

HOUSE BILL REPORT

HB 1336

As Reported by House Committee On:
Business & Financial Services

Title: An act relating to fingerprint-based background checks for the licensing of security guards.

Brief Description: Allowing fingerprint-based background checks for the licensing of any security guard.

Sponsors: Representatives Kirby and Hayes; by request of Department of Licensing.

Brief History:

Committee Activity:

Business & Financial Services: 1/27/15, 1/28/15 [DP].

Brief Summary of Bill

- Requires applicants for any private security guard license to undergo national fingerprint-based background checks.
- Removes the requirement that the Department of Licensing (DOL) solicit comments from local law enforcement regarding applicants for private security guard licenses.
- Requires the DOL to inform an applicant's employer if the applicant is ineligible for a license as a private security guard.

HOUSE COMMITTEE ON BUSINESS & FINANCIAL SERVICES

Majority Report: Do pass. Signed by 10 members: Representatives Kirby, Chair; Ryu, Vice Chair; Vick, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Blake, Hurst, Kochmar, McCabe, Santos and Stanford.

Minority Report: Do not pass. Signed by 1 member: Representative G. Hunt.

Staff: Linda Merelle (786-7092).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Private Security Guard.

A private security guard is a person who is licensed and principally employed, or typically referred to, as one of the following:

- a security officer or guard;
- a patrol or merchant patrol service officer or guard;
- an armed escort or bodyguard;
- an armored vehicle guard;
- a burglar alarm response runner; or
- a crowd control officer or guard.

An applicant must meet the following minimum requirements to obtain a private security guard license:

- be at least 18 years of age;
- be a citizen of the United States or a resident alien;
- not have been convicted of a crime in any jurisdiction, if the Director of the Department of Licensing (Director) determines that the applicant's particular crime directly relates to his or her capacity to perform the duties of a private security guard, and the Director determines that the license should be withheld to protect the citizens of Washington;
- be employed by or have an employment offer from a licensed private security company or be licensed as a private security company;
- satisfy the training requirements established by the insurer;
- submit a set of fingerprints; the applicant is not required to undergo a separate background check if he or she has been issued a license as a private investigator under chapter 18.165 RCW within the last 12 months; and
- submit a fully completed application that includes proper identification on a form prescribed by the Director for each company of employment.

Armed Private Security Guard.

An armed private security guard is a private security guard who has a current firearms certificate issued by the Criminal Justice Training Commission (Commission). An applicant for an armed private security guard license must meet the following minimum requirements:

- be licensed as a private security guard;
- be at least 21 years of age;
- have a current firearms certificate issued by the Commission; and
- pay the fee established by the Director.

Investigation of Applicants for Private Security Guard Licenses.

After receiving an application for a license, the Director must conduct an investigation to determine whether the facts set forth in the application are true and must request that the Washington State Patrol (WSP) compare the fingerprints submitted with the application to fingerprint records available to the WSP.

The Director must also solicit comments regarding the issuance of a permanent private security guard license from the chief law enforcement officer of the county and city or town

in which the applicant's employer is located. The Director must forward to the applicant's employer a summary of the information acquired during the investigation of an applicant to the extent that the information is public.

The WSP must forward the fingerprints of an applicant for an armed private security guard license to the Federal Bureau of Investigation (FBI) for a national criminal history records check.

Summary of Bill:

The WSP must forward the fingerprints of an applicant for any private security guard license to the Federal Bureau of Investigation, not just an applicant for an armed private security guard license. The applicant is not subject to a separate background check only if he or she has been issued a license as an armed private investigator under chapter 18.165 RCW within the previous 12 months of submitting the application.

The Director is no longer required to solicit comments from the chief law enforcement entities of a city or town and county regarding the issuance of a private security guard license. The Director must inform the applicant's employer if the applicant is ineligible to be a security guard and any time frame that may be associated with the applicant's ineligibility.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill gives the Director the proper statutory authority to submit national-level background checks for all security guard applicants. In a survey of licensees of approximately 10,500 security guards, 92 percent were in favor of requiring national-level background checks. Currently, without the national checks, convictions that an applicant may have in another state would not show up during a background check. This is a good check for applicants.

(Opposed) None.

Persons Testifying: Representative Kirby, prime sponsor; Tony Sermonti, Department of Licensing; and Michael Transue, Pierce County Security Services.

Persons Signed In To Testify But Not Testifying: None.