

House Bill 364 (AS PASSED HOUSE AND SENATE)

By: Representatives Collins of the 68th, Powell of the 32nd, Hitchens of the 161st, Nix of the 69th, and Kelley of the 16th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 43-38-7 of the Official Code of Georgia Annotated, relating to
2 licensing of armed employees of private detective and private security businesses,
3 qualifications, continuing education, fingerprints, license card, and suspension, so as to
4 authorize persons having completed Georgia Peace Officer Standards and Training to serve
5 as a private guard, watchman, or patrolman while awaiting licensure approval; to provide
6 such certification to serve as evidence of citizenship; to exempt such person from submission
7 of fingerprints upon application; to provide for related matters; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Code Section 43-38-7 of the Official Code of Georgia Annotated, relating to licensing of
12 armed employees of private detective and private security businesses, qualifications,
13 continuing education, fingerprints, license card, and suspension, is amended by revising
14 subsections (b) through (e) as follows:

15 "(b)(1) Except as provided in paragraph (2) of this subsection, within 180 days of
16 completing board mandated prelicensure training, potential licensees shall make
17 application to be licensed with the board.

18 (2)(A) Any guard, watchman, or patrolman who will be unarmed and who will be
19 employed in the private security business shall not be required to be licensed by the
20 board but shall be governed by Code Section 43-38-7.1.

21 (B) Any potential licensee currently certified by the Georgia Peace Officer Standards
22 and Training Council as having successfully completed the course training required by
23 Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' shall be
24 authorized to serve as a guard, watchman, or patrolman provided that an application to
25 be licensed by the board pursuant to this Code section is submitted no later than 60 days
26 from the start of employment.

27 (c)(1) Except as otherwise provided in ~~paragraph (2) of subsection (b)~~
28 ~~subparagraph (b)(2)(A)~~ of this Code section, upon being satisfied of the applicant's
29 character, competency, and eligibility for licensure, the board may license such applicant
30 if he or she:

31 (A) Is at least 18 years of age;

32 (B) Is a citizen of the United States or a registered resident alien;

33 (C) Is of good moral character;

34 (D) Has not been convicted of a felony or any crime involving the illegal use, carrying,
35 or possession of a dangerous weapon or any crime involving moral turpitude; provided,
36 however, that, if the applicant has been convicted of such crime, or has entered a plea
37 of nolo contendere to such crime, or has entered a plea pursuant to Article 3 of
38 Chapter 8 of Title 42 or otherwise been granted first offender treatment, the board may
39 inquire into the nature of the crime, the date of conviction or plea, and other underlying
40 facts and circumstances surrounding such criminal proceedings and, in its discretion,
41 may allow the applicant to be licensed;

42 (E) Has not committed an act constituting dishonesty or fraud; and

43 (F) Meets such other qualifications as the board may prescribe by rule.

44 (2) The board shall accept certification by the Georgia Peace Officer Standards and
45 Training Council as having successfully completed the course training required by
46 Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' as
47 evidence that subparagraph (B) of paragraph (1) of this subsection has been satisfied.

48 (3) The board shall be authorized to require continuing education as a condition of
49 renewal for all persons required to be licensed or registered with the board under this
50 chapter. The board shall be authorized to promulgate rules and regulations addressing
51 the requirement for continuing education and circumstances for which a waiver of this
52 requirement may be granted.

53 (d) The license application shall be made under oath and on a form to be furnished by the
54 division director. The application shall state the applicant's full name, age, and date and
55 place of birth; residences and employment within the past five years; experience in the
56 position applied for or held; the date and place of conviction or arrest for any crime,
57 including the entry of a plea of nolo contendere or the entry of a plea entered pursuant to
58 Article 3 of Chapter 8 of Title 42 or other first offender treatment; and such other
59 information as the board may require. The license application shall be accompanied by two
60 sets of fingerprints of the applicant, except for those applicants who are currently certified
61 by the Georgia Peace Officer Standards and Training Council as having successfully
62 completed the course training required by Chapter 8 of Title 35, the 'Georgia Peace Officer
63 Standards and Training Act,' and one photograph of the applicant, two inches wide by three
64 inches high, full face, and taken within six months prior to the application. The board shall
65 have discretion to deny a license to any individual when the information and supporting
66 documentation required by this subsection are not provided.

67 (e) Any applicant currently certified by the Georgia Peace Officer Standards and Training
68 Council as having successfully completed the course training required by Chapter 8 of

69 Title 35, the 'Georgia Peace Officer Standards and Training Act,' shall be authorized to
70 serve as a guard, watchman, or patrolman during any period of time awaiting a decision of
71 the board to grant or deny a license pursuant to this Code section. Upon granting a license
72 pursuant to this Code section, the board shall so notify the licensee. An employer shall
73 notify the board within 30 days of the hiring or termination of employment of any
74 employee licensed under this Code section."

75 **SECTION 2.**

76 All laws and parts of laws in conflict with this Act are repealed.