer" means an armed security officer  
17 who 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  
21 of 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 the State or any agency or instrumentality of the  
27 State, or any political subdivision of the State, or any agency or  
28 instrumentality of such political subdivision that employs security  
29 officers or a security officer company, an armored car company, or  
30 agency that employs security officers or, in the case of security officers  
31 employed for in-house service, a person that employs security officers  
32 for that purpose, all of which are required to register pursuant to this  
33 act, except that no entity with 50 or fewer employees shall be  
34 considered an employer for purposes of this act.

35 "Security officer" a. means a person who is employed, part or full

- 1 time, in uniform or plain clothes, primarily to protect persons or  
2 property, or both, for any purpose, including, but not limited to:
- 3 (1) The prevention of intrusion or entry, larceny, vandalism,  
4 abuse, fire, trespass or any unauthorized activity on private property;
- 5 (2) The control, regulation or direction of the flow or movements  
6 of the public, whether by vehicle, on foot or otherwise on private  
7 property;
- 8 (3) The maintenance of order and safety at athletic, entertainment  
9 or other public activities;
- 10 (4) Providing canine services for guarding of premises or for the  
11 detection of any unlawful device or substance; and
- 12 (5) The protection of individuals from bodily harm.
- 13 b. The term shall include:
- 14 (1) Security personnel employed for in-house service by any  
15 organization;
- 16 (2) Except as otherwise provided, persons employed as watchmen,  
17 guards and private patrolmen by a private detective business which is  
18 licensed in accordance with "The Private Detective Act of 1939,"  
19 P.L.1939, c.369 (C.45:19-8 et seq.); and
- 20 (3) Armed security officers, unarmed security officers, and  
21 armored car security officers.
- 22 c. The term shall not include:
- 23 (1) An employee whose duties are restricted to the central station  
24 of a fire or burglar alarm company unless the employee physically  
25 reports to the premises where the alarm originated;
- 26 (2) An employee whose duties are primarily internal audit and  
27 credit functions;
- 28 (3) Air carriers regulated by the Federal Aviation Administration  
29 pursuant to 14 C.F.R§§121.1 et seq. or 135.1 et seq., their  
30 contractors, or air carrier security operations performed in accordance  
31 with 14 C.F.R§§107.1 et seq. or 108.1 et seq.
- 32 (4) A security officer or security supervisor for a nuclear facility  
33 existing under license of the federal Nuclear Regulatory Commission;
- 34 (5) Law enforcement personnel who are active or retired. An  
35 employer or potential employer, however, may require training of a  
36 law enforcement officer;
- 37 (6) An employee of a business who is unarmed and in plain clothes  
38 and whose primary responsibility is loss prevention and the protection  
39 of the business's assets; and
- 40 (7) A person licensed to act as a port watchman pursuant to  
41 Article X of Part I of chapter 23 of P.L.1953, c.202 (C.32:23-39 et  
42 seq.) when acting in that capacity.
- 43 "Unarmed security officer" means a person who is not required by  
44 his employer to carry a handgun while in the performance of his duties,  
45 and who is licensed as an unarmed security officer.

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

- 3       (1) An "A" license for an unarmed security officer;  
4       (2) A "B" license for an armed security officer;  
5       (3) A "C" license for an armored car security officer.

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

8       c. The board, after a public hearing, shall establish fees to be  
9 imposed for the purposes of this act. These fees, dedicated to the  
10 administration of this act, shall not be in excess of the prorated direct  
11 costs of administration.

12

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

18       (1) Pursuant to a criminal history background check, including  
19 fingerprint comparison, conducted through the Federal Bureau of  
20 Investigation or the State Bureau of Identification in the Division of  
21 State Police, has no record of conviction for a crime enumerated in  
22 section 5 of this act. The result of the criminal history background  
23 check shall be reported to the applicant and the employer or  
24 prospective employer within five days after the director receives the  
25 information;

26       (2) Satisfactorily completes at least eight hours of training  
27 approved by the board. This training shall include, but not be limited  
28 to, report writing, fire detection, reporting, and safety procedures,  
29 general crime prevention procedures and legal powers and limitations  
30 of a security officer. Training shall be provided by an instructor  
31 certified by the director for the training of security officers pursuant  
32 to section 10 of this act. The training programs provided by  
33 employers with in-house security officers shall meet the standards for  
34 training approved by the board. The instructors for the training  
35 programs provided by employers with in-house security officers shall  
36 be certified by the director according to standards recommended by  
37 the board. An armored car security officer shall satisfactorily  
38 complete at least eight hours of training approved by the board, which  
39 shall include, but not be limited to, administration and armored car  
40 orientation, emergency and defensive procedures, general duties, and  
41 legal powers and limitations of an armored car security officer;

42       (3) Completes eight consecutive hours of on-the-job training  
43 conducted by the employer or prospective employer. On-the-job  
44 training shall include, but not be limited to, reviewing the layout of the  
45 assigned workplace, site-specific emergency procedures and phone  
46 numbers, contact persons, and existing security apparatus. An

1 armored car security officer shall complete eight consecutive hours of  
2 on-the-job training conducted by the employer, which shall include,  
3 but not be limited to, armored car procedures in regard to prevention  
4 and detention, robbery and loss, defensive and general operations, and  
5 documentation;

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

8 (5) Satisfactorily completes a psychological examination approved  
9 by the board;

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

12 (7) Successfully completes a written competency examination  
13 approved by the board; and

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

16 b. A security officer employed in this State on the effective date  
17 of this act shall receive licensure if, within one year of the effective  
18 date of this act, he successfully completes the written examination  
19 required by this section, or if within 120 days after failing that  
20 examination, he successfully completes the course of instruction  
21 required pursuant to this section.

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

28 d. A person holding a valid security officer license from another  
29 state, which has licensing requirements which are substantially similar  
30 to the licensing requirements of this act, shall receive licensure if,  
31 within 120 days of employment as a security officer in this State, he  
32 successfully completes the written examination required pursuant to  
33 this section, or within 120 days of failing that written examination, he  
34 successfully completes the course of instruction required pursuant to  
35 this section.

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

44 f. Notwithstanding the provisions of this section, (1) a person who  
45 possesses an unarmed security officer license issued by another state,  
46 an armed security officer license issued by another state and a valid

1 permit to carry a handgun pursuant to N.J.S.2C:58-4, or an armored  
2 car security officer license issued by another state, may be employed  
3 as an unarmed security officer, armed security officer, or armored car  
4 security officer in this State for a period not to exceed 120 days in one  
5 12 month period, provided that the license was issued by a state with  
6 licensing requirements substantially similar to the requirements of this  
7 act; or (2) a person who is employed as a security officer by an out-of-  
8 State employer and who has completed a training program of an  
9 employer whose training requirements are substantially similar to the  
10 requirements of this act may be employed as an unarmed security  
11 officer in this State for a period not to exceed 120 days in one 12  
12 month period, and provided further that the licensee or person  
13 described in paragraph (2) of this subsection:

14 (a) is on temporary assignment;

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

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

19

20 4. a. No employer shall employ a security officer or offer security  
21 officer services unless the employer is registered by the director  
22 according to the requirements recommended by the board. These  
23 requirements shall include, but not be limited to, three letters of  
24 reference from other citizens and a statement noting the primary place  
25 of business and the locations of all other branches of business. The  
26 registration shall be reissued biennially by the director. The  
27 registration shall be posted in a place visible to the public in the  
28 employer's primary place of business.

29 b. Employers who employ security officers on the effective date  
30 of this act may continue such employment without being registered for  
31 no more than 120 days after that date. Any change in the information  
32 required by the director for registration shall be reported to the  
33 director within five days. The requirements of this subsection shall not  
34 apply to any person who contracts with an employer of security  
35 officers for the provision of security officers.

36 c. An employer shall hire and retain in employment only those  
37 security officers who are licensed by the director or who are in the  
38 process of applying for licensure pursuant to section 3 of this act. An  
39 employer may issue a non-renewable, temporary license for no more  
40 than 120 days, provided that the applicant has completed the  
41 requirements of subsection a. of section 3 of this act and the employer  
42 has no knowledge of the applicant's conviction of a crime which would  
43 disqualify him pursuant to section 5 of this act. The director may issue  
44 a 45-day special renewal license beyond the 120-day period to any  
45 individual whose application is otherwise complete and approvable  
46 except for the receipt of the criminal background check.

1 d. An employer may pay all or part of the costs of licensure and  
2 the costs of the training required pursuant to this act. An individual  
3 seeking security officer licensure may pay the costs of licensure and  
4 the costs of the training required pursuant to this act.

5 e. All employers shall be required to maintain comprehensive  
6 general liability insurance for death, personal injury, false arrest, false  
7 imprisonment, malicious prosecution, libel, slander and violation of the  
8 right of privacy, in an amount not less than \$100,000 per occurrence  
9 and \$300,000 in the aggregate, except that employers of armored car  
10 companies shall be required to maintain comprehensive general liability  
11 insurance in an amount not less than \$500,000 per occurrence and  
12 \$1,000,000 in the aggregate. An employer's general liability insurance  
13 cannot be cancelled unless 30 days' notice is given to the director.

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

22  
23 5. a. A person shall not be licensed or, if licensed, shall lose  
24 licensure as a security officer if he has been convicted of a crime of the  
25 first, second or third degree or has been convicted more than once of  
26 a crime of the fourth degree or their equivalents in any jurisdiction,  
27 and who has not, subsequent to such conviction, received executive  
28 pardon therefor. All licensees shall report any disqualifying conviction  
29 to the director within 24 hours of the conviction.

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

37 c. The director shall conduct a cross reference criminal history  
38 check of each licensed security officer at least annually with the  
39 national and State crime registries. The cost of the annual  
40 cross-reference criminal history check shall be included in the license  
41 and registration fees approved by the board.

42  
43 6. a. An armed security officer shall complete, in addition to the  
44 training required by section 3 of this act, a firearms training program  
45 and annual firearms refresher course which shall be approved by the  
46 Police Training Commission in the Department of Law and Public

1 Safety established pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.),  
2 and which shall comply with standards substantially based on the  
3 firearms training course and range qualification course established at  
4 the Monmouth County Police Academy, and which shall be taught by  
5 an instructor certified by the director. The firearms training program  
6 and annual firearms refresher course shall consist of a written  
7 examination on which an applicant must obtain a score of 90% or  
8 above and shall consist of actual firing range experience at which an  
9 applicant must obtain an average score of 80% or above.

10 b. (1) An armored car security officer shall complete, in addition  
11 to the training required by section 3 of this act, a firearms training  
12 program and an annual firearms refresher course which shall be  
13 approved by the Police Training Commission in the Department of  
14 Law and Public Safety established pursuant to P.L.1961, c.56  
15 (C.52:17B-66 et seq.), and which shall include an approved standard  
16 handgun training and qualification program with each type and caliber  
17 of firearm an armored car security officer may have access to while on  
18 duty, and which shall be taught by an instructor certified by the  
19 director.

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

21 (a) At least eight hours of handgun classroom training, which shall  
22 include: the proper care of the weapon; civil liability of the use of  
23 firearms; criminal liability of the use of firearms; deadly physical force;  
24 justifiable use of deadly physical force; range safety; practical firearms  
25 handling; principles of marksmanship; and written examination;

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

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

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

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

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

41

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

1 employee, to be known as an "employee statement," setting forth the  
2 following:

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

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

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

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

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

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

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

18

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

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

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

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

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

34

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

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

1       10. a. No instructor shall teach a course of instruction required  
2 by 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  
11 shall be guilty of a disorderly persons offense.

12       b. Any employer who violates a provision of this act is guilty of  
13 a 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  
18 Safety a Division of State Licensing of Security Officers to be  
19 administered by a director, who shall be appointed by the Attorney  
20 General and serve at the Attorney General's pleasure, and which shall  
21 include other personnel as determined by the Attorney General. The  
22 director and staff shall carry out the duties specified pursuant to this  
23 act.

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

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

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

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

38  
39       13. a. There is created in the Department of Law and Public  
40 Safety a State Advisory Board on Security Officers consisting of 11  
41 members, 10 of whom shall be appointed by the Governor, with the  
42 advice and consent of the Senate. The membership of the board shall  
43 be as follows: the Attorney General, or his designee, who shall serve  
44 ex officio; and the 10 appointed members, including a representative  
45 of the New Jersey State Association of Chiefs of Police; a  
46 representative from the National Association of Security Companies;

1 one public member who is not affiliated with the private security  
2 industry and one other public member; three representatives of private  
3 industry employing proprietary security; a representative of the  
4 National Armored Car Association; a representative of the burglar  
5 alarm industry; and a representative of private industry who hires  
6 contract security officers.

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

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

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

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

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

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

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

44 c. All information gathered by the board relating to employer  
45 personnel matters shall be kept strictly confidential unless otherwise  
46 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.

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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.

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11

12 Requires the licensing of certain security officers and the registration  
13 of their employers.