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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 11.6. Alarm Companies [7590 - 7599.80] (*Chapter 11.6 added by Stats. 1982, Ch. 1210, Sec. 12.)*

ARTICLE 8. Powers to Arrest and Registration of Employees [7598.1 - 7598.17] (*Article 8 added by Stats. 1982, Ch. 1210, Sec. 12.)*

7598.1. (a) Every person entering the employ of a licensee, performing the function of an alarm agent who responds to alarm systems shall complete a course in the exercise of the power to arrest and the appropriate use of force, prior to being assigned to a duty location responding to an alarm system.

(b) Evidence of completion shall consist of certification by the licensee or instructor that the course in the exercise of the power to arrest and the appropriate use of force has been taught, the date the course was taught, and certification by the employee that the instruction was received. Evidence of completion of the course in the exercise of the power to arrest and the appropriate use of force shall be maintained in the licensee's employee records and made available to the bureau upon request.

(c) A qualified manager is not required to register under this article.

(d) This section shall become operative on July 1, 2023.

(*Amended (as added by Stats. 2021, Ch. 697, Sec. 28) by Stats. 2022, Ch. 287, Sec. 49. (AB 2515) Effective January 1, 2023. Operative July 1, 2023, by its own provisions.*)

7598.2. (a) The course of training in the exercise of the power to arrest and the appropriate use of force may be administered, tested, and certified by any licensee. The department may approve any person or school to teach the course in the exercise of the power to arrest and the appropriate use of force. The course of training shall be approximately four hours in length and cover the following topics:

- (1) Responsibilities and ethics in citizen arrest.
- (2) Relationship with the public police in arrest.
- (3) Limitations on security guard power to arrest.
- (4) Restrictions on searches and seizures.
- (5) Criminal and civil liabilities.
 - (A) Personal liability.
 - (B) Employer liability.
- (6) The appropriate use of force, including all of the following topics:
 - (A) Legal standards for use of force.
 - (B) Duty to intercede.
 - (C) The use of objectively reasonable force.

(D) Supervisory responsibilities.

(E) Use of force review and analysis.

(F) Deescalation and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence.

(G) Implicit and explicit bias and cultural competency.

(H) Skills, including deescalation techniques, to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues.

(I) Use of force scenario training, including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real-time force option decisionmaking.

(J) Mental health and policing, including bias and stigma.

(K) Active shooter situations.

(7) Any other topic deemed appropriate by the bureau, excluding Weapons of Mass Destruction and Terrorism Awareness, which may be an elective topic only.

(b) Paragraph (6) of subdivision (a) shall be conducted through traditional classroom instruction. For the purposes of this subdivision, "traditional classroom instruction" means instruction where the instructor is physically present with students in a classroom and is available to answer students' questions while providing the required training. In this setting, the instructor provides demonstrations and hands-on instruction in order to establish each student's proficiency as to the course content.

(c) The department shall make available a guidebook as a standard for teaching the course in the exercise of the power to arrest and the appropriate use of force. The department shall encourage additional training and may provide a training guide recommending additional courses.

(d) This section shall become operative on July 1, 2023.

(Amended (as added by Stats. 2021, Ch. 697, Sec. 30) by Stats. 2022, Ch. 287, Sec. 51. (AB 2515) Effective January 1, 2023. Operative July 1, 2023, by its own provisions.)

7598.3. (a) No employee of a licensee performing the function of an alarm agent who responds to alarm systems shall be issued a firearms qualification card until proper certification by the instructor that the course of training in the exercise of the power to arrest and the appropriate use of force has been taught, and the employee's certification that the instruction was received, has been delivered to the department.

(b) This section shall become operative on July 1, 2023.

(Amended (as added by Stats. 2021, Ch. 697, Sec. 32) by Stats. 2022, Ch. 287, Sec. 53. (AB 2515) Effective January 1, 2023. Operative July 1, 2023, by its own provisions.)

7598.4. (a) Within three working days after commencing employment, any employee performing the function of alarm agent, who is not currently registered with the bureau, shall submit to the bureau a completed application for registration, two classifiable fingerprint cards, one set of which shall be forwarded to the Federal Bureau of Investigation for purposes of a background check, and the appropriate registration fee. All information obtained on the application shall be confidential pursuant to the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code) and shall not be released to the public except for the registrant's full name, the employer's name and address, and the registration number. Nothing in this section shall preclude the release of information to the public regarding the status of a registrant, or the release of information to law enforcement agencies or other governmental agencies for other authorized purposes.

(b) No application is required to be submitted if the employee terminated employment within the three working days. "Within three working days" means 72 hours from the time an employee is first compensated for alarm agent services by a licensee.

(c) The bureau may impose a fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards submitted by applicants, excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

(Amended by Stats. 1999, Ch. 318, Sec. 9. Effective January 1, 2000.)

7598.5. The application for registration under this article shall be on a form prescribed by the director and shall be accompanied by the fee as prescribed in this chapter.

(Added by Stats. 1982, Ch. 1210, Sec. 12.)

7598.6. The application shall be verified and shall include the following:

- (a) The full name, residence address, telephone number, and date of birth of the employee.
- (b) The name, address, telephone number, and license number of the employer and the date the employment commenced.
- (c) A statement as to whether the employee has been convicted of a misdemeanor, excluding minor traffic violations.
- (d) A statement as to whether the employee has been convicted of a felony.

(Amended by Stats. 1985, Ch. 876, Sec. 46.)

7598.7. (a) Except as provided in subdivision (b), an employee of a licensee may be assigned to work with a temporary application for registration until the bureau issues a registration card or denies the application for registration. A temporary application for registration shall be a copy of the initial application. Any alarm agent employee assigned to work must carry either a temporary application for registration or a valid registration. A temporary application for registration shall in no event be valid for more than 120 days. However, the director may extend the expiration date beyond the 120 days if there is an abnormal delay in processing applications for registration. For purposes of this section, the 120-day period shall commence on the date the applicant signs and submits the application.

(b) Notwithstanding subdivision (a), an employee who has been convicted of a crime prior to applying for registration shall not be issued a temporary application for registration and shall not be assigned to work as an alarm agent until the bureau issues a permanent registration card. This subdivision shall apply only if the applicant for registration has disclosed the conviction to the bureau on his or her application form, or if the fact of the conviction has come to the attention of the bureau through official court or other governmental documents.

(Amended by Stats. 1998, Ch. 970, Sec. 20. Effective January 1, 1999.)

7598.8. No employee of a licensee shall carry or use a firearm unless the employee has in his or her possession a valid alarm agent registration card and a valid firearm qualification card issued pursuant to this chapter.

(Added by Stats. 1982, Ch. 1210, Sec. 12.)

7598.9. The bureau, upon receipt of a criminal offense record or record of a subsequent arrest from the California Department of Justice, shall make an immediate determination of fitness for registration of applicants for registration or firearms qualification permit, when information contained in the records of the Department of Justice makes such a determination possible. Applications for registration of those determined to be unfit shall be immediately denied.

The bureau shall keep a current and accurate record of the individuals who have applied for and been denied registration or firearms qualification permits. A listing consisting of individual names and other pertinent identifying information may be made of those individuals who have been denied. The listing may be updated bimonthly and made available to interested licensees and law enforcement agencies.

(Added by Stats. 1982, Ch. 1210, Sec. 12.)

7598.11. If the chief determines that an applicant's criminal history contains arrest information for which there appears no disposition, the chief shall issue a notice to the applicant allowing the applicant 45 days for the applicant to provide documentation concerning the disposition of the arrest or arrests.

The notice shall be sent to the applicant and shall provide sufficient information to assist the applicant in complying with the chief's request. If the applicant fails to respond within 45 days, the applicant's employment shall be automatically suspended until the bureau obtains the necessary documentation to approve or deny the application.

(Amended by Stats. 1984, Ch. 1299, Sec. 32.)

7598.12. If the director determines that continued employment of an applicant or registrant, in his or her current capacity, may present an undue hazard to public safety, the licensee, upon proper notification from the director, shall suspend the applicant or registrant from employment in that capacity.

A registrant or applicant may request a review by the Alarm Company Disciplinary Review Committee as set forth in Section 7591.19 to appeal the suspension.

(Amended by Stats. 1984, Ch. 1299, Sec. 33.)

7598.14. Upon approval of an application for registration, the chief shall cause to be issued to the applicant, at their last known address, a registration card in a form approved by the director. The applicant may request to be issued an enhanced pocket card that shall be composed of a durable material and may incorporate technologically advanced security features. The bureau may charge a fee sufficient to reimburse the department's costs for furnishing the enhanced license. The fee charged may not exceed the

actual costs for system development, maintenance, and processing necessary to provide this service, and may not exceed six dollars (\$6). If the applicant does not request an enhanced card, the department shall issue a standard card at no cost to the applicant. Every person, while engaged in any activity for which registration is required, shall display their valid pocket card as provided by regulation.

(Amended by Stats. 2021, Ch. 376, Sec. 28. (AB 830) Effective January 1, 2022.)

7598.16. A licensee shall at all times be responsible for ascertaining that his or her employees subject to registration are currently registered or have made proper application for registration as provided in this article. The licensee may not have in his or her employment a person whose registration has expired, or been revoked, denied, suspended, or canceled.

(Added by Stats. 1982, Ch. 1210, Sec. 12.)

7598.17. (a) A registration issued under this chapter expires at midnight on the last day of the month two years following the date of issuance unless renewed. At least 60 days prior to the expiration of a registration, a registrant who desires to renew his or her registration shall forward to the bureau a completed registration renewal application and renewal fee. The renewal application shall be on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct.

(b) The licensee shall provide to any employee information regarding procedures for renewal of registration.

(c) An expired registration may be renewed provided the registrant files a renewal application on a form prescribed by the director and the renewal and delinquency fees prescribed by this chapter are returned to the bureau within 60 days of the expiration date of the registration. A firearms permit is not valid while the registration is expired.

(d) A registration not renewed within 60 days following its expiration may not be renewed thereafter. The holder of the expired registration may obtain a new registration only on compliance with all of the provisions of this chapter relating to the issuance of an original registration. The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five dollars (\$25).

(e) The holder of an expired registration shall not engage in the activity for which a registration is required until the bureau issues a renewal registration.

(f) If the renewed registration card has not been delivered to the registrant, prior to the date of expiration of the prior registration, the registrant may present evidence of renewal to substantiate continued registration, for a period not to exceed 90 days after the date of expiration.

(g) A registration may not be renewed or reinstated until all fines assessed pursuant to Section 7591.9 and not resolved in accordance with the provisions of that section have been paid.

(h) A new registration shall be issued subject to payment of all fines assessed pursuant to Section 7591.9 and not resolved in accordance with the provisions of Section 7591.9 and payment of all applicable fees.

(i) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

(Amended by Stats. 2017, Ch. 573, Sec. 40.5. (SB 800) Effective January 1, 2018. Inoperative July 1, 2018. Repealed as of January 1, 2019, by its own provisions. See later operative version added by Stats. 2017, Ch. 429.)

7598.17. (a) A registration issued under this chapter expires at midnight on the last day of the month two years following the date of issuance unless renewed. At least 60 days prior to the expiration of a registration, a registrant who desires to renew his or her registration shall forward to the bureau a completed registration renewal application and renewal fee. The renewal application shall be on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct.

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(g) A registration may not be renewed or reinstated until all fines assessed pursuant to Section 7591.9 and not resolved in accordance with the provisions of that section have been paid.

(h) A new registration shall be issued subject to payment of all fines assessed pursuant to Section 7591.9 and not resolved in accordance with the provisions of Section 7591.9 and payment of all applicable fees.

(i) This section shall become operative on July 1, 2018.

(Repealed (in Ch. 573) and added by Stats. 2017, Ch. 429, Sec. 55.5. (SB 547) Effective January 1, 2018. Section operative July 1, 2018, by its own provisions.)