



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

SENATE BILL 202: Modify Protective Services Law/ALE.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 22, 2020
Introduced by:	Sens. Britt, McInnis, McKissick	Prepared by:	Jeremy Ray
Analysis of:	PCS to Second Edition S202-CSBHf-38		Staff Attorney

OVERVIEW: *The PCS to Senate Bill 202 would make various changes to the laws regulating the private protective services profession and allow the relocation of ALE to suitable State-owned property identified by DPS, and create a registry requirement review process for certain sex offenders.*

CURRENT LAW: Under Chapter 74C, the Private Protective Services Board ("PPS 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: PART I: PRIVATE PROTECTIVE SERVICES ACT CHANGES

Section 1.1 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 protective services professions to include "close personal protection" and "digital forensics examination."
- Include "anyone under contract with an occupational licensing board while performing an investigation solely for that board" as a service that is not considered a private protective service.

Section 1.1A would authorize a licensed State private investigator, or permitted private investigator trainee that has provided at least five years of services to protect individuals from serious bodily harm or death within the immediate five years prior to July 1, 2021, to be issued a close personal protection endorsement.

Sections 1.2, 1.12, 1.14, and 1.15 would make technical changes to make the statutory language gender neutral.

Section 1.3 would empower the PPS 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.

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Section 1.4 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 1.5 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 PPS Board may grant a business that has not found a qualifying agent, 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 PPS 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 1.6 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).

Section 1.7 would extend the liability insurance requirement to include a trainee supervised by a licensee.

Section 1.8 would authorize a licensee to employ certain out-of-state armed security guards during times of declared State of Emergencies or Disasters.

Section 1.9 would extend the PPS Board's denial, suspension, and revocation powers to include trainees seeking certification and make a violation of any State or federal firearms law grounds for denial, suspension, or revocation.

Section 1.10 would do the following with regard to firearm registration permits:

- Require a proprietary security organization that employs an armed security guard to be licensed and renew the license every two years.
- Provide that the PPS 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 PPS Board may summarily suspend a firearm registration permit, pending resolution, 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 PPS Board shall not knowingly issue a firearm registration permit to an individual prohibited by federal or State law from possessing a firearm.

Section 1.11 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.

Section 1.13 would add the term "per violation" after (\$2,000) to specify that a penalty can be assessed for each separate violation and other technical changes.

Section 1.16 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 PPS Board.

Section 1.17 would expand the exception for armed security guards to carry weapons into assemblies and establishments where alcohol is sold and consumed.

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PART II: DPS AUTHORITY TO RELOCATE ALE

Section 3 would authorize the Department of Public Safety (DPS) to begin relocating the Alcohol Law Enforcement (ALE) Headquarters and ALE regional offices as state-owned space is identified or recurring funding is secured.

PART III: REGISTRY REQUIREMENT REVIEW FOR CERTAIN SEX OFFENDERS.

BACKGROUND: May 12, 2020, a federal court judge ordered that certain registered sex offenders be removed from the North Carolina Sex Offender Registry. The court found that the process to determine whether an out-of-state conviction was substantially similar to a conviction which would result in sex offender registration in North Carolina, is a question of law. Currently, the law does not require a judicial determination and does not provide an opportunity to appeal.

Section 3.5 would create an opportunity for an individual notified to register as a sex offender, to petition a court to review the registration requirement.

PART IV: EFFECTIVE DATE

Sections 1.1 and **1.1A** of this act would become effective July 1, 2021. Sections 2 and 3 are effective when this act becomes law. Section 3.5 of this act becomes effective October 1, 2020, and applies to all individuals notified to register, on or after that date. The remainder of this act would become effective October 1, 2020.

*Nicholas Giddings, Staff Attorney with the Legislative Analysis Division, substantially contributed to this summary.