

By: Representative Dedeaux

To: Judiciary B

HOUSE BILL NO. 799

1 AN ACT TO CREATE THE PRIVATE SECURITY AND LICENSING LAW; TO
2 DEFINE CERTAIN TERMS; TO CREATE THE MISSISSIPPI BOARD OF PRIVATE
3 SECURITY EXAMINERS AND PRESCRIBE ITS DUTIES AND POWERS; TO PROVIDE
4 FOR THE POSITION OF EXECUTIVE SECRETARY OF THE BOARD; TO PRESCRIBE
5 LICENSING QUALIFICATIONS; TO PROVIDE FOR INVESTIGATIONS OF
6 APPLICANTS; TO PROVIDE FOR EXAMINATION OF APPLICANTS; TO PROVIDE
7 FOR LICENSING APPROVAL AND DENIAL PROCEDURES; TO PROVIDE FOR A
8 LICENSE FORM; TO REQUIRE THE POSTING OF LICENSES; TO REQUIRE
9 NOTIFICATION OF CHANGES; TO PROVIDE FOR GUARD REGISTRANT CARDS AND
10 QUALIFICATIONS AND PROCEDURES THEREFOR; TO REQUIRE TRAINING OF
11 GUARDS; TO REQUIRE WEAPONS PERMITS; TO PRESCRIBE A SCHEDULE OF
12 FEES; TO PROVIDE FOR THE RENEWAL OF LICENSES; TO PROVIDE FOR
13 RECIPROCITY; TO PROVIDE CAUSES FOR NONISSUANCE, SUSPENSION,
14 REVOCATION OR RESTRICTIONS ON LICENSES; TO REGULATE THE USE OF
15 INSIGNIAS, MARKINGS AND CLOTHING; TO PRESCRIBE UNLAWFUL ACTS; TO
16 PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; TO PROVIDE FOR CEASE
17 AND DESIST ORDERS AND INJUNCTIVE RELIEF; TO RECREATE THE
18 MISSISSIPPI STATE BOARD OF PRIVATE SECURITY EXAMINERS FUND AND
19 PROVIDE FOR ITS ADMINISTRATION; TO PROVIDE EXEMPTIONS; AND FOR
20 RELATED PURPOSES.

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

22 SECTION 1. (1) The Legislature of Mississippi declares that
23 it is necessary to require the licensure of private security
24 agents and businesses to be in the best interest of the citizens
25 of this state.

26 (2) The purpose of this act is to require qualifying
27 criteria in a presently unregulated professional field in which
28 unqualified individuals may injure the public. The requirements
29 of this act will contribute to the safety, health and welfare of
30 the people of Mississippi.

31 SECTION 2. This act shall be known and may be cited as the
32 "Private Security Regulatory and Licensing Law."

33 SECTION 3. (1) As used in this act, the following terms
34 shall have the following meanings ascribed to them:

35 (a) "Applicant" means a person who seeks to be examined
36 for licensure or certification by the board.

37 (b) "Board" means the Mississippi State Board of
38 Private Security Examiners, an office in the Department of Public
39 Safety.

40 (c) "Certified trainer" means any person approved and
41 certified by the board as qualified to administer and certify the
42 successful completion of the required minimum training
43 requirements for security guards.

44 (d) "Contract security company" means any person
45 engaging in the business of providing, or which undertakes to
46 provide, a security guard on a contractual basis for another
47 person.

48 (e) "Department" means the Mississippi Department of
49 Public Safety.

50 (f) "Executive secretary" means the chief
51 administrative officer of the board.

52 (g) "Licensee" means any person to whom a license is
53 granted in accordance with the provisions of this act.

54 (h) "Person" means an individual, firm, association,
55 company, partnership, corporation, nonprofit organization or other
56 legal entity.

57 (i) "Principal corporate officer" means the president,
58 vice president, treasurer, secretary or comptroller or any other
59 person who performs functions for the corporation corresponding to
60 those performed by the foregoing officers.

61 (j) "Registrant" means an individual who holds a valid

62 registration card issued by the board.

63 (k) "Registration card" means the identification card
64 issued by the board to a registrant as evidence that the
65 registrant has met the required minimum qualifications to perform
66 the duties of a security guard.

67 (l) "Security guard" means an individual who is
68 principally employed by a contract security company whether armed
69 or unarmed, who is principally employed to protect a person or
70 persons or property or both, and whose duties include but are not
71 limited to the following:

72 (i) Prevention of unlawful intrusion or entry.

73 (ii) Prevention of larceny.

74 (iii) Prevention of vandalism.

75 (iv) Protection of property or person.

76 (v) Prevention of abuse.

77 (vi) Prevention of arson.

78 (vii) Prevention of trespass on private property.

79 (viii) Control, regulation, or direction of the
80 flow or movements of the public, except on public streets, whether
81 by vehicle, on foot or otherwise.

82 (ix) Street patrol service or merchant patrol
83 service, which is any contract security company that utilizes foot
84 patrols, motor vehicles, or any other means of transportation in
85 public areas or on public thoroughfares in the performance of its
86 security functions.

87 (2) An armed security guard is an individual whose principal
88 duty is that of an armed security guard, and who at any time
89 wears, carries, possesses, or has access to a firearm in the

90 performance of his duties. Unarmed persons whose duties are
91 limited to custodial duties or the reporting of administrative
92 regulations only and who do not wear a guard uniform are
93 specifically excluded from this definition.

94 (3) The board by rule may define terms in the regulation and
95 licensing of private security guards only pursuant to and
96 consistent with the provisions of this act.

97 SECTION 4. (1) The Mississippi State Board of Private
98 Security Examiners is hereby created as an office of the State
99 Government in the Department of Public Safety.

100 (2) The board shall consist of nine (9) members appointed by
101 the Governor. One (1) member shall be appointed from and shall
102 reside in each of the five (5) congressional districts established
103 by law. Four (4) members shall be appointed from the state at
104 large. Each member shall be a citizen of the United States of
105 America, a resident of Mississippi, at least thirty (30) years of
106 age, and shall have been actively engaged in the private security
107 business for at least five (5) years. One (1) of the members
108 appointed at large shall be a representative of a nationally
109 operated security company. The initial members shall not be
110 required to be licensed but shall obtain a license within one
111 hundred eighty (180) days after appointment. Each subsequent
112 member shall be a licensed private security guard or corporate
113 officer.

114 (3) The board shall be domiciled in Jackson, but shall be
115 authorized to meet elsewhere in the state.

116 (4) Each appointed member shall serve at the pleasure of the
117 Governor for a term concurrent with the term of office of the

118 Governor appointing him, except that each member shall serve until
119 his successor has been appointed and begins serving.

120 (5) Each appointment by the Governor shall be submitted to
121 the Senate for confirmation. No appointee shall serve more than
122 two (2) consecutive terms.

123 (6) In the event of death, resignation or disability of a
124 member of the board, the Governor shall fill the vacancy by
125 appointing a qualified person for the remainder of the unexpired
126 term.

127 (7) Each member of the board shall receive a certificate of
128 appointment from the Governor, and before beginning his term of
129 office, shall file with the Secretary of State his written oath or
130 affirmation for faithful discharge of his official duty.

131 (8) (a) No member of the board shall receive a per diem but
132 shall be reimbursed for actual expenses when actually attending a
133 meeting of the board or any of its committees, and for time spent
134 on behalf of the board on official business not to exceed ten (10)
135 days in any month.

136 (b) Additionally, each member shall be reimbursed for
137 all necessary travel and incidental, and clerical expenses
138 incurred in carrying out the provisions of this act and upon
139 approval of the board as evidenced by voucher.

140 SECTION 5. (1) The board shall:

141 (a) Examine all applicants desiring to be licensed as a
142 private security business or guard in the State of Mississippi.

143 (b) Administer a written examination for prospective
144 licensees at least twice each year in the City of Jackson.

145 (c) Adopt rules and regulations to govern the practice

146 of private security in the State of Mississippi.

147 (d) Issue, suspend, modify, or revoke licenses or
148 certificates to practice private security in the State of
149 Mississippi.

150 (e) Report to the Attorney General of the State of
151 Mississippi all persons violating the provisions of this act.

152 (f) Elect a chairman and a vice chairman, each to serve
153 two-year terms.

154 (g) Report annually, no later than March 1, to the
155 Governor, the secretary of the department and the Legislature on
156 its activities.

157 (h) Adopt its official seal.

158 (2) The board may:

159 (a) Adopt and enforce rules and regulations, bylaws and
160 rules of professional conduct as the board may deem necessary and
161 proper to regulate private security businesses in the State of
162 Mississippi, to provide for the efficient operation of the board,
163 and otherwise to discharge its duties and powers under this act.

164 (b) Prescribe and adopt regulations, standards,
165 procedures and policies governing the manner and conditions under
166 which credit shall be given by the board for participation in a
167 program of continuing professional education such as the board may
168 consider necessary and appropriate to maintain the highest
169 standards of the private security industry in the State of
170 Mississippi.

171 (c) Authorize any member of the board to make any
172 affidavit necessary for the issuance of any injunction or other
173 legal process authorized under this act or under the rules and

174 regulations of the board.

175 (d) Issue subpoenas to require attendance and testimony
176 and the production of documents, for the purpose of enforcing the
177 laws relative to the private security industry and securing
178 evidence of violations thereof.

179 (e) Maintain a current list of licensed private
180 security guards.

181 (f) Appoint a qualified executive secretary.

182 (g) Employ clerical assistance necessary to carry out
183 the administrative work of the board.

184 (h) Employ legal counsel to carry out the provisions of
185 this act, provided that the fees of such counsel and the costs of
186 all proceedings except criminal prosecutions shall be paid by the
187 board from its own funds.

188 (i) Incur all necessary and proper expenses.

189 (3) The chairman and executive secretary of the board, or in
190 their absence any other member of the board, may administer oaths
191 in the taking of testimony upon any matter appertaining to the
192 duties and powers of the board.

193 (4) The board shall meet quarterly at regular meetings each
194 year. A special meeting may be held at such time and place as
195 specified by the executive secretary on call of the chairman or
196 any four (4) members. The executive secretary shall give written
197 notice of all meetings to the members of the board and to the
198 interested public.

199 (5) Five (5) members of the board shall constitute a quorum
200 for all purposes, including the granting or issuance of licenses
201 and the rulemaking and adjudicative functions of the board.

202 SECTION 6. The position of executive secretary of the board
203 is hereby created. The executive secretary shall be appointed by
204 the board and shall serve as its chief administrator. He shall
205 not be a member of the board, but shall be a full-time employee of
206 the board, to be paid compensation in an amount to be determined
207 by the board. The office, its equipment and furnishings shall be
208 initially furnished by the state. The executive secretary shall
209 perform such duties as may be prescribed by the board, and shall
210 employ such persons as he deems necessary and fix their
211 compensation. He shall have no financial or business interests,
212 contingent dealings or otherwise, in the security services
213 investigative business, watch, guard or patrol agency while so
214 employed or for a period of five (5) years thereafter.

215 SECTION 7. (1) The board shall base the determination of
216 the satisfactory minimum qualifications for licensing on whether
217 or not the applicant meets the following criteria:

218 (a) Is of good moral character.

219 (b) Is of legal age.

220 (c) Is a citizen of the United States.

221 (d) Has not been convicted in any jurisdiction of any
222 felony or any crime involving moral turpitude, or illegal use or
223 possession of a dangerous weapon for any of which a full pardon or
224 similar relief has not been granted.

225 (e) Has not been declared by any court of competent
226 jurisdiction incompetent by reason of mental defect or disease
227 which has not been restored.

228 (f) Does not suffer from habitual drunkenness or from
229 narcotics addiction or dependence.

230 (g) A corporation seeking a license shall be
231 incorporated under the laws of this state, or shall be duly
232 qualified to do business within this state with a valid
233 certificate of authority issued by the Secretary of State, and
234 shall have an agent for service of process designated as required
235 by law.

236 (2) If, in the opinion of the board, the applicant provides
237 inadequate information to allow the board to ascertain whether the
238 applicant satisfies the qualifications for licensing, the
239 applicant shall be required to provide additional information for
240 purposes of the application, or may be required to present himself
241 for an interview for this purpose.

242 (3) An applicant for licensing shall fill out and file with
243 the board an application form provided by the board. The form
244 shall require relevant information about the applicant's
245 character, experience and background.

246 (4) (a) If the applicant is an individual, the application
247 shall be subscribed and sworn to by such person.

248 (b) If the applicant is a partnership, the application
249 shall be subscribed and sworn to by each partner.

250 (c) If the applicant is a corporation, it shall be
251 subscribed and sworn to by at least two (2) principal corporate
252 officers.

253 (d) Any individual signing a license application shall
254 submit with the license application classifiable impressions of
255 his fingerprints on a form approved by the board.

256 (5) The licensee shall be required to have in effect general
257 liability insurance of at least Twenty-five Thousand Dollars

258 (\$25,000.00) with the State of Mississippi named as an additional
259 insured and shall provide to the board a certificate of insurance
260 issued by the carrier.

261 (6) Every person covered by this act within the state on the
262 effective date of this act shall have one hundred eighty (180)
263 days to apply to the board for a license to operate. Any such
264 person filing a timely application may continue to engage in
265 business pending a final determination of such application.

266 SECTION 8. (1) (a) After receipt of an application for a
267 license, the board shall conduct an investigation to determine
268 whether the facts set forth in the application are true.

269 (b) Within sixty (60) days after receipt of an
270 applications, the board shall either issue a license to the
271 applicant or notify the applicant of a denial of the license
272 application.

273 (c) In the event that the board requires additional
274 information from the applicant to complete its investigation, or
275 otherwise to satisfy the requirements of this act, or if the
276 applicant has not submitted all of the required information, the
277 sixty-day period for action by the board shall commence when the
278 board has received all such information.

279 (d) The board shall deny the application for a license
280 if it finds that the applicant, or the qualifying agent, or any of
281 the applicant's owners, partners or principal corporate officers
282 have committed any of the following:

283 (i) Violated any of the provisions of this act or
284 the rules and regulations promulgated by the board.

285 (ii) Practiced fraud, deceit or misrepresentation.

286 (iii) Knowingly made a material misstatement in
287 the application for a license.

288 (iv) Failed to meet the qualification of this act.

289 (v) Been convicted of a felony.

290 (2) The board may refuse to issue a license for good cause
291 shown.

292 SECTION 9. The board shall determine the scope, form and
293 content of the examinations for licensure. The examination, which
294 shall be written, shall test the applicant's knowledge of the
295 private security business and his ability to apply that knowledge
296 and to assume responsible charge in the practice of private
297 security.

298 SECTION 10. (1) The procedure of the board in approving or
299 denying an application shall be as follows:

300 (a) If the application is approved, the board shall
301 notify the applicant in writing that a license will be issued.

302 (b) If the application is denied, the board shall
303 notify the applicant in writing and shall set forth the grounds
304 for denial.

305 (c) (i) If the grounds for denial are subject to
306 correction by the applicant, the notice of denial shall so state
307 and the applicant shall be given ten (10) days after receipt of
308 such notice or, upon application, a reasonable additional period
309 of time within which to make the required correction.

310 (ii) If the application is denied, the applicant,
311 within thirty (30) days after receipt of notice of denial from the
312 board, may request a hearing on the denial. Within ten (10) days
313 after the filing of such request for hearing by the applicant, the

314 board shall schedule a hearing to be held after due notice to the
315 applicant.

316 (2) The board shall issue a license as a private security
317 guard to each applicant who meets the requirements of this act,
318 passes satisfactorily the examination administered by the board,
319 and pays the required fee.

320 (3) An applicant or qualifying agent successfully passing
321 the board's examination may substitute that for the experience
322 requirement.

323 (4) An applicant who fails an examination may be examined
324 again upon filing a new application and the payment of the
325 reexamination fee fixed by this act.

326 (5) A qualified agency or company at the time of the
327 effective date of this act may be licensed without an examination,
328 upon approval of the board, if he or it applies to the board prior
329 to December 31, 1999. In determining the qualifications of an
330 applicant for licensing under this subsection, the affirmative
331 vote of four (4) members of the board is required.

332 SECTION 11. (1) The license, when issued, shall be in a
333 form prescribed by the board and shall include the following:

334 (a) Name of the licensee.

335 (b) Business name under which the licensee is to
336 operate.

337 (c) Addresses of the locations where the licensee is
338 authorized to operate.

339 (d) Number and date of the license, and its date of
340 expiration.

341 (2) (a) No license shall be assigned or transferred, either

342 by operation of law or otherwise.

343 (b) If a sale, assignment, transfer, merger or
344 consolidation of a business licensed under this act is
345 consummated, the purchaser, assignee, transferee, or surviving or
346 new corporation, who is not already a licensee, shall immediately
347 apply for a license on a form prescribed by the board which shall
348 include the general information required by this act.

349 (c) The purchaser, assignee, transferee, or surviving
350 or new corporation shall be subject to the same general
351 requirements and procedures set forth in this act to the extent
352 such sections are applicable, and may continue the operation of
353 that licensed business until notified by the board of its final
354 decision on the new application for a license.

355 (d) For good cause shown, the board may extend the
356 period of time for filing the application required.

357 SECTION 12. (1) (a) Within seventy-two (72) hours after
358 receipt of the license certificate, the licensee shall cause the
359 license certificate to be posted and to be displayed at all times
360 in a conspicuous place in the principal office of the licensee
361 within the state.

362 (b) Copies of the license certificate shall be
363 displayed at all times in any other office within the state where
364 the licensee transacts business.

365 (c) Such license certificates, or copies thereof, shall
366 be subject to inspection at all reasonable times by the board.

367 (2) It shall be unlawful for any person holding such a
368 license certificate knowingly and willfully to post such license
369 certificates, or permit such license certificate to be posted,

370 upon premises other than those described in the license
371 certificate, or knowingly and willfully to alter such license
372 certificate.

373 (3) (a) Each license certificate shall be surrendered to
374 the board within seventy-two (72) hours after it has been revoked
375 or after the licensee ceases to do business.

376 (b) If, however, the board or a court of competent
377 jurisdiction has pending before it any matter relating to the
378 renewal, revocation or transfer of a license, the licensee shall
379 not be required to surrender the license until the matter has been
380 adjudicated and all appeals have been exhausted.

381 (c) When the licensee receives final notice that its
382 license has been revoked, a copy of such notice shall be displayed
383 and posted in close proximity to the license certificate until the
384 licensee terminates operations.

385 SECTION 13. The licensee shall notify the board within
386 thirty (30) days of any change in its officers, directors or
387 material change in the information previously furnished or
388 required to be furnished to the board, or any occurrence which
389 could reasonably be expected to affect the licensee's right to a
390 license under this act.

391 SECTION 14. (1) (a) Each person who performs the functions
392 and duties of a security guard within this state on the effective
393 date of this act shall have one hundred eighty (180) days to apply
394 to the board for a registration card.

395 (b) A temporary registration card may be issued by a
396 certified trainer pending issuance of a permanent registration
397 card by the board. A temporary registration card shall be valid

398 for no more than sixty (60) days.

399 (c) Individuals required to obtain a registration card
400 under this act shall file for a registration card and, upon
401 completion thereof, the licensee or registrant shall immediately
402 forward the application to the board.

403 (d) (i) Every applicant for a registration card shall
404 make and deliver to the licensee or the board a sworn application
405 in writing upon a form prescribed by the board.

406 (ii) The board shall prescribe by rule the form
407 for such application and procedures for their submission,
408 consideration and disposition, including the fee to accompany the
409 application.

410 (iii) To be eligible to apply for a registration
411 card an individual shall have the same qualifications required of
412 an applicant provided in Section 6 of this act, but may be a
413 resident alien.

414 (2) Each guard shall carry his registration card whenever
415 such individual is performing the duties of a security guard, and
416 it shall be exhibited upon request. The registration card shall
417 entitle the registrant to perform the duties of a security guard
418 as long as the registrant maintains his eligibility under the
419 provisions of this act.

420 (3) The registration card shall bear the name of the
421 employer, an identifying number, photograph and any other
422 identifying data required by the board.

423 (4) After receipt of an application for a registration card,
424 the board shall conduct an investigation to determine whether the
425 facts set forth in the application are true. Actions by the board

426 to approve or deny an application for a registration card shall be
427 the same as that action taken to deny or approve an application
428 for license as provided in Section 10 of this act.

429 (5) (a) In the event that the board denies, suspends or
430 revokes a registration card, the cardholder, upon receipt of the
431 notice of denial, suspension or revocation, shall immediately
432 cease to perform the duties of a security guard, unless
433 specifically authorized to continue work by order of the board, or
434 by a court of competent jurisdiction within the state.

435 (b) Both the cardholder and the employer shall be
436 notified by the board of its final action to deny, suspend or
437 revoke a registration card.

438 (6) (a) Registration cards issued by the board shall be
439 valid for a period of two (2) years. The registrant shall be
440 required to advise the board of any changes in his status or
441 permanent address during the valid period. The cardholder shall
442 file a registration card renewal form with the board not less than
443 thirty (30) days prior to the expiration of the card, together
444 with the fee for renewal. The renewal application shall include a
445 statement by the registrant that the registrant continues to meet
446 the qualifications for a security guard as set forth by the board.
447 The renewal application shall be accompanied by a statement from
448 a certified trainer that the registrant has satisfactorily
449 completed the required training as prescribed by the board.

450 (b) The board may refuse to renew a registration card,
451 and shall promptly notify the cardholder of its intent to refuse
452 to renew. The cardholder, within fifteen (15) days after receipt
453 of such notice, may request a hearing on such refusal, in the same

454 manner and in accordance with the same procedure as that provided
455 in Section 10 of this act.

456 (c) A licensee or employer shall notify the board
457 within ten (10) days after the death or termination of employment
458 of any of its employees who are registrants. Licensees or
459 employers subject to this act shall notify the board within ten
460 (10) days upon receipt of information relating to a registrant's
461 loss of eligibility to hold such a card.

462 (7) (a) Any individual who changes his permanent residence
463 to this state from any other state which the board determines has
464 selection, training and all other similar requirements at least
465 equal to those required under this act, and who holds a valid
466 registration, commission, identification or similar card issued by
467 said other state through a licensee which is licensed by this
468 state, and who wishes to continue to be employed by said licensee,
469 may apply for a registration card on a form prescribed by the
470 board upon the payment of a transfer fee. Upon certification by
471 said licensee that such individual has completed the training
472 prescribed by said state, the board shall issue the individual a
473 registration card.

474 (b) In the event that a person who holds a registration
475 card terminates employment with one employer and is reemployed
476 within five (5) calendar days as a security guard with another
477 employer, the new employer, within seventy-two (72) hours of such
478 reemployment shall submit to the board a notice of the change on a
479 form prescribed by the board, together with a transfer fee. The
480 board shall then issue a new registration card reflecting the name
481 of the new employer.

482 (c) Upon receipt of that new card, the cardholder shall
483 immediately return the old card to the board. The holder may
484 continue to work as a security guard for the new employer while
485 the board is processing the change application. The holder of a
486 registration card who terminates employment, and who is not
487 reemployed as a security guard within five (5) calendar days,
488 shall surrender within twenty-four (24) hours of the fifth
489 calendar day the registration card to the former employer. The
490 employer shall return the cancelled registration card to the board
491 within five (5) business days.

492 (8) A registration card shall be subject to expiration and
493 renewal during the period in which the holder of the card is
494 subject to an order of suspension.

495 SECTION 15. (1) (a) A security guard presently employed at
496 the time of the effective date of this act shall complete within
497 one (1) year a minimum of sixteen (16) hours training under a
498 certified trainer as prescribed by the board.

499 (b) Armed guards presently employed at the time of the
500 effective date of this act shall within one (1) year complete
501 eight (8) hours firearms training and range qualifications in
502 addition to the sixteen (16) hours training required.

503 (c) The board shall approve all training programs.

504 (d) The board may accept from a certified trainer a
505 certification that the above training has been completed within
506 the previous three (3) years, in lieu of the requirement to repeat
507 such training.

508 (2) (a) Any guard employed after the effective date of this
509 act shall complete, within thirty (30) days of his first work

510 assignment, eight (8) hours minimum training under a certified
511 trainer and successfully pass an examination on the prescribed
512 material which shall include the following topics:

513 (i) Orientation: two (2) hours.

514 (ii) Legal powers and limitations of a security
515 guard: two (2) hours.

516 (iii) Emergency procedures: two (2) hours.

517 (iv) General duties: two (2) hours.

518 (b) Armed guards shall complete eight (8) hours
519 firearms training and range qualifications prior to armed work
520 assignment. The nature and extent of firearms of firearms
521 training shall be adequately described, approved and monitored by
522 the board to include at a minimum the following:

523 (i) Legal limitations on use of weapons.

524 (ii) Handling of a weapon.

525 (iii) Safety and maintenance.

526 (c) Marksmanship requirement shall be a minimum of
527 sixty percent (60%) on any silhouette target course approved by
528 the board.

529 (d) Guards shall have six (6) months to complete an
530 additional eight (8) hours training under a certified trainer and
531 as prescribed by the board.

532 (3) Failure to complete the required training within the
533 prescribed time period shall preclude future consideration for a
534 license for a period of one (1) year.

535 (4) (a) All armed security guards must complete an annual
536 retraining course of at least four (4) hours, which includes two
537 (2) hours of refresher courses on subjects previously specified,

538 and at least two (2) hours aggregate retraining in firearms
539 instructions, to include minimum marksmanship qualification of
540 sixty percent (60%) on an approved silhouette target course
541 approved by the board.

542 (b) Upon a registrant's completion of any training
543 required, the licensee or employer, as the case may be, shall
544 furnish to the board a written notice of such completion signed by
545 a certified trainer.

546 (5) All training required by this act shall be administered
547 by a certified trainer who:

548 (a) Is approved by the board;

549 (b) Meets the qualifications of an applicant as
550 required by Section 7 of this act; and

551 (c) Has a minimum of three (3) years supervisory
552 experience with a contract security company, proprietary security
553 organization, or with any federal, state, parochial or municipal
554 law enforcement agent.

555 SECTION 16. An armed security guard whose duties require the
556 transporting of a firearm to and from the work assignment and his
557 residence, or between assignments, shall be required to have in
558 his possession a firearm permit issued by the State of
559 Mississippi.

560 SECTION 17. (1) The board may assess the following schedule
561 of fees, which shall not be refundable:

562 (a) Licensee:

563 (i) Application fee..... \$ 20.00

564 (ii) Examination fee..... \$ 50.00

565 (iii) Reexamination fee..... \$ 20.00

- 566 (iv) Initial license fee..... \$200.00
- 567 (v) Renewal license fee..... \$200.00
- 568 (vi) Replacement fee for a lost, destroyed or
- 569 mutilated license..... \$ 10.00
- 570 (b) Registered guard:
- 571 (i) Application fee..... \$ 20.00
- 572 (ii) Renewal fee..... \$ 20.00
- 573 (iii) Transfer fee..... \$ 10.00
- 574 (iv) Replacement fee for a lost, destroyed or
- 575 mutilated card \$ 10.00

576 (2) All fees shall be paid by check or money order made
 577 payable to the board.

578 (3) Any fees payable by a registrant under this act, or paid
 579 by a licensee on the registrant's behalf, or any deposits which
 580 may be required by a licensee from a registrant under this act,
 581 may be deducted from any wages payable to the registrant by the
 582 licensee; provided that such deduction does not reduce the hourly
 583 wage below the applicable minimum wage law.

584 SECTION 18. (1) A license shall expire annually on the date
 585 of issuance unless renewed by payment of the required renewal fee
 586 at least thirty (30) days prior to its expiration. The board
 587 shall notify the licensee of the renewal at the last known address
 588 at least sixty (60) days in advance of the expiration. If a
 589 license is not renewed within six (6) months after its expiration
 590 date, it shall be deemed to have lapsed and to be invalid. The
 591 delinquent private security business shall apply again for initial
 592 licensure.

593 (2) The board shall issue the same number for the renewed

594 license as that number issued for the original license or shall
595 deny renewal within thirty (30) days. The board shall promptly
596 notify the licensee if it refuses to renew the license.

597 (3) The licensee, within fifteen (15) days after receipt of
598 such notice of intent to refuse to renew a license, may request a
599 hearing on such refusal. A licensee shall be permitted to
600 continue to be engaged in the contract security business while his
601 renewal application is pending.

602 SECTION 19. A person holding a license to engage in the
603 private security business issued to him by a proper authority of
604 any state, territory or possession of the United States of
605 America, or the District of Columbia, which has licensing
606 requirements comparable to Mississippi, and who, in the opinion of
607 the board, otherwise meets the requirements of this act, upon
608 application, may be licensed without further examination.

609 SECTION 20. (1) The board may refuse to issue or may
610 suspend, revoke or impose probationary or other restrictions on
611 any license issued under this act for good cause shown which shall
612 include the following:

613 (a) Conviction of a felony or entry of a plea of guilty
614 or nolo contendere to a felony charge under the laws of the United
615 States of America or of any state.

616 (b) Deceit or perjury in obtaining any certificate or
617 license issued under this act.

618 (c) Providing false testimony before the board.

619 (d) Efforts to deceive or defraud the public.

620 (e) Professional incompetency or gross negligence.

621 (f) Rendering, submitting, subscribing or verifying

622 false, deceptive, misleading or unfounded opinions or reports.

623 (g) The refusal of the licensing authority of another
624 state to issue or renew a license, permit or certificate to
625 practice in that state, or the revocation or suspension of or
626 other restriction imposed on a license, permit or certificate
627 issued by such licensing authority.

628 (h) Aiding or abetting a person to evade the provisions
629 of this act or knowingly combining or conspiring with an
630 unlicensed person, or acting as an agent, partner, associate or
631 otherwise, of an unlicensed person with intent to evade provisions
632 of this act.

633 (i) Violation of any provision of this act or any rules
634 or regulations of the board or rules of professional conduct
635 promulgated by the board.

636 (2) The board, as a probationary condition or as a condition
637 of the reinstatement of any license suspended or revoked
638 hereunder, may require the holder to pay all costs of the board
639 proceedings, including investigators', stenographers' and
640 attorneys' fees.

641 (3) Four (4) concurring votes of the board shall be required
642 for the revocation of any license. Four (4) concurring votes
643 shall be required for suspension of any license or the imposition
644 of costs or fines in excess of Five Hundred Dollars (\$500.00).

645 (4) Any certificate or license suspended, revoked or
646 otherwise restricted by the board may be reinstated by majority
647 vote of a quorum.

648 SECTION 21. (1) (a) With the exception of sworn peace
649 officers in police uniform, no individual, while performing the

650 duties of a security guard, shall wear or display any badge,
651 insignia, device, shield, patch or pattern which shall indicate or
652 tend to indicate that he is a worn peace officer, or which
653 contains or includes the word "police," or the equivalent thereof,
654 or is similar in wording to any law enforcement agency in this
655 state.

656 (b) A copy of such badges and insignias of the licensee
657 shall be submitted for approval to the board at the time of filing
658 for initial and renewable license application.

659 (2) No person, while performing any private security
660 services, shall have or utilize any vehicle or equipment
661 displaying the words "police," "law enforcement officer," or the
662 equivalent thereof, or any sign, shield, marking, accessory or
663 insignia that may indicate that such vehicle is a vehicle of a
664 public law enforcement agency.

665 (3) (a) The employer shall furnish security guard uniforms.

666 (b) All military or police-style uniforms, except for
667 rainwear or other foul weather clothing, shall have affixed over
668 the left breast pocket, on the outermost garment, and on all caps
669 worn by such persons, badges or insignias distinct in design from
670 those utilized by law enforcement agencies within the state, and
671 approved by the board.

672 (c) Suppliers of uniforms shall be prohibited from the
673 sale or rental of uniforms, badges and insignia of a licensee or
674 law enforcement agency without appropriate certification from such
675 licensees or agencies that the intended purchaser is properly
676 authorized to use those items.

677 (4) An employer may require a reasonable deposit to secure

678 the return of the uniform, weapon or any equipment provided by the
679 employer, provided that such deduction does not reduce the hourly
680 wage below the applicable minimum wage law.

681 SECTION 22. (1) It shall be unlawful for any person to
682 knowingly commit any of the following acts:

683 (a) Provide contract security services without
684 possessing a valid license;

685 (b) Employ any individual to perform the duties of a
686 security guard who is not the holder of a valid registration card;

687 (c) Publish any advertisement, letterhead, circular,
688 statement or phrase of any sort which suggests that the licensee
689 is an official police agency or any other agency, instrumentality,
690 or division of this state or any of its political subdivisions, or
691 of the federal government;

692 (d) Issue any badge or shield not in conformance with
693 Section 21 of this act;

694 (e) Designate an individual as other than a security
695 guard to circumvent the requirements of this act;

696 (f) Knowingly make any false statement or material
697 omission in any application filed with the board;

698 (g) Falsely represent that a person is the holder of a
699 valid license or registration; or

700 (h) Violate any provision of this act or any rule or
701 regulation of the board.

702 (2) It shall be unlawful for any security guard to knowingly
703 commit any of the following:

704 (a) Provide security guard services or perform security
705 guard services without a valid registration card.

706 (b) Fail to return immediately on demand or within
707 twenty-four (24) hours of termination of employment a firearm
708 issued by an employer.

709 (c) Carry a firearm in the performance of his duties
710 without a valid registration card.

711 (d) Fail to return immediately on demand or within
712 seven (7) days of termination of employment any uniform, badge or
713 other item of equipment issued to the security guard by an
714 employer.

715 (e) Make any statement which would reasonably cause
716 another person to believe that the security guard functions as a
717 sworn peace officer or other official of this state, or of any of
718 its political subdivisions, or any agency of the federal
719 government.

720 (f) Fail to comply with the regulations issued by the
721 board, or with any other requirements under the provisions of this
722 act.

723 (g) Divulge to anyone, other than his employer, or to
724 such persons as his employer may direct, or as may be required by
725 law, any information acquired during such employment that may
726 compromise the security of any premises or assignment to which he
727 shall have been assigned by such employer.

728 (h) Fail to return to the employer or the board a
729 registration card as required by the provisions of this act.

730 (i) Possess a license or registration card issued to
731 another person.

732 (j) Use any uniform, badge or shield not in conformance
733 with this act.

734 SECTION 23. (1) No person shall engage in the business of
735 providing private security guard services except in accordance
736 with this act and the rules and regulations adopted by the board
737 hereunder.

738 (2) Whoever willfully violates any provisions of this act
739 shall be fined not less than One Hundred Dollars (\$100.00) nor
740 more than Five Hundred Dollars (\$500.00), or imprisoned for not
741 less than ten (10) days nor more than five (5) months, or both.

742 SECTION 24. (1) In addition to or in lieu of the criminal
743 penalties and administrative sanctions provided in this act, the
744 board is empowered to issue an order to any person or firm engaged
745 in any activity, conduct or practice constituting a violation of
746 any provision of this act, directing such person or firm to
747 forthwith cease and desist from such activity, conduct or
748 practice. Such order shall be issued in the name of the State of
749 Mississippi, under the official seal of the board.

750 (2) If the person or firm to whose the board directs a cease
751 and desist order does not cease and desist the prohibited
752 activity, conduct or practice within three (3) working days from
753 service of such cease and desist order by certified mail, the
754 board may seek, in any court of competent jurisdiction and proper
755 venue, a writ of injunction enjoining such person or firm from
756 engaging in any activity, conduct or practice prohibited by this
757 act.

758 (3) (a) Upon a proper showing by the board that such person
759 or firm has engaged in any activity, conduct or practice
760 prohibited by this act, the court shall issue a temporary
761 restraining order restraining the person or firm from engaging in

762 unlawful activity, conduct or practices pending the hearing on a
763 preliminary injunction, and in due course a permanent injunction
764 shall be issued after a hearing, commanding the cessation of the
765 unlawful activity, conduct or practices complained of, all without
766 the necessity of the board having to give bond as usually required
767 in such cases.

768 (b) A temporary restraining order, preliminary
769 injunction or permanent injunction issued hereunder shall not be
770 subject to being released upon bond.

771 SECTION 25. (1) This act shall not prohibit one or more
772 private security businesses from practicing through a partnership,
773 corporation or association.

774 (2) In any partnership, corporation or association whose
775 primary activity consists of private security services, at least
776 one (1) partner or officer shall be licensed.

777 SECTION 26. All fees collected under the provisions of this
778 act shall be paid into the State Treasury on or before the
779 twenty-fifth day of the month following their collection in a
780 special fund named the Mississippi State Board of Private Security
781 Examiners Fund. In addition, all other money made available for
782 use as provided in this act shall be credited to this fund. Any
783 interest accrued to the fund shall remain in the fund. At the end
784 of a fiscal year no money shall lapse into the General Fund but
785 shall remain in the special fund created by this section.

786 SECTION 27. The adoption of any rule or regulation,
787 guideline, substantive procedure or code of conduct shall be
788 subject to the provisions of the Administrative Procedure Act.

789 SECTION 28. (1) From and after the effective date of this

790 act, no governmental subdivision of this state shall enact any
791 legislation, code, or ordinance or promulgate any rules or
792 regulations relating to the licensing, training or regulations of
793 contract security companies other than the imposition of a bona
794 fide business tax.

795 (2) Upon said effective date, any provisions of any
796 legislation, code, or ordinance, or rules promulgated by any local
797 governmental subdivision of this state which relates to licensing,
798 training or regulation of contract security companies shall be
799 superseded by this act.

800 SECTION 29. (1) This act shall not apply to a person or
801 corporation which employs persons who do private security work in
802 connection with the affairs of such employer only and who have an
803 employer-employee relationship with such employer. Neither such
804 persons or corporations nor their employees shall be required to
805 register or be licensed under this act.

806 (2) This act shall not apply to a peace officer employed by
807 a state, county or local law enforcement agency who contracts
808 directly with an employer to work during his off-duty hours and
809 whose off-duty employment is conducted on an independent
810 contractor basis with an employer other than a peace officer
811 engaged in the private detective or private security business or a
812 private detective or private security agency.

813 SECTION 30. This act shall take effect and be in force from
814 and after July 1, 1999.