

37 N.J.R. 4180(a)

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RULE PROPOSALS

LAW AND PUBLIC SAFETY DIVISION OF STATE POLICE

37 N.J.R. 4180(a)

Proposed New Rules: N.J.A.C. 13:55A

Security Officer Companies and Security Officers

Authorized By: Colonel Joseph R. Fuentes, Superintendent of State Police.

Authority: N.J.S.A. 45:19A-12.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2005-409.

Submit written comments by January 6, 2006 to:

Colonel Joseph R. Fuentes
Superintendent of State Police
Division Headquarters
PO Box 7068
West Trenton, New Jersey 08638
Attn: **Private Detective Unit**

The agency proposal follows:

Summary

The enactment of the Security Officer Registration Act, P.L. 2004, c.134, has revised the law governing the regulation of security officer companies and security officers employed by those companies. Prior to enactment of P.L. 2004, c.134, security officer companies and security officers were governed by the Private Detective Act of 1939.

While both the Security Officer Registration Act and its predecessor, the Private Detective Act of 1939, granted regulatory power over security officer companies and security officers to the Superintendent of State Police, the former has broadened that regulatory power in order to ensure greater accountability and integrity within the security officer industry and to further public welfare and safety.

The Security Officer Registration Act empowers the Superintendent, among other things, to:

1. Establish minimum requirements for the owners and operators of security officer companies and security officers;
2. Establish procedures for the registration, licensing, and certification, of both security officer companies and security officers employed by those companies;

3. Investigate and conduct criminal history background checks on the owners and operators of security officer companies and security officers employed by those companies;
4. Establish educational and training requirements for security officers;
5. Establish recordkeeping and reporting requirements for security officer companies; and,
6. Create and maintain an electronic registry which shall list all registered security officers within the state.

The Security Officer Registration Act, and the following proposed rules, apply only to security officer companies and security officers employed by those companies. Security officers hired for proprietary or internal purposes by a company not engaged in the security officer business are not covered by this chapter and are not subject to the proposed rules.

The Security Officer Registration Act and the following proposed rules apply only to law enforcement officers performing the functions of security officers outside the scope of their employment with a law enforcement agency. Law enforcement officers performing the functions of security officers while under the color of law are not subject to the proposed rules.

Proposed new subchapter N.J.A.C. 13:55A-1 sets forth the general provisions of the chapter. Specifically, proposed new rule N.J.A.C. 13:55A-1.1 states the purpose; proposed new rule N.J.A.C. 13:55A-1.2 states the scope and application of the chapter; and proposed new rule N.J.A.C. 13:55A-1.3 contains definitions for words and terms used throughout the chapter.

Proposed new subchapter N.J.A.C. 13:55A-2 establishes minimum requirements for the owners and operators of security officer companies and sets out procedures for licensing of security officer companies. Proposed new rule N.J.A.C. 13:55A-2.1 contains the minimum qualifications for owners and operators of a security officer company. Proposed new rule N.J.A.C. 13:55A-2.2 describes the application for a security officer company license that must be filed by each owner or operator. Proposed new rule N.J.A.C. 13:55A-2.3 describes the approval process and fees. Proposed new rule N.J.A.C. 13:55A-2.4 describes the procedure and fee for filing changes in ownership of a security officer company. Proposed new rule N.J.A.C. 13:55A-2.5 describes the procedure and fee for filing additional locations. Proposed new rule N.J.A.C. 13:55A-2.6 describes the procedure and fee for filing a change in location or place of business. Proposed new rule N.J.A.C. 13:55A-2.7 describes the procedure and fee for renewal of a security officer company license. Proposed new rule N.J.A.C. 13:55A-2.8 prohibits reproduction of a security officer company license. Proposed new rule N.J.A.C. 13:55A-2.9 sets forth reasons for which the Superintendent may deny an application for a security officer company license, revoke, or suspend, a current security officer company license, or refuse to renew an expiring security officer company license.

Proposed new subchapter N.J.A.C. 13:55A-3 contains the requirements for registration and certification of security officers. Proposed new rule N.J.A.C. 13:55A-3.1 sets forth the minimum requirements for persons seeking to be employed as, or perform the functions and activities of, a security officer. Proposed new rule N.J.A.C. 13:55A-3.2 sets out procedures and fee for the registration and certification of security officers. Proposed new rule N.J.A.C. 13:55A-3.3 provides for the issuance of a temporary certificate of registration. Proposed new rule N.J.A.C. 13:55A-3.4 describes the training requirements for a security officer. Proposed new rule N.J.A.C. 13:55A-3.5 describes the procedure for issuance of a certificate of registration of a security officer. Proposed new rule N.J.A.C. 13:55A-3.6 describes the procedure and fee for renewal of a certificate of registration of a security officer. Proposed new rule N.J.A.C. 13:55A-3.7 sets forth reasons for which the Superintendent may deny an application for a security officer certificate of registration, revoke, or suspend, a current security officer certificate of registration, or refuse to renew an expiring security officer certificate of registration.

Proposed new subchapter N.J.A.C. 13:55A-4 contains the minimum educational and training requirements for obtaining certification as a security officer. Proposed new rule N.J.A.C. 13:55A-4.1 lists the subjects in which applicants shall receive instruction and the number of hours of instruction required. Proposed new rule N.J.A.C. 13:55A-4.2 establishes and requires biennial refresher training for all certified security officers prior to renewal of certificates of registration of security officers.

Proposed new subchapter N.J.A.C. 13:55A-5 contains rules for security officer training instructors. Proposed new rule N.J.A.C. 13:55A-5.1 establishes minimum requirements for persons seeking to become security officer instructors. Proposed new rule N.J.A.C. 13:55A-5.2 sets out procedures and fee for the registration and certification of security officers instructors. Proposed new rule N.J.A.C. 13:55A-5.3 sets forth instructor training requirements. Proposed new rule N.J.A.C. 13:55A-5.3 describes the procedure for issuance of security officer instructor identification cards, and

establishes fees for same. Proposed new rule N.J.A.C. 13:55A-5.5 describes the procedure and fee for renewal of a security officer instructor certification. Proposed new rule N.J.A.C. 13:55A-5.6 requires an instructor refresher course. Proposed new rule N.J.A.C. 13:55A-5.7 sets forth reasons for which the Superintendent may deny an application for a security officer instructor certificate of registration, revoke, or suspend, a current security officer instructor certificate of registration, or refuse to renew an expiring security officer instructor certificate of registration.

Proposed new subchapter N.J.A.C. 13:55A-6 sets forth additional administrative limitations and requirements for a licensed security officer company. Proposed new rule N.J.A.C. 13:55A-6.1 describes limitations on the use of security officer company badges and uniforms. Proposed new rule N.J.A.C. 13:55A-6.2 requires that a security officer company provide security officers with a company identification card which shall be affixed to a security officer's uniform while he/she is employed as, or performing the functions and activities of, a security officer. Proposed new rule N.J.A.C. 13:55A-6.3 establishes recordkeeping for a licensed security officer company. Proposed new rule N.J.A.C. 13:55A-6.4 describes records retention requirements for security officer companies. Proposed new rule N.J.A.C. 13:55A-6.5 provides for the inspection of security officer company records by the Superintendent.

Proposed new subchapter N.J.A.C. 13:55A-7 sets forth additional administrative requirements for a certified security officer instructor. Proposed new rule N.J.A.C. 13:55A-7.1 mandates that a security officer instructor forward monthly training schedules to the Superintendent. Proposed new rule N.J.A.C. 13:55A-7.2 establishes recordkeeping, record retention, and reporting requirements, for a certified security officer instructor, and provides for the inspection of training records by the Superintendent. Proposed new rule N.J.A.C. 13:55A-7.3 provides that the Superintendent may attend any security officer training in order to assure the content and quality of instruction being provided to security officers.

Proposed new subchapter N.J.A.C. 13:55A-8 describes implementation and administration of the Security Officer Registration Act and the proposed rules. Proposed new rule N.J.A.C. 13:55A-8.1 mandates that all application and registry fees collected pursuant to this chapter are to be used solely for implementation and administration of the Security Officer Registration Act, including maintenance of an electronic registry of security officers. Proposed new rule N.J.A.C. 13:55A-8.2 provides the address to which all applications and correspondence concerning security officer companies, security officers, and instructors, are to be sent. Proposed new rule N.J.A.C. 13:55A-8.3 describes the procedure for administrative hearings on denial, suspension, and revocation, of certificates of registration.

The Security Officer Registration Act and the proposed rules herein shall become operative on March 1, 2006, seven months after the effective date of the Security Officer Registration Act. No unlicensed security officer company shall be allowed to operate within the state after that date. No uncertified security officer, as defined by these rules, or security officer instructor shall be able to work as such after that date.

Because the Superintendent has provided a 60-day comment period, this proposal is exempt from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Department anticipates that the proposed new rules will have a positive impact on the welfare and safety of the public. P.L. 2004, c.134 mandates that all security officers employed by security officer companies receive education and training prior to being certified. The proposed rules mandate education and training in a broad range of subject areas relating to public safety, including, but not limited to, homeland security, counter terrorism, emergency response, and first aid. P.L. 2004, c.134 also mandates background investigations and criminal history background checks on all applicants for security officer certification, thus insuring that security officers are of the highest moral character.

Economic Impact

The proposed new rules will have an economic impact on security officer companies and their owners and operators, who will have to file applications for registration and pay fees for registration and for a criminal history record check. The proposed rules require security officer companies to: provide security officers with photographic identification cards; record and maintain detailed work records of each person they employ as security officers; submit detailed and updated lists of all security officers in their employ to the Superintendent; and retain security officer records for five years after a security officer's employment has ended. The proposed new rules may have an economic impact on security officers, who will be required to submit an application and pay a fee for registration. The proposed new rules also require security officers to receive training. These costs may be absorbed by the security officer's employer or may be borne directly by the security officer. The Department anticipates that the proposed new rules may have a minimal economic impact on the general public if these costs are passed on to consumers in the form of higher

costs for security officer services. It is anticipated that the proposed fees contained within this chapter will provide sufficient resources to implement and administer the Security Officer Registration Act in its entirety. The proposed new rules may also have an economic impact on persons seeking to be certified as a security officer instructor. These persons must pay a fee for registration and for a criminal history record check as well as meet initial and continuing training requirements.

The Department recognizes and anticipates that the proposed fees contained within this chapter may have an economic impact on security officer companies and ultimately on businesses or persons requiring the services that these companies provide. However, the Department believes that any negative economic impact on the security officer industry resulting from implementation of the proposed rules is more than offset by greater accountability and integrity within the security officer industry and by education and training which should make security officers cognizant of their role in promoting public welfare and safety.

Federal Standards Statement

The proposed new rules are not subject to any Federal standards or requirements. Therefore, a Federal standards analysis is not required.

Jobs Impact

The proposed new rules will not result in the generation or loss of jobs in New Jersey. While some persons currently employed as security officers may not meet the higher standards for security officers which are contained in P.L. 2004, c. 134, their jobs will remain and should easily be filled with applicants who are qualified under the new chapter. The Statewide demand for, and supply of, security officers should not be affected by implementation of these rules.

Agriculture Industry Impact

The proposed new rules would not have an impact on the agriculture industry of the State.

Regulatory Flexibility Statement

The proposed new rules would be applicable to an estimated 800 security officer companies of which an estimated 400 would be defined as small businesses under the Regulatory Flexibility Act at N.J.S.A. 52:14B-17.

The proposed new rules would impose several new reporting, recordkeeping, and other compliance requirements on these security officer companies, but none which would require outside professional services for compliance. The proposed rules would require security officer companies to: provide security officers with photographic identification cards; record and maintain detailed work records of each person they employ as security officers; submit detailed and updated lists of all security officers in their employ to the Superintendent; and retain security officer records for five years after a security officer's employment has ended. The Department believes that these additional requirements could easily be managed by existing company personnel at minimal expense to all security officer companies.

The proposed new rules would also impose new fees on security officer companies, however, the Department anticipates that the elimination of prior fees, that is, company registration fees for security officers, which were imposed under the Private Detective Act of 1939, would only minimally increase the overall cost of starting and/or operating a security officer company.

In addition, the Department anticipates that the economic effect of the proposed new fees will be proportional to the size of the security officer company seeking to be licensed. For example, the sole proprietor of a security officer company with a single place of business would have to submit a \$ 300.00 application fee and a \$ 500.00 location fee. Thereafter, additional owners or operators of a company would each submit a \$ 300.00 application fee and additional locations or places of business would require an additional \$ 500.00 location fee. The total biennial renewal fees are similarly proportional to the size of a security officer company seeking to continue operations.

The compliance requirements imposed by P.L. 2004, c. 134 for security officer companies and security officers and implemented by the proposed new rules do not provide for a lesser standard for small businesses. Therefore, these requirements apply uniformly to all security officer companies and security officers.

For the aforementioned reasons, the Department believes that small businesses should experience only minimally negative economic effects which should be proportionate to those experienced by larger security officer companies.

Smart Growth Impact

The Department does not anticipate that the proposed new rules would have any impact on smart growth in New Jersey or on the implementation of the New Jersey Development and Redevelopment Plan.

Full text of the proposed new rules follows:

CHAPTER 55A

SECURITY OFFICERS AND SECURITY OFFICER COMPANIES

SUBCHAPTER 1. GENERAL PROVISIONS

13:55A-1.1 Purpose

The rules of this chapter are promulgated by the Superintendent in order to implement the Security Officer Registration Act, P.L. 2004, c.134. The Act provides, among other things, that there be procedures for the licensing of security officer companies and for the registration, certification, and training, of security officers employed by those companies.

13:55A-1.2 Scope and application

The rules of this chapter shall only apply to security officer companies and security officers as defined under N.J.A.C. 13:55A-1.3 and shall not apply to security officers hired for proprietary or internal purposes by a company not engaged in the security officer business. Moreover, the rules of this chapter shall only apply to duly sworn law enforcement officers seeking to be employed as, or perform the functions and activities of, a security officer, who will be receiving compensation for his or her services directly from a licensed security officer company and shall not apply to duly sworn law enforcement officers working under color of law.

13:55A-1.3 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Law enforcement officer" means any person who is employed as a permanent full-time member of any state, county, or municipal law enforcement agency, department, or division of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of this State and statutorily required to successfully complete a training course approved by, or certified as being substantially equivalent to such an approved course, by the Police Training Commission pursuant to P.L. 1961, c. 56 (N.J.S.A. 52:17B-66 et seq.).

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

"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 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:

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 or unlawful activity, including but not limited to, robbery, burglary, arson, criminal mischief, vandalism, or trespass.

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

"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.

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

SUBCHAPTER 2. LICENSING OF SECURITY OFFICER COMPANIES

13:55A-2.1 Owners and operators; minimum qualifications

- (a) All owners and operators of a security officer company seeking to be licensed shall be at least 25 years of age.
- (b) All owners and operators of a security officer company seeking to be licensed shall have the following:
 - 1. Five years law enforcement experience and no longer be employed or attached in any capacity whatsoever to a law enforcement agency; or
 - 2. Five years of experience working in a supervisory or management capacity for a security officer company licensed under this chapter, the Private Detective's Act of 1939 or the laws of any other jurisdiction.

13:55A-2.2 Application for a security officer company license

- (a) Each owner and operator of a security officer company seeking to be licensed shall file an application for a security officer company license on a form provided by and in a manner prescribed by the Superintendent. Each completed application shall contain information required by the Security Officer Registration Act, any supporting documentation requested by the Superintendent, and the written approval 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.
- (b) Each owner and operator of a security officer company seeking to be licensed shall submit a non-refundable application fee of \$ 300.00 along with his or her completed application to the Superintendent.
- (c) Each owner and operator of a security officer company seeking to be licensed shall submit fingerprints and a written consent for a criminal history background check to the Superintendent or in a manner prescribed by the Superintendent. All owners or operators of a security officer company seeking a license shall bear the cost for the criminal history background check, including all costs of administering and processing the check, as required by N.J.A.C. 13:59.
- (d) Each application submitted by owners or operators of a security officer company seeking a license shall contain the location of the principal place of business for the company and the location of any other places of business, that is, offices, sub-agencies, branches, to be utilized in the company's operations.

(e) Any owner and operator of a security officer company seeking to be licensed who makes a false statement in, or knowingly omits any material information from, an application as required by these rules, shall be subject to civil and/or criminal penalties as specified by the Security Officer Registration Act.

13:55A-2.3 Issuance of a security officer company license

(a) The Superintendent, after examination of application(s) and such further inquiry and investigations as the Superintendent shall deem proper as to the good character, competency, and integrity of the applicant(s), shall advise the applicant(s) whether their application for a security officer company license has been approved or denied.

(b) If approved, applicant(s) will be advised that a company license will be issued:

1. Upon the execution and delivery to the Superintendent of a \$ 5,000 surety bond, conditioned for the faithful and honest conduct of business by the applicant, issued by a surety company authorized to be surety in the State of New Jersey, as surety, and running to the State of New Jersey for the benefit of any person, firm, association, or corporation, injured by the willful, malicious, or wrongful act of the applicant; and

2. Upon payment of a non-refundable \$ 500.00 fee for each location and place of business, that is, offices, sub-agencies, branches, etc., listed in the initial application(s) submitted by owners or operators of a security officer company.

(c) Once the requirements of (b) above are met, the Superintendent shall issue a security officer company license for each location and place of business, which shall be valid for a period of two years and shall thereafter be renewable every two years.

13:55A-2.4 Changes in owners or operators

(a) A person or business entity shall not act as owner or operator of a licensed security officer company without the approval of the Superintendent. Additional owners or operators of a licensed security officer company shall submit an application, fingerprints, and a written consent for a criminal history background check, in accordance with N.J.A.C. 13:55A-2.2(a) and (c), prior to gaining such an interest or control.

(b) The fee for licensing of additional owners or operators shall be the same as the fee for initial licensing set forth in N.J.A.C. 13:55A-2.2(b).

13:55A-2.5 Additional location or place of business

(a) A security officer company shall not open additional locations or places of business, that is, offices, sub-agencies, branches, without the approval of the Superintendent. All requests to add additional locations or places of business shall be submitted on a form provided by and in a manner prescribed by the Superintendent.

(b) The fee for licensing of additional locations or places of business shall be the same as the fee for initial licensing of locations or places of business set forth in N.J.A.C. 13:55A-2.3(b)2.

13:55A-2.6 Change in location or place of business

(a) No security officer company shall change its principal place of business or the location of any other licensed place of business, that is, offices, sub-agencies, branches, without the approval of the Superintendent. Requests for change of location(s) shall be submitted on a form provided by and a manner prescribed by the Superintendent.

(b) The security officer company shall submit with the request a non-refundable \$ 200.00 change of location fee for each location or place of business affected.

13:55A-2.7 Renewal of a security officer company license

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- (a) All owners and operators of a licensed security officer company shall submit an application for renewal of the security officer company license, on a form provided by and a manner prescribed by the Superintendent, prior to the expiration of a current company license.
- (b) Each owner and operator of a licensed security officer company seeking to be renewed shall submit to the Superintendent a non-refundable renewal fee of \$ 200.00 along with a completed application for renewal.
- (c) For each location and place of business, that is, offices, sub-agencies, branches, etc., listed in the renewal application, including the principal place of business, the licensed security officer company seeking renewal shall submit a non-refundable location renewal fee of \$ 500.00.
- (d) An owner or operator of a licensed security officer company may request an extension of time, in writing, from the Superintendent, if their renewal application will not be submitted prior to the expiration of a current company license. Requests for extension of time will be denied or approved on a case by case basis depending upon the circumstances which prevent a person from submission of the renewal application in a timely manner.

13:55A-2.8 Reproduction of license

No security officer company license shall be reproduced in any manner without the written approval of the Superintendent. All locations or places of business of a licensed security officer company shall display the original license issued for that location or place of business.

13:55A-2.9 Denial, revocation, suspension, or refusal to renew a license

(a) The Superintendent may deny any initial application for a security officer company license, revoke or suspend a current security officer company license, or refuse to renew a security officer company license, for any of the following reasons:

1. An owner or operator of the security officer company has been convicted of any act or acts which would be a first, second, third, or fourth degree crime under Title 2C, New Jersey Code of Criminal Justice;
2. An owner or operator of the security officer company has been convicted of any offense involving the unlawful use, possession, or sale, of a controlled dangerous substance as defined in N.J.S.A. 2C:35-2;
3. An owner or operator of the security officer company has been convicted of any offense where the issuance of a license would be contrary to the public interest, as determined by the Superintendent;
4. An owner or operator of the security officer company has violated one of the provisions of N.J.S.A. 45:19A-1 et seq., the Security Officer Registration Act;
5. An owner or operator of the security officer company has failed to comply with any of the rules in this chapter;
6. An owner or operator of the security officer company employs a person, or allows a person to perform the functions and activities of a security officer, who has failed to comply with the requirements for registration and certification specified in N.J.A.C. 13:55A-3;
7. An owner or operator of the security officer company has knowingly made a false material statement or omitted information in an application or any other form required by the Superintendent under these rules;
8. An owner or operator of the security officer company has demonstrated bad moral character, incompetence, or untrustworthiness; or
9. The Superintendent determines that good cause exists to deny, revoke, suspend, or refuse, renewal of a license in the interest of public safety.

SUBCHAPTER 3. REGISTRATION AND CERTIFICATION OF SECURITY OFFICERS

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13:55A-3.1 Security officers; minimum qualifications

A person seeking to be employed as, or perform the functions and activities of, a security officer shall be at least 18 years of age.

13:55A-3.2 Application for a certificate of registration as a security officer

(a) Any person seeking to be employed as, or perform the functions and activities of, a security officer shall submit an application for registration as a security officer on a form provided by and in a manner prescribed by the Superintendent. The application shall include the applicant's full name, date and place of birth, Social Security number, residence and telephone number and such other information as the Superintendent shall determine.

(b) An applicant for registration as a security officer shall submit a non-refundable application fee of \$ 50.00 and a non-refundable registry surcharge fee of \$ 25.00 along with a completed application to the Superintendent.

(c) Any person seeking to be employed as, or perform the functions and activities of, a security officer shall submit fingerprints and a written consent for a criminal history background check to the Superintendent or in a manner prescribed by the Superintendent. Applicants for registration as a security officer shall bear the cost for the criminal history background check, including all costs of administering and processing the check, as required by N.J.A.C. 13:59.

(d) Any duly sworn law enforcement officer seeking to be employed as, or perform the functions and activities of, a security officer, who will be receiving compensation for his/her services directly from a licensed security officer company, shall submit an application for registration as a security officer and submit the required fees in accordance with (a) and (b) above. A duly sworn law enforcement officer seeking to be employed as, or perform the functions and activities of, a security officer shall be exempt from the requirements of (c) above.

(e) Any duly sworn law enforcement officer who performs the functions and activities of a security officer pursuant to an agreement between a law enforcement agency and a private contractor, and receives compensation from the law enforcement agency, shall be deemed to be employed within the scope of his employment with the law enforcement agency and shall be exempt from the requirements of (a) through (c) above.

(f) Any applicant who shall knowingly make a false statement in, or knowingly omit any material information from, an application as required by these rules, shall be denied a certificate and shall be subject to civil and/or criminal penalties as specified by the Security Officer Registration Act.

13:55A-3.3 Issuance of a temporary certificate of registration as a security officer

(a) The Superintendent, after examination of an application and such further inquiry and investigation as the Superintendent shall deem proper as to the good character, competency, and integrity of an applicant, shall advise the applicant in writing whether their application for a security officer certification has been approved or denied.

(b) The Superintendent shall issue a temporary certificate of registration as a security officer to an applicant who has complied with N.J.A.C. 13:55A-3.2(a) and (b), and who, unless exempted under N.J.A.C. 13:55A-3.2(d), has provided proof of being fingerprinted or proof of being scheduled for fingerprinting as required by N.J.A.C. 13:55A-3.2(c).

(c) A temporary certificate of registration as a security officer shall be valid for 30 days, during which time an applicant must complete an approved security officer training course as required by N.J.A.C. 13:55A-3.4.

13:55A-3.4 Completion of an approved security officer training course required

(a) Except as provided in (b) below, any person who is employed as, or is performing the functions and activities of, a security officer shall complete a security officer training course, approved by the Superintendent, within 30 days of employment or prior to the expiration of the temporary certificate of registration issued pursuant to N.J.A.C. 13:55A-3.3.

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(b) Any duly sworn law enforcement officer who is employed as, or is performing the functions and activities of, a security officer pursuant to N.J.A.C. 13:55A-3.2(d) and who has completed police training at a recognized municipal, county, or state police academy, shall be exempt from the requirements of (a) above.

(c) Any person who is employed as, or is performing the functions and activities of, a security officer may request an extension of time, in writing, from the Superintendent if they have not completed a security officer training course within 30 days of employment or prior to the expiration of the temporary certificate of registration. Requests for extension will be approved or denied on a case by case basis depending upon the circumstances which prevent a person from completing the required security officer training course in a timely manner.

(d) Any person who has not completed a security officer training course within 30 days of employment or prior to the expiration of the temporary certificate of registration, and who has failed to request an extension of time as required by (c) above, shall immediately cease performing the functions and activities of, a security officer. Such persons must re-submit an application and application fees in accordance with N.J.A.C. 13:55A-3.2, prior to resuming the functions and activities of, a security officer.

13:55A-3.5 Issuance of a certificate of registration and a security officer identification card

(a) Upon completion of the required security officer training course, applicants having met the requirements of N.J.A.C. 13:55A-3.2(a) through (c) shall be issued a certificate of registration which shall be valid for a period of two years and shall thereafter be renewable every two years.

(b) Upon completion of the required security officer training course, applicants having met the requirements of N.J.A.C. 13:55A-3.2(a) through (c) shall be issued a security officer identification card which shall be valid only so long as the person retains a valid certificate of registration as a security officer.

(c) A security officer shall be responsible for safekeeping of the security officer identification card and shall not lend, let, or allow, any other person to use, possess, exhibit, or display the card.

(d) No person shall use, possess, exhibit, or display any license, card, shield, or badge, of any design or material purporting to authorize the holder or wearer to act as a security officer, unless that person holds a valid certificate of registration as a security officer issued by the Superintendent.

(e) No person shall duplicate or reproduce a security officer identification card in any manner without the written approval of the Superintendent.

(f) If it is established that a security officer identification card has been lost or destroyed, the Superintendent shall, upon payment of a non-refundable \$ 20.00 duplication fee, cause to be issued a duplicate identification card.

(g) A security officer whose certificate of registration has been revoked, suspend, or not renewed, shall immediately surrender the identification card to the Superintendent. Any person who fails to surrender an identification card and/or misuses an identification card, as described in (c) through (e) above or as described in the Security Officer Registration Act, shall be subject to civil and/or criminal penalties as specified in N.J.S.A. 45:19A-1 et seq.

13:55A-3.6 Renewal of security officer certificate of registration

(a) A person holding a valid security officer certificate of registration who wishes to renew, shall submit an application for renewal on a form provided by and in a manner prescribed by the Superintendent, and proof of having completed a biennial security officer refresher training course, as required by N.J.A.C. 13:55A-4.2, prior to the expiration of the current certification.

(b) An applicant for renewal shall submit to the Superintendent a non-refundable renewal fee of \$ 40.00 and a non-refundable registry surcharge fee of \$ 20.00 along with the completed application.

13:55A-3.7 Denial, revocation, suspension of, or refusal to renew, a security officer certification of registration

37 N.J.R. 4180(a)

(a) The Superintendent may deny any initial application for a security officer certificate of registration, revoke or suspend any current certificate of registration, or refuse to renew any certificate of registration, for any of the following reasons:

1. The person holding a certificate, applying for certification, or applying for renewal of certification, has been convicted of any act or acts which would be a first, second, third, or fourth degree crime under Title 2C, New Jersey Code of Criminal Justice;
2. The person holding a certificate, applying for certification, or applying for renewal of certification, has been convicted of any offense involving the unlawful use, possession, or sale, of a controlled dangerous substance as defined in N.J.S.A. 2C:35-2;
3. The person holding a certificate, applying for certification, or applying for renewal of certification, has been convicted of any offense where certification would be contrary to the public interest, as determined by the Superintendent;
4. The person holding a certificate, applying for a certification, or applying for renewal of certification, is alleged to have violated one of the provisions of N.J.S.A. 45:19A-1 et seq., the Security Officer Registration Act;
5. The person holding a certificate, applying for a certification, or applying for renewal of certification, has failed to comply with any of the rules in this chapter;
6. The person holding a certificate, applying for a certification, or applying for renewal of certification, has knowingly made a false material statement or omitted information in an application or any other form required by the Superintendent under these rules;
7. The person holding a certificate, applying for a certification, or applying for renewal of certification, has demonstrated bad moral character, incompetence, or untrustworthiness; or
8. The Superintendent determines that good cause exists to deny, revoke, suspend, or refuse, renewal of a certificate of registration in the interest of public safety.

SUBCHAPTER 4. EDUCATION AND TRAINING OF SECURITY OFFICERS

13:55A-4.1 Security officer training course

(a) Except as provided in N.J.S.A. 13:55A-3.4(b), a person seeking to be employed as, or perform the functions and activities of, a security officer must complete an approved 24-hour course of classroom instruction taught by a certified security officer instructor.

(b) The course of instruction shall include, but not be limited to, a minimum of two hours of instruction in each of the following general subject areas:

1. Homeland security and counter-terrorism;
2. Communications/emergency response;
3. Theft prevention;
4. Limits on the use of force;
5. Detention of suspects;
6. Ethics and professional conduct;
7. First aid/CPR/AED; and

8. Any other subject areas the Superintendent determines are necessary in the interest of public safety.

13:55A-4.2 Security officer refresher training course

(a) Except for law enforcement officers exempt from initial training under N.J.A.C. 13:55A-3.4(b), all registered security officers shall complete an approved eight-hour refresher course of classroom instruction taught by a certified security officer instructor prior to having the certification renewed pursuant to N.J.A.C. 13:55A-3.6.

(b) The course of instruction shall include, but not be limited to, additional instruction in each of the general subject areas listed in N.J.A.C. 13:55A-4.1(b).

SUBCHAPTER 5. REGISTRATION AND CERTIFICATION OF SECURITY OFFICER INSTRUCTORS

13:55A-5.1 Security officer instructor; minimum qualifications

(a) A person seeking to become a certified security officer instructor shall be at least 25 years of age.

(b) A person seeking to become a certified security officer instructor must have:

1. A combined 20 years of experience working as a duly sworn law enforcement officer or working in a supervisory or management capacity for a security officer company licensed under this chapter, the Private Detective's Act of 1939, or the laws of any other jurisdiction;

2. A combined 15 years of experience working as a duly sworn law enforcement officer or working in a supervisory or management capacity for a security officer company licensed under this chapter, the Private Detective's Act of 1939, or the laws of any other jurisdiction, and an associates degree from a fully accredited college or university; or

3. A combined 10 years of experience working as a duly sworn law enforcement officer or working in a supervisory or management capacity for a security officer company licensed under this chapter, the Private Detective's Act of 1939, or the laws of any other jurisdiction, and a bachelors degree from a fully accredited college or university.

13:55A-5.2 Application to become a certified security officer instructor

(a) A person seeking to become a certified security officer instructor shall submit an application for registration as a security officer instructor on a form provided by, and in a manner prescribed by, the Superintendent. The application shall include the applicant's full name, date and place of birth, Social Security number, residence and telephone number, requisite experience, company name, location, name of supervisor, duties, contact telephone number for experience verification, and such other information as the Superintendent shall determine. An applicant for registration as a security officer instructor shall submit to the Superintendent a non-refundable initial application fee of \$ 200.00 and a non-refundable registry surcharge fee of \$ 25.00 along with a completed application.

(b) A person seeking to become a certified security officer instructor, or perform the functions and activities of, a certified security officer instructor, shall submit fingerprints and a written consent for a criminal history background check to the Superintendent or in a manner prescribed by the Superintendent. Applicants for registration as a certified security officer instructor shall bear the cost for the criminal history background check, including all costs of administering and processing the check, as required by N.J.A.C. 13:59.

(c) Only certified security officer instructors shall conduct security officer training courses or security officer refresher training courses for the purposes of these rules after the operative date of the Security Officer Registration Act, March 1, 2006.

13:55A-5.3 Completion of an approved security officer instructor training course

(a) A person seeking to become a certified security officer instructor must complete a 40 hour course of instruction entitled "Security Officer Instructor Training Course," which is approved by, and administered in a manner prescribed by, the Superintendent.

37 N.J.R. 4180(a)

(b) The Security Officer Instructor Training Course shall assure that persons seeking to become certified security officer instructors are knowledgeable in the general subject areas of instruction required by security officers under N.J.A.C. 13:55A-4.1(b) and are competent to impart that knowledge to security officers.

13:55A-5.4 Issuance of a security officer instructor certificate of registration and a security officer instructor identification card

(a) Upon completion of the required security officer instructor training course, applicants having met the requirements of N.J.A.C. 13:55A-5.2(a) and (b) shall be issued a security officer instructor certificate of registration which shall be valid for a period of two years and shall thereafter be renewable every two years.

(b) Upon completion of the required security officer instructor training course, applicants having met the requirements of N.J.A.C. 13:55A-5.2(a) and (b) shall be issued a security officer instructor identification card which shall be valid so long as a person retains a valid certificate of registration as a security officer instructor.

(c) A security officer instructor shall be responsible for safekeeping of the identification card and shall not lend, let, or allow, any other person to use, possess, exhibit, or display, the card.

(d) No person shall use, possess, exhibit, or display, any license, card, shield, or badge, of any design or material purporting to authorize the holder or wearer to act as a security officer instructor, unless that person holds a valid certificate of registration as a security officer instructor issued by the Superintendent.

(e) No person shall duplicate or reproduce a security officer instructor identification card in any manner without the written approval of the Superintendent.

(f) If it is established to the satisfaction of the Superintendent that a security officer instructor identification card has been lost or destroyed, the Superintendent shall, upon payment of a \$ 20.00 duplication fee, cause to be issued a duplicate identification card.

(g) A security officer instructor whose certificate of registration has been revoked, suspended, or not renewed, shall immediately surrender the certificate of registration to the Superintendent. Any person who fails to surrender an identification card and/or misuses an identification card, as described in (c) through (e) above, or as described in the Security Officer Registration Act, shall be subject to civil and/or criminal penalties as specified in N.J.S.A. 45:19A-1 et seq.

13:55A-5.5 Renewal of a security officer instructor certificate of registration

(a) A security officer instructor who wishes to renew a certificate of registration shall submit an application for renewal on a form provided by and in a manner prescribed by the Superintendent, and proof of having completed a biennial security officer instructor refresher training course, as required by N.J.A.C. 13:55A-5.6, prior to the expiration of the current certification.

(b) An applicant for renewal shall submit a non-refundable renewal fee of \$ 100.00 and a non-refundable registry surcharge fee of \$ 25.00 along with a completed application to the Superintendent.

13:55A-5.6 Security officer instructor refresher course

All licensed security officer instructors must complete an approved 16-hour refresher course of instruction entitled "Security Officer Instructor Refresher Course," approved by and administered in a manner prescribed by the Superintendent, prior to having their certification renewed pursuant to N.J.A.C. 13:55A-5.5.

13:55A-5.7 Denial, revocation, suspension of, or refusal to renew, a security officer instructor certification of registration

(a) The Superintendent may deny any initial application for a security officer instructor certificate of registration, revoke, or suspend, any current certificate of registration or refuse to renew any certificate of registration for any of the following reasons:

37 N.J.R. 4180(a)

1. The person holding a certificate, applying for certification, or applying for renewal of certification, has been convicted of any act or acts which would be a first, second, third, or fourth degree crime under Title 2C, New Jersey Code of Criminal Justice;
2. The person holding a certificate, applying for certification, or applying for renewal of certification, has been convicted of any offense involving the unlawful use, possession, or sale, of a controlled dangerous substance as defined in N.J.S.A. 2C:35-2;
3. The person holding a certificate, applying for certification, or applying for renewal of certification, has been convicted of any offense where certification would be contrary to the public interest, as determined by the Superintendent;
4. The person holding a certificate, applying for a certification, or applying for renewal of certification, has violated one of the provisions of the Security Officer Registration Act, N.J.S.A. 45:19A-1 et seq.;
5. The person holding a certificate, applying for a certification, or applying for renewal of certification, has failed to comply with any of the rules in this chapter;
6. The person holding a certificate, applying for a certification, or applying for renewal of certification, has knowingly made a false material statement or omitted information in his/her application or any other form required by the Superintendent under these rules;
7. The person holding a certificate, applying for a certification, or applying for renewal of certification, has demonstrated bad moral character, incompetence, or untrustworthiness; or
8. The Superintendent determines that good cause exists to deny, revoke, suspend, or refuse, renewal of a certificate of registration in the interest of public safety.

SUBCHAPTER 6. IDENTIFICATION CARDS AND INSIGNIA; RECORDKEEPING AND REPORTING

13:55A-6.1 Badges and uniforms

- (a) A licensed security officer company or employee of a licensed security officer company shall not use a title, badge, uniform, or other insignia, which is likely to be confused with that of any law enforcement officer of the Federal government, a state, or any political subdivision thereof.
- (b) The use, exhibit, and display, of the great Seal of the State of New Jersey by a licensed security officer company or employee of a licensed security officer company is strictly prohibited by N.J.S.A. 52:2-3.

13:55A-6.2 Issuance of licensed security officer company identification card required

- (a) A licensed security officer company shall issue a company identification card to any security officer that it employs, in a form prescribed by the Superintendent, which shall:

1. Identify the security officer by name and certification number;
2. Identify the security officer by a one square inch photograph;
3. Identify the security officer company by name and license number; and
4. Be signed by the security officer.

- (b) A licensed security officer shall attach his/her company identification card to the outside of his/her uniform while employed as, or performing the functions of, a security officer, except where doing so would compromise the security officer's safety and/or assignment.

37 N.J.R. 4180(a)

(c) A licensed security officer shall carry his or her company identification card and his/her security officer identification card, issued pursuant to N.J.A.C. 13:55A-3.5(b), whenever employed as, or performing the functions of, a security officer and shall produce same upon request, except where doing so would compromise the security officer's safety and/or assignment.

13:55A-6.3 Maintenance and reporting of security officer records

(a) A licensed security officer company shall require each person it employs as a security officer to execute and furnish a signed and notarized "employee statement" on a form provided by and in a manner prescribed by the Superintendent. Employee statements will be retained in safekeeping by the security officer company and shall be accessible to the Superintendent at all times.

(b) A licensed security officer company shall record and maintain detailed work records of each person it employs as a security officer, which shall include the following:

1. Dates and hours worked;
2. Assignment and location of assignment;
3. Duties and responsibilities;
4. Special instructions, if any, given to employee prior to assignment; and
5. Brief summaries of any noteworthy incidents occurring during an employee's assignment, including but not limited to, incidents requiring police and/or other emergency responders to assist or be present at a scene.

(c) A licensed security officer company shall immediately, upon granting of the license, submit to the Superintendent a detailed list of all security officers in their employ. The list shall include the security officer's:

1. Full name;
2. Date of birth;
3. Social Security number;
4. Sex; and
5. Date of employment.

(d) A licensed security officer company shall, within five business days of employing additional security officers, submit to the Superintendent the information required in (c) above, on a form provided by and a manner prescribed by the Superintendent.

(e) A person who, as an owner or operator of a licensed security officer company employs a security officer who has not applied for registration with the Superintendent as required by N.J.A.C. 13:55A-3.2(a) through (d), shall be subject to civil and/or criminal penalties as specified by the Security Officer Registration Act.

(f) A licensed security officer company shall advise the Superintendent, in writing, of the voluntary resignation of a security officer within five business days.

(g) A licensed security officer company shall advise the Superintendent, in writing, within 48 hours of terminating the employment of a security officer for cause of the termination and the reasons for the termination.

13:55A-6.4 Retention of security officer records

All security officer records which are required to be kept by licensed security officer companies under these rules or under the Security Officer Registration Act shall be retained for the duration of a security officer's employment with the

security officer company and for an additional period of five years after a security officer's employment with the security officer company has ended.

13:55A-6.5 Inspection of security officer records

(a) For the purpose of investigating whether a person has engaged in, or is engaging in, any act or practice declared unlawful under these rules or under the Security Officer Registration Act, or for the purpose of investigating the character, competency, integrity, or methods of operation of applicants, licensees or registrants therein, or of any owner or operator of any licensed security officer company, the Superintendent shall have the power to:

1. Inspect any premises owned and operated by a licensed security officer company, at any time and without notification;
2. Examine and impound any record, book, computer, electronic database, recording device, document, account, paper, or other tangible thing, which is connected with any investigation; and
3. Require that any applicant, licensee, registrant, or any owner or operator of any licensed security officer company file, on such forms as may be prescribed by the Superintendent, a statement or report, in writing, under oath, or otherwise, as to the facts and circumstances concerning any matter being investigated.

SUBCHAPTER 7. SECURITY OFFICER TRAINING RECORDS

13:55A-7.1 Notice of security officer training courses required

A security officer instructor shall, by the last day of each month, forward a training schedule for the following month, which shall include dates, times, and locations, of any scheduled security officer training courses or security officer refresher training courses that he/she will be conducting pursuant to N.J.A.C. 13:55A-4.

13:55A-7.2 Maintenance and reporting of security officer instructor training records

(a) A security officer instructor who is certified pursuant to these rules shall maintain detailed records of all security officer training courses or security officer refresher training courses which he/she has conducted, which shall include the dates, times, and locations, of instruction and a detailed list of the security officers enrolled in the course.

(b) Upon completion of a security officer training course or security officer refresher training course, the security officer instructor conducting the course shall, within five business days, forward a detailed list of all security officers who attended the course, on a form provided by and in a manner prescribed by the Superintendent, which shall include the security officer's:

1. Full name;
2. Date of birth;
3. Social Security number;
4. Sex; and
5. Whether a security officer completed or failed to complete the required training.

(c) A security officer instructor shall retain all training records for a minimum of five years.

13:55A-7.3 Observation of training and inspection of security officer instructor records

(a) The Superintendent, or a designee, may periodically attend security officer training courses, without prior notice, in order to assure that both the content and quality of instruction being provided to security officers is satisfactory.

(b) The Superintendent, or a designee, shall have the right to inspect any and all security officer instructor training records, without prior notice, in order to assure compliance with these rules.

SUBCHAPTER 8. IMPLEMENTATION AND ADMINISTRATION OF THE SECURITY OFFICER REGISTRATION ACT

13:55A-8.1 Disposition of fees for implementation and administration; electronic registry

All application and registry fees required by and submitted pursuant to these rules shall be made payable to the "Superintendent of the Division of State Police" and shall be placed into a special fund, the Security Officer Registration Fund, which is to be used solely for implementation and administration of the Security Officer Registration Act and for maintenance of an electronic registry which shall list all persons who are registered as security officers and/or as security officer instructors.

13:55A-8.2 Submission of applications, forms, and other documents

(a) All applications, forms, and other documents, required by these rules shall be forwarded to the headquarters of the Division of State Police in the Department of Law and Public Safety in a manner prescribed by the Superintendent which may include electronic submission.

(b) Unless otherwise prescribed by the Superintendent, applications, forms, and other documents shall be mailed to:
Superintendent
Division of State Police
Post Office Box 7068
River Road
West Trenton, N.J. 08628-0068

13:55A-8.3 Notice and hearings

(a) The Superintendent shall notify the applicant or licensee in writing denial, revocation, suspension of, or refusal to renew, a security officer company license, security officer certification of registration, or security officer instructor certification of registration, and shall state the reasons for the action.

(b) The Superintendent shall afford the applicant or licensee an opportunity to be heard thereon in person or by counsel. A request for such an opportunity to be heard shall be made in writing to the Superintendent within 15 days of the receipt of notice provided in (a) above.

(c) All hearings shall be held in accordance with the provisions of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.