



SENATE BILL 424: Private Protective Srvs. Licensing Mods.

2021-2022 General Assembly

Committee:	Senate Finance. If favorable, re-refer to Rules and Operations of the Senate	Date:	September 21, 2021
Introduced by:	Sen. Daniel	Prepared by:	Bill Patterson
Analysis of:	First Edition		Staff Attorney, Senate Judiciary Committee

OVERVIEW: *Senate Bill 424 would make several changes to the law regulating the private protective services profession. The bill is in Finance because it expands the authority of the Private Protective Services Board to impose a late fee {Page 4, §74C-9} and to require a proprietary security organization to be licensed {Page 7, §74C-13(d2)}.*

CURRENT LAW: Under current law persons engaged in the private protective services profession are regulated under Chapter 74C of the General Statutes and must be licensed by the Private Protective Services Board ("Board").

The Board currently regulates the following categories of private protective services professions:

- Armored car profession
- Courier service profession
- Detection of deception examiner
- Electronic countermeasures profession
- Security guard and patrol profession
- Guard dog service profession
- Private detective or private investigator
- Special limited guard and patrol profession

Persons employed to protect individuals from serious bodily harm or death currently are included in the "private detective or private investigator" category.

The term "private protective services" currently does not include persons engaged in computer or digital forensic services or the acquisition, review, or analysis of digital or computer-based information.

Persons who carry a firearm while providing private protective services duties must apply for and receive a registration permit issued upon the Board receiving satisfactory evidence that the applicant has met all statutory requirements, including completion of a Board-approved training course, and is mentally and physically capable of handling a firearm within the guidelines set forth by the Board and the Secretary of Public Safety.

BILL ANALYSIS:

Section 1 of the bill would:

- Remove persons employed to protect individuals from serious bodily harm or death from the "private detective or private investigator" category

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- Establish a new "close personal protection" category comprising persons who provide security measures to ensure the safety of persons who may be exposed to elevated personal risk because of their employment, status, wealth, associations, or geographical location
- Create a "digital forensics examination" category comprising persons who recover, image, analyze, or examine digitally stored data for use in any criminal, civil, or administrative court proceedings
- Amend the category "electronic countermeasures profession" to include discovering, locating, or disengaging any device intended to block the transmission of any electronic signal
- Exclude from the term "private protective services" persons who contract with an occupational licensing board, while performing an investigation solely for that board
- Authorize the Board to:
 - Investigate unlicensed activity and issue cease and desist letters
 - Acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject to the approval of the Governor and Council of State
 - Adopt rules establishing standards for the use of any firearm or other Board-approved weapon
- Clarify that the Secretary of Public Safety retains disciplinary authority over persons under investigation or charged for violations of Chapter 74C even if their license or registration has lapsed
- Extend the time within which a regulated business entity must obtain a substitute qualifying agent from 30 to 90 days after the original agent ceases to serve, unless the Board in its discretion extends this period by another 30 days
- Authorize the Board to impose a late fee of up to \$100 on business entities that do not appoint a substitute qualifying agent within the time required, and on applicants for licensure who do not pay their required licensing fee and contribution to the Private Protective Services Education fund within the time required
- Require any proprietary security organization employing an armed security guard to apply to the Board for a license and to renew the license every two years
- Exempt the following categories of licensees from firearms training requirements:
 - Persons who have successfully completed the NC Basic Law Enforcement Training and completed the first year of probationary employment
 - Former sworn law enforcement officers retired or separated in good standing within three years prior to application for licensure whose duty included firearm use and qualification
 - Honorably discharged military personnel whose military occupational specialty included Military Police or Criminal Investigative Division within three years of applying for licensure
 - Nuclear power plant security personnel required to comply with federal weapons training and qualification
- Make other technical and conforming changes

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Section 2 would allow a private investigator licensed on or before December 31, 2021, or a private investigator trainee permitted under on or before December 31, 2021, to continue to provide services for the protection of individuals from serious bodily harm and exempt them from the close personal protection provisions, provided that this exemption is indicated by an endorsement on their existing license or permit.

Section 3 would amend the prohibition against carrying weapons into assemblies and establishments where alcoholic beverages are sold to exempt a person registered as a security guard, as defined in G.S. 74C-3(b)(13), or an entity licensed under G.S. 74C-2, if the person or entity is hired by the owner, lessee, or sponsor of the event.

EFFECTIVE DATE: Section 1 of the Act would become effective October 1, 2021. Section 2 of the Act would become effective January 1, 2022 and would apply to licenses and permits granted on or after that date. Section 3 would become effective December 1, 2021 and would apply to offenses committed on or after that date.

Cindy Avrette, counsel to Senate Finance, contributed to this summary.