

By: Senator(s) Tollison

To: Business and Financial  
Institutions

## SENATE BILL NO. 2810

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 DIRECTOR 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 OFFICER REGISTRANT CARDS  
10 AND QUALIFICATIONS AND PROCEDURES THEREFOR; TO REQUIRE TRAINING OF  
11 OFFICERS; 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 officers.

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

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

50           (f) "Executive director" means the chief administrative  
51 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, director 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 officer.

67           (l) "Security officer" 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 officer is an individual whose  
88 principal duty is that of an armed security officer, and who at  
89 any time wears, carries, possesses, or has access to a firearm in  
90 the 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 an officer 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 officers 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. Seven (7)  
101 members shall be appointed by the Governor, one (1) by the  
102 Lieutenant Governor and one (1) by the Speaker of the House of

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

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

146 (c) Adopt rules and regulations to govern the practice  
147 of private security firms and businesses in the State of  
148 Mississippi.

149 (d) Issue, suspend, modify, or revoke licenses or  
150 certificates to provide private security services in the State of  
151 Mississippi.

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

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

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

159 (h) Adopt its official seal.

160 (2) The board may:

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

166 (b) Prescribe and adopt regulations, standards,  
167 procedures and policies governing the manner and conditions under  
168 which credit shall be given by the board for participation in a

169 program of continuing professional education such as the board may  
170 consider necessary and appropriate to maintain the highest  
171 standards of the private security industry in the State of  
172 Mississippi.

173 (c) Authorize any member of the board to make any  
174 affidavit necessary for the issuance of any injunction or other  
175 legal process authorized under this act or under the rules and  
176 regulations of the board.

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

181 (e) Maintain a current list of licensed private  
182 security officers.

183 (f) Appoint a qualified executive director.

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

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

190 (i) Incur all necessary and proper expenses.

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

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

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

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

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

220 (a) Is of good moral character.

221 (b) Is of legal age.

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

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

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

230 (f) Does not suffer from habitual drunkenness or from  
231 narcotics addiction or dependence.

232 (g) A corporation seeking a license shall be  
233 incorporated under the laws of this state, or shall be duly

234 qualified to do business within this state with a valid  
235 certificate of authority issued by the Secretary of State, and  
236 shall have an agent for service of process designated as required  
237 by law.

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

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

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

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

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

255 (d) Any individual signing a license application shall  
256 submit with the license application classifiable impressions of  
257 his fingerprints on a form approved by the board. The board shall  
258 use the impressions to complete a fingerprint-based criminal  
259 history records investigation from the Mississippi Department of  
260 Public Safety and the Federal Bureau of Investigation databases.

261 (5) The licensee shall be required to have in effect general  
262 liability insurance of at least One Million Dollars  
263 (\$1,000,000.00) with the State of Mississippi named as an  
264 additional insured and shall provide to the board a certificate of  
265 insurance issued by the carrier.



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

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

274 (b) Within sixty (60) days after receipt of an  
275 application, the board shall either issue a license to the  
276 applicant or notify the applicant of a denial of the license  
277 application.

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

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

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

290 (ii) Practiced fraud, deceit or misrepresentation.

291 (iii) Knowingly made a material misstatement in  
292 the application for a license.

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

294 (v) Been convicted of a felony.

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

297 **SECTION 9.** The board shall determine the scope, form and  
298 content of the examinations for licensure. The examination, which

299 shall be written, shall test the applicant's knowledge of the  
300 private security business and his ability to apply that knowledge  
301 and to assume responsible charge in the practice of private  
302 security.

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

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

307 (b) If the application is denied, the board shall  
308 notify the applicant in writing and shall set forth the grounds  
309 for denial.

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

315 (ii) If the application is denied, the applicant,  
316 within thirty (30) days after receipt of notice of denial from the  
317 board, may request a hearing on the denial. Within ten (10) days  
318 after the filing of such request for hearing by the applicant, the  
319 board shall schedule a hearing to be held after due notice to the  
320 applicant.

321 (2) The board shall issue a license as a private security  
322 officer to each applicant who meets the requirements of this act,  
323 passes satisfactorily the examination administered by the board,  
324 and pays the required fee.

325 (3) An applicant or qualifying agent successfully passing  
326 the board's examination may substitute that for the experience  
327 requirement.

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

331 (5) A qualified agency or company at the time of the  
332 effective date of this act may be licensed without an examination,  
333 upon approval of the board, if he or it applies to the board prior  
334 to December 31, 2006. In determining the qualifications of an  
335 applicant for licensing under this subsection, the affirmative  
336 vote of five (5) members of the board is required.

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

339 (a) Name of the licensee.

340 (b) Business name under which the licensee is to  
341 operate.

342 (c) Addresses of the locations where the licensee is  
343 authorized to operate.

344 (d) Number and date of the license, and its date of  
345 expiration.

346 (2) (a) No license shall be assigned or transferred, either  
347 by operation of law or otherwise.

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

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

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

362 **SECTION 12.** (1) (a) Within seventy-two (72) hours after  
363 receipt of the license certificate, the licensee shall cause the

364 license certificate to be posted and to be displayed at all times  
365 in a conspicuous place in the principal office of the licensee  
366 within the state.

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

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

372 (2) It shall be unlawful for any person holding such a  
373 license certificate knowingly and willfully to post such license  
374 certificates, or permit such license certificate to be posted,  
375 upon premises other than those described in the license  
376 certificate, or knowingly and willfully to alter such license  
377 certificate.

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

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

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

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

396           SECTION 14. (1) (a) Each person who performs the functions  
397 and duties of a security officer within this state on the  
398 effective date of this act shall have one hundred eighty (180)  
399 days to apply to the board for a registration card.

400                   (b) A temporary registration card may be issued by a  
401 certified trainer pending issuance of a permanent registration  
402 card by the board. A temporary registration card shall be valid  
403 for no more than sixty (60) days.

404                   (c) Individuals required to obtain a registration card  
405 under this act shall file for a registration card and, upon  
406 completion thereof, the licensee or registrant shall immediately  
407 forward the application to the board.

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

411                           (ii) The board shall prescribe by rule the form  
412 for such application and procedures for their submission,  
413 consideration and disposition, including the fee to accompany the  
414 application.

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

419           (2) Each security officer shall carry his registration card  
420 whenever such individual is performing the duties of a security  
421 officer, and it shall be exhibited upon request by a sworn law  
422 enforcement officer or official representative of the board. The  
423 registration card shall entitle the registrant to perform the  
424 duties of a security officer as long as the registrant maintains  
425 his eligibility under the provisions of this act.

426           (3) The registration card shall bear, an identifying number,  
427 photograph and any other identifying data required by the board.

428           (4) After receipt of an application for a registration card,  
429 the board shall conduct an investigation to determine whether the  
430 facts set forth in the application are true. Actions by the board  
431 to approve or deny an application for a registration card shall be  
432 the same as that action taken to deny or approve an application  
433 for license as provided in Section 10 of this act.

434           (5) (a) In the event that the board denies, suspends or  
435 revokes a registration card, the cardholder, upon receipt of the  
436 notice of denial, suspension or revocation, shall immediately  
437 cease to perform the duties of a security officer, unless  
438 specifically authorized to continue work by order of the board, or  
439 by a court of competent jurisdiction within the state.

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

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

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

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

462 (c) A licensee or employer shall notify the board  
463 within ten (10) days after the death or termination of employment  
464 of any of its employees who are registrants. Licensees or  
465 employers subject to this act shall notify the board within ten  
466 (10) days upon receipt of information relating to a registrant's  
467 loss of eligibility to hold such a card.

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

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

488 (c) Upon receipt of that new card, the cardholder shall  
489 immediately return the old card to the board. The holder may  
490 continue to work as a security officer for the new employer while  
491 the board is processing the change application. The holder of a  
492 registration card who terminates employment, and who is not

493 reemployed as a security officer within five (5) calendar days,  
494 shall surrender within twenty-four (24) hours of the fifth  
495 calendar day the registration card to the former employer. The  
496 employer shall return the cancelled registration card to the board  
497 within five (5) business days.

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

501 **SECTION 15.** (1) (a) A security officer presently employed  
502 at the time of the effective date of this act shall complete  
503 within one (1) year a minimum of forty-eight (48) hours training  
504 under a certified trainer as prescribed by the board.

505 (b) Armed security officers presently employed at the  
506 time of the effective date of this act shall within one (1) year  
507 complete eight (8) hours firearms training and range  
508 qualifications in addition to the forty-eight (48) hours training  
509 required.

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

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

515 (2) (a) Any security officer employed after the effective  
516 date of this act shall complete, within one hundred (100) days of  
517 his first work assignment, forty-eight (48) hours minimum training  
518 under a certified trainer and successfully pass an examination on  
519 the prescribed material which shall include the following topics:

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

521 (ii) Legal powers and limitations of a security  
522 officer: two (2) hours.

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

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



525           (b) Armed security officers shall complete eight (8)  
526 hours firearms training and range qualifications prior to armed  
527 work assignment. The nature and extent of firearms of firearms  
528 training shall be adequately described, approved and monitored by  
529 the board to include at a minimum the following:

530                   (i) Legal limitations on use of weapons.

531                   (ii) Handling of a weapon.

532                   (iii) Safety and maintenance.

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

536           (d) Security officers shall have six (6) months to  
537 complete an additional eight (8) hours training under a certified  
538 trainer and as prescribed by the board.

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

542           (4) (a) All armed security officers must complete an annual  
543 retraining course of at least four (4) hours, which includes two  
544 (2) hours of refresher courses on subjects previously specified,  
545 and at least two (2) hours aggregate retraining in firearms  
546 instructions, to include minimum marksmanship qualification of  
547 sixty percent (60%) on an approved silhouette target course  
548 approved by the board.

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

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

555                   (a) Is approved by the board;

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

558           (c) Has a minimum of three (3) years supervisory  
559 experience with a contract security company, proprietary security  
560 organization, or with any federal, state, parochial or municipal  
561 law enforcement agent.

562           **SECTION 16.** An armed security officer whose duties require  
563 the transporting of a firearm to and from the work assignment and  
564 his residence, or between assignments, shall be required to have  
565 in his possession a firearm permit issued by the State of  
566 Mississippi.

567           **SECTION 17.** (1) The board is authorized to charge each  
568 applicant a fee for a license.

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

571           (3) Any fees payable by a registrant under this act, or paid  
572 by a licensee on the registrant's behalf, or any deposits which  
573 may be required by a licensee from a registrant under this act,  
574 may be deducted from any wages payable to the registrant by the  
575 licensee; provided that such deduction does not reduce the hourly  
576 wage below the applicable minimum wage law.

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

586           (2) The board shall issue the same number for the renewed  
587 license as that number issued for the original license or shall  
588 deny renewal within thirty (30) days. The board shall promptly  
589 notify the licensee if it refuses to renew the license.

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

595 **SECTION 19.** A person holding a license to engage in the  
596 private security business issued to him by a proper authority of  
597 any state, territory or possession of the United States of  
598 America, or the District of Columbia, which has licensing  
599 requirements comparable to Mississippi, and who, in the opinion of  
600 the board, otherwise meets the requirements of this act, upon  
601 application, may be licensed without further examination.

602 **SECTION 20.** (1) The board may refuse to issue or may  
603 suspend, revoke or impose probationary or other restrictions on  
604 any license, certification or registration issued under this act  
605 for good cause shown which shall include the following:

606 (a) Conviction of a felony or entry of a plea of guilty  
607 or nolo contendere to a felony charge under the laws of the United  
608 States of America or of any state within seven (7) years of the  
609 date of application for licensure, certification or registration.

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

612 (c) Providing false testimony before the board.

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

614 (e) Professional incompetency or gross negligence.

615 (f) Rendering, submitting, subscribing or verifying  
616 false, deceptive, misleading or unfounded opinions or reports.

617 (g) The refusal of the licensing authority of another  
618 state to issue or renew a license, permit or certificate to  
619 practice in that state, or the revocation or suspension of or  
620 other restriction imposed on a license, permit or certificate  
621 issued by such licensing authority.

622           (h) Aiding or abetting a person to evade the provisions  
623 of this act or knowingly combining or conspiring with an  
624 unlicensed person, or acting as an agent, partner, associate or  
625 otherwise, of an unlicensed person with intent to evade provisions  
626 of this act.

627           (i) Violation of any provision of this act or any rules  
628 or regulations of the board or rules of professional conduct  
629 promulgated by the board.

630           (2) The board, as a probationary condition or as a condition  
631 of the reinstatement of any license suspended or revoked  
632 hereunder, may require the holder to pay all costs of the board  
633 proceedings, including investigators', stenographers' and  
634 attorneys' fees.

635           (3) Four (4) concurring votes of the board shall be required  
636 for the revocation of any license. Four (4) concurring votes  
637 shall be required for suspension of any license or the imposition  
638 of costs or fines in excess of Five Hundred Dollars (\$500.00).

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

642           **SECTION 21.** (1) (a) With the exception of sworn peace  
643 officers in police uniform, no individual, while performing the  
644 duties of a security officer, shall wear or display any badge,  
645 insignia, device, shield, patch or pattern which shall indicate or  
646 tend to indicate that he is a sworn peace officer, or which  
647 contains or includes the word "police," or the equivalent thereof,  
648 or is similar in wording to any law enforcement agency in this  
649 state.

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

653           (2) No person, while performing any private security  
654 services, shall have or utilize any vehicle or equipment

655 displaying the words "police," "law enforcement officer," or the  
656 equivalent thereof, or any sign, shield, marking, accessory or  
657 insignia that may indicate that such vehicle is a vehicle of a  
658 public law enforcement agency.

659 (3) (a) The employer shall furnish security officer  
660 uniforms.

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

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

672 (4) An employer may require a reasonable deposit to secure  
673 the return of the uniform, weapon or any equipment provided by the  
674 employer, provided that such deduction does not reduce the hourly  
675 wage below the applicable minimum wage law.

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

678 (a) Provide contract security services without  
679 possessing a valid license;

680 (b) Employ any individual to perform the duties of a  
681 security officer who is not the holder of a valid registration or  
682 temporary registration card;

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

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

690           (e) Designate an individual as other than a security  
691 officer to circumvent the requirements of this act;

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

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

696           (h) Violate any provision of this act or any rule or  
697 regulation of the board.

698           (2) It shall be unlawful for any security officer to  
699 knowingly commit any of the following:

700           (a) Provide security officer services or perform  
701 security officer services without a valid registration card.

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

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

707           (d) Fail to return immediately on demand or within  
708 seven (7) days of termination of employment any uniform, badge or  
709 other item of equipment issued to the security officer by an  
710 employer.

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

716           (f) Fail to comply with the regulations issued by the  
717 board, or with any other requirements under the provisions of this  
718 act.

719           (g) Divulge to anyone, other than his employer, or to  
720 such persons as his employer may direct, or as may be required by

721 law, any information acquired during such employment that may  
722 compromise the security of any premises or assignment to which he  
723 shall have been assigned by such employer.

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

726 (i) Possess a license or registration card issued to  
727 another person.

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

730 **SECTION 23.** (1) No person shall engage in the business of  
731 providing private security officer services except in accordance  
732 with this act and the rules and regulations adopted by the board  
733 hereunder.

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

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

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

754 (3) (a) Upon a proper showing by the board that such person  
755 or firm has engaged in any activity, conduct or practice  
756 prohibited by this act, the court shall issue a temporary  
757 restraining order restraining the person or firm from engaging in  
758 unlawful activity, conduct or practices pending the hearing on a  
759 preliminary injunction, and in due course a permanent injunction  
760 shall be issued after a hearing, commanding the cessation of the  
761 unlawful activity, conduct or practices complained of, all without  
762 the necessity of the board having to give bond as usually required  
763 in such cases.

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

767 **SECTION 25.** (1) This act shall not prohibit one or more  
768 private security businesses from practicing through a partnership,  
769 corporation or association.

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

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

782 **SECTION 27.** The adoption of any rule or regulation,  
783 guideline, substantive procedure or code of conduct shall be  
784 subject to the provisions of the Administrative Procedure Act.

785 **SECTION 28.** (1) From and after the effective date of this  
786 act, no governmental subdivision of this state shall enact any



787 legislation, code, or ordinance or promulgate any rules or  
788 regulations relating to the licensing, training or regulations of  
789 contract security companies other than the imposition of a bona  
790 fide business tax.

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

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

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

809 **SECTION 30.** This act shall take effect and be in force from  
810 and after July 1, 2006.