

ASSEMBLY, No. 3727

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Requires drug testing for security officer registration.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning security officers and amending P.L.2004,
2 c.134.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 4 of P.L.2004, c.134 (C.45:19A-4) is amended to
8 read as follows:

9 4. a. A person shall not be employed as a security officer by
10 a security officer company or a company maintaining a proprietary
11 or in-house security function, or perform the functions and activities
12 of a security officer, unless that person is registered with the
13 superintendent as required in this section.

14 The requirements of this section shall not apply to:

15 (1) a loss prevention employee;

16 (2) an employee of a company whose business includes hosting
17 sporting and entertainment events at an arena or stadium where a
18 State, county, or municipal law enforcement agency is on the
19 premises during the event and whose in-house security employees
20 do not carry handguns or other licensed weapons;

21 (3) a security officer employed by a company maintaining a
22 proprietary or in-house security function whose in-house security
23 employees do not carry handguns or other licensed weapons; or

24 (4) a security employee regulated under federal law. Any
25 person who violates the provisions of this section shall be guilty of
26 a crime of the fourth degree.

27 b. An application for registration as a security officer shall be
28 filed with the superintendent on a form and in a manner prescribed
29 by the superintendent and shall set forth under oath:

30 (1) the applicant's full name, age, which shall be at least 18
31 years, and residence;

32 (2) the name and address of all employers or occupations
33 engaged in for the immediately preceding five years;

34 (3) that the applicant has not been convicted of any
35 disqualifying crime or offense as set forth in subsection c. of this
36 section; and

37 (4) such further information as the superintendent may require
38 to show the good character, competency and integrity of the
39 applicant.

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

44 c. (1) No person shall be issued a certificate of registration as a
45 security officer under the provisions of this section if the person has

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 been convicted, as indicated by a criminal history record
2 background check performed pursuant to the provisions of this
3 section, of: a crime of the first, second, third or fourth degree; any
4 offense involving the unlawful use, possession or sale of a
5 controlled dangerous substance as defined in N.J.S.2C:35-2; or any
6 offense where the registration of the individual would be contrary to
7 the public interest, as determined by the superintendent, except as
8 provided in subsection h. of this section. Each applicant shall
9 submit to the superintendent the applicant's fingerprints and written
10 consent for a criminal history record background check to be
11 performed. The superintendent shall compare these to fingerprints
12 on file with the State Bureau of Identification in the Division of
13 State Police and the Federal Bureau of Investigation, consistent
14 with applicable State and federal laws, rules and regulations. The
15 applicant shall bear the cost for the criminal history record
16 background check, including all costs of administering and
17 processing the check.

18 (2) As a condition of initial or renewal of registration as a
19 security officer pursuant to this section, an applicant shall consent
20 to and undergo drug testing for controlled dangerous substances as
21 that term is defined in N.J.S.2C:35-2. A person who tests positive
22 for the unlawful use of any controlled dangerous substance, or
23 refuses to submit to drug testing, shall not be considered for initial
24 or renewal of registration as a security officer.

25 d. A person whose application has been approved by the
26 superintendent shall complete the required education and training
27 program established in section 5 of this act. Upon satisfactory
28 completion of this program, and upon the payment of a fee in an
29 amount established by the superintendent, the applicant shall be
30 entitled to and the superintendent shall issue and deliver to the
31 applicant a security officer certificate of registration.

32 e. The superintendent may revoke or suspend such certificate
33 of registration for a violation of any of the provisions of this act or
34 for other good cause. A certificate of registration shall be
35 surrendered to the superintendent within 72 hours after its term has
36 expired or after notice in writing to the holder that the certificate of
37 registration has been revoked.

38 f. The certificate of registration shall be renewed every two
39 years by an applicant for an unarmed security officer position and
40 each year by an applicant for an armed security officer position
41 upon forms prescribed by the superintendent. The applicant shall
42 pay a fee in an amount established by the superintendent by rule
43 and regulation and shall complete an eight-hour refresher course of
44 classroom instruction taught by a certified security officer
45 instructor. The certificate of registration may be renewed without
46 further investigation unless it is deemed by the superintendent that
47 the applicant no longer qualifies or verified objections to the
48 renewal are received by the superintendent prior to issuance.

1 g. The revocation or suspension of any certificate of
2 registration by the superintendent shall be subject to notice and a
3 hearing.

4 h. Notwithstanding subsection c. of this section, a veteran who
5 has been convicted of a crime of the third or fourth degree, or a
6 lesser offense involving the unlawful use, possession, or sale of a
7 controlled dangerous substance as defined in N.J.S.2C:35-2, prior to
8 service in the armed forces may be issued a certificate of
9 registration as a security officer under the provisions of this section
10 if the individual meets all other statutory requirements for
11 registration, submits documentary evidence required by the
12 superintendent demonstrating that he or she is a veteran, has not
13 been convicted of any criminal offense since enlistment and
14 acceptance in the armed forces, and the superintendent determines
15 that the registration of the individual would not be contrary to the
16 public interest .

17 For purposes of this subsection, "veteran" means any person who
18 has been honorably discharged or released under honorable
19 circumstances from active service in any branch of the armed forces
20 of the United States.

21 (cf: P.L.2017, c.351, s.1)

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23 2. This act shall take effect on the first day of the fourth month
24 next following enactment.

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STATEMENT

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29 This bill requires a person to pass a drug test to be registered as a
30 security guard in this State.

31 The bill specifically makes it a condition of initial registration or
32 renewal of registration as a security officer under the State's
33 "Security Officer Registration Act" to consent to and undergo drug
34 testing for controlled dangerous substances (CDS). Under the bill,
35 an applicant who tests positive for the unlawful use of any CDS, or
36 refuses to submit to drug testing, is prohibited from being
37 considered for initial registration or renewal of registration as a
38 security officer.

39 It is the sponsor's understanding that drug-testing currently is
40 required for security officer registration. This bill would codify this
41 requirement.