



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 630: Private Protective Services Changes.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 29, 2019
Introduced by:	Reps. McNeill, Hardister, Faircloth	Prepared by:	Nicholas Giddings Staff Attorney
Analysis of:	PCS to First Edition H630-CSBAf-14		

OVERVIEW: House Bill 630 would make changes to the laws regulating the private protective services profession including authorizing a \$100 late fee and creating a firearms training exemption.

The PCS makes technical and conforming changes to the bill.

CURRENT LAW: Under Chapter 74C, the Private Protective Services Board ("Board") regulates professions of security guards, private investigators, guard dog service, electronic countermeasures, detection of deception examiners, courier service, armored car, and special limited guards.

BILL ANALYSIS:

Section 1 of House Bill 630 would do the following:

- Include any device intended to block the transmission of any electronic signal in the definition of "electronic countermeasure profession."
- Remove protection of individuals from serious bodily harm or death from the definition of "private detective or private investigator."
- Expand the defined private protection services profession to include "close personal protection" and "digital forensics examination."
- Expand the services not considered private protective services to include anyone under contract with an occupational licensing board while performing an investigation solely for that board.
- Authorize a licensed State private detective that has provided services to protect individuals from serious bodily harm or death within 5 years of July 1, 2020 to receive a close personal protection license.

Section 2 of House Bill 630 would empower the Board to:

- Conduct investigations regarding unlicensed activity.
- Issue cease and desist letters (with the concurrence of the Secretary of Public Safety).
- Deal with real property in the same manner as a private person (subject to approval of Governor and the Council of State).
- Adopt rules for the use of firearms or other weapons.
- Adopt and publish a code of professional conduct, the violation of which would be grounds to suspend or revoke a license, registration, or permit.

Karen Cochrane-Brown
Director



H 6 3 0 - S M B A - 4 6 C S B A F - 1 4 - V - 4

Legislative Analysis
Division
919-733-2578

House PCS 630

Page 2

Section 3 of House Bill 630 would expand the power of the Secretary of Public Safety with regard to investigation and enforcement to include individuals and firms that are not yet licensed or have lapsed or surrendered licenses.

Section 4 of House Bill 630 would do the following:

- Extend the time a business has to replace a qualifying agent to 90 days (currently 30 days).
- Reduce the additional time that the Board may grant a business that has not found a qualifying agent in the allotted time, to 30 days (currently up to an additional 3 months).
- Add a 90 day period, with a possible 30 day extension, to pay the initial license fee and post the required contribution to the Private Protective Services Education Fund for all licensees.
- Authorize the Board to impose a late fee for (i) failure to obtain a new qualifying agent; (ii) failure to pay the initial license fee; or (iii) failing to contribute to the Private Protective Services Education Fund.
- Add conviction of any crime involving the illegal use, carrying, or possession of a deadly weapon as prima facie evidence that the applicant is not of good moral character.

Section 5 of House Bill 630 would expand the firearm registration permit fee to include all applicants and licensees under G.S. 74C-13 and authorize a late fee for certain applicants and businesses (not to exceed \$100).

Sections 6 of House Bill 630 would extend the liability insurance requirement to include a trainee supervised by a licensee.

Section 7 of House Bill 630 would authorize a licensee to employ certain out-of-state armed security guards during times of declared State of Emergencies or Disasters.

Section 8 of House Bill 630 would extend the Board's denial, suspension, and revocation powers to include trainees seeking certification. This section would also make a violation of any State or federal firearms law grounds for denial, suspension, or revocation.

Section 9 of House Bill 630 would do the following with regard to firearm registration permits:

- Extend the requirement of a Board-issued firearm registration permit to a proprietary security organization that employs an armed security guard.
- Provide that the Board may suspend, revoke, or deny a firearm registration permit if the holder or applicant has been convicted of any crime set forth in G.S. 74C-8(d).
- Provide that the Director of the Private Protective Services Board may suspend a firearm registration permit if the holder is charged with any crime involving moral turpitude, any offense set forth in G.S. 74C-12, or any crime set forth in G.S. 74C-8(d).
- Provide that the Board shall not knowingly issue a firearm registration permit to an individual prohibited by federal or State law from possessing a firearm.

Section 10 of House Bill 630 would provide a firearms training exemption for:

- Basic Law Enforcement Training (BLET) graduates who have completed one year of employment.
- Retired sworn law enforcement officers who have retired within three years of the application.
- Certain honorably discharged Military Police, and military Criminal Investigations' personnel.
- Specific nuclear power plant employees.

House PCS 630

Page 3

Section 11 of House Bill 630 would authorize the Board to charge costs and attorney fees for any proceedings governed by Chapter 150B of the General Statutes (Administrative Procedure Act) or authorized by this section.

Section 12 of House Bill 630 would limit the time that a new owner of a transferred business licensed under this Chapter has to provide a list of registrants and licensees affected by the transfer to the Director of the Board.

Section 13 of House Bill 630 would expand the exception for armed security guards to carry weapons into assemblies and establishments where alcohol is sold and consumed.

EFFECTIVE DATE: Section 1 of House Bill 630 would become effective July 1, 2020. The remainder of House Bill 630 would become effective July 1, 2019.