

Senate Bill 162

By: Senators Grant of the 25th and Williams of the 19th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to
2 operators of private detective businesses and private security businesses, so as to authorize
3 security guards and detectives to obtain individual licensure for employment; to provide for
4 related matters; to provide an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to operators of
9 private detective businesses and private security businesses, is amended by revising Code
10 Section 43-38-7, relating to registration of armed employees, qualifications, continuing
11 education, fingerprints, registration card, and suspension, as follows:

12 "43-38-7.

13 (a) Any ~~licensee~~ employer may employ as many agents, guards, watchmen, or patrolmen
14 as he or she deems necessary for the conduct of his or her business, provided that such
15 employees meet the requirements and qualifications for ~~registration~~ licensure under this
16 chapter.

17 (b)(1) Except as provided in paragraph (2) of this subsection, within ~~30~~ 180 days of
18 ~~hiring such agents, operators, assistants, guards, watchmen, or patrolmen, the licensee~~
19 completing board mandated prelicensure training, potential licensees shall make
20 application to ~~register such employees~~ be licensed with the board.

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

24 (c)(1) Except as otherwise provided in paragraph (2) of subsection (b) of this Code
25 section, upon being satisfied of the ~~employee's~~ applicant's character, competency, and

26 eligibility for ~~registration licensure~~, the board may ~~register license~~ such ~~employee~~
 27 ~~applicant~~ if ~~her or she~~:

- 28 (A) ~~Is The employee~~ is at least 18 years of age;
- 29 (B) ~~Is The employee~~ is a citizen of the United States or a registered resident alien;
- 30 (C) ~~Is The employee~~ is of good moral character;
- 31 (D) ~~Has The employee~~ has not been convicted of a felony or any crime involving the
 32 illegal use, carrying, or possession of a dangerous weapon or any crime involving moral
 33 turpitude; provided, however, that, if the ~~employee applicant~~ has been convicted of such
 34 crime, or has entered a plea of nolo contendere to such crime, or has entered a plea
 35 pursuant to Article 3 of Chapter 8 of Title 42 or otherwise been granted first offender
 36 treatment, the board may inquire into the nature of the crime, the date of conviction or
 37 plea, and other underlying facts and circumstances surrounding such criminal
 38 proceedings and, in its discretion, may allow the ~~employee applicant~~ to be ~~registered~~
 39 ~~licensed~~;
- 40 (E) ~~Has The employee~~ has not committed an act constituting dishonesty or fraud; and
- 41 (F) ~~Meets The employee meets~~ such other qualifications as the board may prescribe by
 42 rule.

43 (2) The board shall be authorized to require continuing education as a condition of
 44 renewal for all persons required to be ~~licensed or~~ registered with the board under this
 45 chapter. The board shall be authorized to promulgate rules and regulations addressing
 46 ~~the~~ requirement for continuing education and circumstances for which a waiver of this
 47 requirement may be granted.

48 (d) The ~~license~~ application for ~~registration~~ shall be made in writing, under oath, ~~and~~ on a
 49 form to be furnished by the division director. The application shall state the ~~employee's~~
 50 ~~applicant's~~ full name, age, and date and place of birth; residences and employment within
 51 the past five years; experience in the position applied for or held; the date and place of
 52 conviction or arrest for any crime, including the entry of a plea of nolo contendere or the
 53 entry of a plea entered pursuant to Article 3 of Chapter 8 of Title 42 or other first offender
 54 treatment; and such other information as the board may require. The ~~license~~ application
 55 for ~~registration~~ shall be accompanied by two sets of fingerprints of the ~~employee applicant~~
 56 and one photograph of the ~~employee applicant~~, two inches wide by three inches high, full
 57 face, ~~and~~ taken within six months prior to the application. The board shall have discretion
 58 to deny ~~registration a license~~ to any individual when the information and supporting
 59 documentation required by this subsection are not provided.

60 (e) Upon granting ~~an application for registration a license~~ pursuant to this Code section,
 61 the board shall so notify the ~~employer-licensee licensee~~. ~~An employer~~ The

62 ~~employer-licensee~~ shall notify the board within 30 days of the hiring or termination of
63 employment of any ~~registered employees~~ employee licensed under this Code section.

64 (f) Upon receipt of a ~~registration~~ license card issued by the board pursuant to this chapter,
65 the ~~registrant~~ licensee shall maintain said card on his person at all times while on his post
66 or at his place of employment and at all times when the ~~registrant~~ licensee wears a uniform
67 in the course of his employment in the private detective or private security business.

68 (g) Notwithstanding any other provisions of this Code section, any person who is to be
69 ~~registered~~ licensed under this Code section shall agree in writing on the application that if
70 such person ~~to be registered~~ makes a false statement in the application or if such person ~~has~~
71 ~~been~~ is found to have been convicted of a felony and has not had all his or her civil rights
72 restored pursuant to law, then the board shall be authorized to suspend any ~~registration~~
73 license granted to such ~~applicant person~~ without a prior hearing as required in Code Section
74 43-38-11. Upon request, any such person shall be entitled to a hearing on such matter
75 subsequent to the suspension."

76 **SECTION 2.**

77 This Act shall become effective upon its approval by the Governor or upon its becoming law
78 without such approval.

79 **SECTION 3.**

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