



Oregon

Tina Kotek, Governor

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To: House Committee On Judiciary

From: Department of Public Safety Standards and Training (DPSST)

Re: House Bill 2183, Relating to certification of private security professionals

DPSST has no position on House Bill 2183. The following testimony provides background information and technical review as it would apply to implementation of the bill.

Summary: HB 2183 directs the Department of Public Safety Standards and Training (DPSST) to adopt rules that allow a private security professional applicant who is or was certified by DPSST as a police officer to satisfy the training requirements for certification as a private security professional by completing a refresher course and an examination.

Background: Regulation of individual private security providers began in the 1990s. DPSST certifies and licenses over 26,000 private security professionals, instructors, and managers.

A private security professional is defined in statute as an individual who performs, as the individual's primary responsibility, private security services for consideration, regardless of whether the individual, while performing the private security services, is armed or unarmed or wears a uniform or plain clothes, and regardless of whether the individual is employed part-time or full-time to perform private security services.

DPSST offers four private security professional certifications.

- Alarm Monitor Private Security Professional
- Armed Private Security Professional
- Event and Entertainment Private Security Professional
- Unarmed Private Security Professional

Pursuant to ORS 181A.870 (4), DPSST is responsible for the content of and standards for the training that is required to obtain certification as a private security professional.

Recommendations for training standards are made in collaboration with the Private Security Policy Committee. The training standards are approved by the Board on Public Safety Standards and Training.

Each certification type has a certification-specific basic training course that must be completed to obtain the certification. An armed private security professional must complete both the unarmed basic training course and the basic firearms training course.

Private security professional certifications are issued for a 2-year period. In order to renew the certification, the applicant must complete abbreviated training which is commonly referred to as refresher training. An armed private security professional must complete the firearms marksmanship qualification and armed refresher course annually and the unarmed refresher course at the time of renewal.

The question on whether or not to allow former police officers to waive, challenge, or complete reduced training hours has been considered by the agency in the past. Past curriculum reviews conducted in conjunction with constituent workgroups and the Private Security Policy Committee have determined that there is value in requiring former police officers to complete the same training as all other private security professionals. The basic training course addresses the legal authorities that a private security professional has and does not have as a citizen (Use of Force, Citizen's Arrest). Completing the basic training course also provides the former police officer with knowledge of the minimum training that all other private security professionals have received.

Research of past DPSST rules shows that from 1997 through 2012 there was a process that allowed an applicant with prior law enforcement training and experience to challenge the eight hours of basic classroom training by completing the examination on the classroom curriculum. The applicant was also required to complete a four-hour assessment. It is important to note that the opportunity to challenge classroom training hours only applied to the unarmed training requirements. There have never been exceptions for the firearms training requirements for an armed private security professional certification.

Technical Information on Interpretation, Implementation, and Potential Issues:

ORS 181A.870 (7) grants the Board and DPSST broad rulemaking authority to carry out the duties for setting training and certification standards for private security professionals. Therefore, DPSST already has the statutory authority to adopt rules that would be the equivalent of the new provisions found in HB 2183.

HB 2183 specifies that a refresher course and an examination would satisfy the training requirements. It is important to note that all of the training requirements are established by rule, and each private security professional certification has different training requirements. Each certification type also has a certification specific refresher course.

HB 2183 is specific to private security professional certification training requirements. It is important to note that applicants for a private security manager license or instructor certification are required to complete the basic training courses in full.

Inserting the references to a refresher course and an examination in ORS assumes that the training requirements approved by the Board on Public Safety Standards and Training will always include an abbreviated training option and an examination component. If DPSST needed

to change the training requirements for a private security professional certification, or what a course is called (refresher, basic, annual, etc.), it may result in a need for another statutory change. There are no other specific training courses referenced in statute. All of the training courses and standards are defined in OAR Chapter 259 Division 60.

HB 2183 refers to an applicant who is or was certified as a police officer. The bill is silent on whether a revoked certification or the passage of time (has not been certified in many years) need to be considered when allowing abbreviated training to satisfy the training requirements for a private security professional certification. The directive to adopt rules does not include the authority for DPSST to set such qualifications through rulemaking.

HB 2183 only applies to police officers who have been certified in Oregon. The bill does not apply to police officers who had been certified in another state and would not apply to any other public safety officers such as certified corrections officers, certified parole and probation officers, or reserve police officers (not certified).

DPSST does not have any data that would help measure how many applicants would be eligible for abbreviated training under HB 2183.

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Questions or requests for additional information may be directed to Jennifer Howald, DPSST Legislative Coordinator, at Jennifer.howald@dpsst.oregon.gov.