

By: Senator(s) Jackson (15th)

To: Business and Financial  
Institutions

SENATE BILL NO. 2531

1 AN ACT TO CREATE THE "PRIVATE PROTECTIVE SERVICES LICENSING  
2 AND REGULATORY ACT"; TO REQUIRE A LICENSE TO ACT AS A CONTRACT  
3 SECURITY COMPANY; TO PRESCRIBE QUALIFICATIONS OF APPLICANTS FOR  
4 LICENSE; TO REQUIRE REGISTRATION CARDS FOR ARMED OR UNARMED  
5 SECURITY GUARDS/OFFICERS; TO ESTABLISH A REGISTRATION FEE; TO  
6 PROVIDE THAT THE COMMISSIONER OF INSURANCE SHALL BE RESPONSIBLE  
7 FOR ADMINISTERING AND ENFORCING THE PROVISIONS OF THIS ACT; TO  
8 PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS; TO CREATE THE PRIVATE  
9 SECURITY REGULATORY FUND; TO PREEMPT LOCAL REGULATIONS; TO PROVIDE  
10 CONTINUING EDUCATION REQUIREMENTS; AND FOR RELATED PURPOSES.

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

12 **SECTION 1. Short title.** This act may be known and may be  
13 cited as the "Private Protective Services Licensing and Regulatory  
14 Act."

15 **SECTION 2. Definitions.** As used in this act, unless the  
16 context otherwise requires:

17 (a) "Armed security officer/guard" means a security  
18 officer/guard who at any time wears, carries, possesses or has  
19 access to a firearm, or any facsimile of any firearm which may  
20 leave the impression that such person is armed, and who works in  
21 plainclothes or wears dress of a distinctive design or fashion, or  
22 dress having any symbol, badge, emblem, insignia or device which  
23 identifies or tends to identify the wearer as a security  
24 officer/guard;

25 (b) "Branch manager" means the individual who is  
26 immediately responsible for the operation of a branch office;

27 (c) "Branch office" means any office of a contract  
28 security company within this state other than its principal place  
29 of business within this state;

30 (d) "Certified trainer" means any individual certified  
31 by the commissioner as qualified to administer and certify to

32 successful completion of the minimum training requirements  
33 prescribed by this act for a security guard/officer;

34 (e) "Commissioner" means the Commissioner of Insurance,  
35 or the commissioner's designee;

36 (f) "Contract security company" means any person  
37 engaging in the business of providing, or undertaking to provide,  
38 a security guard and patrol service on a contractual basis for  
39 another person;

40 (g) "Licensee" means any contract security company  
41 licensed in accordance with the provisions of this act;

42 (h) "Person" means any individual, firm, association,  
43 company, partnership, corporation, nonprofit organization,  
44 institution or similar entity;

45 (i) "Principal corporate officer" means the chief  
46 executive officer, president, vice president, treasurer, secretary  
47 or comptroller, as well as any other responsible officer or  
48 executive employee who performs functions for the corporation  
49 corresponding to those performed by the foregoing officers;

50 (j) "Proprietary security organization" means any  
51 person or department thereof which employs a security  
52 guard/officer solely for such person in an employer/employee  
53 relationship;

54 (k) "Qualifying agent" means a principal corporate  
55 officer meeting the qualifications set forth in this act for  
56 operating a contract security company;

57 (l) "Qualifying manager" means an individual designated  
58 by a proprietary security organization to be responsible for  
59 compliance with the provisions of this act on behalf of such  
60 organization;

61 (m) "Registrant" means an individual who holds a valid  
62 registration card;

63 (n) "Registration card" means a pocket card issued by  
64 the commissioner evidencing that the holder has met the

65 qualifications required by this act to perform the duties of a  
66 security guard/officer in this state;

67 (o) "Security guard/officer" means an individual  
68 employed by a contract security company or a proprietary security  
69 organization whose primary duty is to perform any function of a  
70 security guard and patrol service;

71 (p) "Security guard and patrol service" means  
72 protection of persons and/or property from criminal activities,  
73 including, but not limited to:

74 (i) Prevention and/or detection of intrusion,  
75 authorized entry, larceny, vandalism, abuse, fire or trespass on  
76 private property;

77 (ii) Prevention, observation or detection of any  
78 unauthorized activity on private property;

79 (iii) Enforce rules, regulations or local or state  
80 laws on private property;

81 (iv) Control, regulation or direction of the flow  
82 or movements of the public, whether by vehicle or otherwise on  
83 private property; or

84 (v) Street patrol service;

85 (q) "Street patrol service" means the utilization of  
86 foot patrols, motor patrols or any other means of transportation  
87 in public areas or on public thoroughfares in order to serve  
88 multiple customers or facilities. "Street patrol service" does  
89 not apply to:

90 (i) A management supervisor moving from one (1)  
91 customer or facility to another to inspect personnel; or

92 (ii) A security guard/officer traveling from one  
93 (1) facility to another to serve the same customer with multiple  
94 facilities;

95 (r) "Sworn peace officer" means any individual who  
96 derives plenary or special law enforcement powers (such as the

97 power of arrest) from, and is an employee of, a federal, state or  
98 local government agency or instrumentality;

99 (s) "Unarmed security officer/guard" means a security  
100 officer/guard who never wears, carries or has access to a firearm,  
101 or any facsimile of a firearm, which may leave the impression that  
102 such person is armed with a firearm, but who may carry other  
103 nonlethal devices as prescribed herein with the proper  
104 certification, and who works in plainclothes or wears dress of a  
105 distinctive design or fashion, or dress having any symbol, badge,  
106 emblem, insignia or device which identifies or tends to identify  
107 the wearer as a security officer/guard; and

108 (t) "Undercover agent" means an individual hired by  
109 another person, through a contract security company to perform a  
110 job in and/or for that person, and while performing such job, to  
111 act as an undercover employee, independent contractor or operative  
112 of such person, but under the supervision of such contract  
113 security company.

114 **SECTION 3. Exemptions.** (1) The provisions of this act do  
115 not apply to:

116 (a) A government officer or employee performing  
117 official duties;

118 (b) A consumer reporting agency, as defined by the  
119 Federal Fair Credit Reporting Act;

120 (c) An attorney at law, or the attorney's agent,  
121 performing duties relating to the attorney's practice of law;

122 (d) An insurance company, agent, broker or adjuster  
123 performing investigative duties in connection with insurance  
124 business transacted;

125 (e) A holder of a purchase money security interest, or  
126 the holder's agent, repossessing the personal property in which  
127 such interest is held;

128 (f) A private business employee conducting  
129 investigations relating to the internal affairs of such business;

130           (g) A full-time sworn peace officer receiving  
131 compensation for services as a guard, patrol or watchperson under  
132 a contract with a private business which is properly licensed by  
133 the state;

134           (h) An unarmed employee, whether uniformed or  
135 nonuniformed, in the course and scope of employment of a hospital  
136 who exceeds all training requirements established in Section 18 of  
137 this act, by having received not less than twelve (12) classroom  
138 hours of training. The course curriculum for such training shall  
139 be on file with the commissioner;

140           (i) Private entities contracting with governmental  
141 entities for the care, supervision and/or transportation of  
142 inmates. This exemption shall in no way authorize government  
143 contracts for the care, supervision and/or transportation of  
144 inmates;

145           (j) A person who is compensated by a resort area owner  
146 or management company and who has received a commission from the  
147 chief law enforcement officer of the appropriate governmental  
148 entity. Within one (1) year of being so employed, such person  
149 shall have completed a training program approved by the  
150 commissioner. Such program shall be approved only if all training  
151 requirements and the qualifications for the employee are  
152 equivalent to or superior to those required for a law enforcement  
153 officer under the standards established by the Mississippi Law  
154 Enforcement Officers' Standards and Training Board for law  
155 enforcement officers. The commissioner shall approve the  
156 exemption established by this subsection for each employee  
157 utilizing such exemption;

158           (k) A retired peace officer receiving compensation for  
159 services as a guard, patrol or watchperson under a contract with a  
160 private business which is properly licensed by the state;  
161 provided, that such retired peace officer:

162 (i) Completes the firearms and marksmanship  
163 training required by Section 18(2) of this act; and

164 (ii) Has a written directive issued by the  
165 executive supervisor of the organization to which such person was  
166 attached or employed authorizing such person to carry a handgun;

167 (1) (i) One (1) designated employee per business  
168 location of a private company, firm, partnership, or corporation  
169 that is not a contract security company or proprietary security  
170 organization whose duties include those of an unarmed security  
171 guard/officer during nonbusiness hours;

172 (ii) Pursuant to this subsection, no person, while  
173 performing any function of a security guard and patrol service  
174 during nonbusiness hours, shall:

175 1. Wear or display any badge, insignia,  
176 shield, patch or pattern which:

177 a. Indicates or tends to indicate that  
178 such person is a sworn peace officer;

179 b. Contains or includes the word  
180 "police" or the equivalent thereof; or

181 c. Is similar in wording to any law  
182 enforcement agency in this state; or

183 2. Have or utilize any vehicle or equipment  
184 which:

185 a. Displays the words "police," "law  
186 enforcement officer," or the equivalent thereof; or

187 b. Has any sign, shield, accessory or  
188 insignia that may indicate that such vehicle or equipment belongs  
189 to a public law enforcement agency; or

190 (m) A company using or providing certified law  
191 enforcement officers to others exclusively for traffic control  
192 purposes within temporary work zones located in the public  
193 right-of-way and established in accordance with the manual on  
194 uniform traffic control devices (MUTCD); provided, however, that

195 any department providing the law enforcement officers may require  
196 the company to have on staff a traffic control supervisor or a  
197 traffic engineer in order to insure compliance with the MUTCD and  
198 may also require the company to demonstrate proof of liability  
199 insurance.

200 (2) (a) The provisions of Section 18(1) of this act, only,  
201 shall not apply to a person employed as an unarmed security  
202 guard/officer by a proprietary security organization.

203 (b) For the purposes of this subsection (2), an unarmed  
204 security guard/officer shall not carry a weapon of any kind.

205 (c) It is the desire of the general assembly that  
206 unarmed proprietary security guards/officers whose primary duties  
207 involve contact with the public should have training in the areas  
208 of legal powers and limitations, and of emergency procedures as  
209 deemed necessary by their employers. The commissioner may provide  
210 such employers information concerning these areas.

211 **SECTION 4. License required to act as contract security**

212 **officer.** Except as otherwise provided in this act, it is unlawful  
213 for any person to act as a contract security company without  
214 having first obtained a license from the commissioner.

215 **SECTION 5. Application for licenses; filing; form; contents.**

216 (1) An application for a contract security company license shall  
217 be filed with the commissioner on the prescribed form. The  
218 application shall include:

219 (a) The full name and business address of the  
220 applicant; or

221 (i) If the applicant is a partnership, the name  
222 and address of each partner; or

223 (ii) If the applicant is a corporation, the name  
224 and address of the qualifying agent;

225 (b) The name under which the applicant intends to do  
226 business;

227 (c) The address of the principal place of business and  
228 all branch offices of the applicant within this state;

229 (d) As to each individual applicant, or, if the  
230 applicant is a partnership, as to each partner, or, if the  
231 applicant is a corporation, as to the qualifying agent, the  
232 following information:

233 (i) Full name;

234 (ii) Date and place of birth;

235 (iii) All residences during the immediate past  
236 five (5) years;

237 (iv) All employment or occupations engaged in  
238 during the immediate past five (5) years;

239 (v) Three (3) sets of classifiable fingerprints;

240 (vi) Three (3) credit references from lending  
241 institutions or business firms with whom the subject has  
242 established a credit record; and

243 (vii) A list of all convictions and pending  
244 charges of commission of a felony or misdemeanor in any  
245 jurisdiction;

246 (e) If the applicant is a corporation, the following  
247 information:

248 (i) The correct legal name of the corporation;

249 (ii) The state and date of incorporation;

250 (iii) The date the corporation qualified to do  
251 business in this state;

252 (iv) The address of the corporate headquarters, if  
253 located outside this state; and

254 (v) The names of two (2) principal corporate  
255 officers other than the qualifying agent, and the business  
256 address, residence address, and the office held by each in the  
257 corporation; and

258 (f) Such other information as the commissioner may  
259 reasonably require.



- 260 (2) The application shall be subscribed and sworn to:
- 261 (a) By the applicant, if the applicant is an
- 262 individual;
- 263 (b) By each partner, if the applicant is a partnership;
- 264 or
- 265 (c) By the qualifying agent, if the applicant is a
- 266 corporation.
- 267 (3) Any individual signing the application must be at least
- 268 twenty-one (21) years of age.

269 **SECTION 6. Qualifications of applicants.** Each individual

270 applicant, or, if the applicant is a partnership, each partner,

271 or, if the applicant is a corporation, the qualifying agent, must:

- 272 (a) Be at least twenty-one (21) years of age;
- 273 (b) Be a citizen of the United States or a resident
- 274 alien;
- 275 (c) Not have been declared by any court of competent
- 276 jurisdiction incompetent by reason of mental defect or disease
- 277 unless a court of competent jurisdiction has since declared the
- 278 applicant competent;
- 279 (d) Not be suffering from habitual drunkenness or
- 280 narcotics addiction or dependence;
- 281 (e) Be of good moral character; and
- 282 (f) (i) Possess at least three (3) years of experience
- 283 as a manager, supervisor, or administrator with a contract
- 284 security company or proprietary security organization;
- 285 (ii) Possess at least three (3) years of
- 286 experience satisfactory to the commissioner, with any federal,
- 287 United States military, state, county or municipal law enforcement
- 288 agency; or
- 289 (iii) Pass an examination to be administered at
- 290 least twice annually by the commissioner, designed to measure
- 291 knowledge and competence in the contract security company
- 292 business.

293           **SECTION 7. Action upon applications; investigations;**

294 **approval or denial of licenses.** (1) Upon receipt of an  
295 application for a license, the commissioner shall:

296           (a) Conduct an investigation to determine whether the  
297 statements made in the application are true;

298           (b) Compare, or request that the Department of Public  
299 Safety's Mississippi Bureau of Investigation compare, the  
300 fingerprints submitted with the application to fingerprints filed  
301 with the bureau; and

302           (c) Submit the fingerprints to the Federal Bureau of  
303 Investigation for a search of its files to determine whether the  
304 individual fingerprinted has any recorded convictions.

305           (2) The commissioner shall issue a license, in a form which  
306 the commissioner shall prescribe, to qualified applicants upon  
307 receipt of a nonrefundable, nonproratable fee in accordance with  
308 the schedule promulgated by the commissioner.

309           (3) If an application for a license is denied, the  
310 commissioner shall notify the applicant in writing and shall set  
311 forth the grounds for denial. If such grounds are subject to  
312 correction by the applicant, the notice of denial shall so state  
313 and specify a reasonable period of time within which the applicant  
314 must make the required correction.

315           (4) An application shall be accompanied by a notarized  
316 statement sworn to by the applicant as to the number of employees  
317 in service. Making a false statement shall be punishable by a  
318 civil penalty not to exceed One Thousand Dollars (\$1,000.00) and  
319 assessment of the maximum application fee.

320           **SECTION 8. Posting of license.** Every license issued under  
321 this act shall be posted conspicuously in the licensee's principal  
322 place of business in this state.

323           **SECTION 9. License not transferable or assignable.** No  
324 contract security company license shall be transferable or  
325 assignable.

326           **SECTION 10. Renewal of license.** (1) A contract security  
327 company license, or renewal thereof, shall be valid for a period  
328 of two (2) years from the date of issuance. The commissioner  
329 shall provide each licensee with a renewal application form sixty  
330 (60) days prior to the expiration of the license.

331           (2) The fee for timely renewal of a license shall be in  
332 accordance with the schedule promulgated by the commissioner. A  
333 penalty fee as prescribed by the commissioner will be assessed on  
334 any renewal application postmarked after the expiration date of  
335 the license.

336           (3) Licenses may be renewed up to three (3) months after  
337 their expiration by the payment of the renewal fee, plus a penalty  
338 established by the commissioner for each month or portion thereof  
339 which elapses before payment is tendered.

340           (4) A renewal application shall be accompanied by a  
341 notarized statement sworn to by the applicant as to the number of  
342 employees in service. Making a false statement shall be  
343 punishable by a civil penalty of Two Hundred Fifty Dollars  
344 (\$250.00) and assessment of the maximum renewal fee.

345           **SECTION 11. Qualifying agent ceasing to perform duties.** (1)  
346 If the qualifying agent of a licensee ceases to perform the  
347 qualifying agent's duties on a regular basis, the licensee shall:

348           (a) Within thirty (30) days, notify the commissioner by  
349 certified or registered mail; and

350           (b) Within three (3) months, obtain a substitute  
351 qualifying agent.

352           (2) The commissioner may, in the commissioner's discretion,  
353 extend the period for obtaining a substitute qualifying agent for  
354 a reasonable time.

355           **SECTION 12. Licensee to notify commissioner of certain**  
356 **changes in status.** A licensee shall notify the commissioner in  
357 writing within thirty (30) days of:

358 (a) Any change in the qualifying agent or principal  
359 corporate officers identified in its application for license;

360 (b) Any material change in the information previously  
361 furnished or required to be furnished to the commissioner; or

362 (c) Any occurrence which could reasonably be expected  
363 to affect the licensee's right to a license under this act.

364 **SECTION 13. Change in ownership; application for license;**  
365 **operation under old license.** (1) If the ownership of a contract  
366 security company changes, the new owner, if not already a  
367 licensee, may not operate that company more than thirty (30) days  
368 after the date of such change of ownership unless, within such  
369 thirty-day period, the new owner submits an application for a  
370 license. If such application is submitted, the new owner may  
371 continue to operate such company until the application has been  
372 finally determined by the commissioner.

373 (2) For good cause, the commissioner may extend the period  
374 for submitting an application pursuant to subsection (1) for a  
375 reasonable time.

376 **SECTION 14. Certificates of insurance; general liability**  
377 **coverage.** All licensees and employers of private security  
378 guards/officers shall retain a certificate of insurance evidencing  
379 general liability coverage for the negligent act or acts of the  
380 principal insured or the principal insured's agents operating in  
381 the course and scope of employment for bodily injury, personal  
382 injury and property damage, with endorsements for personal injury,  
383 including false arrest, libel, slander and invasion of privacy, in  
384 the minimum amount of Three Hundred Thousand Dollars (\$300,000.00)  
385 for bodily or personal injury and One Hundred Thousand Dollars  
386 (\$100,000.00) for property damage. Such certificate shall be  
387 available for inspection during normal business hours on request  
388 of the commissioner or duly appointed and identified  
389 Representative(s). The certificates shall provide that the  
390 insurance shall not be modified or cancelled without thirty (30)

391 days' prior notice to the commissioner. All persons required to  
392 be insured by this act must be insured by a carrier approved in  
393 the state in which the insurance has been purchased or in this  
394 state.

395 **SECTION 15. Registration cards; guards, officers and agents.**

396 (1) Except as otherwise provided in this act, it is unlawful for  
397 any individual to act as an armed or unarmed security  
398 guard/officer without having first obtained the appropriate  
399 registration card from the commissioner.

400 (2) Any individual who holds a valid "armed security  
401 guard/officer" registration card may act as an armed or unarmed  
402 security guard/officer thereunder.

403 (3) Any individual who is employed exclusively as an  
404 undercover agent is not required to hold a registration card.

405 **SECTION 16. Registration cards; filing; form; fee; contents;  
406 change of registration status.**

407 (1) An application for a  
408 registration card shall be filed with the commissioner on the  
409 prescribed form. The application shall be accompanied by  
410 nonrefundable and nonproratable fees for both armed and unarmed  
411 registrations. The commissioner shall establish the amounts of  
412 the fees in varying amounts for different types of registrations  
413 at reasonable levels. The applicant shall furnish the following  
414 information:

414 (a) Name and current residence address;

415 (b) Date and place of birth;

416 (c) Social security number;

417 (d) Telephone number, if any;

418 (e) All residences during the immediate past five (5)  
419 years;

420 (f) All employment or occupations engaged in during the  
421 immediate past five (5) years;

422 (g) Three (3) sets of classifiable fingerprints;

423           (h) Three (3) head-and-shoulder photographs taken  
424 within the last six (6) months;  
425           (i) A general physical description;  
426           (j) A list of all convictions and pending charges of  
427 commission of a felony or misdemeanor in any jurisdiction;  
428           (k) A list of all names used by the applicant other  
429 than the name by which the applicant is currently known, with a  
430 statement explaining where, when and why such names were used;  
431           (l) A statement whether the applicant has ever been  
432 issued or denied a registration card in any jurisdiction, and  
433 whether such card, if issued, has ever been revoked or suspended;  
434           (m) Type of military discharge; and  
435           (n) Type of security guard/officer registration card,  
436 "armed" or "unarmed," applied for. If the applicant seeks an  
437 armed registration card, the application shall also include a  
438 signed sworn statement that the applicant has had no convictions  
439 in any state for a felony.  
440           (2) Any applicant who has already submitted an application  
441 for registration or to whom a valid registration card has been  
442 issued may submit an application to change registration status  
443 from unarmed to armed, or from armed to unarmed status. The  
444 commissioner may establish the amounts of the fees at levels lower  
445 than those required for an initial application for registration.

446           **SECTION 17. Registration cards; qualifications of**

447 **applicants.** Each applicant for a registration card must:

- 448           (a) Be at least twenty-one (21) years of age if  
449 applying for an armed registration card or at least eighteen (18)  
450 years of age if applying for unarmed registration;  
451           (b) Be a citizen of the United States or resident  
452 alien;  
453           (c) Not have been declared by any court of competent  
454 jurisdiction incompetent by reason of mental defect or disease

455 unless a court of competent jurisdiction has since declared the  
456 applicant competent;

457 (d) If convicted in any jurisdiction of any of the  
458 crimes listed herein, have completed serving sentence or court  
459 ordered probation at least five (5) years prior to application.  
460 Conviction of the following crimes shall disqualify an applicant,  
461 subject to the conditions stated in this section:

462 (i) Any felony; or

463 (ii) Any misdemeanor involving:

464 1. Shooting a firearm or other weapon;

465 2. Shoplifting;

466 3. Assault and battery or other act of  
467 violence against persons or property;

468 4. Crimes involving the sale, manufacture or  
469 distribution of controlled substances, drugs or narcotics;

470 5. Theft of property; or

471 6. Theft of services;

472 (e) Not be suffering from habitual drunkenness or  
473 narcotics addiction or dependence;

474 (f) Not have any disability which, in the opinion of  
475 the commissioner, prevents the applicant from performing the  
476 duties of a security guard/officer; and

477 (g) Be of good moral character.

478 **SECTION 18. Registration cards; training and examination of**  
479 **applicants.** (1) Prior to issuance of the registration card, and  
480 within sixty (60) days of employment, the applicant must complete  
481 at least four (4) hours of general training administered by a  
482 certified trainer, and pass an examination, covering at least the  
483 following subjects:

484 (a) Orientation: one (1) hour;

485 (b) Legal powers and limitations of a security  
486 guard/officer: one (1) hour;

487 (c) Emergency procedures: one (1) hour;

488 (d) General duties: one (1) hour; and

489 (e) For applicants for private security officer/guard  
490 registration who will carry a club, stun gun, chemical spray,  
491 night stick or other less than lethal device, the commissioner  
492 shall require appropriate training specific to such device by a  
493 certified trainer who is certified to instruct for such specific  
494 device. It shall be the employers' responsibility to keep  
495 training records of their employees for each specific device. The  
496 security officer/guard shall also have in such person's possession  
497 a certification card issued by an instructor/trainer who is  
498 certified to instruct/train in the legal use of such specific  
499 device and shall exhibit such card upon demand by the commissioner  
500 or the commissioner's duly authorized agent or any full-time law  
501 enforcement officer.

502 (2) If applying for an "armed security guard/officer"  
503 registration card, before being issued a firearm, the applicant  
504 must also:

505 (a) Complete at least eight (8) additional classroom  
506 hours of firearms training administered by a certified trainer,  
507 and pass an examination, covering at least the following subjects:

- 508 (i) Legal limitations of the use of a firearm;
- 509 (ii) Handling of a firearm; and
- 510 (iii) Safety and maintenance; and

511 (b) Complete at least four (4) hours of marksmanship  
512 training administered by a certified trainer, and achieve a  
513 minimum of seventy percent (70%) on any silhouette target course  
514 approved by the commissioner.

515 (3) A statement from a certified trainer certifying the  
516 satisfactory completion of the training required herein must be  
517 submitted to the commissioner within thirty (30) days of  
518 employment.

519 (4) (a) The requirements of subsection (1) of this section  
520 do not apply to those applicants for registration as "unarmed



521 security guards/officers" who have at least one (1) year of  
522 experience as a security guard/officer as of July 1, 2006, or who  
523 have had not less than four (4) hours of training equivalent to  
524 that required in subsection (1) in the year prior to filing the  
525 application.

526 (b) The requirements of subsection (2) of this section  
527 do not apply to those applicants for registration as "armed  
528 security guards/officers" who have had not less than twelve (12)  
529 hours of training equivalent to that required in subsection (2) in  
530 the year prior to filing the application.

531 (c) The requirements of subsections (1) and (2) do not  
532 apply to an applicant for registration, who is a sworn peace  
533 officer and certified by the Mississippi Law Enforcement Officers'  
534 Standards and Training Board. The commissioner may issue a  
535 temporary registration card to such officer upon the  
536 commissioner's verification of the officer's certification.

537 (d) The requirements of subsection (1) do not apply to  
538 an applicant for registration who is a state or local correctional  
539 officer or jailer; provided, that the state officer has  
540 successfully completed the appropriate basic training required by  
541 state law and is current on all annual refresher courses required  
542 and the local officer or jailer has successfully completed  
543 comparable basic training and annual in-service training courses.  
544 The commissioner may issue a temporary registration card to such  
545 officer upon the commissioner's verification that the officer  
546 meets the requirements of this paragraph (d).

547 **SECTION 19. Registration cards; investigation of applicants;**  
548 **issuance or denial of cards.** (1) (a) Upon receipt of an  
549 application for a registration card, the commissioner:

550 (i) Shall conduct an investigation to determine  
551 whether the statements made in the application are true;

552                   (ii) Shall cause the applicant's fingerprints to  
553 be compared with fingerprints filed with the Department of Public  
554 Safety's Mississippi Bureau of Investigation; and

555                   (iii) If the application is for an "armed security  
556 guard/officer" registration card, shall, or if the application is  
557 for an "unarmed security guard/officer" registration card may,  
558 submit the applicant's fingerprints and photograph to the Federal  
559 Bureau of Investigation for a search of its files to determine  
560 whether the applicant has any recorded convictions.

561                   (b) The Department of Insurance has the authority to  
562 query the Department of Public Safety's Mississippi Bureau of  
563 Investigation's Mississippi criminal history records system for  
564 the following information:

565                   (i) Mississippi criminal history records;

566                   (ii) Mississippi repository for apprehension of  
567 persons (MRAP); and

568                   (iii) State of Mississippi orders of protection  
569 files (MTOPI).

570                   Such records may be used in lieu of fingerprint background  
571 checks for the issuance of unarmed security guard/officer  
572 registrations or for the issuance of conditional armed security  
573 guard/officer registrations, if requested.

574                   (2) Pending issuance or denial of a registration card (or  
575 renewal thereof) by the commissioner, the applicant may work as an  
576 unarmed security guard/officer if a copy of the completed  
577 application is kept on the applicant's person while on duty. A  
578 qualified applicant may receive a conditional armed registration  
579 card pending receipt of the Federal Bureau of Investigation  
580 report. The commissioner shall notify such applicant by postcard  
581 that all elements required for the armed registration card have  
582 been satisfied except for receipt of the Federal Bureau of  
583 Investigation report. The applicant may use the postcard as a

584 conditional armed registration card until the application is  
585 ultimately granted or denied.

586 The postcard shall include an expiration date, which shall be  
587 established by the department. If no determination is made on the  
588 original application before the expiration of the conditional  
589 armed registration card, a second conditional armed registration  
590 card may be issued.

591 (3) (a) The commissioner shall issue to a qualified  
592 applicant a registration card for armed or unarmed security  
593 officer registration, upon receipt of the appropriate payment of  
594 fees and a statement from a certified trainer that the training  
595 required by this act has been completed. The commissioner shall  
596 establish the appropriate amounts for the fees required by this  
597 subsection (3).

598 (b) The commissioner shall issue to a qualified  
599 applicant who is a sworn peace officer a registration card for  
600 armed or unarmed security officer registration upon receipt of the  
601 appropriate payment of fees and verification of the Mississippi  
602 Law Enforcement Officers' Standards and Training Board  
603 certification.

604 **SECTION 20. Registration cards; possession and exhibition;**  
605 **notice of arrest and conviction.** (1) The receipt, application or  
606 registration card shall be exhibited upon request of the  
607 commissioner or the commissioner's designee, full-time law  
608 enforcement officer, or an employer to verify that the security  
609 officer/guard is working pursuant to the requirements of this act.

610 (2) A security officer/guard shall provide written notice to  
611 the commissioner or the commissioner's designee and to the  
612 licensee or the proprietary security organization which employs  
613 the security officer/guard of any arrest and resulting conviction,  
614 except for minor traffic violations, within thirty (30) days of  
615 such arrest or conviction.

616           **SECTION 21.**   **Registration cards; not transferable or**  
617 **assignable.**   No registration card shall be transferable or  
618 assignable.

619           **SECTION 22.**   **Registration cards; expiration; renewal.**   (1)  
620 All registration cards, or renewals thereof, shall expire two (2)  
621 years from date of issuance.

622           (2) The commissioner shall establish the fees in reasonable  
623 amounts for the timely renewal of armed or unarmed registration  
624 cards.

625           (3) Registrations may be renewed up to three (3) months  
626 after their expiration by payment of the renewal fee plus a  
627 penalty established by the commissioner for each month or portion  
628 thereof which elapses before payment is tendered.

629           (4) Every armed security guard/officer shall as a  
630 prerequisite for the renewal of such person's registration card:

631                   (a) Complete four (4) hours of refresher training  
632 administered by a certified trainer in the subjects listed in  
633 Section 18(2)(a) of this act; and

634                   (b) Requalify in the use of a firearm by achieving a  
635 minimum of seventy percent (70%) on any silhouette target course  
636 approved by the commissioner.

637           **SECTION 23.**   **Notice to commissioner prior to acting as**  
638 **proprietary security organization.**   (1) It is unlawful for any  
639 person to act as a proprietary security organization without first  
640 having notified the commissioner in writing. The notice shall  
641 include:

642                   (a) The full name and business address of the  
643 proprietary security organization;

644                   (b) The full name and the business and residence  
645 addresses of the qualifying manager; and

646                   (c) Such other information as the commissioner may  
647 reasonably require.

648 (2) Notwithstanding the requirements of subsection (1), a  
649 hospital which employs only unarmed security guards/officers may  
650 voluntarily elect to submit to the requirements for a proprietary  
651 security organization under this act and evidence such election by  
652 filing with the commissioner the notice required in subsection  
653 (1). Such notice is revocable by such hospital at any time upon  
654 appropriate notice of revocation.

655 **SECTION 24. Registration cards; notice concerning**  
656 **eligibility to hold.** (1) A licensee or proprietary security  
657 organization shall immediately notify the commissioner upon  
658 receipt of any information relating to a registrant's continuing  
659 eligibility to hold a registration card under the provisions of  
660 this act.

661 (2) A licensee or proprietary security organization shall  
662 provide written notice to the commissioner or the commissioner's  
663 designee of any arrest and/or conviction, except for minor traffic  
664 violations, within thirty (30) days of being notified or learning  
665 of such arrest and/or conviction of:

- 666 (a) The licensee or its qualifying agent; or  
667 (b) Any person employed as a security officer/guard by  
668 the licensee or the proprietary security organization.

669 **SECTION 25. Carrying of weapons by guards or officers.** An  
670 armed security officer/guard may carry only such types of firearms  
671 as the commissioner shall, by rules and regulations, prescribe in  
672 the performance of such person's duties. A security officer/guard  
673 may carry a firearm only if certified to carry such firearm. With  
674 proper certification, an unarmed or armed security officer/guard  
675 may carry any other type weapon to include, but not be limited to,  
676 clubs/batons, stun guns, the chemical spray known as "mace," or  
677 any other tool or weapon that the commissioner may prescribe.

678 **SECTION 26. Certified trainers; instructors.** (1) An  
679 individual is eligible to become a certified trainer only if such  
680 individual:

681           (a) Is at least twenty-one (21) years of age;

682           (b) Has at least one (1) year of supervisory experience  
683 satisfactory to the commissioner with a contract security company  
684 or proprietary security organization, or with any federal, United  
685 States military, state, county or municipal law enforcement  
686 agency; and

687           (c) Is personally qualified to conduct the training  
688 required by this act.

689           (2) A certified trainer may, in such trainer's discretion,  
690 instruct personally or use a combination of personal instruction,  
691 audio and/or visual training aids.

692           (3) To assist in the implementation of the training program,  
693 the certified trainer may appoint, as an instructor, any  
694 individual who:

695           (a) Is at least twenty-one (21) years of age; and

696           (b) Has at least one (1) year of experience with any  
697 federal, United States military, state, county or municipal law  
698 enforcement agency, or with a contract security company or  
699 proprietary security organization.

700           (c) A certified trainer may be an employee of a  
701 contract security company or proprietary security organization.

702           (d) The certified trainer shall certify to the  
703 successful completion of training required by this act and shall  
704 submit such certification to the commissioner prior to issuance of  
705 a registration card, or renewal thereof, in the case of armed  
706 security guards/officers.

707           (e) The commissioner shall charge and collect an annual  
708 fee of One Hundred Fifty Dollars (\$150.00) or in such other amount  
709 as set by the commissioner for certification of a trainer  
710 hereunder.

711           (f) Certifications may be renewed up to three (3)  
712 months after their expiration by payment of the renewal fee, plus

713 a penalty established by the commissioner for each month or  
714 portion thereof which elapses before payment is tendered.

715 **SECTION 27. Prohibited law enforcement representations on**  
716 **badges, insignias, vehicles or equipment.** No person, while  
717 performing any function of a security guard and patrol service,  
718 shall:

719 (a) Wear or display any badge, insignia, shield, patch  
720 or pattern which:

721 (i) Indicates or tends to indicate that such  
722 person is a sworn peace officer;

723 (ii) Contains or includes the word "police" or the  
724 equivalent thereof; or

725 (iii) Is similar in wording to any law enforcement  
726 agency in this state; or

727 (b) Have or utilize any vehicle or equipment which:

728 (i) Displays the words "police, law enforcement  
729 officer," or the equivalent thereof; or

730 (ii) Has any sign, shield, accessory or insignia  
731 that may indicate that such vehicle or equipment belongs to a  
732 public law enforcement agency.

733 **SECTION 28. Restrictions regarding military or police-style**  
734 **uniforms.** No security guard/officer shall wear any military or  
735 police-style uniform, except for rainwear or other foul-weather  
736 clothing, unless such uniform has:

737 (a) Affixed over the left breast pocket on the  
738 outermost garment and on any cap, a badge or insignia distinct in  
739 design from that utilized by any law enforcement agency in this  
740 state, unless the licensed security officer is in plain clothes;  
741 and

742 (b) Affixed over the right breast pocket on the  
743 outermost garment a name plate or tape with the name of the  
744 security guard/officer on it, unless the licensed security officer  
745 is in plain clothes.

746           **SECTION 29. Administration and enforcement of this act;**  
747 **rules and regulations; advisory committee.** (1) The commissioner  
748 shall be responsible for administering and enforcing the  
749 provisions of this act.

750           (2) The commissioner may promulgate such rules as are  
751 reasonably necessary to effectuate the purposes of this act. All  
752 such rules shall be promulgated in accordance with the  
753 Administrative Procedures Act. The Mississippi Law Enforcement  
754 Officers' Standards and Training Board shall establish design  
755 criteria for such insignia and markings.

756           (3) The commissioner shall appoint a committee of experts in  
757 the field of security guard and patrol service to advise the  
758 commissioner with respect to any contemplated rulemaking under  
759 this section. Such committee may make formal recommendations to  
760 the commissioner or the general assembly.

761           (4) The commissioner may seek relief at law or equity to  
762 restrain or enjoin any act or practice in violation of this act,  
763 or of any rule promulgated hereunder. Jurisdiction is conferred  
764 upon the chancery and circuit courts of this state to hear and  
765 determine such a suit. No bond shall be required for the  
766 prosecution of the suit or for the issuance of an injunction.

767           (5) The commissioner or the commissioner's designee may at  
768 all reasonable hours conduct inspections/investigations of  
769 contract security companies, proprietary security organizations,  
770 and security officers/guards to ensure compliance with this act.

771           **SECTION 30. Disciplinary powers of commissioner; civil**  
772 **penalties.** (1) The commissioner may take disciplinary action  
773 against a licensee, registrant or applicant, deny an application  
774 for a license or registration, or may suspend, revoke, or refuse  
775 to issue or renew any certificate, certified trainer license,  
776 license or registration card hereunder upon finding that the  
777 holder or applicant has:



778 (a) Violated any provision of this act, or any rule  
779 promulgated hereunder;

780 (b) Practiced fraud, deceit or misrepresentation;

781 (c) Knowingly and willfully made a material  
782 misstatement in connection with an application for a license or  
783 registration card;

784 (d) Been convicted by a court of competent jurisdiction  
785 of any felony or of a misdemeanor, if the commissioner finds that  
786 such conviction reflects unfavorably on the fitness for such  
787 license or registration card;

788 (e) Committed any act which would have been cause for  
789 refusal to issue such license or registration card had it existed  
790 and been known to the commissioner at the time of issuance;

791 (f) Engaged in dishonorable, unethical, or  
792 unprofessional conduct of a character likely to deceive, defraud  
793 or harm the public;

794 (g) Willfully deceived or defrauded a member of the  
795 public being protected;

796 (h) Acted as a contract security company or proprietary  
797 security company without a currently valid license;

798 (i) Acted as an armed or unarmed security officer/guard  
799 on a registration card that has expired or without a valid  
800 registration card as this act requires;

801 (j) Violated any disciplinary order of the  
802 commissioner; or

803 (k) Failed or refused to cooperate with any inspection  
804 or investigation to determine compliance with this act or rules  
805 and regulations promulgated pursuant thereto.

806 (2) In addition to or in lieu of any other lawful  
807 disciplinary action under this section, the commissioner may  
808 assess a civil penalty of up to Two Thousand Dollars (\$2,000.00)  
809 for each statute or rule violation.

810 (3) The commissioner may assess a civil penalty of up to Two  
811 Thousand Dollars (\$2,000.00) per occurrence upon any person who  
812 operates without the proper license or other authorization  
813 required.

814 (4) A license or registration card shall be subject to  
815 expiration and renewal during any period in which such license or  
816 registration card is suspended.

817 **SECTION 31. Regulation by municipalities, counties or other**  
818 **political subdivisions.** (1) (a) No licensee or registrant shall  
819 be required to obtain any authorization, permit or license from or  
820 to pay any other fee or post a bond in any municipality, county or  
821 other political subdivision of this state to engage in any  
822 business or activity regulated under this act.

823 (b) Notwithstanding the provisions of subsection  
824 (1)(a), a municipality, county or other political subdivision of  
825 this state may impose:

826 (i) A bona fide business tax; and  
827 (ii) Regulations upon any person who furnishes  
828 street patrol services, including a requirement that such person  
829 register with a designated agency.

830 (2) When a security guard/officer is working in another  
831 jurisdiction other than the security guard/officer's primary  
832 county, the chief law enforcement officer of the county in which  
833 such security guard/officer is working shall be notified where the  
834 security guard/officer will be assigned and the length of the  
835 assignment. This shall be done in writing by the employer of the  
836 security guard/officer, unless other arrangements are made with  
837 the chief law enforcement officer of the county, within five (5)  
838 days of the date of first service. The chief law enforcement  
839 officer and such officers/deputies shall recognize the  
840 state-issued security armed card as valid in their jurisdiction  
841 while any security guard/officer is traveling to or from a job  
842 site and while performing duties while at the job site, or while

843 any representative of a security company, supervisor or officers  
844 are traveling to or from job sites, or operating as a street  
845 patrol service.

846 (3) The chief law enforcement officer of a county may  
847 require an individual to present proof of compliance with this  
848 act.

849 (4) The chief law enforcement officer shall waive provisions  
850 relative to training for those individuals properly and duly  
851 registered and in possession of a valid armed registration card.  
852 If a valid objection exists, however, proof or information  
853 indicating training should not be waived shall be sent to the  
854 commissioner or the commissioner's designee within ten (10) days  
855 of such objection, along with a written explanation of the chief  
856 law enforcement officer's objection. A security guard/officer  
857 shall not work in any jurisdiction in which the chief law  
858 enforcement officer has a pending objection to the training  
859 qualifications of such security guard/officer.

860 (5) In any county having a metropolitan form of government,  
861 the chief of police shall be the chief law enforcement officer  
862 (CLEO). In counties not having a metropolitan form of government  
863 the sheriff shall be the chief law enforcement officer (CLEO).

864 **SECTION 32. Reciprocal agreements with officials of other**  
865 **states.** The commissioner may negotiate and enter into reciprocal  
866 agreements with appropriate officials in other states to permit  
867 licensed or registered contract security companies or security  
868 guards/officers who meet or exceed the qualifications established  
869 in this act to operate across state lines under mutually  
870 acceptable terms.

871 **SECTION 33. Copies of act and rules.** The commissioner shall  
872 provide a copy of this act and any rules promulgated hereunder as  
873 may be amended, to:

874 (a) Each licensee and proprietary security organization  
875 every two (2) years, at no charge; and

876 (b) Any other person, upon request, for such reasonable  
877 fee as the commissioner may fix.

878 **SECTION 34. Unlawful employments, publications and**  
879 **activities.** (1) It is unlawful for any person knowingly to  
880 employ as a security guard/officer any individual who does not  
881 hold a valid registration card of the appropriate type, except as  
882 provided in Section 19(3) of this act.

883 (2) It is unlawful for any contract security company  
884 knowingly to publish any advertisement, letterhead, circular,  
885 statement or phrase of any sort which suggests that such company  
886 is a government agency or instrumentality.

887 (3) It is unlawful for any security guard/officer knowingly  
888 to:

889 (a) Fail to return immediately on demand, or within  
890 twenty-four (24) hours of termination of employment, a firearm  
891 issued to the security officer by an employer;

892 (b) Fail to return immediately on demand, or within  
893 seven (7) days of termination of employment, any uniform, badge,  
894 device, insignia, credential, keys or other item of equipment  
895 issued to the security officer by an employer;

896 (c) Carry a firearm or facsimile of any firearm or item  
897 which may leave the impression that such security officer is armed  
898 with a firearm of any type in the performance of the security  
899 officer's duties if not the holder of a valid "armed security  
900 guard/officer" registration card;

901 (d) Carry a firearm or facsimile of any firearm or item  
902 which may leave the impression that such security officer is armed  
903 with a firearm of any type in performance of the security  
904 officer's duties if not authorized to carry such firearm;

905 (e) Make any statement which would reasonably cause  
906 another person to believe that such security guard/officer  
907 functions as a sworn peace officer or other government official;

908 or

909 (f) Divulge to anyone other than the security officer's  
910 employer, or such persons as the security officer's employer may  
911 direct or as may be required by law, any information acquired  
912 during the security officer's employment that may compromise the  
913 security of any premises to which the security officer has been  
914 assigned by such employer.

915 **SECTION 35. Administrative procedures regarding contested**  
916 **cases.** The provisions of the Administrative Procedures Act  
917 governs all matters and procedures respecting the hearing and  
918 judicial review of any contested case, as defined therein, arising  
919 under this act.

920 **SECTION 36. Penalty for violations.** Except as otherwise  
921 provided in this act, or in any rule or regulation promulgated  
922 pursuant thereto, a violation of this act, or any rule promulgated  
923 hereunder, is a misdemeanor.

924 **SECTION 37. Private Security Regulatory Fund.** (1)  
925 Notwithstanding any other provision of law to the contrary, all  
926 monies collected pursuant to this act shall be deposited in the  
927 State Treasury in a separate fund to be known as the "Private  
928 Security Regulatory Fund."

929 (2) Disbursements from such fund shall be made solely for  
930 the purpose of defraying expenses incurred in the implementation  
931 and enforcement of this act.

932 (3) No such expenses shall be payable from the general fund  
933 of the state.

934 (4) Any part of the Private Security Regulatory Fund  
935 remaining at the end of a fiscal year shall not revert to the  
936 General Fund but shall be carried forward to defray future  
937 expenses until expended in accordance with the provisions of this  
938 act.

939 **SECTION 38. Preemption of local regulations.** No city,  
940 county or urban county government shall occupy any part of the

941 field of regulation of private protective services unless  
942 expressly provided for herein.

943 **SECTION 39. Limitation on exemption from licensing**

944 **requirements.** No person who is exempt from the licensing  
945 requirements of this act pursuant to Section 3(1) of this act  
946 shall perform any private protective services duties at a shopping  
947 center complex or other business facility that has two (2) or more  
948 contiguous businesses. A person performing private protective  
949 services pursuant to Section 3(1) of this act shall perform such  
950 services solely upon the premises of the business of such person's  
951 employer.

952 **SECTION 40. Continuing education requirements.** Every

953 certified trainer, qualifying agent and qualifying manager must  
954 annually complete six (6) hours of continuing education approved  
955 by the commissioner as a prerequisite for continued operation in  
956 this state. Proof of such continuing education shall be forwarded  
957 to the commissioner by December 15 of each year. The commissioner  
958 may establish a reasonable fee for the review of continuing  
959 education classes.

960 **SECTION 41. Notification and uniform requirements for peace**

961 **officers providing security outside of primary jurisdiction.**

962 (1) (a) Notwithstanding any provision of this act to the  
963 contrary, if a full-time sworn peace officer is working to provide  
964 uniformed security, direct traffic, exercise crowd control or  
965 perform any other such duty in a jurisdiction other than the  
966 officer's primary jurisdiction, then the chief law enforcement  
967 officer of the jurisdiction in which such full-time sworn peace  
968 officer is working shall be notified of the location of the  
969 officer's assignment as well as the length of the assignment. For  
970 work performed in unincorporated areas of a county or within the  
971 limits of a municipality that does not maintain a police  
972 department, the chief law enforcement officer of the jurisdiction  
973 is the county sheriff. For work performed within the limits of a

974 municipality that maintains a police department, the chief law  
975 enforcement officer of the jurisdiction is the municipal police  
976 chief.

977 (b) Such notice shall be provided in writing by the  
978 employer of the full-time sworn peace officer within five (5) days  
979 prior to the date of first service, unless other arrangements are  
980 made with the chief law enforcement officer of the jurisdiction.

981 (2) (a) While a full-time sworn peace officer is employed  
982 in a jurisdiction other than the full-time sworn peace officer's  
983 primary jurisdiction, such officer's clothing shall bear insignia  
984 and markings clearly designating that the peace officer is a  
985 "Private Duty Law Enforcement Officer." The Mississippi Law  
986 Enforcement Officers' Standards and Training Board, shall  
987 establish design criteria for such insignia and markings.

988 (b) Notwithstanding the provisions of subsection  
989 (2)(a), a full-time sworn peace officer while employed in a  
990 jurisdiction other than the officer's primary jurisdiction, may  
991 wear the primary jurisdiction's uniform, if the jurisdiction has  
992 authorized its officers to do so. The jurisdiction may establish  
993 reasonable regulations for the wearing of its uniforms during such  
994 employment.

995 (3) The provisions of this section shall only apply to sworn  
996 peace officers engaged in employment outside their primary  
997 jurisdiction and within a county having a:

998 (a) Metropolitan form of government and a population  
999 greater than one hundred thousand (100,000), according to the 2000  
1000 federal census or any subsequent federal census; or

1001 (b) Population of not less than one hundred eighty-two  
1002 thousand (182,000) nor greater than one hundred eighty-three  
1003 thousand (183,000), according to the 2000 federal census or any  
1004 subsequent federal census.

1005 **SECTION 42.** This act shall take effect and be in force from  
1006 and after July 1, 2006.