

The House Committee on Regulated Industries offers the following substitute to SB 162:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to change provisions related to certain professions and businesses; to repeal
3 Code Section 43-16-4, relating to surety bonds relative to firearms dealers, and designate it
4 as reserved; to change certain provisions related to the registration of armed employees; to
5 authorize security guards and detectives to obtain individual licensure for employment; to
6 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
11 is amended by revising Code Section 43-16-4, relating to surety bonds relative to firearms
12 dealers, as follows:

13 "43-16-4.

14 ~~There shall be filed with the application for a license under this chapter a bond for the sum~~
15 ~~of \$1,000.00, payable to the State of Georgia and conditioned upon the faithful~~
16 ~~performance of all provisions of this chapter, signed by the applicant as principal, and with~~
17 ~~a surety company or two individuals as securities. Such bond must be approved by the~~
18 ~~department. Reserved.~~"

19 **SECTION 2.**

20 Said title is further amended by revising Code Section 43-38-7, relating to registration of
21 armed employees, qualifications, continuing education, fingerprints, registration card, and
22 suspension, as follows:

23 "43-38-7.

24 (a) Any licensee employer may employ as many agents, guards, watchmen, or patrolmen
25 as he or she deems necessary for the conduct of his or her business, provided that such

26 employees meet the requirements and qualifications for ~~registration~~ licensure under this
 27 chapter.

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

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

35 (c)(1) Except as otherwise provided in paragraph (2) of subsection (b) of this Code
 36 section, upon being satisfied of the ~~employee's~~ applicant's character, competency, and
 37 eligibility for ~~registration~~ licensure, the board may ~~register~~ license such ~~employee~~
 38 applicant if her or she:

39 (A) Is ~~The employee is~~ at least 18 years of age;

40 (B) Is ~~The employee is~~ a citizen of the United States or a registered resident alien;

41 (C) Is ~~The employee is~~ of good moral character;

42 (D) Has ~~The employee has~~ not been convicted of a felony or any crime involving the
 43 illegal use, carrying, or possession of a dangerous weapon or any crime involving moral
 44 turpitude; provided, however, that, if the ~~employee~~ applicant has been convicted of such
 45 crime, or has entered a plea of nolo contendere to such crime, or has entered a plea
 46 pursuant to Article 3 of Chapter 8 of Title 42 or otherwise been granted first offender
 47 treatment, the board may inquire into the nature of the crime, the date of conviction or
 48 plea, and other underlying facts and circumstances surrounding such criminal
 49 proceedings and, in its discretion, may allow the ~~employee~~ applicant to be ~~registered~~
 50 licensed;

51 (E) Has ~~The employee has~~ not committed an act constituting dishonesty or fraud; and

52 (F) Meets ~~The employee meets~~ such other qualifications as the board may prescribe by
 53 rule.

54 (2) The board shall be authorized to require continuing education as a condition of
 55 renewal for all persons required to be licensed or registered with the board under this
 56 chapter. The board shall be authorized to promulgate rules and regulations addressing
 57 the requirement for continuing education and circumstances for which a waiver of this
 58 requirement may be granted.

59 (d) The license application for ~~registration~~ shall be made in writing, under oath, and on a
 60 form to be furnished by the division director. The application shall state the ~~employee's~~
 61 applicant's full name, age, and date and place of birth; residences and employment within
 62 the past five years; experience in the position applied for or held; the date and place of

63 conviction or arrest for any crime, including the entry of a plea of nolo contendere or the
 64 entry of a plea entered pursuant to Article 3 of Chapter 8 of Title 42 or other first offender
 65 treatment; and such other information as the board may require. The license application
 66 ~~for registration~~ shall be accompanied by two sets of fingerprints of the employee applicant
 67 and one photograph of the employee applicant, two inches wide by three inches high, full
 68 face, and taken within six months prior to the application. The board shall have discretion
 69 to deny ~~registration~~ a license to any individual when the information and supporting
 70 documentation required by this subsection are not provided.

71 (e) Upon granting ~~an application for registration~~ a license pursuant to this Code section,
 72 the board shall so notify the ~~employer-licensee~~ licensee. An employer ~~The~~
 73 ~~employer-licensee~~ shall notify the board within 30 days of the hiring or termination of
 74 employment of any ~~registered employees~~ employee licensed under this Code section.

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

79 (g) Notwithstanding any other provisions of this Code section, any person who is to be
 80 ~~registered~~ licensed under this Code section shall agree in writing on the application that if
 81 such person ~~to be registered~~ makes a false statement in the application or if such person ~~has~~
 82 ~~been~~ is found to have been convicted of a felony and has not had all his or her civil rights
 83 restored pursuant to law, then the board shall be authorized to suspend any ~~registration~~
 84 license granted to such applicant person without a prior hearing as required in Code Section
 85 43-38-11. Upon request, any such person shall be entitled to a hearing on such matter
 86 subsequent to the suspension."

87 **SECTION 3.**

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

90 **SECTION 4.**

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