

CHAPTER 295

AN ACT concerning security officers, designated as "Detective Melvin Vincent Santiago's Law," and amending and supplementing 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. 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 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.

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

C.45:19A-4 Registration required for security officers.

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 as a security officer under the provisions of 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. 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 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.

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

C.45:19A-8 Additional penalties.

8. a. In addition to any other penalties prescribed by this act or any other law, an owner or operator of a licensed security officer company or a company maintaining a proprietary or in-house security function who employs a security officer in violation of the provisions of this act shall be liable to a civil penalty not to exceed \$10,000 for the first offense and not more than \$20,000 for a second or subsequent offense. For the purposes of this subsection, each violation shall constitute a separate offense.

b. (1) In addition to any other penalties prescribed by this act or any other law, a person who permits himself to be employed as or performs the functions and activities of a security officer while in violation of the provisions of this act shall be liable to a civil penalty of not more than \$1,000 for a first offense and not more than \$2,500 for a second or subsequent offense. For the purposes of this subsection, each violation shall constitute a separate offense.

(2) In addition to any other penalties prescribed by this act or any other law, a certified security officer instructor who fails to comply with rules and regulations governing the functions of a certified security officer instructor shall be liable to a civil penalty of not more than \$1,000 for a first offense and not more than \$2,500 for a second or subsequent offense. For the purposes of this subsection, each violation shall constitute a separate offense.

c. A penalty imposed under subsection a. or b. of this section shall be recovered in a civil action pursuant to "The Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

4. Section 11 of P.L.2004, c.134 (C.45:19A-11) is amended to read as follows:

C.45:19A-11 Compliance required.

11. Each owner or operator of a security officer company or company maintaining a proprietary or in-house security function, and each person employed as a security officer on the effective date of this act and any act amendatory or supplementary thereto shall comply with the requirements of this act by the first day of the thirteenth month after its effective date or the effective date of any act amendatory or supplementary thereto.

Any person employed as a security officer by a company maintaining a proprietary or in-house security function or who performed the functions and activities of a security officer for such a company prior to the effective date of this amendatory and supplementary act shall complete the education and training program established pursuant to section 5 of P.L.2004, c.134 (C.45:19A-5) and register as a security officer with the superintendent pursuant to section 4 of P.L.2004, c.134 (C.45:19A-4) no later than the first day of the thirteenth month following the effective date of this act.

C.45:19A-6.1 Armed security officer to wear standardized uniform, badge.

5. A security officer who carries a firearm in the performance of his duties shall wear a standardized uniform as prescribed by the superintendent in rules and regulations. These rules and regulations shall require SORA Level 2 armed security officers to wear on their uniform a badge indicating this status and armed security officers who wear company-issued shirts to have the word "SECURITY" printed on the reverse side of the shirt.

C.45:19A-6.2 Weapon secured in security holster.

6. A security officer, when carrying a firearm in the performance of his duties, shall secure the weapon in a level 3 or higher security holster.

7. This act shall take effect on the first day of the sixth month after enactment.

Approved January 19, 2016.