

By: Representative Compretta

To: Judiciary B

HOUSE BILL NO. 1301
(As Passed the House)

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, three (3)
103 members shall be appointed by the Governor, three (3) by the
104 Lieutenant Governor and three (3) 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 whom 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.