

Senate Bill 114

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides for Department of Public Safety Standards and Training to license private security entities that employ private security providers. Becomes operative January 1, 2023.

A BILL FOR AN ACT

1
2 Relating to private security services; creating new provisions; and amending ORS 181A.840,
3 181A.845, 181A.850, 181A.870, 181A.875 and 181A.893.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 181A.840 is amended to read:

6 181A.840. As used in ORS 181A.360, 181A.840 to 181A.891, 181A.895 and 181A.995:

7 (1) "Certification" means recognition by the Department of Public Safety Standards and Training
8 that a private security professional meets all of the qualifications listed in ORS 181A.855.

9 (2) "Executive manager" means a person:

10 (a) Who is authorized to act on behalf of a [*company or business*] **private security entity** in
11 matters of licensure and certification;

12 (b) Who is authorized to hire and terminate personnel;

13 (c) Whose primary responsibility is the management of certified **or licensed** private security
14 [*professionals*] **providers**; and

15 (d) Who has [*final*] **civil and legal** responsibility for a [*company's or business's*] **private security**
16 **entity's** compliance with ORS 181A.840 to 181A.891.

17 (3) "Instructor" means any person who has been certified by the department as meeting the re-
18 quirements to provide instruction to private security providers or applicants.

19 (4) "License" means recognition by the department that an executive manager or supervisory
20 manager meets the requirements adopted by the Board on Public Safety Standards and Training as
21 necessary to provide private security services.

22 (5) "Primary responsibility" means an activity that is fundamental to, and required or expected
23 in, the regular course of employment and is not merely incidental to employment.

24 **(6) "Private security entity" means an employer, company or business that employs pri-
25 vate security providers.**

26 [(6)] (7) "Private security professional" means an individual who performs, as the individual's
27 primary responsibility, private security services for consideration, regardless of whether the indi-
28 vidual, while performing the private security services, is armed or unarmed or wears a uniform or
29 plain clothes, and regardless of whether the individual is employed part-time or full-time to perform
30 private security services.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 [(7)] (8) “Private security provider” means *[any]* **an** individual who performs the functions of a
2 private security professional, executive manager, supervisory manager or instructor.

3 [(8)] (9) “Private security services” means the performance of at least one of the following ac-
4 tivities:

5 (a) Observing and reporting unlawful activity.

6 (b) Preventing or detecting theft or misappropriation of goods, money or other items of value.

7 (c) Protecting individuals or property, including but not limited to proprietary information, from
8 harm or misappropriation.

9 (d) Controlling access to premises being protected or, with respect to a licensee of the Oregon
10 Liquor Control Commission, controlling access to premises at an entry to the premises or any por-
11 tion of the premises where minors are prohibited.

12 (e) Securely moving prisoners.

13 (f) Taking enforcement action by detaining persons or placing persons under arrest under ORS
14 133.225.

15 (g) Providing canine services for guarding premises or for detecting unlawful devices or sub-
16 stances.

17 [(9)] (10) “Supervisory manager” means an employee of or a person supervised by an executive
18 manager who has as a primary responsibility the supervision of certified private security profes-
19 sionals.

20 **SECTION 2.** ORS 181A.850 is amended to read:

21 181A.850. (1) It is unlawful:

22 **(a) For a private security entity to provide private security services unless the entity has**
23 **obtained a license under section 8 of this 2021 Act.**

24 [(a)] **(b)** For a person to engage in the business of, or perform any service as, a private security
25 professional, or to offer services in such capacity unless the person has obtained a certificate under
26 ORS 181A.870.

27 [(b)] **(c)** For a person to engage in the business of, or perform any service as, an executive
28 manager or supervisory manager, or to offer services in such capacities unless the person has ob-
29 tained a license under ORS 181A.870.

30 [(c)] **(d)** For a person to perform supervisory duties over persons performing crowd management
31 or guest services, as described in ORS 181A.845, unless the person has obtained a license or certif-
32 icate under ORS 181A.870.

33 [(d)] **(e)** Except as otherwise provided in subsection (2) of this section, for an executive manager
34 to assign a person to perform private security services unless the person is certified as a private
35 security professional under ORS 181A.870.

36 (2) An executive manager may temporarily assign a person who is not certified as required by
37 this section to perform private security services within this state for a period of time not to exceed
38 90 days if:

39 (a) The person is employed in another state;

40 (b) The person holds a private security professional’s certification or license from the other
41 state; and

42 (c) The certification or licensing standards of the other state meet or exceed the standards of
43 this state.

44 **SECTION 3.** ORS 181A.870 is amended to read:

45 181A.870. (1) The Board on Public Safety Standards and Training shall establish standards for:

1 (a) Issuing, denying, renewing, suspending and revoking a private security provider's **or private**
2 **security entity's** certificate or license; and

3 (b) Reviewing the private security services of executive managers in relation to the licensing
4 and certification standards set forth in ORS 181A.840 to 181A.891.

5 (2) In accordance with any applicable provision of ORS chapter 183, to promote consistent
6 standards for private security services by improving the competence of private security providers,
7 the board, in conjunction with the Private Security Policy Committee, shall establish reasonable
8 minimum standards of physical, emotional, intellectual and moral fitness for private security pro-
9 viders.

10 (3) The board, in consultation with the Department of Public Safety Standards and Training,
11 may establish by rule accreditation standards for required training programs. The board, in consul-
12 tation with the Private Security Policy Committee, may establish to what extent training or educa-
13 tional programs offered by employers may be considered equivalent to required training programs.

14 (4) The department shall:

15 (a) Establish and carry out procedures for issuing, denying, renewing, suspending and revoking,
16 subject to terms and conditions imposed by the department, a private security provider's **or private**
17 **security entity's** certificate or license;

18 (b) In collaboration with the Private Security Policy Committee, recommend for approval by the
19 board the content of and standards for all training courses and testing required for certification as
20 a private security professional and the standards for all instructors providing the training;

21 (c) Establish procedures in consultation with the board for temporary assignment of persons
22 performing private security services for a period of no longer than 120 days while an application for
23 certification is being processed;

24 (d) In collaboration with the Private Security Policy Committee, establish fees for issuing cer-
25 tificates and licenses to private security providers **and private security entities**. The fees may not
26 exceed the prorated direct costs of administering:

27 (A) The certification or licensing program required by this section;

28 (B) The criminal records checks required by ORS 181A.875; and

29 (C) Any training program required by rules of the department or board; and

30 (e) In collaboration with the Private Security Policy Committee, establish fees for accrediting
31 training programs offered by employers.

32 (5) In establishing procedures for issuing certificates and licenses under subsection (4)(a) of this
33 section, the department shall establish a procedure for issuing a certificate or license to a person
34 upon submission by the person of proof of successful completion of a training program accredited
35 by the board pursuant to subsection (3) of this section as being equivalent to the required training
36 program offered by the department.

37 (6) The department shall investigate alleged violations of the provisions of ORS 181A.840 to
38 181A.891 and of any rules adopted by the department or the board. The department shall issue a
39 report when the investigation is complete.

40 (7) The department and the board may adopt rules necessary to carry out their duties under
41 ORS 181A.840 to 181A.891 and 181A.995. For efficiency, the department and board may adopt rules
42 jointly as a single set of combined rules.

43 **SECTION 4.** ORS 181A.875 is amended to read:

44 181A.875. (1) A license or certificate issued by the Department of Public Safety Standards and
45 Training under ORS 181A.870 **or section 8 of this 2021 Act** expires two years following the date

1 of issuance or on the assigned renewal date.

2 (2) The department shall offer certificates or licenses to private security providers in levels and
3 categories as established by the Board on Public Safety Standards and Training in consultation with
4 the department.

5 (3) Upon receipt of an application for certification or licensure under ORS 181A.860, the de-
6 partment shall forward a complete set of the applicant's fingerprints to the Department of State
7 Police and request that the Department of State Police conduct a nationwide criminal records check
8 of the applicant as provided in ORS 181A.195.

9 (4) ORS 181A.195 (10) does not apply to the Department of Public Safety Standards and Training
10 when the department makes a denial or revocation decision as a result of information received
11 pursuant to subsection (3) this section.

12 (5) The department and an employee of the department acting within the course and scope of
13 employment are immune from any civil liability that might otherwise be incurred or imposed for
14 making a denial or revocation decision regarding an applicant pursuant to subsection (3) of this
15 section. The department, an employee of the department acting within the course and scope of em-
16 ployment and an employer or employer's agent who in good faith comply with the requirements of
17 ORS 181A.855 or 181A.860, any rules adopted by the department and the decision of the department
18 or employee of the department acting within the course and scope of employment are not liable for
19 employment-related decisions based on decisions made under ORS 181A.855 or 181A.860. The de-
20 partment or an employee of the department acting within the course and scope of employment is
21 not liable for defamation or invasion of privacy in connection with the lawful dissemination of in-
22 formation lawfully obtained under ORS 181A.195.

23 **SECTION 5.** ORS 181A.893 is amended to read:

24 181A.893. (1) It is unlawful for [*an entity that employs private security providers*] **a private se-**
25 **curity entity** to use a name that implies that the entity is, or is affiliated with, an existing law
26 enforcement unit or public safety agency as defined in ORS 181A.355, the organized militia as de-
27 scribed in ORS 396.105, the Armed Forces of the United States, a federal law enforcement agency
28 or a federal intelligence agency.

29 (2) The Board on Public Safety Standards and Training, in consultation with the Department of
30 Public Safety Standards and Training, shall adopt rules related to the requirements of subsection (1)
31 of this section.

32 **SECTION 6.** ORS 181A.845 is amended to read:

33 181A.845. (1) ORS 181A.840 to 181A.891 do not apply to:

34 (a) A person certified by the Department of Public Safety Standards and Training as a police
35 officer or a parole and probation officer.

36 (b) A law enforcement officer of the United States.

37 (c) An officer or employee of this state, Oregon Health and Science University established by
38 ORS 353.020 or the United States while performing duties of the office or employment.

39 (d) A person appointed or commissioned by the Governor to perform law enforcement or security
40 services.

41 (e) An attorney admitted to practice law in this state while engaged in the practice of law.

42 (f) An insurance adjuster licensed in this state while performing duties authorized by the license.

43 (g) A person who monitors alarm systems that are not designed to detect threats to public safety
44 or personal well-being.

45 (h) A person while protecting the person's property.

1 (i) A person who repairs and installs intrusion alarms while repairing or installing intrusion
2 alarms.

3 (j) A person acting as an investigator as defined in ORS 703.401.

4 (k) A person performing crowd management or guest services, including, but not limited to, a
5 person described as a ticket taker, an usher, a parking attendant or event staff.

6 (L) A person who has a valid service permit issued by the Oregon Liquor Control Commission
7 pursuant to ORS 471.360 and who is an employee of a licensee of the commission when the person
8 is performing age verification and controlling access to premises of the licensee, if the person is not:

9 (A) Armed;

10 (B) Permitted to initiate confrontational activities, including physical contact and the confis-
11 cation of property; or

12 (C) Hired with the primary responsibility of taking enforcement action as described in ORS
13 181A.840 [(8)(f)] **(9)(f)**.

14 (m) A person performing security services at a facility regulated by the United States Nuclear
15 Regulatory Commission if the facility is operated by the person's employer.

16 (n) An individual while on active duty as a member of the armed services or while performing
17 duties as a law enforcement officer.

18 (o) An employee of a financial institution who has been designated as a security officer for the
19 financial institution pursuant to the Bank Protection Act of 1968 (12 U.S.C. 1881 et seq.) and regu-
20 lations adopted under the act.

21 (p) A person who provides security services as a volunteer or for de minimis consideration other
22 than money for an event operated for the benefit of a corporation that is organized not for profit
23 pursuant to ORS chapter 65 or any predecessor of ORS chapter 65 or that is exempt from taxation
24 under section 501(a) of the Internal Revenue Code as an organization described in section 501(c) of
25 the Internal Revenue Code.

26 (q) A student enrolled in a community college as defined in ORS 341.005 while engaged in non-
27 confrontational activities that contribute to campus safety under the direct or indirect supervision
28 of a law enforcement professional or private security professional certified or licensed by the De-
29 partment of Public Safety Standards and Training, provided the community college has conducted
30 a criminal background check on the student.

31 (2) The exemption provided by subsection (1)(k) of this section applies only:

32 (a) To a person who is not:

33 (A) Armed;

34 (B) Permitted to initiate confrontational activities, including physical contact and the confis-
35 cation of property; or

36 (C) Hired with the primary responsibility of taking enforcement action as described in ORS
37 181A.840 [(8)(f)] **(9)(f)**;

38 (b) If there is at least one person on-site who is certified or licensed under ORS 181A.870 for
39 every 10 or fewer uncertified persons performing the services described in subsection (1)(k) of this
40 section;

41 (c) If any enforcement action, as described in ORS 181A.840 [(8)(f)] **(9)(f)**, other than incidental
42 or temporary action, is taken by or under the supervision of a person certified or licensed under
43 ORS 181A.870; and

44 (d) During the time when a crowd has assembled for the purpose of attending or taking part in
45 an organized event, including pre-event assembly, event operation hours and post-event departure

1 activities.

2 (3) The exemption provided by subsection (1)(L) of this section does not apply during an organ-
 3 ized event that is on a scale substantially outside the ordinary course of the licensee’s business.

4 **SECTION 7. Sections 8 and 9 of this 2021 Act are added to and made a part of ORS**
 5 **181A.840 to 181A.891.**

6 **SECTION 8. An applicant for licensure as a private security entity must:**

7 (1) **Submit a written application to the Department of Public Safety Standards and**
 8 **Training on a form approved by the department;**

9 (2) **Be the principal owner or principal partner who exercises operational control over the**
 10 **entity;**

11 (3) **Designate an executive manager licensed by the department;**

12 (4) **Be covered by a general liability insurance policy for which the applicant is a primary**
 13 **insured that includes public liability, personal injury and property damage insurance covering**
 14 **all aspects of the private security services being provided;**

15 (5) **Maintain and make available to the department upon request records of the training**
 16 **hours completed by each private security provider employed by the entity; and**

17 (6) **Demonstrate the existence of use of force and citizen arrest policies, unless the pri-**
 18 **vate security entity exclusively monitors alarm systems.**

19 **SECTION 9. A private security entity that employs armed private security professionals**
 20 **must ensure that training requirements imposed by the Department of Public Safety Stan-**
 21 **dards and Training involving a firearm required for certification are successfully completed**
 22 **with a firearm that matches the make, model and caliber of the firearm that will be pos-**
 23 **sessed by or available to the armed private security professional while performing private**
 24 **security services.**

25 **SECTION 10. (1) Sections 8 and 9 of this 2021 Act and the amendments to ORS 181A.840,**
 26 **181A.845, 181A.850, 181A.870, 181A.875 and 181A.893 by sections 1 to 6 of this 2021 Act become**
 27 **operative on January 1, 2023.**

28 (2) **The Department of Public Safety Standards and Training may take any action before**
 29 **the operative date specified in subsection (1) of this section to enable the department to ex-**
 30 **ercise, on and after the operative date specified in subsection (1) of this section, all of the**
 31 **duties, functions and powers conferred on the department by sections 8 and 9 of this 2021**
 32 **Act and the amendments to ORS 181A.840, 181A.845, 181A.850, 181A.870, 181A.875 and 181A.893**
 33 **by sections 1 to 6 of this 2021 Act.**

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