

SECURITY GUARD LICENSE GUIDE

DISCLAIMER: The information provided below is not an all inclusive set of laws or rules and regulations that must be followed if licensure is obtained. The information below is provided as a guide to determine if you qualify for licensure and is provided to assist in understanding the type of licensure that pertains to your inquiry. For further information, please consult Arkansas Code Annotated §17-40-101 to §17-40-354.

DEFINITIONS:

§17-40-102. Definitions.

As used in this chapter, unless the context otherwise requires:

- (8)** “Armored car company” means any person that provides armed security transportation and protection of money, currency, coins, bullion, securities, bonds, jewelry, or other valuables from one (1) place or point to another place or point;
- (10)** “Commissioned security officer” means any private security officer to whom a security officer commission has been issued by the board;
- (12)** “Guard company” means any person engaging in the business of providing or undertaking to provide a private watchman, guard, or street patrol service on a contractual basis for another person and performing any one (1) or more of the following or similar functions:
 - (A)** Prevention of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property;
 - (B)** Prevention, observation, or detection of any unauthorized activity on private property;
 - (C)** Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property; or
 - (D)** Protection of individuals from bodily harm;
- (16)** “Manager” means, in the case of a corporation, an officer or supervisor, or, in the case of a partnership, a general or unlimited partner meeting the experience qualifications set forth in §17-40-306 for managing a security services contractor or an investigations company;
- (21)** “Private security officer” means any individual employed by a security services contractor or the security department of a private business to perform the duties of a security guard, security watchman, security patrolman, or armored car guard;
- (25)** “Security officer commission” means an authorization granted by the board to an individual employed as a private security officer to carry a firearm;
- (26)** “Security services contractor” means any guard company or armored car company;

LICENSE CLASSIFICATIONS:

§17-40-309. License—Classifications.

- (a)** No person may engage in any operation outside the scope of the person’s license.
- (b)** For the purpose of defining the scope of licenses, the following license classifications are established:
 - (1)** Class A: Investigations company license, covering operations as defined in §17-40-102(13);

(2) Class B: Security services contractor license, covering operations as defined in §17-40-102(26);

(3) Class C: Covering the operations included within Class A and Class B;

(c) A person licensed only as a security services contractor may not make any investigation except as incidental to the theft, loss, embezzlement, misappropriation, or concealment of any property which the person has been hired or engaged to protect.

FEES:

The fees for the Class types in the rules are as follows:

Rule 3.2 The fee for a Class “B” original license is four hundred and fifty dollars (\$450.00). The fee for renewal of a Class “B” license is one hundred and fifty dollars (\$150.00).

The fee for a Class “C” original license is six hundred dollars (\$600.00). The fee for renewal of a Class “C” license is two hundred and fifty dollars (\$250.00).

Rule 4.1 The fee for a Class “A” original license is four hundred and fifty dollars (\$450.00). The fee for a renewal of a Class “A” license is one hundred and fifty dollars (\$150.00).

INSURANCE:

The requirement for insurance in the law states:

§17-40-308. License—Insurance prerequisite.

(a) No Class B, Class C, or general license shall be issued to a company under this chapter unless the applicant files with the Arkansas Board of Private Investigators and Private Security Agencies proof of a policy of continuing public liability insurance in a sum not less than five hundred thousand dollars (\$500,000), conditioned to compensate any person for damages, including, but not limited to, bodily injury, caused by wrongful acts of the principal or its servants, officers, agents, and employees in the conduct of any business licensed by this chapter.

(b) No Class B or Class C license shall be issued to an armored car company unless the applicant files with the board proof of a valid and continuing policy of armored car cargo insurance protecting customers’ valuables in a sum not less than five hundred thousand dollars (\$500,000).

TRAINING ADMINISTRATOR:

The requirements for the Training Administrator in the rules states:

Rule 3.15 Each Class “B”, Class “C”, and Class “G” licensee and the security department of a private business shall be allowed to conduct their own training for their security personnel and will designate to the Board a “Training Administrator”. The training administrator and all training personnel must meet the following requirements unless waived by the Board:

(A) Meet the qualifications as outlined in Rule 3.5 of these rules and regulations;

- (B) Be in compliance with the provisions of this chapter and its rules and regulations;
- (C) The designated training administrator may have assistant training personnel; however, certification to the Board that the required training has been completed must be made by the designated training administrator or the designated assistant training administrator; and
- (D) All training personnel must complete an examination on the topics as outlined in Rule 3.11. The re-examination standards and fees as outlined in Rule 3.11 apply to all training personnel.

TO QUALIFY THE OWNER/MANAGER:

The requirement for qualifying an owner/manager in the law states:

§17-40-306. License—Applicant qualifications.

(a) Unless the requirement is waived by the Arkansas Board of Private Investigators and Private Security Agencies, an applicant for a license or his or her manager must:

- (1) Be at least twenty-one (21) years of age;
- (2) Be a high school graduate or its equivalent if the applicant is a manager of an investigations company or an individual applying for an investigations company license;
- (3) Not have been found guilty of or pleaded guilty or nolo contendere to any:
 - (A) Felony, Class A misdemeanor, crime involving an act of violence, or any crime involving moral turpitude in any court in the State of Arkansas for which a pardon has not been granted;
 - (B) Felony, Class A misdemeanor, or an offense of a comparable level, crime involving an act of violence, or any crime involving moral turpitude in any court in another state for which a pardon has not been granted; or
 - (C) Felony, Class A misdemeanor, or an offense of a comparable level, crime involving an act of violence, or any crime involving moral turpitude in a military or federal court for which a pardon has not been granted.
- (4) Not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not have been restored;
- (5) Not be suffering from habitual drunkenness or from narcotics addiction or dependence;
- (6) Not have been discharged from the armed services of the United States under other than honorable conditions;
- (7) Be of good moral character; and
- (8) Be in compliance with any other reasonable qualifications that the board may fix by rule.

The owner/manager would need one of the following to qualify according to the rules:

Rule 3.5 In addition to those requirements set forth by Act 429 of 1977, as amended, and these rules and regulations, an applicant for manager or ownership of a security services contractor company must meet at least one of the following:

- (A) Have two (2) consecutive years experience in the capacity of a supervisor performing security related duties with documentation from their employers that they held a

supervisory position and performing security related duties was their primary occupation while employed with the company; or

(B) Have two (2) consecutive years experience in a security related field with a law enforcement agency or a branch of the United States Armed Services; or

(C) Have completed a course of instruction in the security field by an approved school.

An approved school shall consist of a school, properly licensed, and the course of instruction must have been submitted to the Arkansas Board of Private Investigators and Private Security Agencies for their approval.

EXAMINATION:

The requirements for the examination in the rules states:

Rule 3.11 An application for a Class “B”, Class “C”, or Class “G” license under the provisions of this chapter and its rules and regulations, if the applicant is an individual, the manager and any branch manager if the applicant is a partnership or corporation, must demonstrate his qualifications by successfully completing an examination on the following:

- (1)** Legal limitations on the use of firearms;
- (2)** The power and authority of private security officers;
- (3)** The provisions of this chapter and its rules and regulations;
- (4)** Field note taking and report writing; and
- (5)** Range firing, procedure and firearm safety.

Successful completion of the examination shall consist of making a minimum score of seventy (70%) percent. If any individual fails to successfully complete the required examination, they will not be allowed to retake the required examination until a period of five (5) working days have elapsed and pay the re-examination fee, which shall be in the amount of fifty dollars (\$50.00). Failure to pass after two (2) examinations have been administered shall result in the denial of the application in accordance with Arkansas Code Annotated §17-40-350(A)(5).

CRIMINAL BACKGROUND CHECK:

The requirement for passing a criminal background check in the law states:

§17-40-350. License, registration, or commission—Grounds for disciplinary action.

(a) The Arkansas Board of Private Investigators and Private Security Agencies may revoke, place on probation, or suspend any registration, license, or security officer commission and may either fine in an amount not to exceed one thousand dollars (\$1,000) for each violation of this chapter or reprimand any registrant, licensee, or commissioned security officer, or both, or the board may deny an application for a registration, license, or security officer commission, or renewal thereof, on proof that the applicant, licensee, commissioned security officer, or registrant has:

- (1)** Violated any provision of this chapter or violated any of the rules and regulations

promulgated under this chapter;

(2) Been found guilty of or pleaded guilty or nolo contendere to any:

(A) Felony, Class A misdemeanor, crime involving an act of violence, or crime involving moral turpitude by any court in the State of Arkansas for which a pardon has not been granted;

(B) Felony, Class A misdemeanor, or an offense of a comparable level, any crime involving an act of violence, or any crime involving moral turpitude in any court in another state for which a pardon has not been granted; or

(C) Felony, Class A misdemeanor, or an offense of a comparable level, any crime involving an act of violence, or any crime involving moral turpitude in any court in another state for which a pardon has not been granted;

(3) Practiced fraud, deceit, or misrepresentation;

(4) Made a material misstatement in the application for renewal of a license, registration, or security officer commission; or

(5) Demonstrated incompetence or untrustworthiness in his or her actions.

PRIVATE SECURITY OFFICER REQUIREMENTS:

The Private Security Officer training requirement in the rules state:

Rule 3.13 All employees of a Class “B”, Class “C”, and Class “G” licenses and employees of the security department of a private business who are required to be registered with the Board as private security officers must complete the following training requirements and take the required examinations:

SUBJECTS	HOURS REQUIRED	EXAM
Legal authority of private security officers	2	Yes
Familiarity with this chapter and its rules and regulations	2	Yes
Field note taking and report writing	2	Yes

The Private Security Officer refresher training requirements for renewal in the rules state:

Rule 3.14 All employees of a Class “B”, Class “C”, and Class “G” licensees and employees of the security department of a private business who are registered with the Board as a private security officer must complete the following renewal training requirements within ninety (90) days prior to the expiration of their registration card and submit proof upon renewal that the following training requirements have been met:

SUBJECTS	HOURS REQUIRED	EXAM
Legal authority of private security officers	2	Yes
Familiarity with this chapter and its rules and regulations	2	Yes

COMMISSIONED SECURITY OFFICER REQUIREMENTS:

The Commissioned Security Officer requirements in the law state:

§17-40-335. Security officer's commission required.

It is unlawful and punishable as provided in §17-40-104:

- (1) For a person to employ an individual as a private security officer and knowingly authorize or permit him or her to carry a firearm during the course of performing his or her duties as a private security officer if the Arkansas Board of Private Investigators and Private Security Agencies has not issued him or her a security officer commission under §17-40-336;
- (2) For an individual employed as a private security officer to knowingly carry a firearm during the course of performing his or her duties as a private security officer if the board has not issued him or her a security officer commission under §17-40-336; or
- (3) For any person to hire or employ an individual or for any individual to accept employment in the capacity of a private security officer to carry a firearm in the course and scope of his or her duties unless the private security officer is issued a security officer commission by the board.

§17-40-337. Commission—Applicant qualifications.

(a) No security officer commission may be issued to any individual who:

- (1) Is under twenty-one (21) years of age;
- (2) Has been found guilty of or who has pleaded guilty or nolo contendere to any felony in any:
 - (A) Court in the State of Arkansas for which a pardon has not been granted;
 - (B) Court in another state for which a pardon has not been granted; or
 - (C) Military or federal court for which a pardon has not been granted; or
- (3) Has committed any act which if committed by a licensee would be grounds for suspension or revocation of a license under this chapter.

(b) The Arkansas Board of Private Investigators and Private Security Agencies shall not issue a security officer commission to an applicant employed by a licensee or the security department of a private business unless the applicant submits evidence satisfactory to the board that he or she meets all qualifications established by this chapter and by the rules of the board.

The Armored Car Commissioned Security Officer requirements in the law states:

§17-40-338. Commission—Armored car company employees.

(a) With the concurrence of the Department of Arkansas State Police, the Arkansas Board of Private Investigators and Private Security Agencies shall issue a security officer commission to a qualified employee of an armored car company that is a carrier that has a permit from the proper federal or state regulatory authority to conduct the armored car business in accordance with the permit or certificate.

(b) A security officer commission issued to an employee of an armored car company shall be broad enough in its geographical scope to cover the county or counties in this state in which the armored car company has a permit or certificate to conduct its business.

The Commissioned Security Officer requirements in the rules states:

Rule 3.21 Except in cases of “Shoplifting” as defined in Arkansas Code Annotated §5-36-116(a), no employee of a licensee may arrest, detain or otherwise take any action that a private citizen may not take.

Rule 3.23 All commissioned security officers shall wear a Board approved company uniform while performing armored car functions as described in A.C.A. §17-40-102(5).

Rule 3.24 All employees of a security service contractor performing armored car functions as described in A.C.A. §17-40-102(5) shall be commissioned security officers and shall be armed at all times while performing such functions.

Rule 3.25 All commissioned security officers shall carry their weapons only on their assigned site in the performance of their duties. The carrying of a weapon will be prohibited if the commissioned security officer is not performing his/her duties.

The Commissioned Security Officer training requirement in the rules state:

Rule 3.13 All employees of a Class “B”, Class “C”, and Class “G” licenses and employees of the security department of a private business who are required to be registered with the Board as private security officers must complete the following training requirements and take the required examinations:

<u>SUBJECTS</u>	<u>HOURS REQUIRED</u>	<u>EXAM</u>
Legal authority of private security officers	2	Yes
Familiarity with this chapter and its rules and regulations	2	Yes
Field note taking and report writing	2	Yes

If the employee is a commissioned security officer, he must also complete the following course in firearms training, which will include, but not be limited to, the following:

SUBJECTS	HOURS REQUIRED	EXAM
Legal limitations on the use of firearms		Yes
Weapons and safety		Yes
Marksmanship and range safety		Yes
Successfully qualify on the firing range, firing a course of instruction that has been approved by the Board.		

The above subjects for commissioned personnel must be completed and certified to the Board before a security officer commission will be issued and must be no less than four (4) hours in duration. Each commissioned security officer shall annually, as a prerequisite to the renewal of their commission, complete the firearms training described above.

A commissioned security officer shall not carry a firearm while performing his duties unless he has successfully qualified with such firearm in accordance with the aforementioned firearms training. If a commissioned security officer violates this provision, he shall be subject to immediate suspension by the Administrator of the Board and be brought before the Board to show just cause why his commission should not be revoked.

The Commissioned Security Officer refresher training requirement for renewal in the rules state:

Rule 3.14 All employees of a Class “B”, Class “C”, and Class “G” licenses and employees of the security department of a private business who are required to be registered with the Board as a private security officer must complete the following renewal training requirements within ninety (90) days prior to the expiration of their registration card and submit proof upon renewal that the following training requirements have been met:

SUBJECTS	HOURS REQUIRED	EXAM
Legal authority of private security officers	2	Yes
Familiarity with this chapter and its rules and regulations	2	Yes