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SB-390 School safety: school security officers and security guards. (2019-2020)

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Senate Bill No. 390

CHAPTER 475

An act to amend Section 7583.45 of the Business and Professions Code, and to amend Sections 38001.5 and 72330.5 of the Education Code, relating to school safety.

[Approved by Governor October 02, 2019. Filed with Secretary of State October 02, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 390, Umberg. School safety: school security officers and security guards.

Under existing law, every school security officer employed by a school district or community college district, and every security guard working on the property of a school district or community college district pursuant to a contract with a private licensed security agency, who works more than 20 hours a week as a school security officer or security guard is required to complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training.

This bill would require school security officers employed by a school district, charter school, county office of education, or community college district, commencing July 1, 2021, and security guards working on the property of a school district, charter school, county office of education, or community college district, to complete that training course regardless of the number of hours worked per week. The bill would require school districts, charter schools, county offices of education, and community college districts to provide the training required for their school security officer employees during regular work hours, except as specified. By imposing additional duties on school districts, charter schools, county offices of education, and community college districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7583.45 of the Business and Professions Code is amended to read:

7583.45. (a) (1) Every security guard working on the property of a K–12 school district or community college district pursuant to a contract with a private licensed security agency shall complete the latest course of training developed by the Bureau of Security

and Investigative Services of the Department of Consumer Affairs. The course shall be developed in consultation with the Commission on Peace Officer Standards and Training.

(2) For purposes of this subdivision, "school district" includes a school district, county office of education, and charter school.

(b) (1) A security guard required to register pursuant to this chapter who completes the course of training specified in subdivision (a) shall not be hired on contract to work and shall not continue to work as a school security officer on the property of a K–12 school district or community college district unless both of the following conditions are met:

(A) (i) The applicant or contracted employee has submitted two copies of their fingerprints on forms or electronically, as prescribed by the Department of Justice, to the Bureau of Security and Investigative Services of the Department of Consumer Affairs. The Bureau of Security and Investigative Services of the Department of Consumer Affairs shall submit the fingerprints to the Department of Justice, which shall submit one copy of the fingerprints to the United States Federal Bureau of Investigation.

(ii) An applicant or contracted employee who holds a permanent registration with the Bureau of Security and Investigative Services as a security guard need only submit one copy of their fingerprints, which copy shall be submitted to the United States Federal Bureau of Investigation.

(iii) An applicant or contracted employee who is registered by the Bureau of Security and Investigative Services, and who holds a firearms qualification card as specified in Section 7583.22, is exempt from the requirements of this subdivision.

(B) The applicant or contracted employee has been determined not to be prohibited from employment by a K–12 school district pursuant to Sections 44237 and 45122.1 of the Education Code or legally prohibited from employment by a community college, and had been determined by the Department of Justice not to be a person prohibited from possessing a firearm if the applicant is required to carry a firearm.

(2) The Department of Justice may participate in the National Instant Criminal Background Check System (NICS) in lieu of submitting fingerprints to the United States Federal Bureau of Investigation in order to meet the requirements of this subdivision relating to firearms.

(c) For purposes of this section, "security guard" means any person primarily employed or assigned to provide security services as a watchperson, security guard, or patrolperson on or about premises owned or operated by a school district to protect persons or property, to prevent the theft or unlawful taking of district property of any kind, or to report any unlawful activity to the district and local law enforcement agencies.

SEC. 2. Section 38001.5 of the Education Code is amended to read:

38001.5. (a) It is the intent of the Legislature to ensure the safety of pupils, staff, and the public on or near California's public schools, by providing school security officers with training that will enable them to deal with the increasingly diverse and dangerous situations they encounter.

(b) (1) Every school security officer employed by a school district shall complete the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training pursuant to Section 7583.45 of the Business and Professions Code. If a school security officer subject to the requirements of this subdivision is required to carry a firearm while performing their duties, that school security officer shall additionally satisfy the training requirements of Section 832 of the Penal Code.

(2) A school district shall provide the training required pursuant to this subdivision to all school security officers who are employees of the school district. A school district shall provide the training during the employee's regular work hours, unless otherwise negotiated and mutually agreed upon with the employee's exclusive representative.

(3) This subdivision does not require a school district to provide training to security guards who are not employees of the school district, including security guards who work on the property of the school district pursuant to a contract with a private licensed security agency. A school district that contracts for security services shall comply with the requirements of Section 45103.1.

(4) This subdivision shall not apply to a school security officer employed by a school district who works 20 or fewer hours per week as a school security officer until July 1, 2021.

(5) For purposes of this subdivision, "school district" includes a school district, county office of education, and charter school.

(c) For purposes of this chapter, "school security officer" means any person primarily employed or assigned pursuant to subdivision (b) to provide security services as a watchperson, security guard, or patrolperson on or about premises owned or

operated by a school district to protect persons or property or to prevent the theft or unlawful taking of school district property of any kind or to report any unlawful activity to the school district and local law enforcement agencies.

(d) (1) A school security officer shall not be employed and shall not continue to be employed by a school district until both of the following conditions have been met:

(A) (i) The applicant or employee has submitted to the school district two copies of their fingerprints on forms or electronically, as prescribed by the Department of Justice. The school district shall submit the fingerprints to the Department of Justice, which shall submit one copy of the fingerprints to the United States Federal Bureau of Investigation.

(ii) An applicant or contracted employee who holds a permanent registration with the Bureau of Security and Investigative Services of the Department of Consumer Affairs as a security guard need only submit one copy of their fingerprints, which copy shall be submitted to the United States Federal Bureau of Investigation.

(iii) An applicant or contracted employee who is registered by the Bureau of Security and Investigative Services of the Department of Consumer Affairs, and who holds a firearms qualification card as specified in Section 7583.22 of the Business and Professions Code, is exempt from the requirements of this subdivision.

(B) The applicant or employee has been determined not to be a person prohibited from employment by a school district pursuant to Sections 44237 and 45122.1, or by the Department of Justice from possessing a firearm if the applicant is required to carry a firearm.

(2) The Department of Justice may participate in the National Instant Criminal Background Check System (NICS) in lieu of submitting fingerprints to the United States Federal Bureau of Investigation in order to meet the requirements of this subdivision relating to firearms.

SEC. 3. Section 72330.5 of the Education Code is amended to read:

72330.5. (a) It is the intent of the Legislature to ensure the safety of students, staff, and the public on or near California's community colleges, by providing community college security officers with training that will enable them to deal with the increasingly diverse and dangerous situations they encounter.

(b) (1) Every school security officer employed by a community college district shall complete the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training pursuant to Section 7583.45 of the Business and Professions Code. If a community college security officer subject to the requirements of this subdivision is required to carry a firearm while employed, that security officer shall additionally satisfy the training requirements of Section 832 of the Penal Code.

(2) A community college district shall provide the training required pursuant to this subdivision to all school security officers who are employees of the community college district. A community college district shall provide the training during the employee's regular work hours, unless otherwise negotiated and mutually agreed upon with the employee's exclusive representative.

(3) This subdivision does not require a community college district to provide training to security guards who are not employees of the community college district, including security guards who work on the property of the community college district pursuant to a contract with a private licensed security agency. A community college district that contracts for security services shall comply with the requirements of Section 88003.1.

(4) This subdivision shall not apply to a school security officer employed by a community college district who works 20 or fewer hours per week as a school security officer until July 1, 2021.

(c) For purposes of this chapter, "security officer" means any person primarily employed or assigned pursuant to subdivision (b) to provide security services as a watchperson, security guard, or patrolperson on or about premises owned or operated by the community college district to protect persons or property or to prevent the theft or unlawful taking of community college district property of any kind or to report any unlawful activity to the community college district and local law enforcement.

(d) (1) A security officer shall not be employed and shall not continue to be employed by a community college district until both of the following conditions have been met:

(A) (i) The applicant or employee has submitted to the community college district two copies of their fingerprints on forms or electronically, as prescribed by the Department of Justice. The community college district shall submit the fingerprints to the Department of Justice, which shall submit one copy of the fingerprints to the United States Federal Bureau of Investigation.

(ii) An applicant or employee who holds a permanent registration with the Bureau of Security and Investigative Services of the Department of Consumer Affairs as a security guard need only submit one copy of their fingerprints, which copy shall be submitted to the United States Federal Bureau of Investigation.

(iii) An applicant or employee who is registered by the Bureau of Security and Investigative Services of the Department of Consumer Affairs, and who holds a firearms qualification card as specified in Section 7583.22 of the Business and Professions Code, is exempt from the requirements of this subdivision.

(B) The applicant or employee has been determined not to be a person legally prohibited from employment by the community college and has been determined by the Department of Justice not to be a person prohibited from possessing a firearm if the applicant is required to carry a firearm.

(2) The Department of Justice may participate in the National Instant Criminal Background Check System (NICS) in lieu of submitting fingerprints to the United States Federal Bureau of Investigation in order to meet the requirements of this subdivision relating to firearms.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.