

SECURITY PERSONNEL LICENSING

AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gene Davis

House Sponsor: Brent H. Goodfellow

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

- are limited to activities such as taking tickets, and checking bags and purses;

and

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

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

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

58-63-304, as last amended by Chapter 228, Laws of Utah 1996

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

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

58-63-102. Definitions.

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

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

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

- (a) employed by a contract security company;
- (b) whose primary duty is that of guarding personal or real property, or providing protection or security to the life and well being of humans or animals; and
- (c) who wears, carries, possesses, or has immediate access to a firearm at any time in the performance of the individual's duties.

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

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

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

(6) "Identification card" means a personal pocket or wallet size card issued by the division to each security officer licensed under this chapter.

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

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

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

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

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

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

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

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

(A) trespass or other unlawful intrusion or entry;

(B) larceny;

(C) vandalism or other abuse;

(D) arson or any other criminal activity; or

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

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

(iii) providing street patrol service.

(b) "Security officer" does not include an individual whose duties are limited to custodial

or other services even though the presence of that individual may act to provide some of the services set forth under Subsection (11)(a).

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

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

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

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

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

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

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

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

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

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

(b) items of tangible personal property, other than firearms or nonlethal weapons, that may be used without modification in providing security or guard services.

~~[(13)]~~ (14) "Street patrol service" means a person engaged in business as a contract

security company who provides patrols by means of foot, vehicle, or other method of transportation using public streets, thoroughfares, or property in the performance of their duties and responsibilities.

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

- (a) employed by a contract security company;
- (b) whose primary duty is that of guarding personal or real property, or providing protection or security to the life and well being of humans or animals;
- (c) who never wears, carries, possesses, or has immediate access to a firearm at any time in the performance of his duties; and
- (d) who wears clothing of distinctive design or fashion bearing any symbol, badge, emblem, insignia, or other device that identifies or tends to identify the wearer as a security officer.

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

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

Section 2. Section **58-63-304** is amended to read:

58-63-304. Exemptions from licensure.

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

- (a) a peace officer employed by or licensed as a contract security company; and
- (b) a person employed by a contract security company for the sole purpose of operating or staffing security apparatus, including a magnetometer, magnetometer wand, x-ray viewing device, or other device approved by rule of the division.

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