

By: Representative Compretta

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1301

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

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

22 **SECTION 1.** (1) The Legislature of Mississippi declares that  
23 it is necessary to require the licensure of private security  
24 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
- 74           (i) Prevention of unlawful intrusion or entry.
  - 75           (ii) Prevention of larceny.
  - 76           (iii) Prevention of vandalism.
  - 77           (iv) Protection of property or person.
  - 78           (v) Prevention of abuse.
  - 79           (vi) Prevention of arson.
  - 80           (vii) Prevention of trespass on private property.
  - 81           (viii) Control, regulation, or direction of the  
82 flow or movements of the public, except on public streets, whether  
83 by vehicle, on foot or otherwise.
  - 84           (ix) Street patrol service or merchant patrol  
85 service, which is any contract security company that utilizes foot  
86 patrols, motor vehicles, or any other means of transportation in  
87 public areas or on public thoroughfares in the performance of its  
88 security functions.

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

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

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

102           (2) The board shall consist of nine (9) members, seven (7)  
103 member shall be appointed by the Governor, one (1) by the  
104 Lieutenant Governor and one (1) by the Speaker of the House of  
105 Representatives. One (1) member shall be appointed from and shall  
106 reside in each of the four (4) congressional districts established  
107 by law. Five (5) members shall be appointed from the state at  
108 large. Three (3) at large members shall be appointed by the  
109 Governor, one (1) at large member shall be appointed by the  
110 Lieutenant Governor and one (1) at large member shall be appointed  
111 by the Speaker of the House of Representatives. Each member shall  
112 be a citizen of the United States of America, a resident of  
113 Mississippi, at least thirty (30) years of age, and shall have  
114 been actively engaged in the private security business for at  
115 least five (5) years. The initial members shall not be required  
116 to be licensed but shall obtain a license within one hundred  
117 eighty (180) days after appointment. Each subsequent member shall  
118 be a licensed private security officer or corporate 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:

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

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

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

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

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

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

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

164 (h) Adopt its official seal.

165 (2) The board may:

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

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

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

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

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

188           (f) Appoint a qualified executive director.

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

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

195           (i) Incur all necessary and proper expenses.

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

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

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

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

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

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

- 225 (a) Is of good moral character.  
226 (b) Is of legal age.  
227 (c) Is a citizen of the United States.  
228 (d) Has not been convicted in any jurisdiction of any  
229 felony or any crime involving moral turpitude, or illegal use or

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

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

235 (f) Does not suffer from habitual drunkenness or from  
236 narcotics addiction or dependence.

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

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

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

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

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

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

260 (d) Any individual signing a license application shall  
261 submit with the license application classifiable impressions of  
262 his fingerprints on a form approved by the board. The board shall



263 use the impressions to complete a fingerprint-based criminal  
264 history records investigation from the Mississippi Department of  
265 Public Safety and the Federal Bureau of Investigation data bases.

266 (5) The licensee shall be required to have in effect general  
267 liability insurance of at least Five Hundred Thousand Dollars  
268 (\$500,000.00) and shall provide to the board a certificate of  
269 insurance issued by the carrier.

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

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

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

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

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

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

294 (ii) Practiced fraud, deceit or misrepresentation.

295 (iii) Knowingly made a material misstatement in  
296 the application for a license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

345 (a) Name of the licensee.

346 (b) Business name under which the licensee is to  
347 operate.

348 (c) Addresses of the locations where the licensee is  
349 authorized to operate.

350 (d) Number and date of the license, and its date of  
351 expiration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

486 (b) In the event that a person who holds a registration  
487 card terminates employment with one employer and is reemployed  
488 within five (5) calendar days as a security officer with another  
489 employer, the new employer, within seventy-two (72) hours of such  
490 reemployment shall submit to the board a notice of the change on a

491 form prescribed by the board, together with a transfer fee. The  
492 board shall then issue a new registration card reflecting the name  
493 of the new employer.

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

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

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

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

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

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

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



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

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

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

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

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

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

536 (i) Legal limitations on use of weapons.

537 (ii) Handling of a weapon.

538 (iii) Safety and maintenance.

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

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

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

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

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

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

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

561 (a) Is approved by the board;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

618 (c) Providing false testimony before the board.

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

620 (e) Professional incompetency or gross negligence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

702           (h) Violate any provision of this act or any rule or  
703 regulation of the board.

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

706           (a) Provide security officer services or perform  
707 security officer services without a valid registration card.

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

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

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

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

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

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

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

732           (i) Possess a license or registration card issued to  
733 another person.

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

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

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

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

752           (2) If the person or firm to whose the board directs a cease  
753 and desist order does not cease and desist the prohibited  
754 activity, conduct or practice within three (3) working days from

755 service of such cease and desist order by certified mail, the  
756 board may seek, in any court of competent jurisdiction and proper  
757 venue, a writ of injunction enjoining such person or firm from  
758 engaging in any activity, conduct or practice prohibited by this  
759 act.

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

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

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

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

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



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

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

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

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

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

815           **SECTION 30.** This act shall take effect and be in force from  
816 and after July 1, 2006, and shall stand repealed on July 1, 2010.