

By: Representative Bailey

To: Banking and Financial  
Services; Appropriations

## HOUSE BILL NO. 1293

1 AN ACT TO CREATE THE PRIVATE SECURITY AND LICENSING LAW; TO  
2 DEFINE CERTAIN TERMS; TO CREATE THE MISSISSIPPI STATE BOARD OF  
3 PRIVATE SECURITY EXAMINERS AND PRESCRIBE ITS DUTIES AND POWERS; TO  
4 PROVIDE FOR THE POSITION OF EXECUTIVE DIRECTOR OF THE BOARD; TO  
5 PRESCRIBE LICENSING QUALIFICATIONS; TO PROVIDE FOR INVESTIGATIONS  
6 OF APPLICANTS; TO PROVIDE FOR EXAMINATION OF APPLICANTS; TO  
7 PROVIDE FOR LICENSING APPROVAL AND DENIAL PROCEDURES; TO PROVIDE  
8 FOR A 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 officers 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 registration 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 or contract security  
53 company to whom a license is granted in accordance with the  
54 provisions of this act.

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

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

62                   (j) "Registrant" means an individual who holds a valid  
63 registration card issued by the board to be a private security  
64 officer.

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

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

- 73           (i) Prevention of unlawful intrusion or entry.
- 74           (ii) Prevention of larceny.
- 75           (iii) Prevention of vandalism.
- 76           (iv) Protection of property or person.
- 77           (v) Prevention of abuse.
- 78           (vi) Prevention of arson.
- 79           (vii) Prevention of trespass on private property.
- 80           (viii) Control, regulation, or direction of the  
81 flow or movements of the public, except on public streets, whether  
82 by vehicle, on foot or otherwise.
- 83           (ix) Street patrol service or merchant patrol  
84 service, which is any contract security company that utilizes foot  
85 patrols, motor vehicles, or any other means of transportation in  
86 public areas or on public thoroughfares in the performance of its  
87 security functions.

88           (2) An armed security officer is an individual whose  
89 principal duty is that of an armed security officer, and who at  
90 any time wears, carries, possesses, or has access to a firearm in  
91 the performance of his duties. Unarmed persons whose duties are  
92 limited to custodial duties or the reporting of administrative  
93 regulations only and who do not wear an officer uniform are  
94 specifically excluded from this definition.

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

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

101           (2) The board shall consist of seven (7) members as follows:  
102 four (4) members shall be appointed by the Governor, one (1)  
103 member shall be appointed by the Lieutenant Governor, one (1)  
104 member shall be appointed by the Speaker of the House of  
105 Representatives and one (1) member shall be appointed by the  
106 Mississippi Law Enforcement Officers Standards and Training  
107 Board. Each member shall be a citizen of the United States of  
108 America, a resident of Mississippi, at least thirty (30) years of  
109 age, and, with the exception of the member appointed by the  
110 Mississippi Law Enforcement Officers Standards and Training Board,  
111 shall have been actively engaged in the private security business  
112 for at least five (5) years. The initial members shall not be  
113 required to be licensed but shall obtain a license within one  
114 hundred eighty (180) days after the effective date of this act.  
115 With the exception of the member appointed by the Mississippi Law  
116 Enforcement Officers Standards and Training Board, each subsequent  
117 member shall be a licensed private security officer or corporate  
118 officer.

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

121           (4) Each appointed member shall serve at the pleasure of the  
122 appointing authority for a term concurrent with the term of office  
123 of the appointing authority, except that each member shall serve  
124 until his successor has been appointed and begins serving.

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

128           (6) In the event of death, resignation or disability of a  
129 member of the board, the Governor shall fill the vacancy by  
130 appointing a qualified person for the remainder of the unexpired  
131 term.

132           (7) Each member of the board shall receive a certificate of  
133 appointment from the Governor, and before beginning his term of

134 office, shall file with the Secretary of State his written oath or  
135 affirmation for faithful discharge of his official duty.

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

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

145 **SECTION 5.** (1) The board shall perform the following  
146 duties:

147 (a) Examine all applicants desiring to be licensed as a  
148 private security business or security officer in the State of  
149 Mississippi;

150 (b) Administer a written examination for prospective  
151 licensees at least twice each year in the City of Jackson;

152 (c) Adopt rules and regulations to govern the practice  
153 of private security firms and businesses in the State of  
154 Mississippi;

155 (d) Issue, suspend, modify, or revoke licenses or  
156 certificates to provide private security services in the State of  
157 Mississippi;

158 (e) Report to the Attorney General of the State of  
159 Mississippi all persons violating the provisions of this act;

160 (f) Elect a chairman and a vice chairman, each to serve  
161 two-year terms;

162 (g) Report annually, no later than March 1, to the  
163 Governor, the secretary of the department and the Legislature on  
164 its activities; and

165 (h) Adopt its official seal.

166 (2) The board may perform the following duties:

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

172           (b) Prescribe and adopt regulations, standards,  
173 procedures and policies governing the manner and conditions under  
174 which credit shall be given by the board for participation in a  
175 program of continuing professional education such as the board may  
176 consider necessary and appropriate to maintain the highest  
177 standards of the private security industry in the State of  
178 Mississippi.

179           (c) Authorize any member of the board to make any  
180 affidavit necessary for the issuance of any injunction or other  
181 legal process authorized under this act or under the rules and  
182 regulations of the board.

183           (d) Issue subpoenas to require attendance and testimony  
184 and the production of documents, for the purpose of enforcing the  
185 laws relative to the private security industry and securing  
186 evidence of violations thereof.

187           (e) Maintain a current list of licensed private  
188 security officers.

189           (f) Appoint a qualified executive director.

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

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

196           (i) Incur all necessary and proper expenses.

197           (3) The chairman and executive director of the board, or in  
198 their absence any other member of the board, may administer oaths

199 in the taking of testimony upon any matter appertaining to the  
200 duties and powers of the board.

201 (4) The board shall meet at least quarterly at regular  
202 meetings each year. A special meeting may be held at such time  
203 and place as specified by the executive director on call of the  
204 chairman or any four (4) members. The executive director shall  
205 give written notice of all meetings to the members of the board  
206 and to the interested public.

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

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

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

226 (a) Is of good moral character.

227 (b) Is of legal age.

228 (c) Is a citizen of the United States, or, in the case  
229 of registered security officers, a legal resident alien.

230 (d) Has not been convicted in any jurisdiction of any  
231 felony or any crime involving moral turpitude, or illegal use or

232 possession of a dangerous weapon for any of which a full pardon or  
233 similar relief has not been granted.

234 (e) Has not been declared by any court of competent  
235 jurisdiction incompetent by reason of mental defect or disease  
236 which has not been restored.

237 (f) Does not suffer from habitual drunkenness or from  
238 narcotics addiction or dependence.

239 (g) A corporation seeking a license shall be  
240 incorporated under the laws of this state, or shall be duly  
241 qualified to do business within this state with a valid  
242 certificate of authority issued by the Secretary of State, and  
243 shall have an agent for service of process designated as required  
244 by law.

245 (2) If, in the opinion of the board, the applicant provides  
246 inadequate information to allow the board to ascertain whether the  
247 applicant satisfies the qualifications for licensing, the  
248 applicant shall be required to provide additional information for  
249 purposes of the application, or may be required to present himself  
250 for an interview for this purpose.

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

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

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

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

262 (d) Any individual signing a license or registration  
263 application shall submit with the application classifiable  
264 impressions of his fingerprints on a form approved by the board.



265 The board shall use the impressions to complete a  
266 fingerprint-based criminal history records investigation from the  
267 Mississippi Department of Public Safety and the Federal Bureau of  
268 Investigation data bases.

269 (5) The licensee shall be required to have in effect general  
270 liability insurance of at least Five Hundred Thousand Dollars  
271 (\$500,000.00) and shall provide to the board a certificate of  
272 insurance issued by the carrier.

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

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

281 (b) Within sixty (60) days after receipt of an  
282 application, the board shall either issue a license to the  
283 applicant or notify the applicant of a denial of the license  
284 application.

285 (c) In the event that the board requires additional  
286 information from the applicant to complete its investigation, or  
287 otherwise to satisfy the requirements of this act, or if the  
288 applicant has not submitted all of the required information, the  
289 sixty-day period for action by the board shall commence when the  
290 board has received all such information.

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

295 (i) Violated any of the provisions of this act or  
296 the rules and regulations promulgated by the board;

297 (ii) Practiced fraud, deceit or misrepresentation;

298 (iii) Knowingly made a material misstatement in the  
299 application for a license;

300 (iv) Failed to meet the qualification of this act;  
301 or

302 (v) Been convicted of a felony. The board may  
303 waive this condition if seven (7) years have elapsed between the  
304 completion of sentence and the date of application.

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

307 **SECTION 9.** The board shall determine the scope, form and  
308 content of the examinations for licensure. The examination, which  
309 shall be written, shall test the applicant's knowledge of the  
310 private security business and his ability to apply that knowledge  
311 and to assume responsible charge in the practice of private  
312 security.

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

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

317 (b) If the application is denied, the board shall  
318 notify the applicant in writing and shall set forth the grounds  
319 for denial.

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

325 (ii) If the application is denied, the applicant,  
326 within thirty (30) days after receipt of notice of denial from the  
327 board, may request a hearing on the denial. Within ten (10) days  
328 after the filing of such request for hearing by the applicant, the  
329 board shall schedule a hearing to be held after due notice to the  
330 applicant.

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

335 (3) An applicant or qualifying agent successfully passing  
336 the board's examination may substitute that for the experience  
337 requirement.

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

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

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

349 (a) Name of the licensee;

350 (b) Business name under which the licensee is to  
351 operate;

352 (c) Addresses of the locations where the licensee is  
353 authorized to operate; and

354 (d) Number and date of the license, and its date of  
355 expiration.

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

358 (b) If a sale, assignment, transfer, merger or  
359 consolidation of a business licensed under this act is  
360 consummated, the purchaser, assignee, transferee, or surviving or  
361 new corporation, who is not already a licensee, shall immediately  
362 apply for a license on a form prescribed by the board which shall  
363 include the general information required by this act.

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

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

372 **SECTION 12.** (1) (a) Within seventy-two (72) hours after  
373 receipt of the license certificate, the licensee shall cause the  
374 license certificate to be posted and to be displayed at all times  
375 in a conspicuous place in the principal office of the licensee  
376 within the state.

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

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

382 (2) It shall be unlawful for any person holding such a  
383 license certificate knowingly and willfully to post such license  
384 certificates, or permit such license certificate to be posted,  
385 upon premises other than those described in the license  
386 certificate, or knowingly and willfully to alter such license  
387 certificate.

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

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

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

400 **SECTION 13.** The licensee shall notify the board within  
401 thirty (30) days of any change in its officers, directors or  
402 material change in the information previously furnished or  
403 required to be furnished to the board, or any occurrence which  
404 could reasonably be expected to affect the licensee's right to a  
405 license under this act.

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

410 (b) A temporary registration card may be issued by a  
411 certified trainer pending issuance of a permanent registration  
412 card by the board. A temporary registration card shall be valid  
413 for up to six (6) months.

414 (c) Individuals required to obtain a registration card  
415 under this act shall file for a registration card and, upon  
416 completion thereof, the licensee or registrant shall immediately  
417 forward the application to the board.

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

421 (ii) The board shall prescribe by rule the form for  
422 such application and procedures for their submission,  
423 consideration and disposition, including the fee to accompany the  
424 application.

425 (iii) To be eligible to apply for a registration  
426 card an individual shall have the same qualifications required of  
427 an applicant provided in Section 7 of this act, but may be a  
428 resident alien.

429           (2) Each security officer shall carry his registration card  
430 whenever such individual is performing the duties of a security  
431 officer, and it shall be exhibited upon request by a sworn law  
432 enforcement officer or official representative of the board. The  
433 registration card shall entitle the registrant to perform the  
434 duties of a security officer as long as the registrant maintains  
435 his eligibility under the provisions of this act.

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

438           (4) After receipt of an application for a registration card,  
439 the board shall conduct an investigation to determine whether the  
440 facts set forth in the application are true. Actions by the board  
441 to approve or deny an application for a registration card shall be  
442 the same as that action taken to deny or approve an application  
443 for license as provided in Section 10 of this act.

444           (5) (a) In the event that the board denies, suspends or  
445 revokes a registration card, the cardholder, upon receipt of the  
446 notice of denial, suspension or revocation, shall immediately  
447 cease to perform the duties of a security officer, unless  
448 specifically authorized to continue work by order of the board, or  
449 by a court of competent jurisdiction within the state.

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

453           (6) (a) Registration cards issued by the board shall be  
454 valid for a period of two (2) years. The registrant shall be  
455 required to advise the board of any changes in his status or  
456 permanent address during the valid period. The cardholder shall  
457 file a registration card renewal form with the board not less than  
458 thirty (30) days prior to the expiration of the card, together  
459 with the fee for renewal. The renewal application shall include a  
460 statement by the registrant that the registrant continues to meet  
461 the qualifications for a security officer as set forth by the

462 board. Upon the effective date of security officer training  
463 requirements in Section 15 of this act, the renewal application  
464 shall be accompanied by a statement from a certified trainer that  
465 the registrant has satisfactorily completed the required training  
466 as prescribed by the board.

467 (b) The board may refuse to renew a registration card,  
468 and shall promptly notify the cardholder of its intent to refuse  
469 to renew. The cardholder, within fifteen (15) days after receipt  
470 of such notice, may request a hearing on such refusal, in the same  
471 manner and in accordance with the same procedure as that provided  
472 in Section 10 of this act.

473 (c) A licensee or employer shall notify the board  
474 within ten (10) days after the death or termination of employment  
475 of any of its employees who are registrants. Licensees or  
476 employers subject to this act shall notify the board within ten  
477 (10) days upon receipt of information relating to a registrant's  
478 loss of eligibility to hold such a card.

479 (7) (a) Any individual who changes his permanent residence  
480 to this state from any other state which the board determines has  
481 selection, training and all other similar requirements at least  
482 equal to those required under this act, and who holds a valid  
483 registration, commission, identification or similar card issued by  
484 said other state through a licensee which is licensed by this  
485 state, and who wishes to continue to be employed by said licensee,  
486 may apply for a registration card on a form prescribed by the  
487 board upon the payment of a transfer fee. Upon certification by  
488 said licensee that such individual has completed the training  
489 prescribed by said state, the board shall issue the individual a  
490 registration card.

491 (b) In the event that a person who holds a registration  
492 card terminates employment with one employer and is reemployed  
493 within five (5) calendar days as a security officer with another  
494 employer, the new employer, within seventy-two (72) hours of such

495 reemployment shall submit to the board a notice of the change on a  
496 form prescribed by the board, together with a transfer fee. The  
497 board shall then issue a new registration card reflecting the name  
498 of the new employer.

499 (c) Upon receipt of that new card, the cardholder shall  
500 immediately return the old card to the board. The holder may  
501 continue to work as a security officer for the new employer while  
502 the board is processing the change application. The holder of a  
503 registration card who terminates employment, and who is not  
504 reemployed as a security officer within five (5) calendar days,  
505 shall surrender within twenty-four (24) hours of the fifth  
506 calendar day the registration card to the former employer. The  
507 employer shall return the cancelled registration card to the board  
508 within five (5) business days.

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

512 (9) This section shall be in force from and after January 1,  
513 2009.

514 **SECTION 15.** (1) (a) A security officer presently employed  
515 at the time of the effective date of this act shall complete  
516 within one (1) year a minimum of sixteen (16) hours training under  
517 a certified trainer as prescribed by the board.

518 (b) Armed security officers presently employed at the  
519 time of the effective date of this act shall within one (1) year  
520 complete eight (8) hours of firearms training and range  
521 qualifications in addition to the sixteen (16) hours training  
522 required.

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

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



528           (2) (a) Any security officer employed after the effective  
529 date of this act shall complete, within one hundred (100) days of  
530 his first work assignment, sixteen (16) hours minimum training  
531 under a certified trainer and successfully pass an examination on  
532 the prescribed material which shall include the following topics:

533                     (i) Orientation: two (2) hours;

534                     (ii) Legal powers and limitations of a security  
535 officer: two (2) hours;

536                     (iii) Emergency procedures: two (2) hours; and

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

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

543                     (i) Legal limitations on use of weapons;

544                     (ii) Handling of a weapon; and

545                     (iii) Safety and maintenance.

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

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

552           (3) Failure to complete the required training within the  
553 prescribed time period shall preclude future consideration for a  
554 license or registration for a period of one (1) year.

555           (4) (a) All armed security officers must complete an annual  
556 retraining course of at least four (4) hours, which includes two  
557 (2) hours of refresher courses on subjects previously specified,  
558 and at least two (2) hours aggregate retraining in firearms  
559 instructions, to include minimum marksmanship qualification of

560 sixty percent (60%) on an approved silhouette target course  
561 approved by the board.

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

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

568 (a) Is approved by the board;

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

571 (c) Has a minimum of three (3) years supervisory  
572 experience with a contract security company, proprietary security  
573 organization, or with any federal, state, parochial or municipal  
574 law enforcement agent.

575 (6) This section shall be in force from and after July 1,  
576 2009.

577 **SECTION 16.** An armed security officer whose duties require  
578 the transporting of a firearm to and from the work assignment and  
579 his residence, or between assignments, shall be required to have  
580 in his possession a firearm permit issued by the State of  
581 Mississippi.

582 **SECTION 17.** (1) The board is authorized to charge each  
583 applicant a fee for a license to cover the expenses of the board  
584 and the Department of Public Safety.

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

587 (3) Any fees payable by a registrant under this act, or paid  
588 by a licensee on the registrant's behalf, or any deposits which  
589 may be required by a licensee from a registrant under this act,  
590 may be deducted from any wages payable to the registrant by the  
591 licensee; provided that such deduction does not reduce the hourly  
592 wage below the applicable minimum wage law.

593           **SECTION 18.** (1) A license shall expire annually on the date  
594 of issuance unless renewed by payment of the required renewal fee  
595 at least thirty (30) days prior to its expiration. The board  
596 shall notify the licensee of the renewal at the last known address  
597 at least sixty (60) days in advance of the expiration. If a  
598 license is not renewed within six (6) months after its expiration  
599 date, it shall be deemed to have lapsed and to be invalid. The  
600 delinquent private security business shall apply again for initial  
601 licensure.

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

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

611           **SECTION 19.** A person holding a license to engage in the  
612 private security business issued to him by a proper authority of  
613 any state, territory or possession of the United States of  
614 America, or the District of Columbia, which has licensing  
615 requirements comparable to Mississippi, and who, in the opinion of  
616 the board, otherwise meets the requirements of this act, upon  
617 application, may be licensed without further examination.

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

622           (a) Conviction of a felony or entry of a plea of guilty  
623 or nolo contendere to a felony charge under the laws of the United  
624 States of America or of any state;

625           (b) Deceit or perjury in obtaining any certificate or  
626 license issued under this act;

627           (c) Providing false testimony before the board;

628           (d) Efforts to deceive or defraud the public;

629           (e) Professional incompetency or gross negligence;

630           (f) Rendering, submitting, subscribing or verifying  
631 false, deceptive, misleading or unfounded opinions or reports;

632           (g) The refusal of the licensing authority of another  
633 state to issue or renew a license, permit or certificate to  
634 practice in that state, or the revocation or suspension of or  
635 other restriction imposed on a license, permit or certificate  
636 issued by such licensing authority;

637           (h) Aiding or abetting a person to evade the provisions  
638 of this act or knowingly combining or conspiring with an  
639 unlicensed person, or acting as an agent, partner, associate or  
640 otherwise, of an unlicensed person with intent to evade provisions  
641 of this act; and

642           (i) Violation of any provision of this act or any rules  
643 or regulations of the board or rules of professional conduct  
644 promulgated by the board.

645           (2) The board, as a probationary condition or as a condition  
646 of the reinstatement of any license suspended or revoked  
647 hereunder, may require the holder to pay all costs of the board  
648 proceedings, including investigators', stenographers' and  
649 attorneys' fees.

650           (3) Four (4) concurring votes of the board shall be required  
651 for the revocation of any license. Four (4) concurring votes  
652 shall be required for suspension of any license or the imposition  
653 of costs or fines in excess of Five Hundred Dollars (\$500.00).

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

657           SECTION 21. (1) (a) With the exception of sworn peace  
658 officers in police uniform, no individual, while performing the  
659 duties of a security officer, shall wear or display any badge,  
660 insignia, device, shield, patch or pattern which shall indicate or  
661 tend to indicate that he is a sworn peace officer, or which  
662 contains or includes the word "police," or the equivalent thereof,  
663 or is similar in wording to any law enforcement agency in this  
664 state.

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

668           (2) No person, while performing any private security  
669 services, shall have or utilize any vehicle or equipment  
670 displaying the words "police," "law enforcement officer," or the  
671 equivalent thereof, or any sign, shield, marking, accessory or  
672 insignia that may indicate that such vehicle is a vehicle of a  
673 public law enforcement agency.

674           (3) (a) The employer shall furnish security officer  
675 uniforms.

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

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

687           (4) An employer may require a reasonable deposit to secure  
688 the return of the uniform, weapon or any equipment provided by the

689 employer, provided that such deduction does not reduce the hourly  
690 wage below the applicable minimum wage law.

691 (5) The provisions of this section shall not apply to any  
692 contract security company that can document its use of potentially  
693 conflicting names, uniforms, logos, materials, and badges  
694 continuously from January 1, 2006.

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

697 (a) Provide contract security services without  
698 possessing a valid license from and after January 1, 2008;

699 (b) Employ any individual to perform the duties of a  
700 security officer who is not the holder of a valid registration or  
701 temporary registration card from and after January 1, 2009;

702 (c) Publish any advertisement, letterhead, circular,  
703 statement or phrase of any sort which suggests that the licensee  
704 is an official police agency or any other agency, instrumentality,  
705 or division of this state or any of its political subdivisions, or  
706 of the federal government;

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

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

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

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

715 (h) Violate any provision of this act or any rule or  
716 regulation of the board.

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

719 (a) Provide security officer services or perform  
720 security officer services without a valid registration card from  
721 and after January 1, 2009;

722 (b) Fail to return immediately on demand or within  
723 twenty-four (24) hours of termination of employment a firearm  
724 issued by an employer;

725 (c) Carry a firearm in the performance of his duties  
726 without a valid registration card;

727 (d) Fail to return immediately on demand or within  
728 seven (7) days of termination of employment any uniform, badge or  
729 other item of equipment issued to the security officer by an  
730 employer;

731 (e) Make any statement which would reasonably cause  
732 another person to believe that the security officer functions as a  
733 sworn peace officer or other official of this state, or of any of  
734 its political subdivisions, or any agency of the federal  
735 government;

736 (f) Fail to comply with the regulations issued by the  
737 board, or with any other requirements under the provisions of this  
738 act;

739 (g) Divulge to anyone, other than his employer, or to  
740 such persons as his employer may direct, or as may be required by  
741 law, any information acquired during such employment that may  
742 compromise the security of any premises or assignment to which he  
743 shall have been assigned by such employer;

744 (h) Fail to return to the employer or the board a  
745 registration card as required by the provisions of this act;

746 (i) Possess a license or registration card issued to  
747 another person;

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

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

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

758 **SECTION 24.** (1) In addition to or in lieu of the criminal  
759 penalties and administrative sanctions provided in this act, the  
760 board is empowered to issue an order to any person or firm engaged  
761 in any activity, conduct or practice constituting a violation of  
762 any provision of this act, directing such person or firm to  
763 forthwith cease and desist from such activity, conduct or  
764 practice. Such order shall be issued in the name of the State of  
765 Mississippi, under the official seal of the board.

766 (2) If the person or firm to whom the board directs a cease  
767 and desist order does not cease and desist the prohibited  
768 activity, conduct or practice within three (3) working days from  
769 service of such cease and desist order by certified mail, the  
770 board may seek, in any court of competent jurisdiction and proper  
771 venue, a writ of injunction enjoining such person or firm from  
772 engaging in any activity, conduct or practice prohibited by this  
773 act.

774 (3) (a) Upon a proper showing by the board that such person  
775 or firm has engaged in any activity, conduct or practice  
776 prohibited by this act, the court shall issue a temporary  
777 restraining order restraining the person or firm from engaging in  
778 unlawful activity, conduct or practices pending the hearing on a  
779 preliminary injunction, and in due course a permanent injunction  
780 shall be issued after a hearing, commanding the cessation of the  
781 unlawful activity, conduct or practices complained of, all without  
782 the necessity of the board having to give bond as usually required  
783 in such cases.

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



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

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

793           **SECTION 26.** All fees collected under the provisions of this  
794 act shall be paid into the State Treasury on or before the  
795 twenty-fifth day of the month following their collection in a  
796 special fund named the Mississippi State Board of Private Security  
797 Examiners Fund. In addition, all other money made available for  
798 use as provided in this act shall be credited to this fund. Any  
799 interest accrued to the fund shall remain in the fund. At the end  
800 of a fiscal year no money shall lapse into the General Fund but  
801 shall remain in the special fund created by this section.

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

805           **SECTION 28.** (1) From and after the effective date of this  
806 act, no governmental subdivision of this state shall enact any  
807 legislation, code, or ordinance or promulgate any rules or  
808 regulations relating to the licensing, training or regulations of  
809 contract security companies other than the imposition of a bona  
810 fide business tax.

811           (2) Upon the effective date of this act, any provisions of  
812 any legislation, code, or ordinance, or rules promulgated by any  
813 local governmental subdivision of this state which relates to  
814 licensing, training or regulation of contract security companies  
815 shall be superseded by this act.

816           **SECTION 29.** (1) This act shall not apply to a person or  
817 corporation which employs persons who do private security work in  
818 connection with the affairs of such employer only and who have an  
819 employer-employee relationship with such employer. Neither such

820 persons or corporations nor their employees shall be required to  
821 register or be licensed under this act.

822 (2) This act shall not apply to a peace officer employed by  
823 a state, county or local law enforcement agency who contracts  
824 individually and directly with an employer to work during his  
825 off-duty hours and whose off-duty employment is conducted on an  
826 independent contractor basis.

827 (3) This act shall not apply to guest services or crowd  
828 management employees who do not perform the duties of a security  
829 officer.

830 **SECTION 30.** The board and/or executive director may at their  
831 discretion suspend provisions of this act in areas affected by  
832 emergency and/or disaster declarations to ensure the health,  
833 safety and welfare of the public.

834 **SECTION 31.** Sections 1 through 30 of this act shall stand  
835 repealed on July 1, 2011.

836 **SECTION 32.** This act shall take effect and be in force from  
837 and after July 1, 2007.