

AMENDMENTS TO LB 72

(Amendments to Standing Committee amendments, AM0059)

Introduced by Stuhr, 24

1 1. Strike the original amendments and all amendments
2 thereto and insert the following new amendment:

3 1. Strike the original sections and all amendments
4 thereto and insert the following new sections:

5 Section 1. Sections 1 to 13 of this act shall be known
6 and may be cited as the Security Personnel Licensing Act.

7 Sec. 2. For purposes of the Security Personnel Licensing
8 Act:

9 (1) Contract security service means protective services
10 provided by one entity to another entity on a compensated basis;

11 (2) Proprietary security service means an organization
12 or department of that organization that provides security services
13 solely for the operation of the organization or activities of the
14 organization;

15 (3) Security officer means an individual other than an
16 employee of a federal, state, or local government, an employee of
17 a political subdivision, or an individual appointed as a deputy
18 state sheriff pursuant to section 84-106, whose primary duty is
19 to perform a contract security service or proprietary security
20 service, full or part-time, for consideration, whether armed or
21 unarmed, in a uniform registered with and approved by the Secretary
22 of State or in plain clothes. Security officer does not include an

1 employee whose sole duty is internal auditing or credit functions,
2 a technician, a monitor of electronic security systems, or others
3 not purporting to perform security services, such as bouncers,
4 parking lot attendants, house-sitters, or event staff;

5 (4) Security services mean the protection of human and
6 physical resources;

7 (5) Secretary of State means the Secretary of State or
8 his or her designee;

9 (6) Security officer firearms permit means a permit that
10 is given to a licensed security officer following the completion
11 of an application process, a criminal history record information
12 check by the Federal Bureau of Investigation through the Nebraska
13 State Patrol, and upon the submission and approval of evidence of
14 successfully completing an approved firearms training course;

15 (7) Uniform means a manner of dress of a particular
16 style and distinctive appearance as distinguished from ordinary
17 clothing customarily used and worn by the general public or by law
18 enforcement officials; and

19 (8) Unlawful conduct means any conduct that results in
20 a felony conviction, a Class I misdemeanor conviction, any drug
21 or alcohol offense conviction within the previous twelve months,
22 any conviction of an offense that would be considered a domestic
23 violence offense, or being subject to a current protection order.

24 Sec. 3. Every security officer shall be licensed under
25 the Security Personnel Licensing Act.

26 Sec. 4. The Secretary of State shall:

27 (1) License applicants as security officers who meet

1 the guidelines, standards, requirements, and qualifications of the
2 Security Personnel Licensing Act;

3 (2) Issue an applicant a security officer firearms permit
4 if he or she meets the guidelines, standards, requirements, and
5 qualifications of the Security Personnel Licensing Act and submits
6 evidence of successfully completing an approved firearms training
7 course. An approved firearms training course shall include, but not
8 be limited to:

9 (a) Knowledge and safe handling of a handgun;

10 (b) Knowledge and safe handling of handgun ammunition;

11 (c) A demonstration of competency with a handgun with
12 respect to the minimum safety and training requirements;

13 (d) Knowledge of federal, state, and local laws
14 pertaining to the use of a handgun, including, but not limited to,
15 use of a handgun for self-defense and laws relating to justifiable
16 homicide and the various degrees of assault;

17 (e) Knowledge of ways to avoid a criminal attack and to
18 defuse or control a violent confrontation; and

19 (f) Knowledge of proper storage practices for handguns
20 and ammunition, including storage practices which would reduce the
21 possibility of accidental injury to a child;

22 (3) Establish minimum guidelines for educating and
23 training licensees under the act. Such minimum guidelines may
24 include, but not be limited to:

25 (a) Basic first aid;

26 (b) Cardiopulmonary resuscitation;

27 (c) Crowd control;

- 1 (d) Emergency response procedures;
2 (e) Ethics, honesty, professionalism, and proper conduct;
3 (f) Knowledge of civil and criminal statutes pertaining
4 to security services or practices;
5 (g) Note-taking and report writing;
6 (h) Patrol techniques and observation of unusual
7 circumstances;
8 (i) Safety and security awareness; or
9 (j) Use of force;
10 (4) Provide information to interested persons in matters
11 concerning the laws that govern the practices licensed under the
12 act;
13 (5) Enforce the act by reviewing and investigating
14 complaints of violations of the act and suspending or revoking
15 licenses issued under the act if necessary. Any applicant,
16 licensee, or other person directly and adversely affected by
17 any order of the Secretary of State may appeal such order and the
18 appeal shall be in accordance with the Administrative Procedure
19 Act;
20 (6) Prescribe minimum license qualifications;
21 (7) Prescribe rules and regulations governing
22 applications for licenses and other matters as prescribed
23 under the act in accordance with the Administrative Procedure Act;
24 (8) Establish conditions for reinstatement and renewal of
25 licenses; and
26 (9) Employ additional personnel, if necessary, to enforce
27 the Security Personnel Licensing Act.

1 Sec. 5. The Secretary of State shall set up minimum
2 standards for obtaining a license that shall include, but not be
3 limited to, the following:

4 (1) Require the applicant to submit an application in a
5 form prescribed by the Secretary of State;

6 (2) Require the applicant to pay a fee. The fee shall be
7 based upon the costs of administering the act.

8 (3) Require the applicant not to have been convicted of
9 unlawful conduct;

10 (4) Require that the applicant not have been declared by
11 any court of competent jurisdiction incompetent by reason of mental
12 defect or disease and not been restored;

13 (5) Require that the applicant not be currently suffering
14 from habitual drunkenness or from drug addiction or dependence;

15 (6) Require that the applicant be at least eighteen years
16 of age for a license under the act and twenty-one years of age for
17 a security officer firearms permit;

18 (7) Require that the applicant provide a full set of
19 fingerprints to the Secretary of State. The applicant shall request
20 that the Nebraska State Patrol submit the fingerprints to the
21 Federal Bureau of Investigation for a national criminal history
22 record check. The applicant shall pay the actual cost, if any,
23 of the fingerprinting and check of his or her criminal history
24 record information. The applicant shall authorize release of the
25 national criminal history record check to the Secretary of State.
26 The criminal history record check shall be completed within ninety
27 days after the date the application for a license is received

1 by the Secretary of State, and if not, the application shall be
2 returned to the applicant. The applicant may request issuance of
3 a ninety-day temporary license prior to receipt by the Secretary
4 of State of the completed national criminal history record check.
5 If the national criminal history record check reveals a basis for
6 denial of a license, the ninety-day temporary license shall be
7 revoked;

8 (8) Require that the applicant comply with other
9 qualifications and requirements of the Secretary of State as
10 adopted and promulgated by rule and regulation;

11 (9) Require that the applicant, prior to completion of
12 the national criminal history record check, submit evidence of
13 successfully completing any education and training requirements
14 established by the Secretary of State by rule and regulation.
15 Trainers may be employed by a contract security service or
16 proprietary security service but shall be approved by the Secretary
17 of State. Trainers shall:

18 (a) Be at least eighteen years of age to train an
19 applicant for a license and twenty-one years of age to train an
20 applicant for a security officer firearms permit;

21 (b) Teach from a syllabus and training program that is
22 approved by the advisory committee and Secretary of State; and

23 (c) Provide proof of qualification to teach specific
24 areas of training related to the field of security.

25 Sec. 6. The Security Personnel Licensing Fund is created.
26 All funds collected under the Security Personnel Licensing Act
27 shall be remitted to the State Treasurer for credit to the fund.

1 The fund may be used by the Secretary of State to carry out
2 the act. Any money in the fund available for investment shall be
3 invested by the state investment officer pursuant to the Nebraska
4 Capital Expansion Act and the Nebraska State Funds Investment Act.

5 Sec. 7. (1) An applicant for license or license renewal
6 under the Security Personnel Licensing Act shall deposit with
7 each application the fee for the license and, if necessary, the
8 fees associated with processing the fingerprints. The fee for
9 the license shall be set by the Secretary of State by rule and
10 regulation and shall be based upon the costs of administering the
11 act.

12 (2) If the application is approved, the deposited amount
13 shall be applied to the license fee. If the application is
14 disapproved, the deposited amount, excluding the fees associated
15 with the processing of the fingerprints, shall be refunded to the
16 applicant.

17 Sec. 8. (1) The Secretary of State shall issue to each
18 licensee an identification card in a form approved by the Secretary
19 of State by rule and regulation. The application for a permanent
20 identification card shall include a temporary identification card
21 valid for ninety days from the date of receipt by the applicant.

22 (2) The fee for each replacement identification card is
23 ten dollars.

24 Sec. 9. (1) Any person who holds a valid license to act
25 as a security officer issued by the proper authority in another
26 state and based upon requirements and qualifications similar to
27 those of the Security Personnel Licensing Act may be issued a

1 temporary permit to act as a security officer in this state, if
2 such person's licensing jurisdiction extends by reciprocity similar
3 privileges to a person licensed to act as a security officer by
4 this state. Any reciprocal agreement approved by the Secretary
5 of State shall provide that any misconduct by a person issued a
6 temporary permit to act as a security officer in this state will
7 be dealt with in such person's licensing jurisdiction as though the
8 violation occurred in that licensing jurisdiction.

9 (2) The Secretary of State shall adopt and promulgate
10 by rule and regulation a fee for the issuance of a temporary
11 permit under this section. The fee shall be based on the cost of
12 administering this section.

13 Sec. 10. A person licensed as a security officer and
14 holding a security officer firearms permit is exempt from the
15 provisions of section 28-1202 while acting within the scope of his
16 or her employment as a security officer in accordance with the act
17 and any rules and regulations adopted and promulgated under the
18 act.

19 Sec. 11. A licensee under the Security Personnel
20 Licensing Act and a security officer firearms permit shall expire
21 on October 1 of each odd-numbered year.

22 Sec. 12. (1) An advisory committee is created to advise
23 the Secretary of State in administering the Security Personnel
24 Licensing Act. The committee shall consist of the following members
25 appointed by the Governor:

26 (a) One proprietary security service representative;

27 (b) One contract security service representative;

1 (c) One attorney;

2 (d) One higher education instructor;

3 (e) One member of the law enforcement community; and

4 (f) Two members at large.

5 (2) The committee shall elect from its members a
6 chairperson. The terms of the members of the committee shall
7 be three years, except that the terms of the initial committee
8 members shall be staggered so that two members are appointed for a
9 term of one year, two for a term of two years, and three for a term
10 of three years, as determined by the Governor. Members appointed
11 shall be reimbursed for their actual and necessary expenses as
12 provided in sections 81-1174 to 81-1177.

13 Sec. 13. A person who does any of the following is guilty
14 of a Class I misdemeanor:

15 (1) Makes a false statement or representation in an
16 application or statement filed with the Secretary of State as
17 required by the Security Personnel Licensing Act;

18 (2) Falsely states, represents, or fails to disclose as
19 required by the act, that the person has been or is a security
20 officer;

21 (3) Falsely advertises that the person is licensed as a
22 security officer under the act; or

23 (4) Acts or otherwise represents himself or herself as
24 a security officer without possessing a current valid license as
25 provided under the act.

26 Sec. 14. This act becomes operative on April 1, 2007.