

House Bill 3394

Sponsored by Representative KENNEMER; Representatives BENTZ, BRUUN, ESQUIVEL, GARRARD, GILLIAM, HUFFMAN, JENSON, OLSON, SHIELDS, SPRENGER, STIEGLER, THATCHER, THOMPSON, VANORMAN, WEIDNER, WHISNANT, WITT, Senators BATES, HASS, MORRISETTE (at the request of DB Security Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies provisions related to training, licensure and certification of private security professionals.

A BILL FOR AN ACT

Relating to private security professionals; creating new provisions; and amending ORS 181.875, 181.877, 181.878, 181.880 and 181.991.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 181.875 is amended to read:

181.875. (1) An applicant for certification as a private security professional:

(a) Must be:

(A) At least 18 years of age, if an applicant for certification as an unarmed private security professional; or

(B) At least 21 years of age, if an applicant for certification as an armed private security professional;

(b) Must have satisfactorily completed training requirements approved by the Board on Public Safety Standards and Training; *[and]*

(c) Must not be required to register or be registered as a sex offender under ORS 181.595, 181.596 or 181.597; **and**

(d) Must be trained in first aid, cardiopulmonary resuscitation and the use of an automated external defibrillator.

(2) The Department of Public Safety Standards and Training, in consultation with the board, shall adopt rules specifying those crimes for which a conviction requires the denial or revocation of certification as a private security professional or instructor.

(3) The training requirements described in subsection (1)(b) of this section must include:

(a) For unarmed private security professionals, a minimum of 32 hours of classroom instruction that includes:

(A) Instruction on the law applicable to private security professionals;

(B) Instruction on providing testimony in court proceedings;

(C) Instruction on creating written reports for use by law enforcement agencies; and

(D) Instruction, provided by a law enforcement officer, on how to interact with law enforcement agencies.

(b) For armed private security professionals, in addition to the requirements described in paragraph (a) of this subsection:

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(A) 16 hours of classroom instruction; and**

2 **(B) 8 hours of training on a shooting range and achievement of minimum proficiency**
3 **standards, determined by rule of the department, in the use of firearms.**

4 **SECTION 2.** ORS 181.877 is amended to read:

5 181.877. An applicant for licensure as an executive manager or supervisory manager must:

6 **(1) Meet the qualifications set forth in ORS 181.875; and**

7 **(2) Complete an additional 24 hours of classroom instruction that includes instruction:**

8 **(a) Provided by a licensed executive manager or supervisory manager, on field manage-**
9 **ment techniques;**

10 **(b) On appropriate interaction with customers and members of the public;**

11 **(c) On developing a dress code for private security professionals under the manager's**
12 **supervision; and**

13 **(d) On maintaining accurate employment records and checking the employment refer-**
14 **ences of persons applying for employment as private security professionals.**

15 **SECTION 3.** Section 4 of this 2009 Act is added to and made a part of ORS 181.870 to
16 **181.887.**

17 **SECTION 4.** (1) Except as provided in subsection (2) of this section, the Department of
18 **Public Safety Standards and Training may not certify a private security professional or li-**
19 **cence an executive manager or supervisory manager unless the person, without assistance,**
20 **successfully completes a written examination with 80 percent proficiency.**

21 **(2) A person applying for certification as a private security professional or licensure as**
22 **an executive manager or supervisory manager may take an oral examination upon demon-**
23 **strated need.**

24 **(3) A person who fails an examination administered under this section may not take a**
25 **subsequent examination for a period of 24 hours.**

26 **SECTION 5.** ORS 181.880 is amended to read:

27 181.880. (1) A license or certificate issued by the Department of Public Safety Standards and
28 Training under ORS 181.878 expires two years following the date of issuance or on the assigned
29 renewal date. **The department may not renew the certification of an armed private security**
30 **professional unless the person has completed 48 hours of continuing instruction in firearm**
31 **proficiency on a shooting range.**

32 (2) The department shall offer certificates or licenses to private security providers in levels and
33 categories as established by the Board on Public Safety Standards and Training in consultation with
34 the department.

35 (3) Upon receipt of an application for certification under ORS 181.876, the department shall
36 forward a complete set of the applicant's fingerprints to the Department of State Police and request
37 that the Department of State Police conduct a nationwide criminal records check of the applicant
38 as provided in ORS 181.534. Notwithstanding ORS 181.534 (5) and (6), the Department of State Police
39 shall maintain in the department's files the fingerprint cards used to conduct the criminal records
40 check.

41 **SECTION 6.** ORS 181.878 is amended to read:

42 181.878. (1) The Board on Public Safety Standards and Training shall establish standards for:

43 **(a) Issuing, denying, renewing and revoking licenses for executive managers and supervisory**
44 **managers; and**

45 **(b) Reviewing the private security services of executive managers in relation to the licensing**

1 and certification standards set forth in ORS 181.870 to 181.887.

2 (2) In accordance with any applicable provision of ORS chapter 183, to promote consistent
 3 standards for private security services by improving the competence of private security providers,
 4 the board, in conjunction with the Private Security Policy Committee, shall establish reasonable
 5 minimum standards of physical, emotional, intellectual and moral fitness for private security pro-
 6 viders.

7 (3) The board, in consultation with the Department of Public Safety Standards and Training,
 8 may establish by rule accreditation standards for required training programs. The board, in consul-
 9 tation with the Private Security Policy Committee, may establish to what extent training or educa-
 10 tional programs offered by employers may be considered equivalent to required training programs.

11 (4) The department shall:

12 (a) Establish and carry out procedures for issuing, denying, renewing and revoking, subject to
 13 terms and conditions imposed by the department, a private security provider's certificate or license;

14 (b) In collaboration with the Private Security Policy Committee, recommend for approval by the
 15 board the content of and standards for all training courses and testing required for certification as
 16 a private security professional and the standards for all instructors providing the training;

17 (c) Establish procedures in consultation with the board for temporary assignment of persons
 18 performing private security services for a period of no longer than 120 days while an application for
 19 certification is being processed;

20 (d) In collaboration with the Private Security Policy Committee, establish fees for issuing cer-
 21 tificates and licenses to private security providers. The fees may not exceed the prorated direct
 22 costs of administering:

23 (A) The certification or licensing program required by this section;

24 (B) The criminal records checks required by ORS 181.880; and

25 (C) Any training program required by rules of the department or board; and

26 (e) In collaboration with the Private Security Policy Committee, establish fees for accrediting
 27 training programs offered by employers.

28 (5) In establishing procedures for issuing certificates and licenses under subsection (4)(a) of this
 29 section, the department shall establish a procedure for issuing a certificate or license to a person
 30 upon submission by the person of proof of successful completion of a training program accredited
 31 by the board pursuant to subsection (3) of this section as being equivalent to the required training
 32 program offered by the department.

33 (6) The department shall investigate alleged violations of the provisions of ORS 181.870 to
 34 181.887 and of any rules adopted by the department or the board.

35 **(7) When the department conducts an investigation under subsection (6) of this section,**
 36 **the investigation shall be completed within seven days. If the department determines that a**
 37 **person has violated a provision of ORS 181.870 to 181.887, the department may issue a com-**
 38 **pliance order that describes corrective action that must be taken to address the violation**
 39 **and a time period within which the corrective action must be taken. The department shall**
 40 **post compliance orders on a website maintained by the department.**

41 [(7)] (8) The department and the board may adopt rules necessary to carry out their duties under
 42 ORS 181.870 to 181.887 and 181.991. For efficiency, the department and board may adopt rules jointly
 43 as a single set of combined rules.

44 **SECTION 7.** ORS 181.991 is amended to read:

45 181.991. (1) A person commits a:

1 (a) Class A misdemeanor if the person knowingly falsifies any information pertinent to an ap-
2 plication for a license or certificate under ORS 181.870 to 181.887.

3 (b) Class A violation if the person provides private security services as a private security pro-
4 fessional without being certified to do so under ORS 181.878 and having in the person's possession
5 the certificate issued under ORS 181.878.

6 (2) In addition to any other liability or penalty provided by law, the Board on Public Safety
7 Standards and Training may:

8 (a) Impose a civil penalty not to exceed \$1,500 for a violation of any provision of ORS 181.870
9 to 181.887 or any rule adopted by the board [*on Public Safety Standards and Training*] or **the** De-
10 partment of Public Safety Standards and Training pursuant to ORS 181.870 to 181.887.

11 **(b) Require a licensed executive manager or supervisory manager to complete the train-**
12 **ing described in ORS 181.877 for a violation of ORS 181.870 to 181.887 or any rule adopted by**
13 **the board or the department.**

14 (3) Judicial review of civil penalties imposed under subsection (2) of this section shall be as
15 provided under ORS 183.480.

16 **SECTION 8. (1) Section 4 of this 2009 Act and the amendments to ORS 181.875 and 181.877**
17 **by sections 1 and 2 of this 2009 Act apply to certifications and licenses issued on or after the**
18 **effective date of this 2009 Act.**

19 **(2) The amendments to ORS 181.880 by section 5 of this 2009 Act apply to certifications**
20 **renewed on or after the effective date of this 2009 Act.**

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