

HB 573-FN - AS INTRODUCED

2015 SESSION

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HOUSE BILL **573-FN**

AN ACT relative to licensure of individuals as private investigators, bail enforcement agents, and security guards, requiring skills training courses for applicants for such licensure and license renewal, and relative to the certification of security officer instructors.

SPONSORS: Rep. Theberge, Coos 3

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill provides that the commissioner of safety may issue an individual license to a person licensed as a private investigator, bail enforcement agent, or security guard and authorize endorsements on the license and identification card showing multiple licensure.

The bill also requires an applicant for licensure and renewal of licensure as a private investigator, bail enforcement agent, or security guard to complete skills training courses offered by certified security officer instructors as determined in rules adopted by the commissioner of safety. The bill establishes a program for the certification of security officer instructors.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to licensure of individuals as private investigators, bail enforcement agents, and security guards, requiring skills training courses for applicants for such licensure and license renewal, and relative to the certification of security officer instructors.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Rulemaking; Skills Training Course. Amend RSA 106-F:3, I to read as follows:

2 I. The commissioner of safety shall adopt rules, pursuant to RSA 541-A, relative to the:

3 (a) Form of original and renewal licenses and applications therefor;

4 (b) Examination procedures for license applications;

5 (c) Requisite standards of applicant and licensee integrity and reputation for honesty;

6 (d) ***Minimum course offerings and subject areas for, and requirements for***
7 ***completion of, a required 40-hour skills training course for applicants for licensure and a***
8 ***required 8-hour skills refresher training course for applicants for license renewal;***

9 (e) Use of fees for administration and enforcement of this chapter;

10 [~~(e)~~] (f) Revocation of licenses; and

11 [~~(f)~~] (g) Creation of an advisory board to review complaints and licensing issues.

12 2 Definitions; Licensee; Holder. Amend RSA 106-F:4, IX and X to read as follows:

13 IX. "Licensee" means a licensed private investigative agency, ***bail enforcement agency***, or
14 security guard service, ***or an individual licensed as a private investigator, bail enforcement***
15 ***agent, and/or security guard.***

16 X. "License holder" means an employee of a licensee ***who is a private investigative***
17 ***agency, security guard agency, or bail enforcement agency, or an individual licensed as a***
18 ***private investigator, bail enforcement agent, and/or security guard.***

19 3 Licensure as Individual. Amend RSA 106-F:5, I to read as follows:

20 I.(a) No person shall engage in the business of a private investigative agency, security
21 guard agency, or bail enforcement agency without obtaining a private investigative, security guard,
22 or bail enforcement agency license from the commissioner of safety [~~and~~].

23 (b) No person shall engage ***as an individual*** in the business of a ***private***
24 ***investigator***, security guard service or bail enforcement service without obtaining a ***private***
25 ***investigator***, security guard service or bail enforcement service license from the commissioner of
26 safety. ***For an individual licensed in more than one profession under this chapter, the***
27 ***commissioner shall authorize endorsements on the license and identification card showing***
28 ***the licenses held by such individual.***

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1 4 New Paragraphs; Applicants License Renewal; Skills Training Courses. Amend RSA 106-F:6
2 by inserting after paragraph III the following new paragraphs:

3 III-a. For an original license, proof of completion of a 40-hour skills training course offered
4 by a certified security officer instructor and approved by the commissioner.

5 III-b. For a renewal license, proof of completion of an 8-hour skills refresher course offered
6 by a certified security officer instructor and approved by the commissioner.

7 5 New Paragraph; Issuance of License; Identification Card. Amend RSA 106-F:7 by inserting
8 after paragraph II the following new paragraph:

9 II-a. For an individual licensed in more than one profession under this chapter, the
10 commissioner shall authorize endorsements to be shown on the license and identification card of an
11 individual licensee showing the licenses held by such individual.

12 6 License Applications. Amend RSA 106-F:8 to read as follows:

13 106-F:8 License Application and Renewal Fees.

14 I. The fee for a private investigative agency license, ***bail enforcement agency license***, or a
15 security guard service license shall be \$150 for an agency or service employing one person licensed
16 under this chapter ***or for an individual license***, and \$500 for an agency or service employing more
17 than one such person. A person may hold one or more types of license at any given time, provided
18 that a separate fee shall be paid for each license so held. Licenses shall be valid for 2 years after the
19 date of issue and shall be renewed every 2 years thereafter, upon application and payment of the fee
20 and submission of certified evidence that the surety bond remains in force. The application for
21 renewal shall be submitted at least 15 days before the expiration of the previously granted license.

22 II. The commissioner of safety shall set a reasonable fee, not exceeding \$50, which the
23 commissioner shall adopt by rule under RSA 541-A, to cover the expenses of licensing [~~individuals~~]
24 ***employees*** under this chapter. Such fee shall be paid by the service or agency employing such
25 employee and shall be paid before the license is issued. Such licenses shall be valid for 2 years after
26 the date of issue and shall be renewed upon the completion and filing of an application for renewal
27 which meets the requirements of this chapter submitted at least 15 days before the expiration of the
28 previously granted license.

29 III. The commissioner of safety shall set a reasonable fee, which he or she shall adopt by
30 rule under RSA 541-A, to cover the expenses of the record check and investigation provided in
31 RSA 106-F:7. The fee shall be charged to the applicant.

32 7 New Subdivision; Security Officer Instructors. Amend RSA 106-F by inserting after section 16
33 the following new subdivision:

34 Security Officer Instructors

35 106-F:17 Application for Certified Security Officer Instructor.

36 I. A person seeking to become a certified security officer instructor shall submit an
37 application for registration as a security officer instructor on a form provided by, and in a manner

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1 prescribed by, the commissioner. The application shall include the applicant's full name, date, and
2 place of birth, Social Security number, residence and telephone number, requisite experience,
3 company name, location, name of supervisor, duties, contact telephone number for experience
4 verification, and such other information as the commissioner shall determine. An applicant for
5 registration as a security officer instructor shall submit to the commissioner a non-refundable initial
6 application fee of \$200 along with a completed application.

7 II. A person seeking to become a certified security officer instructor, or perform the functions
8 and activities of, a certified security officer instructor, shall submit fingerprints and a written
9 consent for a criminal history background check to the commissioner or in a manner prescribed by
10 the commissioner. Applicants for registration as a certified security officer instructor shall pay the
11 cost for the criminal history background check, including all costs of administering and processing
12 the check.

13 III. Only certified security officer instructors shall conduct skills training courses or skills
14 refresher training courses for the purposes of this chapter.

15 106-F:18 Completion of Approved Security Officer Instructor Training Course.

16 I. A person seeking to become a certified security officer instructor shall complete a 40-hour
17 course of instruction entitled "security officer instructor training course," which is approved by, and
18 administered in a manner prescribed by, the commissioner.

19 II. The security officer instructor training course shall assure that persons seeking to
20 become certified security officer instructors are knowledgeable in the general subject areas of
21 instruction required by security officers and are competent to impart that knowledge to security
22 officers.

23 106-F:19 Issuance of a Security Officer Instructor Certificate Of Registration Identification
24 Card.

25 I. Upon completion of the required security officer instructor training course, applicants
26 having met the requirements of RSA 106-F:17 and RSA 106-F:18 shall be issued a security officer
27 instructor certificate of registration which shall be valid for a period of 2 years and shall be
28 renewable every 2 years.

29 II. Upon completion of the required security officer instructor training course, applicants
30 having met the requirements of RSA 106-F:17 and 106-F:18 shall be issued a security officer
31 instructor identification card which shall be valid as long as a person retains a valid certificate of
32 registration as a security officer instructor.

33 III. A security officer instructor shall be responsible for safekeeping of the identification card
34 and shall not lend, let, or allow, any other person to use, possess, exhibit, or display the card.

35 IV. No person shall use, possess, exhibit, or display any license, card, shield, or badge, of any
36 design or material purporting to authorize the holder or wearer to act as a security officer instructor,

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1 unless that person holds a valid certificate of registration as a security officer instructor issued by
2 the commissioner.

3 V. No person shall duplicate or reproduce a security officer instructor identification card in
4 any manner without the written approval of the commissioner.

5 VI. If it is established to the satisfaction of the commissioner that a security officer
6 instructor identification card has been lost or destroyed, the commissioner shall, upon payment of a
7 \$20 duplication fee, issue a duplicate identification card.

8 VII. A security officer instructor whose certificate of registration has been revoked,
9 suspended, or not renewed, shall immediately surrender the certificate of registration to the
10 commissioner. Any person who fails to surrender an identification card and/or misuses an
11 identification card, as described in paragraphs III-V, shall be subject to civil or criminal penalties, or
12 both.

13 106-F:20 Renewal of Security Officer Instructor Certificate Of Registration.

14 I. A security officer instructor who wishes to renew a certificate of registration shall submit
15 an application for renewal on a form provided by and in a manner prescribed by the commissioner,
16 and proof of having completed a biennial security officer instructor refresher training course, as
17 required by RSA 106-F:21, prior to the expiration of the current certification.

18 II. An applicant for renewal shall submit a non-refundable renewal fee of \$100 and a non-
19 refundable registry surcharge fee of \$25 along with a completed application to the commissioner.

20 106-F:21 Security Officer Instructor Refresher Course. All licensed security officer instructors
21 shall complete an approved 16-hour refresher course of instruction entitled "security officer
22 instructor refresher course," approved by and administered in a manner prescribed by the
23 commissioner, prior to having their certification renewed pursuant to RSA 106-F:19.

24 106-F:22 Denial, Revocation, Suspension of, or Refusal To Renew. The commissioner may deny
25 any initial application for a security officer instructor certificate of registration, revoke or suspend
26 any current certificate of registration, or refuse to renew any certificate of registration for any of the
27 following reasons:

28 I. The person holding a certificate, applying for certification, or applying for renewal of
29 certification, has been convicted of any crime which is a felony.

30 II. The person holding a certificate, applying for certification, or applying for renewal of
31 certification, has been convicted of any offense involving the unlawful use, possession, or sale, of a
32 controlled dangerous substance as defined in RSA 318-B.

33 III. The person holding a certificate, applying for certification, or applying for renewal of
34 certification, has been convicted of any offense where certification would be contrary to the public
35 interest, as determined by the commissioner.

36 IV. The person holding a certificate, applying for a certification, or applying for renewal of
37 certification, has violated a provision of this subdivision.

1 V. The person holding a certificate, applying for a certification, or applying for renewal of
2 certification, has failed to comply with any of the rules adopted under this chapter.

3 VI. The person holding a certificate, applying for a certification, or applying for renewal of
4 certification, has knowingly made a false material statement or omitted information in his or her
5 application or any other form required by the commissioner under this subdivision.

6 VII. The person holding a certificate, applying for a certification, or applying for renewal of
7 certification, has demonstrated bad moral character, incompetence, or untrustworthiness.

8 VIII. The commissioner determines that good cause exists to deny, revoke, suspend, or
9 refuse, renewal of a certificate of registration in the interest of public safety.

10 106-F:23 Notice of Security Officer Training Courses. A security officer shall, by the last day of
11 each month forward to the commissioner a training schedule for the next month, which shall include
12 dates, times, and locations, of any scheduled officer training courses or security officer refresher
13 training courses that he or she will be conducting.

14 106-F:24 Maintenance and Reporting of Security Officer Instructor Training Records.

15 I. A security officer instructor who is certified pursuant to this subdivision shall maintain
16 detailed records of all security officer training courses or security officer refresher training courses
17 which he or she has conducted, which shall include the dates, times, and locations, of instruction and
18 a detailed list of the security officers enrolled in the course.

19 II. Upon completion of a security officer training course or security officer refresher training
20 course, the security officer instructor conducting the course shall, within 5 business days, forward a
21 detailed list of all security officers who attended the course, on a form provided by and in a manner
22 prescribed by the commissioner, which shall include the security officer's:

23 (a) Full name.

24 (b) Date of birth.

25 (c) Social Security number.

26 (d) Sex.

27 (e) Whether a security officer completed or failed to complete the required training.

28 III. A security officer instructor shall retain all training records for a minimum of 5 years.

29 106-F:25 Observation of Training and Inspection of Security Officer Instructor Records.

30 I. The commissioner, or a designee, may periodically attend security officer training courses,
31 without prior notice, in order to assure that both the content and quality of instruction being
32 provided to security officers is satisfactory.

33 II. The commissioner, or a designee, shall have the right to inspect any and all security
34 officer instructor training records, without prior notice, in order to assure compliance with these
35 rules.

36 8 Effective Date. This act shall take effect 60 days after its passage.

HB 573-FN - FISCAL NOTE

AN ACT relative to licensure of individuals as private investigators, bail enforcement agents, and security guards, requiring skill training courses for applicants for such licensure and license renewal, and relative to the certification of security officer instructors.

FISCAL IMPACT:

The Department of Safety states this bill, **as introduced**, will increase state revenue and expenditures by an indeterminable amount in FY 2016 and each year thereafter. There will be no fiscal impact on county and local expenditures or revenue.

METHODOLOGY:

The Department of Safety states this bill provides that the commissioner may issue an individual license to a person licensed as a private investigator, bail enforcement agent, or security guard and authorize endorsements on the license and identification card showing multiple licensure. This bill also requires an applicant for such licensure and renewals to complete skill training courses offered by certified security officer instructors as determined in the rules adopted by the commissioner. This bill also establishes a program for the certification of security officer instructors. The Department states to properly administer this bill, there would likely be an indeterminable increase in state expenditures, and it would likely need to add one full-time state trooper I (LG 19, step 1) position, and one part-time counter clerk II (LG 9, step 1) position at the following cost:

	FY 2016	FY 2017	FY 2018	FY 2019
State Trooper Salary	\$48,235	\$50,253	\$52,374	\$54,517
Benefits	\$23,913	\$25,110	\$26,372	\$27,679
Current Expenses	\$250	\$250	\$250	\$250
Equipment	\$5,000	\$0	\$0	\$0
Travel	\$100	\$100	\$100	\$100
Subtotal – State Trooper	\$77,498	\$75,713	\$79,096	\$82,546
Counter Clerk Salary	\$25,175	\$26,150	\$27,164	\$28,178
Benefits	\$5,073	\$5,269	\$5,473	\$5,678
Current Expense	\$250	\$250	\$250	\$250
Equipment	\$5,000	\$0	\$0	\$0
Subtotal - Counter Clerk	\$35,498	\$31,669	\$32,887	\$34,106

TOTAL	\$112,996	\$107,382	\$111,983	\$116,652
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This bill does not contain an appropriation or authorization for the new positions identified by the Department.

The Department reports that this bill will increase state revenue by an indeterminable amount as a result of new licensing fees, the number of which is unknown at this time.