

1 **SECURITY PERSONNEL LICENSING**

2 **AMENDMENTS**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Gene Davis**

6

LONG TITLE

7 **General Description:**

8 This bill amends the Security Personnel Licensing Act to provide that persons who
9 control entry to public events by duties such as taking tickets and checking bags are not
10 security officers under the act if these persons may not use force in their duties. This
11 bill also provides a definition of "specialized resources, motor vehicles, or equipment"
12 as this phrase is used in the act.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ provides an exception to the definition of security officer for persons whose duties
16 at public events:

17 • are limited to activities such as taking tickets, and checking bags and purses;
18 and

19 • may include denying entry, but do not involve use of physical force; and

20 ▶ provides a definition of "specialized resources, motor vehicles, or equipment"
21 specifically designed for use by law enforcement or in security or guard services,
22 and also lists exemptions, such as uniforms that are not marked with the term
23 "security" or "guard," and items other than firearms that may be used for security or
24 guard services without modification.

25 **Monies Appropriated in this Bill:**

26 None
27



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **58-63-102**, as last amended by Chapter 90, Laws of Utah 2004

32a **§→ 58-93-304, as last amended by Chapter 228, Laws of Utah 1996 ←§**

33

34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **58-63-102** is amended to read:

36 **58-63-102. Definitions.**

37 In addition to the definitions in Section 58-1-102, as used in this chapter:

38 (1) "Armed courier service" means a person engaged in business as a contract security
39 company who transports or offers to transport tangible personal property from one place or
40 point to another under the control of an armed security officer employed by that service.

41 (2) "Armed private security officer" means an individual:

42 (a) employed by a contract security company;

43 (b) whose primary duty is that of guarding personal or real property, or providing
44 protection or security to the life and well being of humans or animals; and

45 (c) who wears, carries, possesses, or has immediate access to a firearm at any time in
46 the performance of the individual's duties.

47 (3) "Armored car service" means a person engaged in business as a contract security
48 company who transports or offers to transport tangible personal property from one place or
49 point to another under the control of an armed or unarmed private security officer employed by
50 the company using a specially equipped motor vehicle offering a high degree of security.

51 (4) "Board" means the Security Services Licensing Board created in Section
52 58-63-201.

53 (5) "Contract security company" means a person engaged in business to provide
54 security or guard services to another person for the purpose of protecting tangible personal
55 property, real property, or the life and well being of human or animal life by assignment of
56 security officers employed by the company and the use of specialized resources, motor
57 vehicles, or equipment.

58 (6) "Identification card" means a personal pocket or wallet size card issued by the

59 division to each security officer licensed under this chapter.

60 (7) "Officer" means a president, vice president, secretary, treasurer, or other officer of a
61 corporation or limited liability company listed as an officer in the files with the Division of
62 Corporations and Commercial Code.

63 (8) "Owner" means a proprietor or general partner of a proprietorship or partnership ~~§~~ , a
63a lessee or assignee of the owner, the manager of the facility, or the event operator ~~←§~~ .

64 (9) "Peace officer" means a person who:

65 (a) is a certified peace officer as defined in Title 53, Chapter 13, Peace Officer
66 Classifications; and

67 (b) derives total or special law enforcement powers from, and is an employee of the
68 federal government, the state, or any political subdivision, agency, department, branch, or
69 service of either, of any municipality, or of any other unit of local government.

70 (10) "Regular basis" means 20 or more hours per month.

71 (11) (a) "Security officer" means an individual who:

72 (i) is employed by a contract security company securing, guarding, or otherwise
73 protecting tangible personal property, real property, or the life and well being of human or
74 animal life against:

75 (A) trespass or other unlawful intrusion or entry;

76 (B) larceny;

77 (C) vandalism or other abuse;

78 (D) arson or any other criminal activity; or

79 (E) personal injury caused by another person or as a result of acts or omissions by
80 another person;

81 (ii) is controlling, regulating, or directing the flow of movements of individuals or
82 vehicles; or

83 (iii) providing street patrol service.

84 (b) "Security officer" does not include an individual whose duties are limited to
85 custodial or other services even though the presence of that individual may act to provide some
86 of the services set forth under Subsection (11)(a).

87 (c) (i) "Security officer" does not include an individual whose duties include taking
88 admission tickets, checking credentials, ushering, or checking bags, purses, backpacks, or other
89 materials to be carried into a facility as described in Subsection (11)(c)(ii) if:

90 (A) the individual carries out these duties without the use or aid of any specialized
 91 equipment;

92 (B) the authority of the individual is limited to denying entry or passage of a person
 93 into or within the facility; and

94 (C) the individual is not authorized to use physical force in the performance of the
 95 duties under this Subsection (11)(c).

96 (ii) As used in this Subsection (11)(c), "facility" means a sports, concert, or theatrical
 97 venue or any convention center, fairgrounds, public assembly facility, or mass gathering
 98 location.

99 (12) "Security system" means equipment, devices, or instruments installed for the
 100 purpose of:

101 (a) detecting and signaling entry or intrusion by some individual into or onto, or exit
 102 from the premises protected by the system; or

103 (b) signaling the commission of a robbery or other criminal activity at the election of
 104 an individual having control of the features of the security system.

105 (13) "Specialized resources, motor vehicles, or equipment" means items of tangible
 106 personal property specifically designed for use in law enforcement or in providing security or
 107 guard services, or that have been specially equipped with devices or features specifically
 108 designed for use in providing law enforcement, security, or guard services, but do not include:

109 (a) standardized clothing, whether or not bearing a company name or logo, if the
 110 clothing does not bear the words "security" or "guard"; or

111 (b) items of tangible personal property, other than firearms ~~§~~ → **or nonlethal weapons** ← ~~§~~
 111a , that may be used without
 112 modification in providing security or guard services.

113 ~~[(13)]~~ (14) "Street patrol service" means a person engaged in business as a contract
 114 security company who provides patrols by means of foot, vehicle, or other method of
 115 transportation using public streets, thoroughfares, or property in the performance of their duties
 116 and responsibilities.

117 ~~[(14)]~~ (15) "Unarmed private security officer" means an individual:

118 (a) employed by a contract security company;

119 (b) whose primary duty is that of guarding personal or real property, or providing
 120 protection or security to the life and well being of humans or animals;

121 (c) who never wears, carries, possesses, or has immediate access to a firearm at any
122 time in the performance of his duties; and

123 (d) who wears clothing of distinctive design or fashion bearing any symbol, badge,
124 emblem, insignia, or other device that identifies or tends to identify the wearer as a security
125 officer.

126 [~~(15)~~] (16) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-63-501.

127 [~~(16)~~] (17) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-63-502
128 and as may be further defined by rule.

128a **§→ Section 2. Section 58-63-304 is amended to read:**

128b **58-63-304. Exemptions from licensure.**

128c **(1) In addition to the exemptions from licensure in Section 58-1-307, the**
128d **following individuals may engage in acts regulated under this chapter without being licensed**
128e **under this chapter:**

128f **(a) a peace officer employed by or licensed as a contract security company; and**

128g **(b) a person employed by a contract security company for the sole purpose of**
128h **operating or staffing security apparatus, including a magnetometer , magnetometer wand,**
128i **x-ray viewing device, or other device approved by rule of the division.**

128j **(2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking**
128k **Act, the division may make rules approving security apparatus under Subsection (1)(b) ←§**

Legislative Review Note

as of 1-26-05 7:07 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0071

Security Personnel Licensing Amendments

01-Feb-05

11:16 AM

State Impact

This bill will result in an estimated loss of \$38,000 to the Commerce Service Fund as about 750 security officers currently licensed would not have to pay for new licenses or renewals.

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2006</u>	<u>FY 2007</u>
	<u>Approp.</u>	<u>Approp.</u>	<u>Revenue</u>	<u>Revenue</u>
Commerce Service Fund	\$0	\$0	(\$38,000)	(\$38,000)
TOTAL	\$0	\$0	(\$38,000)	(\$38,000)

Individual and Business Impact

The security industry would save about \$38,000 in license fees and \$54,000 in training costs.

Office of the Legislative Fiscal Analyst