

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2656

To encourage States to ensure the quality of private security services, and the competence of private security officer personnel, by authorizing funds for that purpose.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1993

Mr. SUNDQUIST introduced the following bill; which was referred jointly to the Committees on the Judiciary and Education and Labor

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## A BILL

To encourage States to ensure the quality of private security services, and the competence of private security officer personnel, by authorizing funds for that purpose.

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

3       **SECTION. 1. SHORT TITLE.**

4       This Act may be cited as the “Security Officers  
5       Employment Standards Act of 1993”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds that—

1           (1) more than 1,500,000 private security per-  
2           sonnel in the United States protect the citizens and  
3           property of the Nation;

4           (2) for many entities, private security officers  
5           from private security companies are rapidly replac-  
6           ing public sector law enforcement officers;

7           (3) such private security officers protect indi-  
8           viduals, tangible and intangible property and propri-  
9           etary information and provide protection to such di-  
10          verse operations as banks, hospitals, chemical com-  
11          panies, airports, communication facilities and oper-  
12          ations, office complexes, schools, oil and gas refiner-  
13          ies, and many others;

14          (4) the trend in the Nation toward privatization  
15          in such security services has accelerated rapidly as  
16          the per capita number of public sector law enforce-  
17          ment officers has decreased;

18          (5) the trend toward such privatization is to be  
19          applauded, as such privatization frees up public sec-  
20          tor law enforcement officers to combat serious and  
21          violent crimes;

22          (6) such trend creates an increase in the need  
23          for highly qualified professional private security offi-  
24          cers;

1           (7) possible applicants for such private security  
2 officer positions should be screened as thoroughly as  
3 possible, particularly since many private security of-  
4 ficers bear weapons;

5           (8) industry standards for the selection, train-  
6 ing, and supervision of qualified private security per-  
7 sonnel are essential to protect the safety and welfare  
8 of the general public;

9           (9) security officers should be psychologically  
10 and physically fit to perform the job which includes  
11 being able to prevent as well as respond to all types  
12 of emergency situations; and

13           (10) if such industry standards are not devel-  
14 oped, there will be an excessive burden on public sec-  
15 tor law enforcement officers and unfit individuals  
16 will continue to be placed into positions of trust  
17 often bearing weapons and committing violent  
18 crimes.

19 **SEC. 3. DEFINITIONS.**

20 For purposes of this Act:

21           (1) The term “felony” means an offense for  
22 which a term of imprisonment may exceed 1 year.

23           (2) The term “misdemeanor” means an offense  
24 for which a maximum term of imprisonment of 1  
25 year or less may be imposed.

1           (3) The term “private security officer” means  
2 any person, other than an individual employed in ac-  
3 tive military service or a law enforcement officer em-  
4 ployed by any governmental unit while performing  
5 official duties, who performs one or more of the fol-  
6 lowing functions—

7           (A) prevention of intrusion, entry, larceny,  
8 vandalism, abuse, fire, or trespass on public or  
9 private property;

10           (B) prevention, observation, or detection of  
11 any unauthorized activity on public or private  
12 property;

13           (C) control, regulation, or direction of the  
14 flow or movements of the public, whether by ve-  
15 hicle or otherwise, to assure the protection of  
16 property;

17           (D) protection of individuals from bodily  
18 harm;

19           (E) protection of tangible and intangible  
20 property and proprietary information; and

21           (F) providing secured transportation and  
22 protection from one place or point to another.

23           (4) The term “registration permit” means a li-  
24 cense, permit, certificate, registration card, or other

1 formal written permission to provide security serv-  
2 ices.

3 (5) The term “security service contractor”  
4 means any private entity which contracts to provide  
5 the services of a security officer.

6 (6) The term “State” means any of the several  
7 States or the District of Columbia.

8 (7) The term “State regulatory agency” means  
9 an appropriate State regulatory entity.

10 (8) The term “employer” means a security  
11 service contractor.

12 **SEC. 4. IMPLEMENTATION OF REQUIREMENTS.**

13 Each State that receives funds under title I of the  
14 Omnibus Crime Control and Safe Streets Act of 1968  
15 shall allocate not less than 5 percent of such funds to the  
16 implementation of the requirements of this Act.

17 **SEC. 5. ISSUANCE OF STATE LICENSES TO SECURITY SERV-**

18 **ICE CONTRACTORS; REGULATION OF PRI-**

19 **VATE SECURITY SERVICES.**

20 (a) REQUIREMENTS.—A State shall have in effect  
21 screening, training, and other requirements and proce-  
22 dures for issuing licenses to and reviewing security serv-  
23 ices of security contractors.

24 (b) LIMITATION ON FEES FOR ISSUANCE OF LI-  
25 CENSES.—A State may not impose on security contractors

1 a license issuance fee in excess of the prorated direct costs  
2 of administering the requirements and procedure de-  
3 scribed in subsection (a).

4 (c) ASSIGNMENT OF PRIVATE SECURITY OFFI-  
5 CERS.—(1) Except as provided in paragraphs (2), (3), and  
6 (4) of this subsection and subject to section 9, the require-  
7 ments and procedures described in subsection (a) shall  
8 provide, at a minimum, that an employer may not assign  
9 an employee to duty as a private security officer until such  
10 employee obtains a security officer’s registration permit  
11 as provided in section 8(a).

12 (2) An employer may assign an employee to duty as  
13 an unarmed private security officer pending the results of  
14 the preassignment check of records and evaluation de-  
15 scribed in sections 6(a)(3) and (4) and the issuance of  
16 such permit if, before the assignment—

17 (A) such employer—

18 (i) certified that the employee’s application  
19 was completed as required by section 6(a)(1);

20 (ii) provided the certifications required by  
21 subparagraphs (A) through (H) of section  
22 6(a)(2); and

23 (B) such employee completed the training re-  
24 quired by section 7(a)(1).

1       (3) If an individual is employed by an employer in  
2 a State in which such individual holds a valid private secu-  
3 rity officer's registration permit, such employer may as-  
4 sign such individual to duty as a private security officer  
5 (including an armed private security officer) for a period  
6 not to exceed 90 days in a State in which such individual  
7 does not hold a valid private security officer's registration  
8 permit.

9       (4) If an individual applying for a security officer po-  
10 sition already has a valid unexpired registration permit is-  
11 sued by the State in which the individual will work, the  
12 employer may assign the individual as a security officer  
13 without the individual obtaining a new permit. In such  
14 case, the employer must ensure that all the requirements  
15 of paragraphs (1) through (4) of section 6(a) are met, but  
16 the employer need not certify the information to the State.

17 **SEC. 6. PREASSIGNMENT SCREENING.**

18       (a) **PREASSIGNMENT REQUIREMENTS.**—Each State  
19 shall have in effect a program for issuing registration per-  
20 mits to private security officers that requires at a mini-  
21 mum, and except as provided in section 5(c) and subject  
22 to section 9, that an employer not assign an employee to  
23 duty as a private security officer until such employer sub-  
24 mits to the State regulatory agency all of the following:

1           (1) A certification that the employee completed  
2           an application for employment, including a history of  
3           all prior employment and military service, education,  
4           personal references, credit history, a description of  
5           such employee's arrests and convictions, and use of  
6           illegal drugs.

7           (2) A certification that—

8                   (A) the employer verified such employee's  
9                   employment history for at least the 10-year pe-  
10                  riod ending on the date of application for em-  
11                  ployment;

12                  (B) the employer verified such personal  
13                  references;

14                  (C) the employer verified that the employee  
15                  is a United States citizen;

16                  (D) the employer reviewed evidence of the  
17                  employee's military discharge record, such as a  
18                  DD-214;

19                  (E) the employer verified that the em-  
20                  ployee has a high school diploma or equivalent;

21                  (F) the employee has passed a drug  
22                  screening test administered by the employer ac-  
23                  cording to a testing procedure that meets the  
24                  guidelines of the National Institute on Drug  
25                  Abuse, or any other successor organization, and

1           which tests for at least the following ten drugs:  
2           amphetamines, barbiturates, benzodiazepines,  
3           marijuana, cocaine, methadone, methaqualone,  
4           codeine/morphine, phencyclidine hydrochloride,  
5           propoxyphene hydrochloride;

6           (G) the employee has undergone a test or  
7           evaluation evincing a level of physical fitness  
8           commensurate with the demands of the security  
9           officer position; and

10          (H) the employer has submitted the em-  
11          ployee's fingerprints to the National Crime In-  
12          formation Center and the Federal Bureau of  
13          Investigation and to the State regulatory agen-  
14          cy or appropriate body for a check of the State  
15          criminal history records.

16          (3) The results of a check of records, obtained  
17          at the request of such employer, through the Na-  
18          tional Crime Information Center and fingerprint  
19          records on file with the Federal Bureau of Investiga-  
20          tion.

21          (4) A certification that the employee has under-  
22          gone a psychological evaluation, such as the Min-  
23          nesota Multiphasic Personality Inventory—2, or  
24          other similar test approved by the State regulatory

1 agency, conducted by a person that such agency de-  
2 termines to be qualified.

3 (b) EXEMPTION.—Section 552a(b) of title 5, United  
4 States Code, shall not apply with respect to the disclosure  
5 of the records described in subsection (a)(3) of this Act  
6 relating to employment by such employer if such employer  
7 certifies to the Attorney General that such disclosure is  
8 requested for the purpose of assigning an employee to duty  
9 as a private security officer.

10 (c) PRIVATE EMPLOYERS.—Section 534(d) of title  
11 28, United States Code, is amended by inserting the fol-  
12 lowing:

13 “(3) Private employers the primary business of  
14 which consists of contracting to provide the services  
15 of a security officer.”.

16 (d) ISSUANCE OF RULES BY THE ATTORNEY GEN-  
17 ERAL.—The Attorney General shall issue rules—

18 (1) establishing procedures for the disclosure of  
19 records requested by employers for the purpose of  
20 complying with subsection (a)(3), and

21 (2) requiring such employers to pay to the dis-  
22 closing agency a fee that represents the actual cost  
23 of disclosing such records.

1 **SEC. 7. PRIVATE SECURITY OFFICER TRAINING.**

2 (a) TRAINING.—Each State shall have in effect train-  
3 ing requirements for private security officers that consist  
4 of, at a minimum—

5 (1) For armed and unarmed private security of-  
6 ficers—

7 (A) Sixteen hours of initial training, at  
8 least 8 of which must be pre-assignment train-  
9 ing and the balance of which may be on the job  
10 training.

11 (B) Such instruction shall include—

12 (i) fire protection and fire prevention;

13 (ii) first aid;

14 (iii) legal information relevant to pro-  
15 viding security services, including the pow-  
16 ers of arrest, use of force and search and  
17 seizure;

18 (iv) fundamentals of patrolling, obser-  
19 vation and reporting procedures;

20 (v) building safety;

21 (vi) methods of handling crisis situa-  
22 tions, responding to emergencies, and noti-  
23 fying public authorities;

24 (vii) methods of crowd control;

25 (viii) the use of equipment needed in  
26 providing security services;

- 1 (ix) technical writing for reports;
- 2 (x) responsibilities for proper use of
- 3 uniforms;
- 4 (xi) ethical conduct of security offi-
- 5 cers; and
- 6 (xii) universal precautions for the pre-
- 7 vention of contagious diseases.

8 (2) For armed private security officers, training

9 shall also include—

10 (A) twenty hours of weapons instruction

11 (including marksmanship described in subpara-

12 graph (B)) and successful completion of a writ-

13 ten examination on—

14 (i) the legal limitations on the use of

15 weapons;

16 (ii) weapons handling;

17 (iii) safety and maintenance; and

18 (B) a minimum marksmanship qualifica-

19 tion of 70 percent attained on any silhouette

20 target course approved by the State regulatory

21 agency.

22 (b) ANNUAL TRAINING.—Each State shall have in ef-

23 fect annual requirements, at a minimum, that—

24 (1) armed and unarmed private security officers

25 complete a 4-hour refresher course in the subjects

1 listed in clauses (i) through (xi) of subsection  
2 (a)(1)(B), and

3 (2) armed private security officers also—

4 (A) complete a refresher course in the sub-  
5 jects listed in clauses (i) through (iii) of sub-  
6 section (a)(2)(A), and

7 (B) be requalified in the use of weapons as  
8 described in subsection (a)(2)(B).

9 (c) CERTIFICATION.—Each State shall have in effect  
10 requirements that a private security officer, or such offi-  
11 cer’s employer (if any), certify to the State regulatory  
12 agency completion of the training required by subsections  
13 (a) and (b).

14 (d) INSTRUCTIONAL AND RANGE-TRAINING PRO-  
15 GRAM.—Each State shall have in effect a program that  
16 requires that all instruction and range training required  
17 by this section be administered by an instructor whose  
18 qualifications meet standards established by the State reg-  
19 ulatory agency.

20 **SEC. 8. STATE ISSUANCE OF REGISTRATION PERMITS TO**  
21 **PRIVATE SECURITY OFFICERS.**

22 (a) REQUIREMENTS FOR ISSUANCE OF REGISTRA-  
23 TION PERMITS.—A State shall have in effect requirements  
24 for issuing and renewing, upon application, a private secu-

1 rity officer's registration permit for a 2-year period. Such  
2 requirements shall include—

3 (1) methods for a private security officer, or  
4 such officer's employer (if any), to certify completion  
5 of the requirements in effect to comply with sections  
6 6 and 7;

7 (2) a requirement that the certification required  
8 by section 7(c) be included in the application for the  
9 issuance or renewal of such permit;

10 (3) a procedure for the State regulatory agency  
11 to check the State's criminal history records for any  
12 arrests or convictions of the individual; and

13 (4) a requirement that an individual not be is-  
14 sued a private security officer's registration permit,  
15 or assigned by an employer to duty, as a private se-  
16 curity officer, if—

17 (A) convicted of a felony,

18 (B) convicted of a misdemeanor that, in  
19 the discretion of the State regulatory agency or  
20 the employer, bears such a relationship to the  
21 performance of security services as to constitute  
22 a disqualification for a private security officer's  
23 registration permit or disqualification from as-  
24 signment, or

1 (C) charged with a crime in which such  
2 charge has not been satisfactorily resolved in  
3 the discretion of the State regulatory agency or  
4 the employer.

5 (b) LIMITATION ON FEES FOR ISSUANCE OF REG-  
6 ISTRATION PERMITS.—A State may not impose on private  
7 security officers a registration permit issuance fee in ex-  
8 cess of the prorated direct costs of administering the re-  
9 quirements described in subsection (a).

10 (c) DENIAL OF REGISTRATION PERMIT.—If a State  
11 denies, for any reason, an application for the issuance or  
12 renewal of private security officer's registration permit,  
13 the State regulatory agency shall give written notice to  
14 the applicant and the applicant's employer (if any) specify-  
15 ing the reasons for denial not later than 10 days after  
16 denial of such application.

17 **SEC. 9. GRACE PERIOD FOR ISSUANCE OF NEW REGISTRA-**  
18 **TION PERMITS TO PRIVATE SECURITY OFFI-**  
19 **CERS WHO HOLD CURRENT PERMITS.**

20 The issuance of a registration permit to a private se-  
21 curity office who holds a private security officer's registra-  
22 tion permit that is valid without regard to the operation  
23 of this Act shall not apply until—

24 (1) January 1, 1997, or

1           (2) the expiration of the 2-year period begin-  
2           ning on the date a State initially puts into effect a  
3           program that satisfies the requirements of sections  
4           6, 7, and 8,  
5           whichever is later.

6   **SEC. 10. NOTICE OF CRIMINAL CHARGE.**

7           A State shall have in effect requirements regarding  
8           criminal charges made against a private security officer,  
9           including the following, at a minimum:

10           (1) If a private security officer is charged with  
11           a felony or misdemeanor, such officer shall notify  
12           such officer's employer (if any) not later than 48  
13           hours after the charge is made.

14           (2) An employer who has knowledge that an  
15           employee has been so charged shall report the fact  
16           of such charge to the State regulatory agency not  
17           later than 2 business days after acquiring such  
18           knowledge.

19           (3) The registration permit of such officer may  
20           be suspended by such agency pending disposition of  
21           the charge.

22           (4) Upon conviction of a felony, the State shall  
23           revoke the registration permit of such officer.

24           (5) Upon conviction of such misdemeanor, such  
25           State may revoke such permit.

1 **SEC. 11. PENALTIES.**

2 A State shall have in effect a law that authorizes the  
3 imposition of a penalty for each violation of the require-  
4 ment imposed by the State to satisfy a condition of eligi-  
5 bility specified in section 5, including at a minimum the  
6 following:

7 (1) Prosecution of an individual of a mis-  
8 demeanor for submitting an application for employ-  
9 ment as a private security officer, for the issuance  
10 of a private security officer's registration permit, or  
11 for renewal of such permit, if such individual know-  
12 ingly included false information in such application.

13 (2) After notice, and a public hearing if re-  
14 quested by a private security officer, suspension or  
15 revocation of such officer's registration permit issued  
16 or renewed as a result of application if such officer  
17 knowingly included false information in such appli-  
18 cation.

19 (3) Administrative or judicial review of each  
20 penalty imposed under this section.

21 **SEC. 12. MORE STRINGENT REQUIREMENTS.**

22 This Act shall not preclude or limit the authority of  
23 a State to establish or maintain requirements that are  
24 more stringent than the requirements described in this  
25 Act.



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