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**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11]** ( *Heading of Division 3 added by Stats. 1939, Ch. 30. )*

**CHAPTER 11.4. Proprietary Security Services [7574 - 7576]** ( *Chapter 11.4 repealed (in Sec. 2) and added by Stats. 2009, Ch. 361, Sec. 2. )*

**ARTICLE 5. Enforcement and Disciplinary Proceedings [7574.30 - 7574.40]** ( *Article 5 added by Stats. 2009, Ch. 361, Sec. 2. )*

**7574.30.** (a) Pursuant to Section 125.9, the director may issue a citation, which may include an order of abatement or an order to pay an administrative fine, for a violation of this chapter or any regulations adopted pursuant to this chapter.

(b) Pursuant to Section 148, the director may issue an administrative citation, which may include an order of abatement or an order to pay an administrative fine, to an unregistered person who is acting as a proprietary private security officer without a valid registration or to a person who is acting as a proprietary private security employer without a valid registration.

(c) The fine for violating subdivision (a), (b), or (e) of Section 7574.38 shall be five hundred dollars (\$500) per violation.

(d) The fine for violating subdivision (c) or (d) of Section 7574.38 shall be two thousand five hundred dollars (\$2,500) per violation.

(e) The fine for violating subdivision (a) or (c) of Section 7574.39 shall be five hundred dollars (\$500) per violation.

(f) The fine for violating subdivision (b) of Section 7574.39 shall be one thousand dollars (\$1,000).

(Amended by Stats. 2022, Ch. 287, Sec. 6. (AB 2515) Effective January 1, 2023.)

**7574.31.** (a) The registration of a proprietary private security officer shall be automatically suspended if the officer is convicted of any crime that is substantially related to the functions, duties, and responsibilities of a proprietary private security officer.

(b) The automatic suspension shall be effectuated by the mailing of a notice of conviction and suspension of license to be sent by the bureau to the registrant at their address of record. The notice shall contain a statement of preliminary determination by the director or their designee that the crime stated is reasonably related to the functions, duties, and responsibilities of a proprietary private security officer.

(c) Upon proper request by the proprietary private security officer, a hearing shall be convened before the private security disciplinary review committee, as specified in Section 7581.3, for a determination as to whether the automatic suspension shall be made permanent or whether the registration shall be revoked or the officer otherwise disciplined.

(Repealed and added by Stats. 2022, Ch. 287, Sec. 8. (AB 2515) Effective January 1, 2023.)

**7574.32.** (a) Notwithstanding any other provision of law, a violation of Section 7574.10 is an infraction subject to the procedures described in Sections 19.6 and 19.7 of the Penal Code when either of the following applies:

(1) A complaint or a written notice to appear in court pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code is filed in court charging the offense as an infraction unless the defendant, at the time he or she is arraigned, after being advised of his or her rights, elects to have the case proceed as a misdemeanor.

(2) The court, with the consent of the defendant and the prosecution, determines that the offense is an infraction in which event the case shall proceed as if the defendant has been arraigned on an infraction complaint.

(b) Subdivision (a) does not apply to a violation of Section 7574.10 if the defendant has had his or her registration previously revoked or suspended.

(c) Notwithstanding any other provision of law, a violation of Section 7574.10, which is an infraction, is punishable by a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000). No portion of the minimum fine may be

suspended by the court unless as a condition of that suspension the defendant is required to submit proof of a current valid registration pursuant to this chapter.

*(Added by Stats. 2009, Ch. 361, Sec. 2. (SB 741) Effective January 1, 2010. Section operative January 1, 2011, pursuant to Section 7574.34.)*

**7574.33.** (a) A person registered with the department under this chapter may request a review by a private security disciplinary review committee, as established in Section 7581.1, to contest the assessment of an administrative fine or to appeal a denial, revocation, or suspension of a registration unless the denial, revocation, or suspension is ordered by the director in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

A request for a review shall be by written notice to the department within 30 days of the issuance of the citation and assessment, denial, revocation, or suspension.

Following a review by a disciplinary review committee, the appellant shall be notified within 30 days, in writing, by regular mail, of the committee's decision.

If the appellant disagrees with the decision made by a disciplinary review committee, he or she may request a hearing in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. A request for a hearing following a decision by a disciplinary review committee shall be by written notice to the department within 30 days following notice of the committee's decision.

If the appellant does not request a hearing within 30 days, the review committee's decision shall become final.

(b) Notwithstanding subdivision (a), where a hearing is held under this chapter to determine whether an application for registration should be granted, the proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all of the powers granted therein.

*(Added by Stats. 2009, Ch. 361, Sec. 2. (SB 741) Effective January 1, 2010. Section operative January 1, 2011, pursuant to Section 7574.34.)*

**7574.34.** This article shall become operative on January 1, 2011.

*(Added by Stats. 2009, Ch. 361, Sec. 2. (SB 741) Effective January 1, 2010. Note: This section prescribes a delayed operative date for Article 5, commencing with Section 7574.30.)*

**7574.35.** The fee for an endorsed verification of registration shall be twenty-five dollars (\$25). The verification document shall include the registration number the registration history and current status, the date of the endorsement, an embossed seal, and the signature of the chief.

*(Amended by Stats. 2021, Ch. 376, Sec. 13. (AB 830) Effective January 1, 2022.)*

**7574.36.** (a) Notwithstanding any other law, the failure of any person licensed to do business as a corporation or limited liability company in this state to be registered and in good standing with the Secretary of State and the Franchise Tax Board after notice from the bureau shall result in the automatic suspension of the licensee by operation of law. The bureau shall notify the licensee in writing of its failure to be registered and in good standing with the Secretary of State or Franchise Tax Board, or both, and that the licensee shall be suspended 30 days from the date of the notice if the licensee does not provide proof satisfactory to the bureau that it is properly registered and in good standing with the Secretary of State or Franchise Tax Board, or both. Reinstatement may be made at any time following the suspension by providing proof satisfactory to the bureau that the license is properly registered and in good standing and the payment of the reinstatement fee as prescribed by this chapter.

(b) The reinstatement fee following a suspension pursuant to this section shall be 25 percent of the renewal fee.

*(Added by Stats. 2021, Ch. 376, Sec. 14. (AB 830) Effective January 1, 2022.)*

**7574.37.** (a) A person registered as a proprietary private security employer shall deliver to the director a written report describing the circumstances surrounding any physical altercation by a registered proprietary private security officer with a member of the public while on duty and while acting within the course and scope of their employment within seven business days after the qualifying incident.

(b) For purposes of this section, a report shall be required only for physical altercations that result in any of the following:

- (1) The arrest of a proprietary private security officer.
- (2) The filing of a police report by a member of the public.
- (3) A member of the public requiring any type of first aid or other medical attention.
- (4) The discharge, suspension, or reprimand of a proprietary private security officer by their employer.

(5) Any physical use of force or violence on any person while on duty.

(c) The report shall include, but not be limited to, a description of any injuries or damages incurred, the identity of all participants, and whether a police investigation was conducted.

(d) A report may be investigated by the director to determine if any disciplinary action is necessary.

(e) A report shall not be required when a proprietary private security officer or multiple proprietary security officers are requested by hospital staff to assist in restraining a patient by either holding the patient or limiting the movement of the patient for medical or mental health reasons.

(f) The failure to deliver a report to the director shall be subject to a fine of two thousand five hundred dollars (\$2,500).

*(Added by Stats. 2022, Ch. 287, Sec. 9. (AB 2515) Effective January 1, 2023.)*

**7574.38.** A proprietary private security employer shall not do any of the following:

(a) Fail to properly maintain an accurate and current record of the name, address, commencing date of employment, and position of each proprietary private security officer, and the date of termination of employment when a proprietary private security officer is terminated as required by subdivision (a) of Section 7574.21.

(b) Fail to properly maintain an accurate and current record of proof of completion by each proprietary private security officer of the trainings required by Section 7574.18.

(c) Fail to certify proof of current and valid registration for each employee who is subject to registration.

(d) Permit any employee to carry a firearm or other deadly weapon, including any electronic control device, stun gun, baton, or any chemical agent, including pepper spray.

(e) Fail to administer to each registered employee of the licensee the review or practice training required by paragraph (1) of subdivision (f) of Section 7574.18.

*(Added by Stats. 2022, Ch. 287, Sec. 10. (AB 2515) Effective January 1, 2023.)*

**7574.39.** No person required to be registered as a proprietary private security officer pursuant to this chapter shall do any of the following:

(a) Fail to carry on their person, while on duty, a valid and current proprietary private security officer registration card, or, if pending receipt of the registration card after the bureau's approval, a hard copy printout of the approved proprietary private security officer registration information from the bureau's internet website and a valid picture identification pursuant to Section 7583.17.

(b) Carry a firearm or other deadly weapon, including any electronic control device, stun gun, baton, or any chemical agent, including pepper spray.

(c) Fail to report to their employer any physical altercation with a member of the public while on duty and while acting within the course and scope of their employment.

*(Added by Stats. 2022, Ch. 287, Sec. 11. (AB 2515) Effective January 1, 2023.)*

**7574.40.** Notwithstanding the assessment or payment of fines for any violations of this chapter, the director may deny, suspend, or revoke a license issued under this chapter if they determine that the proprietary private security employer, responsible person of the proprietary private security employer, or registered proprietary private security officer has done any of the following:

(a) Made any false statement or given any false information in connection with an application for a license or a renewal or reinstatement of a license.

(b) Violated any provisions of this chapter.

(c) Violated any rule of the director adopted pursuant to the authority contained in this chapter.

(d) Committed any act or crime constituting grounds for denial of licensure under Section 480, including illegally using, carrying, or possessing a deadly weapon.

(e) Impersonated, or permitted or aided and abetted an employee to impersonate, a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof.

(f) Committed or permitted any employee to commit any act, while the license was expired, that would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license.

(g) Committed assault, battery, or kidnapping, or used force or violence on any person, without proper justification or any use of force in violation of the standards prescribed by the bureau by regulation.

(h) Been convicted of a violation of Section 148 of the Penal Code.

(i) Committed any act that is a ground for denial of an application for a license under this chapter.

