

CHAPTER 320

AN ACT concerning security officer companies and amending P.L.2004, c.134.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 2 of P.L.2004, c.134 (C.45:19A-2) is amended to read as follows:

C.45:19A-2 Definitions relative to security officers.

2. As used in this act:

- a. "Owner" or "operator" means an officer, director, member, sole proprietor, partner or associate of a private security company.

- b. "Security officer" means any person who performs any of the following functions or activities as an employee, agent or subcontractor of a security officer company as defined in subsection c. of this section for a fee, hire or reward, notwithstanding the fact that other functions and activities may also be performed by the same person for fee, hire or reward; or any person who carries a firearm in the performance of the person's duties and performs any of the following functions and activities as an exclusive employee of a company maintaining a proprietary or in-house security function as defined in subsection e. of this section whose primary duty is to provide these security functions and activities for that company and whose services are not contracted to any other entity or person:

- (1) protection of person or property, real or personal, from injury or harm or for any other purpose whatsoever;

- (2) deterrence, observation, detection or reporting of incidents and activities for the purpose of preventing the theft, or the unlawful taking, conversion, concealment or misappropriation of goods, wares, merchandise, money, bonds, stocks, notes or other valuable instruments, documents, papers or articles; or

- (3) deterrence, observation, detection or reporting of incidents and activities for the purpose of preventing any unauthorized access, entry or unlawful activity, including but not limited to, robbery, burglary, arson, criminal mischief, vandalism or trespass.

The term shall not mean or include, and nothing in this act shall apply to, any law enforcement officer of this State, or any political subdivision of the State, while in the actual performance of his duties. For the purposes of this section, a law enforcement officer shall be deemed to be in the actual performance of his duties if the law enforcement officer is in uniform, or is exhibiting evidence of his authority, is performing public safety functions on behalf of and as assigned by his chief of police or the chief law enforcement officer of his law enforcement agency and is receiving compensation, if any, from his law enforcement agency at the rates or stipends as are established by law. A law enforcement officer shall not be deemed to be in the actual performance of his duties, for the purposes of this section, if the law enforcement officer is performing private security functions or activities for a private employer while receiving compensation for those duties from the private employer, and a law enforcement officer shall not wear his uniform, or otherwise exhibit evidence of his authority as a law enforcement officer, while performing private security functions or activities for a private employer.

- c. "Security officer company" means any body, board, person, firm, corporation, partnership, proprietorship, joint venture, fund, authority or similar entity that is organized for the purpose of or primarily engages in the business of furnishing for a fee, hire, reward or compensation one or more security officers, or an entity that is organized for the purpose of or primarily engages in the business of furnishing for a fee, hire, reward, or compensation one or

more security officers and is established by a non-profit organization. The term shall not mean or include, and nothing in this act shall apply to, any board, body, commission or agency of the United States of America or of this State or any other state, territory or possession of the United States of America, or any county, municipality or school district or any officer or employee solely, exclusively and regularly employed by any of the foregoing. The term shall include any business of watch, guard or patrol agency.

d. "Superintendent" means the Superintendent of the Division of State Police in the Department of Law and Public Safety.

e. "Company maintaining a proprietary or in-house security function" means any body, board, person, firm, corporation, partnership, proprietorship, joint venture, fund, authority, non-profit organization or similar entity that is organized for the general purpose of conducting business, but which also employs persons who are required to carry a firearm in the performance of their duties to provide armed security services exclusively for their business or employees, and does not contract these employees to any other entity or person.

f. "Loss prevention employee" means an unarmed employee of a company whose primary responsibility is loss prevention and the protection of assets of that company.

g. "Nonprofit organization" means an organization located in New Jersey which is exempt from federal taxation pursuant to Section 501(c)(3) of the federal Internal Revenue Code (26 U.S.C. s. 501 (c)(3)).

2. Section 3 of P.L.2004, c.134 (C.45:19A-3) is amended to read as follows:

C.45:19A-3 Licensing of security officer companies; requirements.

3. a. No person shall engage in the business of a security officer company, or advertise or hold out a business to be a security officer company, unless the business is licensed by the superintendent as set forth in this section. Any person who violates the provisions of this section shall be guilty of a crime of the fourth degree.

b. An application to be licensed as a security officer company shall be submitted to the superintendent by each owner and operator of the company, on a form and in a manner prescribed by the superintendent, and shall contain the following information:

(1) the full name, age, which shall be at least 25 years, and residence of the owners or operators of the security officer company;

(2) the full and complete employment history of the owners or operators;

(3) that the owners or operators have five years' law enforcement experience and are no longer employed by or attached in any capacity whatsoever to a law enforcement agency, or five years' experience working in a supervisory or management capacity for a licensed security officer company; provided, however, if a security officer company will be owned by a non-profit organization, only the operator or operators shall be required to have law enforcement experience or experience working for a licensed security officer company as set forth in this paragraph;

(4) the municipality and location of the security company's principal place of business and any office, bureau, agency or subdivision of the company; and

(5) such further information as the superintendent may require to show the good character, competency and integrity of the owners or operators of the security officer company.

Each application shall be accompanied by the written approval, for each owner or operator of the security officer company, of not less than five reputable citizens who have known the applicant for at least three years preceding the date of application and who shall certify that the applicant is a person of good moral character and behavior.

With regard to an application that is submitted by a security officer company that will be owned by a non-profit organization, to the extent applicable, the requirements set forth in this subsection shall be satisfied by the submission of information regarding an appropriate officer, director, member, or associate of the non-profit organization.

Any person who shall knowingly make a false statement in or knowingly omit any material information from the application required by this subsection shall be guilty of a crime of the fourth degree in addition to any other crime or offense specified by law.

c. No security officer company shall be licensed under the provisions of this section if any owner or operator of the company has been convicted, as indicated by a criminal history record background check performed pursuant to the provisions of this section, of: a crime of the first, second, third or fourth degree; any offense involving the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.2C:35-2; or any offense where the issuance of a license would be contrary to the public interest, as determined by the superintendent. The fingerprints of each owner or operator and the written consent of the owner or operator shall be submitted to the superintendent for a criminal history record background check to be performed. The superintendent shall compare these fingerprints with fingerprints on file with the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules and regulations. The owner or operator shall bear the cost for the criminal history record background check, including all costs of administering and processing the check.

d. The superintendent, when satisfied with the examination of any application and such further inquiry and investigations as he shall deem proper as to the good character, competency and integrity of the applicant, shall issue a license to an approved security officer company upon payment of a fee in an amount established by the superintendent by rule and regulation and execution of a bond in a manner, form and amount satisfactory to the superintendent as established by rule and regulation. The license shall be renewable every two years upon payment of a renewal fee in an amount established by the superintendent by rule and regulation. The license may be revoked or suspended by the superintendent for a violation of any of the provisions of this act or for other good cause.

e. The revocation or suspension of any license by the superintendent shall be subject to notice and a hearing.

f. A person who, as an owner or operator of a licensed security officer company employs a security officer who is not registered with the superintendent as required under section 4 of this act shall be guilty of a crime of the fourth degree in addition to any other crime or offense specified by law. Each violation of this section shall constitute a separate offense.

Each owner and operator of a licensed security officer company shall be liable, accountable and responsible for the actions and conduct in connection with the employer's business of each security officer employed by the company.

g. A security officer company shall require each person in its employ to execute and furnish a verified statement, to be known as an "employee's statement," which shall set forth the employee's full name, age, residence, place and date of birth and such other information as the superintendent shall require by rule or regulation. The security officer company shall retain in safe keeping each "employee's statement." The superintendent shall at all times be given access to and may from time to time examine each "employee's statement" retained by the security officer company as provided in this subsection.

h. A security officer company shall immediately but in no case after 48 hours, notify the superintendent if a security officer is terminated for cause at any time.

3. This act shall take effect immediately.

Approved January 16, 2024.