

Senate Bill 1524

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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**.

Limits private security professional certification requirement, with respect to premises of licensees of Oregon Liquor Control Commission, to employees with valid service permits issued by commission controlling access at entry to premises.

Provides that exclusion from certification requirement does not apply during organized event outside licensee's ordinary course of business.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to private security professionals; amending ORS 181.870 and 181.871; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 181.870 is amended to read:

6 181.870. As used in ORS 181.620, 181.870 to 181.887, 181.991 and 203.090:

7 (1) "Certification" means recognition by the Department of Public Safety Standards and Training
8 that a private security professional meets all of the qualifications listed in ORS 181.875.

9 (2) "Executive manager" means a person:

10 (a) Who is authorized to act on behalf of a company or business in matters of licensure and
11 certification;

12 (b) Who is authorized to hire and terminate personnel;

13 (c) Whose primary responsibility is the management of certified private security professionals;
14 and

15 (d) Who has final responsibility for a company's or business's compliance with ORS 181.870 to
16 181.887.

17 (3) "Instructor" means any person who has been certified by the department as meeting the re-
18 quirements to provide instruction to private security providers or applicants.

19 (4) "License" means recognition by the department that an executive manager or supervisory
20 manager meets the requirements adopted by the Board on Public Safety Standards and Training as
21 necessary to provide private security services.

22 (5) "Primary responsibility" means an activity that is fundamental to, and required or expected
23 in, the regular course of employment and is not merely incidental to employment.

24 (6) "Private security professional" means an individual who performs, as the individual's primary
25 responsibility, private security services for consideration, regardless of whether the individual, while
26 performing the private security services, is armed or unarmed or wears a uniform or plain clothes,
27 and regardless of whether the individual is employed part-time or full-time to perform private secu-
28 rity services.

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 (7) "Private security provider" means any individual who performs the functions of a private
 2 security professional, executive manager, supervisory manager or instructor.

3 (8) "Private security services" means the performance of at least one of the following activities:

4 (a) Observing and reporting unlawful activity.

5 (b) Preventing or detecting theft or misappropriation of goods, money or other items of value.

6 (c) Protecting individuals or property, including but not limited to proprietary information, from
 7 harm or misappropriation.

8 (d) Controlling access to premises being protected **or, with respect to a licensee of the**
 9 **Oregon Liquor Control Commission, controlling access to premises at an entry to the prem-**
 10 **ises or any portion of the premises where minors are prohibited.**

11 (e) Securely moving prisoners.

12 (f) Taking enforcement action by detaining persons or placing persons under arrest under ORS
 13 133.225.

14 (g) Providing canine services for guarding premises or for detecting unlawful devices or sub-
 15 stances.

16 (9) "Supervisory manager" means an employee of or a person supervised by an executive man-
 17 ager who has as a primary responsibility the supervision of certified private security professionals.

18 **SECTION 2.** ORS 181.871 is amended to read:

19 181.871. (1) ORS 181.870 to 181.887 do not apply to:

20 (a) A person certified by the Department of Public Safety Standards and Training as a police
 21 officer or a parole and probation officer.

22 (b) A law enforcement officer of the United States.

23 (c) An officer or employee of this state, Oregon Health and Science University established by
 24 ORS 353.020 or the United States while performing duties of the office or employment.

25 (d) A person appointed or commissioned by the Governor to perform law enforcement or security
 26 services.

27 (e) An attorney admitted to practice law in this state while engaged in the practice of law.

28 (f) An insurance adjuster licensed in this state while performing duties authorized by the license.

29 (g) A person who monitors alarm systems that are not designed to detect threats to public safety
 30 or personal well-being.

31 (h) A person while protecting the person's property.

32 (i) A person who repairs and installs intrusion alarms while repairing or installing intrusion
 33 alarms.

34 (j) A person acting as an investigator as defined in ORS 703.401.

35 (k) A person performing crowd management or guest services, including, but not limited to, a
 36 person described as a ticket taker, an usher, a parking attendant or event staff [or].

37 **(L)** A person [*employed for the purpose of age verification and controlling access at an entrance*
 38 *of the premises by*] **who has a valid service permit issued by the Oregon Liquor Control Com-**
 39 **mission pursuant to ORS 471.360 and who is an employee of a licensee of the [Oregon Liquor**
 40 **Control] commission when the person is performing age verification and controlling access to**
 41 **premises of the licensee, if the person is not:**

42 **(A) Armed;**

43 **(B) Permitted to initiate confrontational activities, including physical contact and the**
 44 **confiscation of property; or**

45 **(C) Hired with the primary responsibility of taking enforcement action as described in**

1 **ORS 181.870 (8)(f).**

2 [(L)] (m) A person performing security services at a facility regulated by the United States
 3 Nuclear Regulatory Commission if the facility is operated by the person’s employer.

4 [(m)] (n) An individual while on active duty as a member of the armed services or while per-
 5 forming duties as a law enforcement officer.

6 [(n)] (o) An employee of a financial institution who has been designated as a security officer for
 7 the financial institution pursuant to the Bank Protection Act of 1968 (12 U.S.C. 1881 et seq.) and
 8 regulations adopted [thereunder] **under the act** or pursuant to ORS 723.276 (5).

9 [(o)] (p) A person who provides security services as a volunteer or for de minimis consideration
 10 other than money for an event operated for the benefit of a corporation that is organized not for
 11 profit pursuant to ORS chapter 65 or any predecessor of ORS chapter 65 or that is exempt from
 12 taxation under section 501(a) of the Internal Revenue Code as an organization described in section
 13 501(c) of the Internal Revenue Code.

14 [(p)] (q) A student enrolled in a community college as defined in ORS 341.005 while engaged in
 15 nonconfrontational activities that contribute to campus safety under the direct or indirect super-
 16 vision of a law enforcement professional or private security professional certified or licensed by the
 17 Department of Public Safety Standards and Training, provided the community college has conducted
 18 a criminal background check on the student.

19 (2) The exemption provided by subsection (1)(k) of this section applies only:

20 (a) To a person who is not:

21 (A) Armed;

22 (B) Permitted to initiate confrontational activities, **including physical contact and the con-**
 23 **fiscation of property;** or

24 (C) Hired with the primary responsibility of taking enforcement action as described in ORS
 25 181.870 (8)(f);

26 (b) If there is at least one person on-site who is certified or licensed under ORS 181.878 for ev-
 27 ery 10 or fewer uncertified persons performing the services described in subsection (1)(k) of this
 28 section;

29 (c) If any enforcement action, as described in ORS 181.870 (8)(f), other than incidental or tem-
 30 porary action, is taken by or under the supervision of a person certified or licensed under ORS
 31 181.878; and

32 (d) During the time when a crowd has assembled for the purpose of attending or taking part in
 33 an organized event, including pre-event assembly, event operation hours and post-event departure
 34 activities.

35 **(3) The exemption provided by subsection (1)(L) of this section does not apply during an**
 36 **organized event that is on a scale substantially outside the ordinary course of the licensee’s**
 37 **business.**

38 **SECTION 3. This 2012 Act being necessary for the immediate preservation of the public**
 39 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
 40 **on its passage.**