

By: Representative Compretta

To: Judiciary B

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 or certification by the board.

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

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

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

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

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

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

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

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

61 (j) "Registrant" means an individual who holds a valid
62 registration card issued by the board.

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

67 (l) "Security officer" means an individual who is
68 principally employed by a contract security company whether armed
69 or unarmed, who is principally employed to protect a person or

70 persons or property or both, and whose duties include but are not
71 limited to the following:

72 (i) Prevention of unlawful intrusion or entry.

73 (ii) Prevention of larceny.

74 (iii) Prevention of vandalism.

75 (iv) Protection of property or person.

76 (v) Prevention of abuse.

77 (vi) Prevention of arson.

78 (vii) Prevention of trespass on private property.

79 (viii) Control, regulation, or direction of the
80 flow or movements of the public, except on public streets, whether
81 by vehicle, on foot or otherwise.

82 (ix) Street patrol service or merchant patrol
83 service, which is any contract security company that utilizes foot
84 patrols, motor vehicles, or any other means of transportation in
85 public areas or on public thoroughfares in the performance of its
86 security functions.

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

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

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

100 (2) The board shall consist of nine (9) members, seven (7)
101 member shall be appointed by the Governor, one (1) by the
102 Lieutenant Governor and one (1) by the Speaker of the House of

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

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

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

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

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

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

134 (8) (a) No member of the board shall receive a per diem but
135 shall be reimbursed for actual expenses when actually attending a

136 meeting of the board or any of its committees, and for time spent
137 on behalf of the board on official business not to exceed ten (10)
138 days in any month.

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

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

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

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

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

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

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

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

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

162 (h) Adopt its official seal.

163 (2) The board may:

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

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

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

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

184 (e) Maintain a current list of licensed private
185 security officers.

186 (f) Appoint a qualified executive director.

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

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

193 (i) Incur all necessary and proper expenses.

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

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

202 notice of all meetings to the members of the board and to the
203 interested public.

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

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

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

223 (a) Is of good moral character.

224 (b) Is of legal age.

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

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

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

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

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

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

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

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

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

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

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

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

266 (6) Every person covered by this act within the state on the
267 effective date of this act shall have one hundred eighty (180)

268 days to apply to the board for a license to operate. Any such
269 person filing a timely application may continue to engage in
270 business pending a final determination of such application.

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

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

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

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

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

290 (ii) Practiced fraud, deceit or misrepresentation.

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

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

294 (v) Been convicted of a felony.

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

297 **SECTION 9.** The board shall determine the scope, form and
298 content of the examinations for licensure. The examination, which
299 shall be written, shall test the applicant's knowledge of the
300 private security business and his ability to apply that knowledge

301 and to assume responsible charge in the practice of private
302 security.

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

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

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

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

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

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

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

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

331 (5) A qualified agency or company at the time of the
332 effective date of this act may be licensed without an examination,
333 upon approval of the board, if he or it applies to the board prior

334 to December 31, 2006. In determining the qualifications of an
335 applicant for licensing under this subsection, the affirmative
336 vote of five (5) members of the board is required.

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

339 (a) Name of the licensee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

428 (4) After receipt of an application for a registration card,
429 the board shall conduct an investigation to determine whether the
430 facts set forth in the application are true. Actions by the board
431 to approve or deny an application for a registration card shall be

432 the same as that action taken to deny or approve an application
433 for license as provided in Section 10 of this act.

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

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

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

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

462 (c) A licensee or employer shall notify the board
463 within ten (10) days after the death or termination of employment
464 of any of its employees who are registrants. Licensees or

465 employers subject to this act shall notify the board within ten
466 (10) days upon receipt of information relating to a registrant's
467 loss of eligibility to hold such a card.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

530 (i) Legal limitations on use of weapons.

531 (ii) Handling of a weapon.

532 (iii) Safety and maintenance.

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

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

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

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

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

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

555 (a) Is approved by the board;

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

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

562 **SECTION 16.** An armed security officer whose duties require
563 the transporting of a firearm to and from the work assignment and

564 his residence, or between assignments, shall be required to have
565 in his possession a firearm permit issued by the State of
566 Mississippi.

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

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

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

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

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

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

595 SECTION 19. A person holding a license to engage in the
596 private security business issued to him by a proper authority of

597 any state, territory or possession of the United States of
598 America, or the District of Columbia, which has licensing
599 requirements comparable to Mississippi, and who, in the opinion of
600 the board, otherwise meets the requirements of this act, upon
601 application, may be licensed without further examination.

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

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

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

612 (c) Providing false testimony before the board.

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

614 (e) Professional incompetency or gross negligence.

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

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

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

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

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

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

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

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

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

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

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

661 (b) All military or police-style uniforms, except for
662 rainwear or other foul weather clothing, shall have affixed over

663 the left breast pocket, on the outermost garment, and on all caps
664 worn by such persons, badges or insignias distinct in design from
665 those utilized by law enforcement agencies within the state, and
666 approved by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

754 (3) (a) Upon a proper showing by the board that such person
755 or firm has engaged in any activity, conduct or practice
756 prohibited by this act, the court shall issue a temporary
757 restraining order restraining the person or firm from engaging in
758 unlawful activity, conduct or practices pending the hearing on a
759 preliminary injunction, and in due course a permanent injunction
760 shall be issued after a hearing, commanding the cessation of the

761 unlawful activity, conduct or practices complained of, all without
762 the necessity of the board having to give bond as usually required
763 in such cases.

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

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

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

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

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

785 **SECTION 28.** (1) From and after the effective date of this
786 act, no governmental subdivision of this state shall enact any
787 legislation, code, or ordinance or promulgate any rules or
788 regulations relating to the licensing, training or regulations of
789 contract security companies other than the imposition of a bona
790 fide business tax.

791 (2) Upon said effective date, any provisions of any
792 legislation, code, or ordinance, or rules promulgated by any local
793 governmental subdivision of this state which relates to licensing,

794 training or regulation of contract security companies shall be
795 superseded by this act.

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

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

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