

**SB187 INTRODUCED**



1 QHMF11-1  
2 By Senator Waggoner  
3 RFD: Banking and Insurance  
4 First Read: 06-Apr-23  
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SYNOPSIS:

Under existing law, the Alabama Security Regulatory Board is responsible for licensing and regulating contract security companies that provide security personnel in the state.

This bill would delete conflicting language relating to the compensation of board members.

This bill would also provide further for the conducting of criminal history background checks for applicants for licensure or certification and renewal.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Security Regulatory Board; to amend Sections 34-27C-2 and 34-27C-4, Code of Alabama 1975; to delete conflicting language regarding compensation of board members; and to provide further for criminal history background checks on applicants for licensure or certification and renewal.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-27C-2 and 34-27C-4 of the Code of Alabama 1975, are amended to read as follows:



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29           "§34-27C-2

30           (a) The Alabama Security Regulatory Board is created.

31 Each member of the board shall be a citizen of the United  
32 States and a resident of this state, and the appointing  
33 authorities shall coordinate their appointments ~~so that~~  
34 ~~diversity of gender, race, and geographical areas is~~  
35 ~~reflective of the makeup of this~~ to assure the board  
36 membership is inclusive and reflects the racial, gender,  
37 geographic, urban, rural, and economic diversity of the state.

38 The board shall consist of the following members:

39           (1) Two members appointed by the Governor. The  
40 appointees shall not be qualified to be licensed under this  
41 chapter, not be engaged in the rendering of contract security  
42 service for a minimum of three years prior to appointment, not  
43 be employed by or affiliated with any other member of the  
44 board, and shall have served for five or more years in a  
45 supervisory position in law enforcement in any municipality,  
46 county, state, or district attorney's office. The members  
47 appointed by the Governor shall be selected from a list of  
48 names submitted by a recognized security association such as  
49 the American Society of Industrial Security (ASIS), the  
50 National Association of Security Companies (NASCO), or any  
51 state or private security service association which may be  
52 organized.

53           (2) One member appointed by the Lieutenant Governor.  
54 The appointee shall represent consumers and shall not be  
55 engaged in the rendering of contract security service, and not  
56 employed by, related to, or affiliated with any other member



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57 of the board or licensee of the board.

58 (3) One member appointed by the Speaker of the House of  
59 Representatives. The appointee shall be from an entity that  
60 employs, or has an employer-employee relationship with, a  
61 contract security company.

62 (4) One member appointed by the Attorney General. The  
63 appointee shall be selected from a list of names submitted by  
64 the Alabama Sheriffs Association.

65 (b) Unless otherwise provided in subsection (a), board  
66 members shall serve three-year terms of office. A vacancy in  
67 any board position shall be filled for the duration of the  
68 unexpired term in the same manner as the original appointment.  
69 Should an appointing authority fail to make an appointment to  
70 fill an unexpired or new term within 60 days after receiving  
71 notice from the board of the vacancy, the board shall make the  
72 appointment of a qualified ~~person~~ individual within the  
73 appropriate category by majority vote of the board members  
74 present. The board shall annually elect a chair from among the  
75 membership of the board at its first meeting. The board shall  
76 meet on a quarterly basis at a date, time, and place  
77 designated by the chair. ~~No compensation shall be paid to~~  
78 ~~members of the board.~~ Actual expenses incurred by board  
79 members in the performance of duties on behalf of the board  
80 shall be reimbursed from the funds of the board. Decisions of  
81 the board shall be determined by a majority vote of the board  
82 members present and voting.

83 (c) The members of the board shall receive up to three  
84 hundred dollars (\$300) per day, for a maximum of 12 days per



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85 year, while performing their official duties, in addition to  
86 the same per diem and mileage as provided to state employees.

87 (d) The board shall be subject to the Alabama Sunset  
88 Law, Title 41, Chapter 20, as an enumerated agency as provided  
89 in Section 41-20-3, and shall have a termination date of  
90 October 1, 2011, and every four years thereafter, unless  
91 continued pursuant to the Alabama Sunset Law."

92 "§34-27C-4

93 (a) Commencing on May 21, 2009, any security officer,  
94 armed security officer, or contract security company providing  
95 private security services in this state shall apply to the  
96 board for a license or certification. Any security officer,  
97 armed security officer, or contract security company providing  
98 security services in this state before May 21, 2009, may  
99 continue to engage in business operations pending a final  
100 determination by the board, provided ~~such~~ the security  
101 officer, armed security officer, or contract security company  
102 files an application for license. This chapter shall not  
103 abrogate the terms of a contract existing on May 21, 2009.

104 (b) An application for licensure or certification shall  
105 include all of the following information:

106 (1) The full name, home address, post office box, and  
107 actual street address of the business of the applicant.

108 (2) The name under which the applicant intends to do  
109 business.

110 (3) The full name and address of any partners in the  
111 business, principal officers, directors, and business manager,  
112 if applicable.



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113 (4) The names of at least three unrelated and  
114 disinterested ~~persons~~ individuals to be used as references for  
115 board inquiries regarding the character, standing, and  
116 reputation of the applicant.

117 (5) ~~Such~~ Any other information, evidence, statements,  
118 or documents as may be required by the board.

119 (c) (1) A contract security company applying for a  
120 license or certification shall include proof that the business  
121 entity has at least one ~~person~~ individual in its employ  
122 serving as a qualifying agent who is licensed by the board as  
123 a security officer and, in addition to meeting the  
124 requirements of subsection (d), possesses three years of  
125 experience as a manager, supervisor, or administrator with a  
126 contract security company or possesses three years of  
127 supervisory experience with any federal, military, state,  
128 county, or municipal law enforcement agency.

129 (2) No ~~person~~ individual may serve as the qualifying  
130 agent for more than one contract security company without  
131 prior written approval of the board.

132 (3) A contract security company shall notify the board  
133 within 10 working days if the qualifying agent for the company  
134 ceases to perform his or her duties as qualifying agent and  
135 shall obtain a substitute qualifying agent within 30 days  
136 after the original qualifying agent ceases to serve. The board  
137 may grant an extension to the company for good cause, for not  
138 more than three months.

139 (d) Every applicant for licensure or certification  
140 shall provide the following to the board:



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141 (1) Proof that the applicant is 21 years of age or  
142 older, or 18 years of age if the ~~person~~ individual is not  
143 allowed to carry any type of firearm in the course of his or  
144 her employment with the contract security company.

145 (2) Proof that the applicant is a citizen of the United  
146 States or, if not a citizen of the United States, ~~a person~~ an  
147 individual who is legally present in the United States with  
148 appropriate documentation from the federal government.

149 (3) A statement of the applicant, made under oath,  
150 declaring all of the following:

151 a. That he or she has never been convicted in any  
152 jurisdiction of the United States of any felony or crime  
153 involving moral turpitude for which a full pardon has not been  
154 granted.

155 b. That he or she has never been declared, by any court  
156 of competent jurisdiction, incompetent by reason of mental  
157 defect or disease, and competency has not been restored.

158 c. That he or she is not suffering from habitual  
159 drunkenness or from narcotics addiction or dependence. The  
160 board may require certified results of medical tests for drug  
161 or alcohol use.

162 (e) (1) In addition to the requirements of subsection  
163 (d), an applicant for licensure or certification, or renewal  
164 of either, shall submit to the board a form, sworn to by the  
165 applicant, containing the name, date of birth, and Social  
166 Security number for completion of a criminal history  
167 background check. The applicant shall submit two complete sets  
168 of fingerprints to the board. The board shall submit the



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169 fingerprints to the Alabama State Law Enforcement Agency  
170 (ALEA) for a state criminal history record check. The  
171 fingerprints shall be forwarded by ALEA to the Federal Bureau  
172 of Investigation (FBI) for a national criminal history record  
173 check. Costs associated with conducting a criminal history  
174 background check for initial licensure or certification, or  
175 for the renewal of licensure or certification, shall be borne  
176 by the applicant. The board shall keep information received  
177 pursuant to this section confidential, except that ~~such~~ the  
178 information received and relied upon in denying the issuance  
179 of a certificate of qualification for a license or  
180 certification to a security officer in this state may be  
181 disclosed if necessary to support the denial of the license or  
182 certification, if required by court order, or for any other  
183 reason allowed by law.

184 (2) In addition to the requirements of subsection (d),  
185 an applicant for renewal of licensure or certification shall  
186 complete a supplemental criminal history background check  
187 approved by the board.

188 (f) Applications for licensure and certification shall  
189 be filed with the board on a form developed by the board. The  
190 board shall prescribe the procedures and methods of  
191 submission, consideration, and disposition of applications. An  
192 applicant corporation incorporated under the laws of this  
193 state or any other state shall be required to qualify with a  
194 certificate of authority issued by the Secretary of State and  
195 shall designate an agent for service of process. The applicant  
196 shall be issued a license or denied a license in writing





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197 within a reasonable period after receipt by the board of all  
198 required information.

199 (g) (1) Each contract security company requesting or  
200 renewing a license shall pay a security license fee upon  
201 application to be determined by the board that does not exceed  
202 three hundred fifty dollars (\$350) and may not be increased  
203 more than fifty dollars (\$50) per licensing period. A license  
204 shall expire on September 30 and an application for renewal  
205 shall be submitted to the board before October 1. A renewal  
206 application may not be accepted by the board after October 31.  
207 The board may impose a reasonable late fee on renewals not  
208 filed by October 1. The board shall promptly notify an  
209 applicant if the board refuses to issue or renew a license or  
210 certification. If the board refuses to issue or renew a  
211 license or certification, the applicant or licensee may appeal  
212 the decision of the board and may request a hearing, in  
213 accordance with the rules of the board and the Administrative  
214 Procedure Act. A licensee may continue to engage in the  
215 security business while his or her appeal or renewal  
216 application is pending. The board may impose a reasonable late  
217 fee on any renewal that is not filed before the expiration  
218 date of the license.

219 (2) Each security officer or armed security officer  
220 requesting or renewing a license or certification shall pay a  
221 nonrefundable security license fee to the board upon  
222 application to be determined by the board that does not exceed  
223 one hundred dollars (\$100) and may not be increased more than  
224 twenty-five dollars (\$25) per licensing period. The license or



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225 certification issued to a security officer or armed security  
226 officer shall expire two years from the date of issuance. If  
227 the board refuses to issue or renew a license or  
228 certification, the applicant or licensee shall be promptly  
229 notified. If the board refuses to issue or renew a license or  
230 certification, the applicant or licensee may appeal the  
231 decision of the board and may request a hearing, in accordance  
232 with the rules of the board and the Administrative Procedure  
233 Act. A licensee may continue to serve as a security officer or  
234 armed security officer while his or her appeal or renewal  
235 application is pending. The board may impose a reasonable late  
236 fee on renewals not filed before the date of expiration of the  
237 license.

238 (h) No license or certification issued pursuant to this  
239 chapter shall be assigned or transferred by operation of law  
240 or in any other manner. A new license for an assignee or  
241 transferee of a business shall be applied for using the same  
242 procedures and requirements as set forth in this chapter for  
243 an initial license or certification applicant. The security  
244 operation of a security company may continue until the final  
245 disposition of the pending license or certification  
246 application.

247 (i) The current license or certificate or duplicate  
248 copy of the license or certificate shall be posted and  
249 displayed at all times at all business offices of the licensee  
250 within the state.

251 (j) The board shall be notified within 30 days of any  
252 changes in officers, directors, or management of a licensee or



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253 any changes that may reasonably affect the right of a licensee  
254 to hold a license or certificate under this chapter."

255 Section 2. This act shall become effective on the first  
256 day of the third month following its passage and approval by  
257 the Governor, or its otherwise becoming law.