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INTRODUCED BY Storall ^{House} BILL NO. 447

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING TEMPORARY EMPLOYMENT BY APPRENTICE PRIVATE SECURITY GUARDS; AND AMENDING SECTIONS 37-60-301, 37-60-309, AND 37-60-310, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Apprentice may work under licensee -- record of apprentices and temporary identification card required. (1) This chapter does not prohibit a person from working as an apprentice to a licensed private security guard if:

(a) the apprentice is not employed by a licensee for more that 30 consecutive days or for more than 30 days in a calendar year; and

(b) the apprentice does not wear, carry, possess, or have access to a firearm in the performance of the apprentice's duties until a background check on the apprentice has been completed by the board and the board is satisfied that the apprentice has met the qualifications specified in 37-60-303(5).

(2) The licensee shall file with the department:
(a) the name and address of the apprentice within 5 days of hiring the apprentice;
(b) a quarterly report accurately documenting the total number of days or hours and in what capacity each apprentice has been employed during each calendar year; and
(c) notice that an apprentice has been terminated within 5 days of the termination date.

(3) The department shall keep a record of the name and address of each apprentice until the apprentice's employment with a licensee is terminated.

(4) Within 5 days of receiving notice from a licensee that the licensee has hired an apprentice, the department shall issue a temporary identification card to the apprentice. The temporary identification card must contain the information prescribed by the board by rule.

Section 2. Section 37-60-301, MCA, is amended to read:
"37-60-301. License required. (1) Except as provided in 37-60-105 and [section 1], it is unlawful

1 for any person to act as or perform the duties, as defined in 37-60-101, of a contract security company
2 or proprietary security organization, a private investigator, or a private security guard without having first
3 obtained a license from the board. Those persons licensed on April 18, 1983, shall retain their current
4 licensure status and shall renew their licenses on the renewal date as prescribed by the department.

5 (2) It is unlawful for any unlicensed person to act as, pretend to be, or represent to the public that
6 the person is licensed as a private investigator, a contract security company, a proprietary security
7 organization, or a private security guard.

8 (3) A person who knowingly engages an unlicensed private investigator, private security guard,
9 or contract security company is guilty of a misdemeanor punishable under 37-60-411."

10
11 **Section 3.** Section 37-60-309, MCA, is amended to read:

12 "**37-60-309. Form of license and identification card cards.** The license, ~~and~~ identification card, and
13 temporary identification card for apprentices shall must be in ~~such a~~ form as may be determined by the
14 board."

15
16 **Section 4.** Section 37-60-310, MCA, is amended to read:

17 "**37-60-310. Display of license and identification card.** (1) A license ~~shall~~ must at all times be
18 posted in a conspicuous place in the principal place of business of the licensee.

19 (2) ~~Any A~~ A holder of an identification card or a temporary identification card must shall carry the
20 card ~~on his person~~ while performing ~~his~~ the cardholder's duties. ~~Any A~~ A peace officer of this state or any
21 of its political subdivisions may request to see the card at any reasonable time, and the card must be
22 shown."

23
24 **NEW SECTION. Section 5. Codification instruction.** [Section 1] is intended to be codified as an
25 integral part of Title 37, chapter 60, part 3, and the provisions of Title 37, chapter 60, part 3, apply to
26 [section 1].

27 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0447, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act permitting temporary employment by apprentice private security guards.

ASSUMPTIONS:

Department of Commerce/POL Bureau:

1. Approximately 400 new applications are received each year by the Board of Private Security and Patrol Officers. Prior to the passage of HB 518 by the 54th Legislature, temporary permits were issued to new applicants while awaiting the results of the FBI fingerprints and completion of the application for licensure.
2. The passage of HB 447 would allow for the issuance of a "temporary identification card for apprentice" which is the same process of issuing a temporary permit.
3. Any costs incurred in the issuance and tracking of "apprentices" will be absorbed in the appropriation contained in HB 2 for the Board of Private Security and Patrol Officers.

FISCAL IMPACT:

Department of Commerce, POL Bureau:

No fiscal impact beyond that budgeted for in HB 2.

Dave Lewis 2-8-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

JAY STOVALL, PRIMARY SPONSOR DATE

Fiscal Note for HB0447, as introduced

HB 447

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HOUSE BILL NO. 447
INTRODUCED BY STOVALL

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING TEMPORARY ~~EMPLOYMENT BY APPRENTICE~~
PRIVATE SECURITY GUARDS; AND AMENDING SECTIONS 37-60-301, 37-60-309, AND 37-60-310,
MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. ~~Apprentice~~ TEMPORARY SECURITY GUARD may work under licensee
-- record of ~~apprentices~~ and temporary identification card required. (1) This chapter does not prohibit a
person from working as ~~an apprentice to a licensee~~ A TEMPORARY private security guard if:

(a) the ~~apprentice~~ PERSON is not employed by a ~~licensee~~ LICENSED PRIVATE SECURITY GUARD
for more that 30 consecutive days or for more than 30 days in a calendar year; and

(b) the ~~apprentice~~ PERSON does not wear, carry, possess, or have access to a firearm in the
performance of the ~~apprentice's~~ PERSON'S duties until a background check on the ~~apprentice~~ PERSON has
been completed by the board and the board is satisfied that the ~~apprentice~~ PERSON has met the
qualifications specified in 37-60-303(5).

(2) The licensee shall file with the department:

(a) the name and address of the ~~apprentice~~ PERSON within 5 days of hiring the ~~apprentice~~ PERSON
TO WORK AS A TEMPORARY SECURITY GUARD;

(b) a quarterly report accurately documenting the total number of days or hours and in what
capacity each ~~apprentice~~ PERSON has been employed during each calendar year; and

(c) notice that ~~an apprentice~~ A TEMPORARY SECURITY GUARD has been terminated within 5 days
of the termination date.

(3) The department shall keep a record of the name and address of each ~~apprentice~~ PERSON
WORKING AS A TEMPORARY SECURITY GUARD until the ~~apprentice's~~ PERSON'S employment with a
licensee is terminated.

(4) Within 5 days of receiving notice from a licensee that the licensee has hired ~~an apprentice~~ A
TEMPORARY SECURITY GUARD, the department shall issue a temporary identification card to the

1 ~~apprentice~~ TEMPORARY SECURITY GUARD. The temporary identification card must contain the information
2 prescribed by the board by rule.

3

4 **Section 2.** Section 37-60-301, MCA, is amended to read:

5 **"37-60-301. License required.** (1) Except as provided in 37-60-105 and [section 1], it is unlawful
6 for any person to act as or perform the duties, as defined in 37-60-101, of a contract security company
7 or proprietary security organization, a private investigator, or a private security guard without having first
8 obtained a license from the board. Those persons licensed on April 18, 1983, shall retain their current
9 licensure status and shall renew their licenses on the renewal date as prescribed by the department.

10 (2) It is unlawful for any unlicensed person to act as, pretend to be, or represent to the public that
11 the person is licensed as a private investigator, a contract security company, a proprietary security
12 organization, or a private security guard.

13 (3) A person who knowingly engages an unlicensed private investigator, private security guard,
14 or contract security company is guilty of a misdemeanor punishable under 37-60-411."

15

16 **Section 3.** Section 37-60-309, MCA, is amended to read:

17 **"37-60-309. Form of license and identification ~~card~~ cards.** The license, ~~and~~ identification card, and
18 temporary identification card for apprentices TEMPORARY SECURITY GUARDS shall must be in such a form
19 as may be determined by the board."

20

21 **Section 4.** Section 37-60-310, MCA, is amended to read:

22 **"37-60-310. Display of license and identification card.** (1) A license ~~shall~~ must at all times be
23 posted in a conspicuous place in the principal place of business of the licensee.

24 (2) ~~Any A~~ holder of an identification card or a temporary identification card ~~must~~ shall carry the
25 card ~~on his person~~ while performing his the cardholder's duties. ~~Any A~~ peace officer of this state or any
26 of its political subdivisions may request to see the card at any reasonable time, and the card must be
27 shown."

28

29 NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an
30 integral part of Title 37, chapter 60, part 3, and the provisions of Title 37, chapter 60, part 3, apply to

1 [section 1].

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. ~~Apprentice~~ TEMPORARY SECURITY GUARD may work under licensee
-- record of apprentices and temporary identification card required. (1) This chapter does not prohibit a person from working as ~~an apprentice to a licensee~~ A TEMPORARY private security guard if:

(a) the ~~apprentice~~ PERSON is not employed by a ~~licensee~~ LICENSED PRIVATE SECURITY GUARD for more that 30 consecutive days or for more than 30 days in a calendar year; and

(b) the ~~apprentice~~ PERSON does not wear, carry, possess, or have access to a firearm in the performance of the ~~apprentice's~~ PERSON'S duties until a background check on the ~~apprentice~~ PERSON has been completed by the board and the board is satisfied that the ~~apprentice~~ PERSON has met the qualifications specified in 37-60-303(5).

(2) The licensee shall file with the department:

(a) the name and address of the ~~apprentice~~ PERSON within 5 days of hiring the ~~apprentice~~ PERSON
TO WORK AS A TEMPORARY SECURITY GUARD;

(b) a quarterly report accurately documenting the total number of days or hours and in what capacity each ~~apprentice~~ PERSON has been employed during each calendar year; and

(c) notice that ~~an apprentice~~ A TEMPORARY SECURITY GUARD has been terminated within 5 days of the termination date.

(3) The department shall keep a record of the name and address of each ~~apprentice~~ PERSON
WORKING AS A TEMPORARY SECURITY GUARD until the ~~apprentice's~~ PERSON'S employment with a licensee is terminated.

(4) Within 5 days of receiving notice from a licensee that the licensee has hired ~~an apprentice~~ A
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1 ~~apprentice~~ TEMPORARY SECURITY GUARD. The temporary identification card must contain the information
2 prescribed by the board by rule.

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4 **Section 2.** Section 37-60-301, MCA, is amended to read:

5 "37-60-301. **License required.** (1) Except as provided in 37-60-105 and [section 1], it is unlawful
6 for any person to act as or perform the duties, as defined in 37-60-101, of a contract security company
7 or proprietary security organization, a private investigator, or a private security guard without having first
8 obtained a license from the board. Those persons licensed on April 18, 1983, shall retain their current
9 licensure status and shall renew their licenses on the renewal date as prescribed by the department.

10 (2) It is unlawful for any unlicensed person to act as, pretend to be, or represent to the public that
11 the person is licensed as a private investigator, a contract security company, a proprietary security
12 organization, or a private security guard.

13 (3) A person who knowingly engages an unlicensed private investigator, private security guard,
14 or contract security company is guilty of a misdemeanor punishable under 37-60-411."

15

16 **Section 3.** Section 37-60-309, MCA, is amended to read:

17 "37-60-309. **Form of license and identification card cards.** The license, ~~and~~ identification card, and
18 temporary identification card for apprentices TEMPORARY SECURITY GUARDS shall must be in ~~such~~ a form
19 ~~as may be~~ determined by the board."

20

21 **Section 4.** Section 37-60-310, MCA, is amended to read:

22 "37-60-310. **Display of license and identification card.** (1) A license ~~shall~~ must at all times be
23 posted in a conspicuous place in the principal place of business of the licensee.

24 (2) ~~Any A~~ holder of an identification card or a temporary identification card must shall carry the
25 card ~~on his person~~ while performing ~~his~~ the cardholder's duties. ~~Any A~~ peace officer of this state or any
26 of its political subdivisions may request to see the card at any reasonable time, and the card must be
27 shown."

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29 NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an
30 integral part of Title 37, chapter 60, part 3, and the provisions of Title 37, chapter 60, part 3, apply to

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-END-

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2 INTRODUCED BY STOVALL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING TEMPORARY ~~EMPLOYMENT BY APPRENTICE~~
5 PRIVATE SECURITY GUARDS; ~~AND~~ AMENDING SECTIONS 37-60-301, 37-60-309, AND 37-60-310, MCA;
6 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 NEW SECTION. Section 1. ~~Apprentice~~ TEMPORARY SECURITY GUARD may work under licensee
11 -- ~~record of apprentices and temporary identification card required.~~ (1) This chapter does not prohibit a
12 person from working as ~~an apprentice to a licensee~~ A TEMPORARY private security guard if:

13 (a) the ~~apprentice~~ PERSON is not employed by a ~~licensee~~ LICENSED PRIVATE SECURITY GUARD
14 for more that 30 consecutive days or for more than 30 days in a calendar year; and

15 (b) the ~~apprentice~~ PERSON does not wear, carry, possess, or have access to a firearm in the
16 performance of the ~~apprentice's~~ PERSON'S duties until a background check on the ~~apprentice~~ PERSON has
17 been completed by the board and the board is satisfied that the ~~apprentice~~ PERSON has met the
18 qualifications specified in 37-60-303(5).

19 (2) The licensee shall file with the department:

20 (a) ~~the name and address of~~ A COMPLETED APPLICATION FOR LICENSURE FOR the ~~apprentice~~
21 PERSON within 5 days of hiring the ~~apprentice~~ PERSON TO WORK AS A TEMPORARY SECURITY GUARD,
22 TO ALLOW THE DEPARTMENT TO CONDUCT AN IN-STATE BACKGROUND CHECK;

23 (b) a quarterly report accurately documenting the total number of days or hours and in what
24 capacity each ~~apprentice~~ PERSON has been employed during each calendar year; and

25 (c) notice that ~~an apprentice~~ A TEMPORARY SECURITY GUARD has been terminated within 5 days
26 of the termination date.

27 (3) The department shall keep a record of the name and address of each ~~apprentice~~ PERSON
28 WORKING AS A TEMPORARY SECURITY GUARD until the ~~apprentice's~~ PERSON'S employment with a
29 licensee is terminated.

30 (4) Within ~~5~~ 2 days of receiving ~~notice from a licensee that the licensee has hired an apprentice~~ THE

1 RESULTS OF THE IN-STATE BACKGROUND CHECK FOR A TEMPORARY SECURITY GUARD, the
 2 department shall issue a temporary identification card to the ~~apprentice~~ TEMPORARY SECURITY GUARD.
 3 The temporary identification card must contain the information prescribed by the board by rule.

4 (5) A LICENSEE WHO ASSIGNS A TEMPORARY SECURITY GUARD TO A BUSINESS SHALL
 5 NOTIFY THE BUSINESS THAT A BACKGROUND CHECK MAY NOT HAVE BEEN COMPLETED ON THE
 6 TEMPORARY SECURITY GUARD.

7

8 **Section 2.** Section 37-60-301, MCA, is amended to read:

9 **"37-60-301. License required.** (1) Except as provided in 37-60-105 and [section 1], it is unlawful
 10 for any person to act as or perform the duties, as defined in 37-60-101, of a contract security company
 11 or proprietary security organization, a private investigator, or a private security guard without having first
 12 obtained a license from the board. Those persons licensed on April 18, 1983, shall retain their current
 13 licensure status and shall renew their licenses on the renewal date as prescribed by the department.

14 (2) It is unlawful for any unlicensed person to act as, pretend to be, or represent to the public that
 15 the person is licensed as a private investigator, a contract security company, a proprietary security
 16 organization, or a private security guard.

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 18 or contract security company is guilty of a misdemeanor punishable under 37-60-411."

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20 **Section 3.** Section 37-60-309, MCA, is amended to read:

21 **"37-60-309. Form of license and identification card cards.** The license, ~~and~~ identification card, and
 22 temporary identification card for apprentices TEMPORARY SECURITY GUARDS shall must be in ~~such~~ a form
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24

25 **Section 4.** Section 37-60-310, MCA, is amended to read:

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 27 posted in a conspicuous place in the principal place of business of the licensee.

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 29 card ~~on his person~~ while performing ~~his~~ the cardholder's duties. ~~Any~~ A peace officer of this state or any
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3 NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an
4 integral part of Title 37, chapter 60, part 3, and the provisions of Title 37, chapter 60, part 3, apply to
5 [section 1].

6

7 NEW SECTION. SECTION 6. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND
8 APPROVAL.

9

-END-

HOUSE BILL NO. 447

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