ASSEMBLY, No. 3738

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Clarifies that background check is required for renewal of security officer registration.

CURRENT VERSION OF TEXT

As introduced.

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

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

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

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

The requirements of this section shall not apply to:

(1) a loss prevention employee;

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

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

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

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

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

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

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

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

Any person who shall knowingly make a false statement in, or knowingly omit any material information from, an application as 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 person shall be issued a certificate of registration <u>or renewed registration</u> as a security officer under the provisions of

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 <u>thus</u> is new matter.

this section if the person 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 registration of the individual would be contrary to the public interest, as determined by the superintendent, except as provided in subsection h. of this section. Each applicant shall submit to the superintendent the applicant's fingerprints and written consent for a criminal history record background check to be performed. The superintendent shall compare these to 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 applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check.

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

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

f. The certificate of registration shall be renewed every two years by an applicant for an unarmed security officer position and each year by an applicant for an armed security officer position upon forms prescribed by the superintendent. The applicant shall pay a fee in an amount established by the superintendent by rule and regulation and shall complete an eight-hour refresher course of classroom instruction taught by a certified security officer instructor. The certificate of registration may be renewed without further investigation<u>, except for a criminal history record background check pursuant to subsection c. of this section,</u> unless it is deemed by the superintendent that the applicant no longer qualifies or verified objections to the renewal are received by the superintendent prior to issuance.

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

h. Notwithstanding subsection c. of this section, a veteran who has been convicted of a crime of the third or fourth degree, or a

lesser offense involving the unlawful use, possession, or sale of a controlled dangerous substance as defined in N.J.S.2C:35-2, prior to service in the armed forces may be issued a certificate of registration as a security officer under the provisions of this section if the individual meets all other statutory requirements for registration, submits documentary evidence required by the superintendent demonstrating that he or she is a veteran, has not been convicted of any criminal offense since enlistment and acceptance in the armed forces, and the superintendent determines that the registration of the individual would not be contrary to the public interest .

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

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

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

STATEMENT

This bill clarifies that security guards in this State are required to undergo a criminal history record check as a prerequisite to renewing their registrations.

Under this State's Security Officer Registration Act (SORA), a person is prohibited from being issued a certification of registration if the person has been convicted of a first, second, third, or fourth degree crime, or any offense involving the unlawful use, possession, or sale of a controlled dangerous substance. To implement this provision, applicants for a security officer registration are required to submit to the Superintendent of State Police their fingerprints, written consent for a criminal history record background check, and the fees associated with conducting the check.

This bill clarifies that persons currently registered as security officers also have to undergo a background check when they apply to have their registrations renewed. Unarmed security officers are required to renew their registrations every two years; armed security officers are required to renew their registrations every year.