

By: Senator(s) Albritton

To: Business and Financial  
Institutions

## SENATE BILL NO. 2916

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.

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

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

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

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

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

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

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

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

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

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

49           (f) "Executive director" means the chief administrative  
50 officer of the board.

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

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

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

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

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

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

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 Board of Private Security Examiners is  
98 hereby created as an office of the state government in the  
99 Department of Public Safety.

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

116           (3) The board shall be domiciled in the City of Jackson, but  
117 shall be authorized to meet elsewhere in the state.

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

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

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

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

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

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

142           **SECTION 5.** (1) The board shall:

143           (a) Examine all applicants desiring to be licensed as a  
144 private security business or security officer in the State of  
145 Mississippi.

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

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

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

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

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

158           (g) Report annually, no later than March 1, to the  
159 Governor and the Legislature on its activities.

160           (h) Adopt its official seal.

161           (2) The board may:

162           (a) Adopt and enforce rules and regulations, bylaws and  
163 rules of professional conduct as the board may deem necessary and  
164 proper to regulate private security businesses in the State of

165 Mississippi, to provide for the efficient operation of the board,  
166 and otherwise to discharge its duties and powers under this act.

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

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

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

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

184 (f) Appoint a qualified executive director.

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

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

191 (i) Incur all necessary and proper expenses.

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

196 (4) The board shall meet at least quarterly at regular  
197 meetings each year. A special meeting may be held at such time

198 and place as specified by the executive director on call of the  
199 chairman or any three (3) members. The executive director shall  
200 give written notice of all meetings to the members of the board  
201 and to the interested public.

202 (5) Four (4) members of the board shall constitute a quorum  
203 for all purposes, including the granting or issuance of licenses  
204 and the rulemaking and adjudicative functions of the board.

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

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

221 (a) Is of good moral character;

222 (b) Is of legal age;

223 (c) Is a citizen of the United States, or, in the case  
224 of registered security officers, a legal resident alien;

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

229           (e) Has not been declared by any court of competent  
230 jurisdiction incompetent by reason of mental defect or disease  
231 which has not been restored; and

232           (f) Does not suffer from habitual drunkenness or from  
233 narcotics addiction or dependence.

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

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

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

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

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

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

256           (5) Any individual signing a license or registration  
257 application shall submit with the application classifiable  
258 impressions of his fingerprints on a form approved by the board.  
259 The board shall use the impressions to complete a  
260 fingerprint-based criminal history records investigation from the



261 Mississippi Department of Public Safety and the Federal Bureau of  
262 Investigation data bases.

263 (6) The licensee shall be required to have in effect general  
264 liability insurance of at least Five Hundred Thousand Dollars  
265 (\$500,000.00) and shall provide to the board a certificate of  
266 insurance issued by the carrier.

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

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

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

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

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

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

291 (ii) Practiced fraud, deceit or misrepresentation;

292 (iii) Knowingly made a material misstatement in the  
293 application for a license;

294 (iv) Failed to meet the qualification of this act;  
295 or

296 (v) Been convicted of a felony; however, the board  
297 may waive this condition if seven (7) years have elapsed between  
298 the completion of sentence and the date of application.

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

301 **SECTION 9.** The board shall determine the scope, form and  
302 content of the examinations for licensure. The examination, which  
303 shall be written, shall test the applicant's knowledge of the  
304 private security business and his ability to apply that knowledge  
305 and to assume responsible charge in the practice of private  
306 security.

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

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

311 (b) If the application is denied, the board shall  
312 notify the applicant in writing and shall set forth the grounds  
313 for denial.

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

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

325 (2) The board shall issue a license as a private security  
326 officer to each applicant who meets the requirements of this act,

327 passes satisfactorily the examination administered by the board,  
328 and pays the required fee.

329 (3) An applicant or qualifying agent successfully passing  
330 the board's examination may substitute that for the experience  
331 requirement.

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

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

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

343 (a) Name of the licensee;

344 (b) Business name under which the licensee is to  
345 operate;

346 (c) Addresses of the locations where the licensee is  
347 authorized to operate; and

348 (d) Number and date of the license, and its date of  
349 expiration.

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

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

358 (c) The purchaser, assignee, transferee, or surviving  
359 or new corporation shall be subject to the same general

360 requirements and procedures set forth in this act to the extent  
361 such sections are applicable, and may continue the operation of  
362 that licensed business until notified by the board of its final  
363 decision on the new application for a license.

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

366 **SECTION 12.** (1) (a) Within seventy-two (72) hours after  
367 receipt of the license certificate, the licensee shall cause the  
368 license certificate to be posted and to be displayed at all times  
369 in a conspicuous place in the principal office of the licensee  
370 within the state.

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

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

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

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

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

390 (c) When the licensee receives final notice that its  
391 license has been revoked, a copy of such notice shall be displayed

392 and posted in close proximity to the license certificate until the  
393 licensee terminates operations.

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

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

404 (b) A temporary registration card may be issued by a  
405 certified trainer pending issuance of a permanent registration  
406 card by the board. A temporary registration card shall be valid  
407 for up to six (6) months.

408 (c) Individuals required to obtain a registration card  
409 under this act shall file for a registration card and, upon  
410 completion thereof, the licensee or registrant shall immediately  
411 forward the application to the board.

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

415 (ii) The board shall prescribe by rule the form for  
416 such application and procedures for their submission,  
417 consideration and disposition, including the fee to accompany the  
418 application.

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

423 (2) Each security officer shall carry his registration card  
424 whenever such individual is performing the duties of a security

425 officer, and it shall be exhibited upon request by a sworn law  
426 enforcement officer or official representative of the board. The  
427 registration card shall entitle the registrant to perform the  
428 duties of a security officer as long as the registrant maintains  
429 his eligibility under the provisions of this act.

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

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

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

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

447 (6) (a) Registration cards issued by the board shall be  
448 valid for a period of two (2) years. The registrant shall be  
449 required to advise the board of any changes in his status or  
450 permanent address during the valid period. The cardholder shall  
451 file a registration card renewal form with the board not less than  
452 thirty (30) days prior to the expiration of the card, together  
453 with the fee for renewal. The renewal application shall include a  
454 statement by the registrant that the registrant continues to meet  
455 the qualifications for a security officer as set forth by the  
456 board. Upon the effective date of security officer training  
457 requirements in Section 15 of this act, the renewal application

458 shall be accompanied by a statement from a certified trainer that  
459 the registrant has satisfactorily completed the required training  
460 as prescribed by the board.

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

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

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

485 (b) If a person who holds a registration card  
486 terminates employment with one employer and is reemployed within  
487 five (5) calendar days as a security officer with another  
488 employer, the new employer, within seventy-two (72) hours of such  
489 reemployment shall submit to the board a notice of the change on a  
490 form prescribed by the board, together with a transfer fee. The

491 board shall then issue a new registration card reflecting the name  
492 of the new employer.

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

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

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

510 (b) Armed security officers presently employed at the  
511 time of the effective date of this act shall within one (1) year  
512 complete eight (8) hours firearms training and range  
513 qualifications in addition to the sixteen (16) hours training  
514 required.

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

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

520 (2) (a) Any security officer employed after the effective  
521 date of this act shall complete, within one hundred (100) days of  
522 his first work assignment, sixteen (16) hours minimum training



523 under a certified trainer and successfully pass an examination on  
524 the prescribed material which shall include the following topics:

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

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

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

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

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

535 (i) Legal limitations on use of weapons;

536 (ii) Handling of a weapon; and

537 (iii) Safety and maintenance.

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

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

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

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

554 (b) Upon a registrant's completion of any training  
555 required, the licensee or employer, as the case may be, shall

556 furnish to the board a written notice of such completion signed by  
557 a certified trainer.

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

560 (a) Is approved by the board;

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

563 (c) Has a minimum of three (3) years supervisory  
564 experience with a contract security company, proprietary security  
565 organization, or with any federal, state, parochial or municipal  
566 law enforcement agent.

567 **SECTION 16.** An armed security officer whose duties require  
568 the transporting of a firearm to and from the work assignment and  
569 his residence, or between assignments, shall be required to have  
570 in his possession a firearm permit issued by the State of  
571 Mississippi.

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

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

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

583 **SECTION 18.** (1) A license shall expire annually on the date  
584 of issuance unless renewed by payment of the required renewal fee  
585 at least thirty (30) days prior to its expiration. The board  
586 shall notify the licensee of the renewal at the last known address  
587 at least sixty (60) days in advance of the expiration. If a  
588 license is not renewed within six (6) months after its expiration

589 date, it shall be deemed to have lapsed and to be invalid. The  
590 delinquent private security business shall apply again for initial  
591 licensure.

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

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

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

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

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

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

617 (c) Providing false testimony before the board.

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

619 (e) Professional incompetency or gross negligence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

681           (5) The provisions of this section shall not apply to any  
682 contract security company that can document its use of potentially  
683 conflicting names, uniforms, logos, materials, badges continuously  
684 from January 1, 2006.

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

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

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

692 (c) Publish any advertisement, letterhead, circular,  
693 statement or phrase of any sort which suggests that the licensee  
694 is an official police agency or any other agency, instrumentality,  
695 or division of this state or any of its political subdivisions, or  
696 of the federal government;

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

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

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

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

705 (h) Violate any provision of this act or any rule or  
706 regulation of the board.

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

709 (a) Provide security officer services or perform  
710 security officer services without a valid registration card from  
711 and after January 1, 2009.

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

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

717 (d) Fail to return immediately on demand or within  
718 seven (7) days of termination of employment any uniform, badge or

719 other item of equipment issued to the security officer by an  
720 employer.

721 (e) Make any statement which would reasonably cause  
722 another person to believe that the security officer functions as a  
723 sworn peace officer or other official of this state, or of any of  
724 its political subdivisions, or any agency of the federal  
725 government.

726 (f) Fail to comply with the regulations issued by the  
727 board, or with any other requirements under the provisions of this  
728 act.

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

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

736 (i) Possess a license or registration card issued to  
737 another person.

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

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

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

748 **SECTION 24.** (1) In addition to or in lieu of the criminal  
749 penalties and administrative sanctions provided in this act, the  
750 board is empowered to issue an order to any person or firm engaged  
751 in any activity, conduct or practice constituting a violation of

752 any provision of this act, directing such person or firm to  
753 forthwith cease and desist from such activity, conduct or  
754 practice. Such order shall be issued in the name of the State of  
755 Mississippi, under the official seal of the board.

756 (2) If the person or firm to whom the board directs a cease  
757 and desist order does not cease and desist the prohibited  
758 activity, conduct or practice within three (3) working days from  
759 service of such cease and desist order by certified mail, the  
760 board may seek, in any court of competent jurisdiction and proper  
761 venue, a writ of injunction enjoining such person or firm from  
762 engaging in any activity, conduct or practice prohibited by this  
763 act.

764 (3) (a) Upon a proper showing by the board that such person  
765 or firm has engaged in any activity, conduct or practice  
766 prohibited by this act, the court shall issue a temporary  
767 restraining order restraining the person or firm from engaging in  
768 unlawful activity, conduct or practices pending the hearing on a  
769 preliminary injunction, and in due course a permanent injunction  
770 shall be issued after a hearing, commanding the cessation of the  
771 unlawful activity, conduct or practices complained of, all without  
772 the necessity of the board having to give bond as usually required  
773 in such cases.

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

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

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

783 **SECTION 26.** All fees collected under the provisions of this  
784 act shall be paid into the State Treasury on or before the



785 twenty-fifth day of the month following their collection in a  
786 special fund named the Mississippi State Board of Private Security  
787 Examiners Fund. In addition, all other money made available for  
788 use as provided in this act shall be credited to this fund. Any  
789 interest accrued to the fund shall remain in the fund. At the end  
790 of a fiscal year no money shall lapse into the General Fund but  
791 shall remain in the special fund created by this section.

792 **SECTION 27.** The adoption of any rule or regulation,  
793 guideline, substantive procedure or code of conduct shall be  
794 subject to the provisions of the Administrative Procedures Act.

795 **SECTION 28.** (1) From and after the effective date of this  
796 act, no governmental subdivision of this state shall enact any  
797 legislation, code, or ordinance or promulgate any rules or  
798 regulations relating to the licensing, training or regulations of  
799 contract security companies other than the imposition of a bona  
800 fide business tax.

801 (2) Upon said effective date, any provisions of any  
802 legislation, code, or ordinance, or rules promulgated by any local  
803 governmental subdivision of this state which relates to licensing,  
804 training or regulation of contract security companies shall be  
805 superseded by this act.

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

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

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

820           **SECTION 30.** The Board of Private Security Examiners, or its  
821 executive director, may suspend provisions of this act in areas  
822 affected by emergency or disaster declarations to ensure the  
823 health, safety and welfare of the public.

824           **SECTION 31.** The provisions of this act shall stand repealed  
825 on July 1, 2011.

826           **SECTION 32.** Sections 1 through 13 and Sections 16 through 31  
827 of this act shall take effect and be in force from and after July  
828 1, 2007. Section 14 of this act shall take effect from and after  
829 January 1, 2009. Section 15 of this act shall take effect from  
830 and after July 1, 2009.