

§§5,6 -  
C.45:19A-6.1 &  
45:19A-6.2  
§7 - Note

P.L.2015, CHAPTER 295, *approved January 19, 2016*  
Assembly, No. 4105 (*First Reprint*)

1 AN ACT concerning security officers, designated as "<sup>1</sup>Detective<sup>1</sup>  
2 Melvin <sup>1</sup>Vincent<sup>1</sup> Santiago's Law," and amending and  
3 supplementing P.L.2004, c.134.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Section 2 of P.L.2004, c.134 (C.45:19A-2) is amended to read  
9 as follows:

10 2. As used in this act:

11 a. "Owner" or "operator" means an officer, director, member, sole  
12 proprietor, partner or associate of a private security company.

13 b. "Security officer" means any person who performs any of the  
14 following functions or activities as an employee, agent or  
15 subcontractor of a security officer company as defined in subsection c.  
16 of this section for a fee, hire or reward, notwithstanding the fact that  
17 other functions and activities may also be performed by the same  
18 person for fee, hire or reward; or any person who <sup>1</sup>carries a firearm in  
19 the performance of the person's duties and<sup>1</sup> performs any of the  
20 following functions and activities as an exclusive employee of a  
21 company maintaining a proprietary or in-house security function as  
22 defined in subsection e. of this section whose primary duty is to  
23 provide these security functions and activities for that company and  
24 whose services are not contracted to any other entity or person:

25 (1) protection of person or property, real or personal, from injury  
26 or harm or for any other purpose whatsoever;

27 (2) deterrence, observation, detection or reporting of incidents and  
28 activities for the purpose of preventing the theft, or the unlawful  
29 taking, conversion, concealment or misappropriation of goods, wares,  
30 merchandise, money, bonds, stocks, notes or other valuable  
31 instruments, documents, papers or articles; or

32 (3) deterrence, observation, detection or reporting of incidents and  
33 activities for the purpose of preventing any unauthorized access, entry  
34 or unlawful activity, including but not limited to, robbery, burglary,  
35 arson, criminal mischief, vandalism or trespass.

36 The term shall not mean or include, and nothing in this act shall  
37 apply to, any law enforcement officer of this State, or any political

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ALP committee amendments adopted November 9, 2015.

1 subdivision of the State, while in the actual performance of his duties.  
2 For the purposes of this section, a law enforcement officer shall be  
3 deemed to be in the actual performance of his duties if the law  
4 enforcement officer is in uniform, or is exhibiting evidence of his  
5 authority, is performing public safety functions on behalf of and as  
6 assigned by his chief of police or the chief law enforcement officer of  
7 his law enforcement agency and is receiving compensation, if any,  
8 from his law enforcement agency at the rates or stipends as are  
9 established by law. A law enforcement officer shall not be deemed to  
10 be in the actual performance of his duties, for the purposes of this  
11 section, if the law enforcement officer is performing private security  
12 functions or activities for a private employer while receiving  
13 compensation for those duties from the private employer, and a law  
14 enforcement officer shall not wear his uniform, or otherwise exhibit  
15 evidence of his authority as a law enforcement officer, while  
16 performing private security functions or activities for a private  
17 employer.

18 c. "Security officer company" means any body, board, person,  
19 firm, corporation, partnership, proprietorship, joint venture, fund,  
20 authority or similar entity that is organized for the purpose of or  
21 primarily engages in the business of furnishing for a fee, hire, reward  
22 or compensation one or more security officers. The term shall not  
23 mean or include, and nothing in this act shall apply to, any board,  
24 body, commission or agency of the United States of America or of this  
25 State or any other state, territory or possession of the United States of  
26 America, or any county, municipality or school district or any officer  
27 or employee solely, exclusively and regularly employed by any of the  
28 foregoing. The term shall include any business of watch, guard or  
29 patrol agency.

30 d. "Superintendent" means the Superintendent of the Division of  
31 State Police in the Department of Law and Public Safety.

32 e. "Company maintaining a proprietary or in-house security  
33 function" means any body, board, person, firm, corporation,  
34 partnership, proprietorship, joint venture, fund, authority or similar  
35 entity that is organized for the general purpose of conducting business,  
36 but which also employs persons <sup>1</sup>who are required to carry a firearm in  
37 the performance of their duties<sup>1</sup> to provide <sup>1</sup>armed<sup>1</sup> security services  
38 exclusively for their business or employees, and does not contract  
39 these employees to any other entity or person.

40 <sup>1</sup>f. "Loss prevention employee" means an unarmed employee of a  
41 company whose primary responsibility is loss prevention and the  
42 protection of assets of that company.<sup>1</sup>

43 (cf: P.L.2004, c.134, s.2)

44

45 2. Section 4 of P.L.2004, c.134 (C.45:19A-4) is amended to read  
46 as follows:

1       4. a. <sup>1</sup>~~【No】~~ A<sup>1</sup> person shall <sup>1</sup>not<sup>1</sup> be employed as a security  
2 officer by a security officer company or a company maintaining a  
3 proprietary or in-house security function, or perform the functions and  
4 activities of ~~【,】~~ a security officer, unless that person is registered with  
5 the superintendent as required in this section.

6       <sup>1</sup>The requirements of this section shall not apply to:

7       (1) a loss prevention employee;

8       (2) an employee of a company whose business includes hosting  
9 sporting and entertainment events at an arena or stadium where a State,  
10 county, or municipal law enforcement agency is on the premises  
11 during the event and whose in-house security employees do not carry  
12 handguns or other licensed weapons;

13       (3) a security officer employed by a company maintaining a  
14 proprietary or in-house security function whose in-house security  
15 employees do not carry handguns or other licensed weapons; or

16       (4) a security employee regulated under federal law.<sup>1</sup>

17       Any person who violates the provisions of this section shall be  
18 guilty of a crime of the fourth degree.

19       b. An application for registration as a security officer shall be  
20 filed with the superintendent on a form and in a manner prescribed by  
21 the superintendent and shall set forth under oath:

22       (1) the applicant's full name, age, which shall be at least 18 years,  
23 and residence;

24       (2) the name and address of all employers or occupations engaged  
25 in for the immediately preceding five years;

26       (3) that the applicant has not been convicted of any disqualifying  
27 crime or offense as set forth in subsection c. of this section; and

28       (4) such further information as the superintendent may require to  
29 show the good character, competency and integrity of the applicant.

30       Any person who shall knowingly make a false statement in, or  
31 knowingly omit any material information from, an application as  
32 required by this subsection shall be guilty of a crime of the fourth  
33 degree in addition to any other crime or offense specified by law.

34       c. No person shall be issued a certificate of registration as a  
35 security officer under the provisions of this section if the person has  
36 been convicted, as indicated by a criminal history record background  
37 check performed pursuant to the provisions of this section, of: a crime  
38 of the first, second, third or fourth degree; any offense involving the  
39 unlawful use, possession or sale of a controlled dangerous substance as  
40 defined in N.J.S.2C:35-2; or any offense where the registration of the  
41 individual would be contrary to the public interest, as determined by  
42 the superintendent. Each applicant shall submit to the superintendent  
43 the applicant's fingerprints and written consent for a criminal history  
44 record background check to be performed. The superintendent shall  
45 compare these to fingerprints on file with the State Bureau of  
46 Identification in the Division of State Police and the Federal Bureau of  
47 Investigation, consistent with applicable State and federal laws, rules  
48 and regulations. The applicant shall bear the cost for the criminal

1 history record background check, including all costs of administering  
2 and processing the check.

3 d. A person whose application has been approved by the  
4 superintendent shall complete the required education and training  
5 program established in section 5 of this act. Upon satisfactory  
6 completion of this program, and upon the payment of a fee in an  
7 amount established by the superintendent, the applicant shall be  
8 entitled to and the superintendent shall issue and deliver to the  
9 applicant a security officer certificate of registration.

10 e. The superintendent may revoke or suspend such certificate of  
11 registration for a violation of any of the provisions of this act or for  
12 other good cause. A certificate of registration shall be surrendered to  
13 the superintendent within 72 hours after its term has expired or after  
14 notice in writing to the holder that the certificate of registration has  
15 been revoked.

16 f. The certificate of registration shall be renewed ~~every two~~  
17 ~~years~~ <sup>every two years by an applicant for an unarmed security</sup>  
18 <sup>officer position and</sup> ~~each year~~ <sup>by an applicant for an armed security</sup>  
19 <sup>officer position</sup> upon forms prescribed by the superintendent ~~and~~  
20 ~~payment of~~. ~~The applicant shall pay~~ a fee in an amount established  
21 by the superintendent by rule and regulation ~~and shall complete an~~  
22 ~~eight-hour refresher course of classroom instruction taught by a~~  
23 ~~certified security officer instructor~~. The certificate of registration may  
24 be renewed without further investigation unless it is deemed by the  
25 superintendent that the applicant no longer qualifies or verified  
26 objections to the renewal are received by the superintendent prior to  
27 issuance.

28 g. The revocation or suspension of any certificate of registration  
29 by the superintendent shall be subject to notice and a hearing.

30 (cf: P.L.2004, c.134, s.4)

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32 3. Section 8 of P.L.2004, c.134 (C.45:19A-8) is amended to read  
33 as follows:

34 8. a. In addition to any other penalties prescribed by this act or  
35 any other law, an owner or operator of a licensed security officer  
36 company ~~or a company maintaining a proprietary or in-house security~~  
37 ~~function~~ who employs a security officer in violation of the provisions  
38 of this act shall be liable to a civil penalty not to exceed \$10,000 for  
39 the first offense and not more than \$20,000 for a second or subsequent  
40 offense. For the purposes of this subsection, each violation shall  
41 constitute a separate offense.

42 b. <sup>(1)</sup> In addition to any other penalties prescribed by this act or  
43 any other law, a person who permits himself to be employed as or  
44 performs the functions and activities of a security officer while in  
45 violation of the provisions of this act shall be liable to a civil penalty  
46 <sup>1</sup> ~~not to exceed~~ ~~of not more than~~ <sup>1</sup> \$1,000 for a first offense and not  
47 more than \$2,500 for a second or subsequent offense. For the

1 purposes of this subsection, each violation shall constitute a separate  
2 offense.

3 <sup>1</sup>(2) In addition to any other penalties prescribed by this act or any  
4 other law, a certified security officer instructor who fails to comply  
5 with rules and regulations governing the functions of a certified  
6 security officer instructor shall be liable to a civil penalty of not more  
7 than \$1,000 for a first offense and not more than \$2,500 for a second  
8 or subsequent offense. For the purposes of this subsection, each  
9 violation shall constitute a separate offense.<sup>1</sup>

10 c. A penalty imposed under subsection a. or b. of this section  
11 shall be recovered in a civil action pursuant to "The Penalty  
12 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
13 (cf: P.L.2004, c.134, s.8)

14

15 4. Section 11 of P.L.2004, c.134 (C.45:19A-11) is amended to  
16 read as follows:

17 11. Each owner or operator of a security officer company or  
18 company maintaining a proprietary or in-house security function,  
19 and each person employed as a security officer on the effective date  
20 of this act and any act amendatory or supplementary thereto shall  
21 comply with the requirements of this act by the first day of the  
22 **【seventh】** thirteenth month after its effective date or the effective  
23 date of any act amendatory or supplementary thereto.

24 Any person employed as a security officer by a company  
25 maintaining a proprietary or in-house security function or who  
26 performed the functions and activities of a security officer for such  
27 a company prior to the effective date of this amendatory and  
28 supplementary act shall complete the education and training  
29 program established pursuant to section 5 of P.L.2004, c.134  
30 (C.45:19A-5) and register as a security officer with the  
31 superintendent pursuant to section 4 of P.L.2004, c.134 (C.45:19A-  
32 4) no later than the first day of the thirteenth month following the  
33 effective date of this act.

34 (cf: P.L.2004, c.134, s.11)

35

36 5. (New section) A security officer who carries a firearm in the  
37 performance of his duties shall wear a standardized uniform as  
38 prescribed by the superintendent in rules and regulations. <sup>1</sup>These rules  
39 and regulations shall require SORA Level 2 armed security officers to  
40 wear on their uniform a badge indicating this status and armed security  
41 officers who wear company-issued shirts to have the word  
42 “SECURITY” printed on the reverse side of the shirt.<sup>1</sup>

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44 6. (New section) A security officer, when carrying a firearm in  
45 the performance of his duties, shall secure the weapon in a level 3  
46 or higher security holster.

**A4105 [1R]**

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1       7. This act shall take effect on the first day of the sixth month  
2 after enactment.

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7       Expands scope of law governing registration of security guards;  
8 designated as “Detective Melvin Vincent Santiago’s Law.”