

SENATE BILL REPORT

SB 5124

AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 11, 1991

Brief Description: Licensing private security guards.

SPONSORS: Senators Erwin, Gaspard, Amondson, Matson, Owen, Snyder, Nelson, von Reichbauer, Thorsness, Sellar, Johnson, Murray, McMullen, Bailey, Anderson and Talmadge.

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 5124 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray, and Skratek.

Staff: Forrest Bathurst (786-7429)

Hearing Dates: February 4, 1991; March 4, 1991

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5124 be substituted therefor, and the second substitute bill do pass.

Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, and Wojahn.

Staff: Mary Poole (786-7715)

Hearing Dates: March 11, 1991

BACKGROUND:

Proposals to regulate security guards have existed in Washington State for the past decade. These motions are based on claims that licensing would provide assurance of skill, ethics, and professionalism. Private security guards are also seeking relief from the business license structure of local jurisdictions through state regulation.

Private security firms, security guards, private detective agencies, and private detectives were all included in one licensing bill during past legislative sessions.

SUMMARY:

An applicant for a private security guard license must meet the following requirements: 1) be at least 18 years old; 2) be a U.S. citizen or resident alien; 3) have not had a felony conviction within the past ten years; 4) have an offer for employment from a private security company; 5) satisfy training requirements established by the Department of Licensing; 6) submit fingerprints; and 7) pay the licensing fee.

Each private security company owner, or "qualifying agent" in the case of a corporation, must meet the following criteria in addition to those listed above: 1) have at least three years' experience as a manager in a security firm or pass an examination approved by the Department of Licensing; 2) provide evidence the firm has at least \$25,000 of liability insurance for bodily injury and \$25,000 for property damage; and 3) pay the licensing fee.

An applicant must meet the following requirements in order to obtain an armed private security guard license: 1) be licensed as a private security guard; 2) have a current firearms certificate issued by the Criminal Justice Training Commission; and 3) pay the licensing fee.

A licensed private security firm may issue a temporary registration certificate to an applicant after he or she has completed preassignment training and applied to the department for a permanent private security guard license. This temporary registration certificate will allow the applicant to work as a private security guard until a permanent license can be obtained from the department.

The Department of Licensing, in determining if an applicant should be licensed, shall investigate each applicant to verify that the information given is true. The department shall request the State Patrol to check the fingerprints supplied against those available to it. A summary of the findings shall be forwarded to the employing firm and to the chief law enforcement executive in the county and city in which the employer is located.

No governmental subdivision of the state shall regulate private security guards in a manner inconsistent with the act. However, the act does allow local jurisdictions to impose business and occupation taxes on private security firms operating in their jurisdictions.

A person working as a private security guard without a license is guilty of a misdemeanor.

EFFECT OF PROPOSED SUBSTITUTE:

The definitions of "commission," "person" and "employer" are added.

Certain violations of the act are made gross misdemeanors, including: unlicensed practice; using the license of another person; using false or forged evidence in obtaining a license; impersonating a licensee; and using an expired or revoked license.

A number of actions that violate the chapter are added and include: failure to return a firearm immediately and on demand of the employer; carrying a firearm while on duty if not licensed as an armed security guard; failure to return company badges, identification, or other items on demand; impersonating a sworn peace officer; divulging confidential information; conviction of a gross misdemeanor or felony, moral turpitude, dishonesty, or corruption; negligence that results in unreasonable risk or injury to another person; failure to cooperate with the director of the Department of Licensing; failing to adequately supervise employees which places the public at risk; and willful misrepresentation of facts.

The director may withhold a license if the applicant has been convicted of a crime that directly relates to his or her ability to perform the duties of a security guard.

The minimum age for obtaining an armed security guard license is 21.

The director of the Department of Licensing has the authority to: amend and rescind rules; issue subpoenas and administer oaths; take depositions; compel attendance of witnesses; conduct reviews; order summary suspension in emergencies; use the office of administrative hearings; enter into contracts for administrative services; adopt standards of professional conduct; and enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing.

The director may enforce the payment of fines in superior court.

Any person or government agency may maintain an action to enjoin any unlicensed person from performing the duties of a security guard. A civil penalty of \$25,000 may be imposed on a person violating an injunction.

The director and his appointed representatives are immune from suit based on official acts performed in the course of their duties under this act.

EFFECT OF PROPOSED SECOND SUBSTITUTE:

The customary null and void clause is added, making enactment contingent on funding in the budget.

Appropriation: none

Revenue: none

Fiscal Note: requested

Effective Date: September 1, 1991

TESTIMONY FOR (Commerce & Labor):

Many states across the nation are licensing security guards in an effort to protect the public interest and maintain professional consistency in the security industry.

TESTIMONY AGAINST (Commerce & Labor): None

TESTIFIED (Commerce & Labor): PRO: Paul Dockendorf; Bob Bourgoïn; Jim Scott; Tim Erickson; Stan Finkelstein; Jeff Kirby

TESTIMONY FOR (Ways & Means):

Public safety is at risk when armed guards are not licensed.

TESTIMONY AGAINST (Ways & Means): None

TESTIFIED (Ways & Means): Steve Lindstrom, Washington State Security Council (pro)