



STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0124
(916) 319-2800
FAX (916) 319-2810

Assembly
California Legislature
Committee on Rules

RICHARD S. GORDON
CHAIR

VICE CHAIR
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FREDDIE RODRIGUEZ
MARIE WALDRON

PATTY LOPEZ (D-ALT.)
JAY OBERNOLTE (R-ALT.)

Friday, August 19, 2016
8:50 AM
State Capitol, Room 3162

CONSENT AGENDA

Bill Referrals

1. Consent Bill Referral

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Resolutions

2. ACR 200 (Lopez) Relative to Parent Advocacy Day.
3. SCR 150 (Gaines) Relative to Domestic Violence Awareness Month.

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Request to Add Urgency Clause

4. SB 468 (Hill) Relative to Bureau of Security and Investigative Services: licensees.

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REFERRAL OF BILLS TO COMMITTEE

08/19/2016

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.

[SCR 142](#)

Committee:

RLS.



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Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 8/18/2016
Re: Consent Bill Referrals

Attached is a list of bill referral recommendations.



Printed on Recycled Paper

Assembly Concurrent Resolution

No. 200

Introduced by Assembly Member Lopez

August 10, 2016

Assembly Concurrent Resolution No. 200—Relative to Parent Advocacy Day.

LEGISLATIVE COUNSEL'S DIGEST

ACR 200, as introduced, Lopez. Parent Advocacy Day.

This measure would proclaim September 28, 2016, as Parent Advocacy Day.

Fiscal committee: no.

1 WHEREAS, A critical dimension of effective schooling is
2 parental involvement; and

3 WHEREAS, Research has shown conclusively that parent
4 involvement in a child's education at home improves pupil
5 achievement, and when a parent is involved at school, his or her
6 child goes farther in school; and

7 WHEREAS, Regardless of family income or background, pupils
8 with involved parents are more likely to have higher grades and
9 test scores, attend school regularly, have better social skills, show
10 improved behavior, and adapt well to school; and

11 WHEREAS, The most accurate predictors of pupil achievement
12 in school are not family income or social status but the extent to
13 which the family creates a home environment that encourages
14 learning, communicates high yet reasonable expectations for the
15 child's achievement, and becomes involved in the child's education
16 at school; and

1 WHEREAS, When a parent is involved in school, the
2 performance of all children at school, not just the parent's child,
3 tends to improve, and the more comprehensive and well planned
4 the partnership between school and home, the higher the pupil
5 achievement; and

6 WHEREAS, California's school funding system, the Local
7 Control Funding Formula, requires all school districts to involve
8 parents in planning, decision making, and developing and
9 reviewing local control and accountability plans; and

10 WHEREAS, The State Board of Education recognizes that a
11 child's education is a responsibility shared by school and family
12 during the entire period the child spends in school, and it is
13 important that school districts and schools, in collaboration with
14 parents, teachers, pupils, and school administrators, establish and
15 develop efforts that enhance parent involvement and reflect the
16 needs of pupils and families in the communities in which they
17 serve; and

18 WHEREAS, Parent involvement is fundamental to a healthy
19 system of public education and parent involvement roles require
20 a statewide effort that has the support and recognition of all; now,
21 therefore, be it

22 *Resolved by the Assembly of the State of California, the Senate*
23 *thereof concurring,* That the Legislature hereby proclaims
24 September 28, 2016, as Parent Advocacy Day in recognition of
25 parental involvement in pupils' success; and be it further

26 *Resolved,* That the Chief Clerk of the Assembly transmit copies
27 of this resolution to the author for appropriate distribution.

O

Date of Hearing: August 19, 2016

ASSEMBLY COMMITTEE ON RULES
Richard S. Gordon, Chair
ACR 200 (Lopez) – As Introduced August 10, 2016

SUBJECT: Parent Advocacy Day

SUMMARY: Proclaims September 28, 2016, as Parent Advocacy Day. Specifically, **this resolution** makes the following legislative findings:

- 1) A critical dimension of effective schooling is parent involvement and research has shown conclusively that parent involvement in a child's education at home improves pupil achievement, and when a parent is involved at school, his or her child goes farther in school.
- 2) Regardless of family income or background, pupils with involved parents are more likely to have higher grades and test scores, attend school regularly, have better social skills, show improved behavior, and adapt well to school.
- 3) The most accurate predictors of pupil achievement in school are not family income or social status but the extent to which the family creates a home environment that encourages learning, communicates high yet reasonable expectations for the child's achievement, and becomes involved in the child's education at school.
- 4) When a parent is involved in school, the performance of all children at school, not just the parent's child, tends to improve, and the more comprehensive and well planned the partnership between school and home, the higher the pupil achievement.
- 5) California's school funding system, the Local Control Funding Formula, requires all school districts to involve parents in planning, decision making, and developing and reviewing local control and accountability plans.
- 6) The State Board of Education recognizes that a child's education is a responsibility shared by school and family during the entire period the child spends at school, and it is important that school districts and schools, in collaboration with parents, teachers, pupils, and school administrators, establish and develop efforts that enhance parent involvement and reflect the needs of pupils and families in the communities in which they serve.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

**Introduced by Senator Gaines
(Coauthors: Senators Anderson, Bates, Block, Hall, and
Wieckowski)**

June 9, 2016

Senate Concurrent Resolution No. 150—Relative to Domestic Violence Awareness Month.

LEGISLATIVE COUNSEL'S DIGEST

SCR 150, as introduced, Gaines. Domestic Violence Awareness Month.

This measure would proclaim the month of October 2016, and each following October, as Domestic Violence Awareness Month.

Fiscal committee: no.

1 WHEREAS, Domestic violence is a significant public health
2 and safety issue that affects women, men, and children of all racial,
3 religious, ethnic, and socioeconomic groups in California; and
4 WHEREAS, Nearly 20 people per minute are physically abused
5 by an intimate partner, which means more than 10 million women
6 and men in the United States are abused each year; and
7 WHEREAS, Women are four times more likely than men to be
8 victims of domestic violence with more than 800,000 women being
9 violently assaulted by an intimate partner between 2002 and 2011
10 according to United States Department of Justice statistics. Of all
11 murder-suicides, 72 percent involve an intimate partner and 94
12 percent of the victims of these crimes are female; and
13 WHEREAS, California law enforcement agencies received over
14 150,000 domestic violence-related calls in 2014, including reports
15 of more than 100 domestic violence-related homicides. There are

1 more than 20,000 additional phone calls placed each day to
2 domestic violence hotlines nationwide; and

3 WHEREAS, A victim is not alone in suffering the impacts of
4 domestic violence. Studies indicate that children who witness
5 domestic violence experience long-term consequences, such as
6 difficulty at school, substance abuse, and serious adult health
7 problems, as well as an increased risk of becoming a domestic
8 violence victim or abuser as an adult; and

9 WHEREAS, Because 75 percent of domestic violence victims
10 have children at home under the age of 18, the impact of domestic
11 abuse has both immediate and generational effects. In 2011, nearly
12 21 percent of children in the United States were exposed to
13 domestic violence, either as victims or indirectly as witnesses,
14 illustrating the magnitude of this problem; and

15 WHEREAS, The cost of domestic violence exceeds \$5.8 billion
16 each year in the United States—\$4.1 billion in direct medical and
17 health care services and nearly \$1.8 billion in lost productivity,
18 which includes approximately 8,000,000 days of work lost by
19 abused women each year—equivalent to more than 32,000 full-time
20 jobs; and

21 WHEREAS, Domestic violence programs in California provide
22 essential, lifesaving services to nearly 6,000 victims and their
23 children each day as they flee violence. Overall, state-funded
24 domestic violence programs provide individual counseling to an
25 average of nearly 34,000 victims each year; and

26 WHEREAS, Despite recent reductions in domestic violence
27 incidents, there is an ongoing need to educate the public about
28 domestic violence and to provide all victims access to programs
29 and services; and

30 WHEREAS, The Legislature recognizes the vital role that all
31 Californians can play in preventing, and one day ending, domestic
32 violence; now, therefore, be it

33 *Resolved by the Senate of the State of California, the Assembly*
34 *thereof concurring*, That the Legislature recognizes October 2016,
35 and each following October, as Domestic Violence Awareness
36 Month; and be it further

37 *Resolved*, That the Secretary of the Senate transmit copies of
38 this resolution to the author for appropriate distribution.

O

Date of Hearing: August 19, 2016

ASSEMBLY COMMITTEE ON RULES
Richard S. Gordon, Chair
SCR 150 (Gaines) – As Amended August 18, 2016

SENATE VOTE: 36-0

SUBJECT: Domestic Violence Awareness Month

SUMMARY: Proclaims the month of October 2016, and each following October, as Domestic Violence Awareness Month. Specifically, **this resolution** makes the following legislative findings:

- 1) Domestic violence is a significant public health and safety issue that affects women, men, and children of all racial, religious, ethnic, and socioeconomic groups in California.
- 2) Nearly 20 people per minute are physically abused by an intimate partner, which means more than 10 million women and men in the United States are abused each year.
- 3) California law enforcement agencies received over 150,000 domestic violence-related calls in 2014, including reports of more than 100 domestic violence-related homicides. There are more than 20,000 additional phone calls placed each day to domestic violence hotlines nationwide.
- 4) Because 75 percent of domestic violence victims have children at home under the age of 18, the impact of domestic abuse has both immediate and generational effects. In 2011, nearly 21 percent of children in the United States were exposed to domestic violence, either as victims or indirectly as witnesses, illustrating the magnitude of this problem.
- 5) The cost of domestic violence exceeds \$5.8 billion each year in the United States - \$4.1 billion in direct medical and health care services and nearly \$1.8 billion in lost productivity, which includes approximately 8,000,000 days of work lost by abused women each year – equivalent to more than 32,000 full-time jobs.
- 6) Domestic violence programs in California provide essential, lifesaving services to nearly 6,000 victims and their children each day as they flee violence; and overall, state-funded domestic violence programs provide individual counseling to an average of nearly 34,000 victims each year.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY SEPTEMBER 3, 2015

AMENDED IN ASSEMBLY AUGUST 31, 2015

AMENDED IN ASSEMBLY JULY 14, 2015

AMENDED IN ASSEMBLY JULY 1, 2015

AMENDED IN SENATE JUNE 1, 2015

AMENDED IN SENATE APRIL 22, 2015

SENATE BILL

No. 468

Introduced by Senator Hill

February 25, 2015

An act to amend Sections 7507.6, 7508.1, 7508.2, 7508.3, 7508.4, 7508.6, 7542, 7563, 7566, 7583.4, 7583.6, 7583.12, 7583.22, 7583.23, 7583.24, 7583.25, 7583.29, 7583.32, 7583.33, 7587.8, 7587.9, 7587.10, 7587.12, 7587.14, 7597.1, 7597.2, 7597.3, 7597.5, 7597.6, 7598.51, 7598.53, 7599.32, 7599.33, 7599.34, 7599.36, 7599.37, 7599.38, 7599.40, 7599.41, 7599.42, 7599.44, 7599.45, 7599.54, and 7599.59 of, to add Sections 7583.47 and 7585.4.1 to, to add Article 10 (commencing with Section 6981) to Chapter 8.5 of, to add Article 12 (commencing with Section 7511.5) to Chapter 11 of, to add Article 8 (commencing with Section 7573.5) to Chapter 11.3 of, to add Article 6 (commencing with Section 7576) to Chapter 11.4 of, to add Article 9 (commencing with Section 7588.8) to Chapter 11.5 of, and to add Article 15 (commencing with Section 7599.80) to Chapter 11.6 of, Division 3 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 468, as amended, Hill. Bureau of Security and Investigative Services: licensees.

(1) Existing law provides for the regulation, by the Bureau of Security and Investigative Services, of locksmiths and the employees of locksmiths, repossession agencies, private investigators, private patrol operators, armored contract carriers, firearms and baton training facilities, and employees of those licensees, alarm company operators and alarm agents, and proprietary security services.

This bill would subject the bureau to review by the appropriate policy committees of the Legislature.

(2) Existing law, the Collateral Recovery Act, provides for the licensure and regulation of repossession agencies by the Bureau of Security and Investigative Services and prohibits the use of an alias in connection with the official activities of a licensed repossession agency's business. The act requires a notice to be mailed to the Chief of the Bureau of Security and Investigative Services within 7 days after the occurrence of a violent act or a threatened violent act involving a licensee or its employees while acting in the scope of his or her employment, as specified.

This bill would instead prohibit the use of a business name other than the name of a licensed repossession agency in connection with the official activities of the licensee's business. This bill would remove the notice requirement, described above, where there was a threatened act of violence, as specified.

(3) Existing law prohibits a licensed private investigator and qualified manager who, in the course of his or her employment or business, carries a deadly weapon to carry or use a firearm unless he or she has in his or her possession a valid firearms qualification card and requires the licensed private investigator and qualified manager to comply with, and be subject to, specified provisions. Under existing law, a firearms qualification card does not authorize the holder of the card to carry a firearm capable of being concealed upon the person in a concealed manner, as specified.

This bill would authorize those licensed private investigators and qualified managers who possess a valid firearms qualification card to also carry a concealed firearm if they satisfy specified conditions. The bill would also require, if a firearms qualification card is denied, the denial to be in writing and include the basis for the denial.

(4) The Alarm Company Act requires that specified agreements entered into by an alarm company pertaining to alarm systems, including, among others, lease agreements, monitoring agreements, service agreements, and installation agreements, be in writing and to include specified items.

This bill would additionally require all initial residential sales and lease agreements that contain an automatic renewal provision to disclose that the agreement contains an automatic renewal provision, as provided.

(5) The Private Security Services Act provides, among other matters, for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services within the Department of Consumer Affairs and makes a violation of its provisions a crime. Under existing law, a person required to be registered as a security guard must report to his or her employer, within 24 hours of the incident, the circumstances surrounding the discharge of any firearm in which he or she is involved while acting within the course and scope of his or her employment. Existing law also requires a person registered as a security or patrolperson to deliver to the Director of Consumer Affairs and to local law enforcement a written report describing the circumstances surrounding the discharge of a firearm in which he or she was involved while acting within the course of his or her employment, within 7 days of the incident.

This bill would additionally impose the reporting duties upon the employer of the security guard or patrolperson.

(6) Existing law requires security guards, security patrolpersons, persons employed by private patrol operators and armored contract carriers, and registered uniform security guards to complete specified courses, acquire specified licenses, and be subject to specified provisions relating to their duties and relating to the carrying and use of a firearm or baton, as provided.

This bill would exempt from those provisions a federal qualified law enforcement officer, as defined.

(7) Existing law provides that any institution, firm, or individual wishing the approval of the Bureau of Security and Investigative Services to offer the firearms course must complete an application for certification as a firearms training facility, as specified.

This bill would require the bureau, within 120 days after issuance of a “Firearms Training Facility Certificate,” to inspect the facility for compliance with the specified requirements. The bill would authorize the bureau to inspect the facility prior to the issuance of a certificate.

The bill would also require the bureau to maintain a program of random and targeted inspections of facilities to ensure compliance with applicable laws relating to the conduct and operation of facilities, and to inform facilities when the bureau determines that the facility is not in compliance with the above-mentioned laws.

(8) Existing law requires the Bureau of Security and Investigative Services to issue a firearms permit to a private patrol operator when specified conditions are satisfied, including that the bureau has determined, after investigation, that the carrying and use of a firearm by the applicant, in the course of his or her duties, presents no apparent threat to the public safety.

This bill would, beginning July 1, 2017, require specified applicants for a firearms permit or the renewal of a firearms permit to complete a psychological assessment to determine whether or not the applicant, as the point in time of the assessment, is capable of exercising appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of his or her duties, as provided. This bill would prohibit the bureau from issuing or renewing a firearms permit to an applicant who has been deemed by a licensed psychologist as not being capable of exercising appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of his or her duties, at the time of evaluation. This bill would prohibit the applicant from reapplying for a permit for one year from the date of denial and would not provide for a review or hearing of a denial based on the assessment. The bill would authorize the bureau to decide whether an applicant be administered an additional evaluation after the discharge of a firearm, as described.

(9) The Collateral Recovery Act, the Private Investigator Act, the Private Security Services Act, and the Alarm Company Act impose, or authorize the imposition of, various fines and civil penalties, or suspend various licenses or permits issued pursuant to those acts, for violations of specified provisions of those acts.

This bill would revise specified fine amounts, civil penalty amounts, and suspensions for violations of specified provisions of the Collateral Recovery Act, the Private Investigator Act, the Private Security Services Act, and the Alarm Company ~~Act~~. *Act, and would include conforming changes to specified fine and penalty provisions in the Alarm Company Act that were made by Chapter 140 of the Statutes of 2015 and that go into effect January 1, 2016.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 10 (commencing with Section 6981) is
2 added to Chapter 8.5 of Division 3 of the Business and Professions
3 Code, to read:

4
5 Article 10. Review
6

7 6981. Notwithstanding any other law, the powers and duties
8 of the bureau, as set forth in this chapter, shall be subject to review
9 by the appropriate policy committees of the Legislature. The review
10 shall be performed as if this chapter were scheduled to be repealed
11 as of January 1, 2020.

12 SEC. 2. Section 7507.6 of the Business and Professions Code
13 is amended to read:

14 7507.6. (a) Within seven days after a violent act has occurred
15 involving a licensee, or any officer, partner, qualified certificate
16 holder, registrant or employee of a licensee, while acting within
17 the course and scope of his or her employment or contract, that
18 results in a police report or bodily harm or bodily injury, the
19 licensee or the licensee's qualified certificate holder or registrant,
20 shall mail or deliver to the chief a notice concerning the incident
21 upon a form provided by the bureau.

22 (b) Within seven days after the occurrence of a violent act
23 involving a licensee, or any officer, partner, qualified certificate
24 holder, registrant, or employee of a licensee while acting within
25 the course and scope of his or her employment or contract, that
26 results in a police report or bodily harm or bodily injury, the
27 licensee or the licensee's qualified certificate holder or registrant
28 shall send by certified mail, return receipt requested, a notice
29 containing information about the incident to the person or
30 individual who made the assignment. If the assignor is not the
31 legal owner, the assignor shall notify the legal owner of the
32 contents of the notice.

33 (c) A licensee, qualified certificate holder, or registrant may
34 send the notice set forth in subdivision (b) for a violent act or
35 threatened violent act even if a police report is not made or no

1 bodily harm or bodily injury occurs. Any notice of a threatened
2 violent act provided pursuant to subdivision (b) may only be used
3 to notify a subsequent assignee and not for any collateral purpose.
4 Nothing in this subdivision shall be construed to provide immunity
5 against any claim for defamation.

6 SEC. 3. Section 7508.1 of the Business and Professions Code
7 is amended to read:

8 7508.1. The director may assess administrative fines for the
9 following prohibited acts:

10 (a) Knowingly making any false report to his or her employer
11 or client for whom information was being obtained. The fine shall
12 be one hundred dollars (\$100) for the first violation and five
13 hundred dollars (\$500) for each violation thereafter.

14 (b) Using any identification to indicate registration as a
15 repossessor, other than the bureau-issued registration card, except
16 an employer identification card issued by the repossession agency
17 which has met bureau approval, or a badge, cap insignia, or jacket
18 patch as provided in Section 7508.8. A bureau-issued registration
19 card shall be carried by those individuals specified by Section
20 7506.3, and shall be shown on demand to any bureau employee
21 or law enforcement officer. The fine shall be one hundred dollars
22 (\$100) for each violation.

23 (c) Using a business name other than the name under which the
24 license is issued in connection with the official activities of the
25 licensee's business. The bureau shall issue a notice of warning for
26 a first violation, a fine of one hundred dollars (\$100) for the second
27 violation, and a fine not to exceed two hundred fifty dollars (\$250)
28 for each violation thereafter.

29 (d) Appearing as an assignee party in any court proceeding
30 involving claim and delivery, replevin, or other possessory court
31 action, action to foreclose a chattel mortgage, mechanic's lien,
32 materialman's lien, or any other lien. This section shall not prohibit
33 a licensee from appearing as a defendant in any of the preceding
34 actions. The fine shall be one hundred dollars (\$100) for each
35 violation.

36 SEC. 4. Section 7508.2 of the Business and Professions Code
37 is amended to read:

38 7508.2. The director may assess administrative fines for any
39 of the following prohibited acts:

1 (a) Recovering collateral or making any money demand in lieu
2 thereof, including, but not limited to, collateral registered under
3 the Vehicle Code, that has been sold under a security agreement
4 before a signed or telegraphic authorization has been received from
5 the legal owner, debtor, lienholder, lessor, or repossession agency
6 acting on behalf of the legal owner, debtor, lienholder, or lessor
7 of the collateral. A telephonic assignment is acceptable if the legal
8 owner, debtor, lienholder, lessor, or repossession agency acting
9 on behalf of the legal owner, debtor, lienholder, or lessor is known
10 to the licensee and a written authorization from the legal owner,
11 debtor, lienholder, lessor, or repossession agency acting on behalf
12 of the legal owner, debtor, lienholder, or lessor is received by the
13 licensee within 10 working days or a request by the licensee for a
14 written authorization from the legal owner, debtor, lienholder,
15 lessor, or repossession agency acting on behalf of the legal owner,
16 debtor, lienholder, or lessor is made in writing within 10 working
17 days. Referrals of assignments from one licensee to another
18 licensee are acceptable. The referral of an assignment shall be
19 made under the same terms and conditions as in the original
20 assignment. The fine shall be one hundred dollars (\$100) for the
21 first violation and five hundred dollars (\$500) for each violation
22 thereafter, per audit.

23 (b) Using collateral or personal effects, which have been
24 recovered, for the personal benefit of a licensee, or officer, partner,
25 manager, registrant, or employee of a licensee. The fine shall be
26 two hundred fifty dollars (\$250) for the first violation and a fine
27 not to exceed one thousand dollars (\$1,000) for each violation
28 thereafter. This subdivision does not apply to personal effects
29 disposed of pursuant to subdivision (c) of Section 7507.9. Nothing
30 in this subdivision prohibits the using or taking of personal property
31 connected, adjoined, or affixed to the collateral through an
32 unbroken sequence if that use or taking is reasonably necessary to
33 effectuate the recovery in a safe manner or to protect the collateral
34 or personal effects.

35 (c) Selling collateral recovered under this chapter, or making a
36 demand for payment in lieu of repossession. The fine shall be two
37 hundred fifty dollars (\$250) for the first violation and a fine not
38 to exceed one thousand dollars (\$1,000) for each subsequent
39 violation.

1 (d) Unlawfully entering any private building or secured area
2 without the consent of the owner, or of the person in legal
3 possession thereof, at the time of repossession. The fine shall be
4 five hundred dollars (\$500) for each violation.

5 (e) Committing unlawful assault or battery on another person
6 during the course of a repossession. The fine shall not exceed two
7 thousand five hundred dollars (\$2,500) for each violation.

8 (f) Falsification of an inventory. The fine shall be one hundred
9 dollars (\$100) for the first violation and two hundred fifty dollars
10 (\$250) for each violation thereafter.

11 (g) Soliciting from the legal owner the recovery of specific
12 collateral registered under the Vehicle Code or under the motor
13 vehicle licensing laws of other states after the collateral has been
14 seen or located on a public street or on public or private property
15 without divulging the location of the vehicle. The fine shall be one
16 hundred dollars (\$100) for the first violation and two hundred fifty
17 dollars (\$250) for each violation thereafter.

18 SEC. 5. Section 7508.3 of the Business and Professions Code
19 is amended to read:

20 7508.3. A licensee, or any of his or her registrants or
21 employees, or a qualified certificate holder, is prohibited from
22 using any false or misleading representation during the course of
23 recovery of collateral. The bureau shall issue a notice of warning
24 for a first violation, a fine of one hundred dollars (\$100) for the
25 second violation, and a fine not to exceed two hundred fifty dollars
26 (\$250) for any subsequent violation of any of the following:

27 (a) The false representation or implication that the individual
28 is vouched for, bonded by, or affiliated with the United States or
29 with any state, county, city, or city and county, including the use
30 of any badge, uniform, or facsimile thereof.

31 (b) The false representation or implication that any individual
32 is an attorney or that any communication is from any attorney.

33 (c) The representation or implication by a repossession agency
34 or its registrants or employees that nonpayment of any debt will
35 result in the arrest or imprisonment of any person or the seizure,
36 garnishment, attachment, or sale of any property or wages of any
37 person, unless the action is lawful and the creditor has instructed
38 the repossession agency to inform the debtor that the creditor
39 intends to take the action.

40 (d) The threat to take any action that cannot legally be taken.

1 (e) The false representation or implication that the debtor
2 committed any crime or other conduct in order to disgrace the
3 debtor.

4 (f) The use or distribution of any written communication which
5 simulates or is falsely represented to be a document authorized,
6 issued, or approved by any court, official, or agency of the United
7 States or any state, or which creates a false impression as to its
8 source, authorization, or approval.

9 (g) The false representation or implication that documents are
10 legal process.

11 (h) The use of any business, company, or organization name
12 other than the true name of the repossession agency's business,
13 company, or organization.

14 (i) The use of any deceptive forms.

15 SEC. 6. Section 7508.4 of the Business and Professions Code
16 is amended to read:

17 7508.4. The director may assess administrative fines for any
18 of the following prohibited acts:

19 (a) Conducting business from any location other than that
20 location to which a license was issued or conducting a business as
21 an individual, partnership, limited liability company, or corporation
22 unless the licensee holds a valid license issued to that exact same
23 individual, partnership, limited liability company, or corporation.
24 The fine shall be one thousand dollars (\$1,000) for each violation.

25 (b) Aiding or abetting an unlicensed reposessor or assigning
26 his or her license. "Assigning his or her license" means that no
27 licensee shall permit a registrant, employee, or agent in his or her
28 own name to advertise, engage clients, furnish reports, or present
29 bills to clients, or in any manner whatsoever to conduct business
30 for which a license is required under this chapter. The fine shall
31 be one thousand dollars (\$1,000) for each violation.

32 (c) Failing to register registrants within 15 days. The fine shall
33 be two hundred fifty dollars (\$250) for each of the first two
34 violations and one thousand dollars (\$1,000) for each violation
35 thereafter.

36 (d) Employing a person whose registration has expired or been
37 revoked, denied, suspended, or canceled, if the bureau has furnished
38 a listing of these persons to the licensee. The fine shall be one
39 hundred fifty dollars (\$150) for the first violation and a fine not

1 to exceed one thousand dollars (\$1,000) for each violation
2 thereafter.

3 (e) Failing to notify the bureau, within 30 days, of any change
4 in officers. A notice of warning shall be issued for the first
5 violation. Thereafter, the fine shall be five hundred dollars (\$500)
6 for each violation.

7 (f) Failing to submit the notices regarding a violent act or
8 threatened violent act within seven days pursuant to Section 7507.6
9 or to submit a copy of a judgment awarded against the licensee
10 for an amount of more than the then prevailing maximum claim
11 that may be brought in small claims court within seven days
12 pursuant to Section 7507.7. The fine shall not exceed five hundred
13 dollars (\$500) for the first violation and not exceed one thousand
14 dollars (\$1,000) for each violation thereafter.

15 (g) Failing to include the licensee's name, address, and license
16 number in any advertisement. The fine shall be fifty dollars (\$50)
17 for each violation.

18 (h) Failing to maintain personal effects for at least 60 days. The
19 fine shall be one hundred dollars (\$100) for the first violation and
20 two hundred fifty dollars (\$250) for each violation thereafter.

21 (i) Failing to provide a personal effects list or a notice of seizure
22 within the time limits set forth in Section 7507.9 or 7507.10. The
23 fine shall be one hundred dollars (\$100) for the first violation and
24 two hundred fifty dollars (\$250) for each violation thereafter.

25 (j) Failing to file the required report pursuant to Section 28 of
26 the Vehicle Code. The fine shall be one hundred dollars (\$100)
27 for the first violation and two hundred fifty dollars (\$250) for each
28 violation thereafter, per audit.

29 (k) Failing to maintain an accurate record and accounting of
30 secure temporary registration forms. The qualified certificate holder
31 shall be fined two hundred fifty dollars (\$250) for the first
32 violation, fined an amount not to exceed five hundred dollars
33 (\$500) for the second violation, and fined an amount not to exceed
34 one thousand dollars (\$1,000) plus a one-year suspension of the
35 privilege to issue temporary registrations pursuant to Section
36 7506.9 for the third and subsequent violations.

37 (l) Representing that a licensee has an office and conducts
38 business at a specific address when that is not the case. The fine
39 shall be five thousand dollars (\$5,000) for each violation.

1 (m) Notwithstanding any other law, the money in the Private
2 Security Services Fund that is attributable to administrative fines
3 imposed pursuant to this section shall not be continuously
4 appropriated and shall be available for expenditure only upon
5 appropriation by the Legislature.

6 SEC. 7. Section 7508.6 of the Business and Professions Code
7 is amended to read:

8 7508.6. The director may assess administrative fines against
9 any repossession agency licensee, qualified certificate holder, or
10 registrant for failure to notify the bureau within 30 days of any
11 change of residence or business address. The fine shall be fifty
12 dollars (\$50) for each violation.

13 SEC. 8. Article 12 (commencing with Section 7511.5) is added
14 to Chapter 11 of Division 3 of the Business and Professions Code,
15 to read:

16
17 Article 12. Review
18

19 7511.5. Notwithstanding any other law, the powers and duties
20 of the bureau, as set forth in this chapter, shall be subject to review
21 by the appropriate policy committees of the Legislature. The review
22 shall be performed as if this chapter were scheduled to be repealed
23 as of January 1, 2020.

24 SEC. 9. Section 7542 of the Business and Professions Code is
25 amended to read:

26 7542. (a) A licensee and qualified manager who in the course
27 of his or her employment or business carries a deadly weapon shall
28 complete a course of training in the exercise of the powers to arrest
29 as specified in Section 7583.7 and a course of training in the
30 carrying and use of firearms as specified in Article 4 (commencing
31 with Section 7583) of Chapter 11.5. A licensee or qualified
32 manager shall not carry or use a firearm unless he or she has met
33 the requirements of subdivisions (a) to (e), inclusive, and
34 subdivision (g) of Section 7583.23, subdivisions (a) to (d),
35 inclusive, of Section 7583.24, and Section 7583.28 and has in his
36 or her possession a valid firearms qualification card. A licensee
37 or qualified manager who possesses a valid firearms qualification
38 card shall comply with, and be subject to subdivisions (a) to (d),
39 inclusive, of Sections 7583.25, and Sections 7583.26, 7583.27,
40 7583.31, 7583.32, and 7583.37, except that paragraph (5) of

1 Section 7583.32 shall not apply. A licensee or qualified manager
2 who possesses a valid firearms qualification card may carry a
3 firearm capable of being concealed upon the person in a concealed
4 manner if he or she complies with applicable provisions set forth
5 in Chapter 4 (commencing with Section 26150) of Division 5 of
6 Title 4 of Part 6 of the Penal Code.

7 (b) (1) If a firearms qualification card is denied, the denial shall
8 be in writing and shall describe the basis for the denial. Along with
9 the denial, the applicant shall be informed that he or she may
10 request a hearing in accordance with Chapter 5 (commencing with
11 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
12 Code.

13 (2) The hearing shall be requested of the director within 30 days
14 following issuance of the denial. However, no hearing shall be
15 granted to an applicant who is otherwise prohibited by law from
16 carrying a firearm.

17 SEC. 10. Section 7563 of the Business and Professions Code
18 is amended to read:

19 7563. The director, in lieu of suspending or revoking a license
20 issued under this chapter for violations of Sections 7561.1, 7561.3,
21 and 7561.4, may impose a civil penalty not to exceed five hundred
22 dollars (\$500) for the first violation, and one thousand dollars
23 (\$1,000) for each violation thereafter, upon a licensee, if the
24 director determines that this action better serves the purposes of
25 this chapter.

26 SEC. 11. Section 7566 of the Business and Professions Code
27 is amended to read:

28 7566. The director may assess administrative fines of fifty
29 dollars (\$50) against any licensee, qualified manager, or firearms
30 qualification cardholder for each violation for failure to notify the
31 bureau within 30 days of any change of residence or business
32 address. The principal place of business may be at a home or at a
33 business address, but it shall be the place at which the licensee
34 maintains a permanent office.

35 SEC. 12. Article 8 (commencing with Section 7573.5) is added
36 to Chapter 11.3 of Division 3 of the Business and Professions
37 Code, to read:

Article 8. Review

7573.5. Notwithstanding any other law, the powers and duties of the bureau, as set forth in this chapter, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2020.

SEC. 13. Article 6 (commencing with Section 7576) is added to Chapter 11.4 of Division 3 of the Business and Professions Code, to read:

Article 6. Review

7576. Notwithstanding any other law, the powers and duties of the bureau, as set forth in this chapter, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2020.

SEC. 14. Section 7583.4 of the Business and Professions Code is amended to read:

7583.4. Any person registered as a security guard or patrolperson, and the employer of the security guard or patrolperson, shall deliver to the director a written report describing fully the circumstances surrounding any incident involving the discharge of any firearm in which he or she was involved while acting within the course and scope of his or her employment, within seven days after the incident. The report shall be made on a form prescribed by the director which shall include, but not be limited to, the following:

- (a) The name, address, and date of birth of the guard or patrolperson.
- (b) The registration number of the guard or patrolperson.
- (c) The firearm permit number and baton permit number of the guard or patrolperson, if applicable.
- (d) The name of the employer of the person.
- (e) The description of any injuries and damages that occurred.
- (f) The identity of all participants in the incident.
- (g) Whether a police investigation was conducted relating to the incident.

1 (h) The date and location of the incident. Any report may be
2 investigated by the director to determine if any disciplinary action
3 is necessary.

4 A copy of the report delivered to the director pursuant to this
5 section shall also be delivered within seven days of the incident
6 to the local police or sheriff's department which has jurisdiction
7 over the geographic area where the incident occurred.

8 SEC. 15. Section 7583.6 of the Business and Professions Code
9 is amended to read:

10 7583.6. (a) A person entering the employ of a licensee to
11 perform the functions of a security guard or a security patrolperson
12 shall complete a course in the exercise of the power to arrest prior
13 to being assigned to a duty location.

14 (b) Except for a registrant who has completed the course of
15 training required by Section 7583.45, a person registered pursuant
16 to this chapter shall complete not less than 32 hours of training in
17 security officer skills within six months from the date the
18 registration card is issued. Sixteen of the 32 hours shall be
19 completed within 30 days from the date the registration card is
20 issued.

21 (c) A course provider shall issue a certificate to a security guard
22 upon satisfactory completion of a required course, conducted in
23 accordance with the department's requirements. A private patrol
24 operator may provide training programs and courses in addition
25 to the training required in this section. A registrant who is unable
26 to provide his or her employing licensee the certificate of
27 satisfactory completion required by this subdivision shall complete
28 16 hours of the training required by subdivision (b) within 30 days
29 of the date of his or her employment and shall complete the 16
30 remaining hours within six months of his or her employment date.

31 (d) The department shall develop and approve by regulation a
32 standard course and curriculum for the skills training required by
33 subdivision (b) to promote and protect the safety of persons and
34 the security of property. For this purpose, the department shall
35 consult with consumers, labor organizations representing private
36 security officers, private patrol operators, educators, and subject
37 matter experts.

38 (e) The course of training required by subdivision (b) may be
39 administered, tested, and certified by any licensee, or by any

1 organization or school approved by the department. The department
2 may approve any person or school to teach the course.

3 (f) (1) On and after January 1, 2005, a licensee shall annually
4 provide each employee registered pursuant to this chapter with
5 eight hours of specifically dedicated review or practice of security
6 officer skills prescribed in either course required in Section 7583.6
7 or 7583.7.

8 (2) A licensee shall maintain at the principal place of business
9 or branch office a record verifying completion of the review or
10 practice training for a period of not less than two years. The records
11 shall be available for inspection by the bureau upon request.

12 (g) This section does not apply to a peace officer as defined in
13 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
14 of the Penal Code who has successfully completed a course of
15 study in the exercise of the power to arrest approved by the
16 Commission on Peace Officer Standards and Training. This section
17 does not apply to armored vehicle guards and federal qualified law
18 enforcement officers, as defined in Section 926B of Title 18 of the
19 United States Code, who have successfully completed a course of
20 study in the exercise of the power to arrest.

21 SEC. 16. Section 7583.12 of the Business and Professions
22 Code is amended to read:

23 7583.12. (a) An employee of a licensee shall not carry or use
24 a firearm unless the employee has in his or her possession both of
25 the following:

26 (1) A valid guard registration card issued pursuant to this
27 chapter.

28 (2) A valid firearm qualification card issued pursuant to this
29 chapter.

30 (b) An employee of a licensee may carry or use a firearm while
31 working as a security guard or security patrolperson pending receipt
32 of a firearm qualification card if he or she has been approved by
33 the bureau and carries on his or her person a hardcopy printout of
34 the bureau's approval from the bureau's Internet Web site and a
35 valid picture identification.

36 (c) In the event of the loss or destruction of the firearm
37 qualification card, the cardholder may apply to the bureau for a
38 certified replacement of the card, stating the circumstances
39 surrounding the loss, and pay a ten-dollar (\$10) certification fee,

1 whereupon the bureau shall issue a certified replacement of the
2 card.

3 (d) Paragraph (2) of subdivision (a) and subdivision (b) shall
4 not apply to a duly appointed peace officer, as defined in Chapter
5 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
6 Code, who meets all of the following:

7 (1) He or she has successfully completed a course of study in
8 the use of firearms.

9 (2) He or she is authorized to carry a concealed firearm in the
10 course and scope of his or her employment pursuant to Article 2
11 (commencing with Section 25450) of Chapter 2 of Division 5 of
12 Title 4 of Part 6 of the Penal Code.

13 (3) He or she has proof that he or she has applied to the bureau
14 for a firearm qualification card.

15 (e) (1) This section shall not apply to a duly appointed peace
16 officer, as defined in Chapter 4.5 (commencing with Section 830)
17 of Title 3 of Part 2 of the Penal Code, or a federal qualified law
18 enforcement officer, as defined in Section 926B of Title 18 of the
19 United States Code, who has written approval from his or her
20 primary employer, as defined in paragraph (2) of subdivision (i)
21 of Section 7583.9, to carry a firearm while working as a security
22 guard or security officer or to a federal qualified law enforcement
23 officer, as defined in Section 926B of Title 18 of the United States
24 Code.

25 (2) A peace officer exempt under this subdivision shall carry
26 on his or her person a letter of approval from his or her primary
27 employer authorizing him or her to carry a firearm while working
28 as a security guard or security officer.

29 SEC. 17. Section 7583.22 of the Business and Professions
30 Code is amended to read:

31 7583.22. (a) A licensee, qualified manager of a licensee, or
32 security guard who, in the course of his or her employment, may
33 be required to carry a firearm shall, prior to carrying a firearm, do
34 both of the following:

35 (1) Complete a course of training in the carrying and use of
36 firearms.

37 (2) Receive a firearms qualification card or be otherwise
38 qualified to carry a firearm as provided in Section 7583.12.

39 (b) A licensee shall not permit an employee to carry or use a
40 loaded or unloaded firearm, whether or not it is serviceable or

operative, unless the employee possesses a valid and current firearms qualification card issued by the bureau or is so otherwise qualified to carry a firearm as provided in Section 7583.12.

(c) A pocket card issued by the bureau pursuant to Section 7582.13 may also serve as a firearms qualification card if so indicated on the face of the card.

(d) Paragraph (1) of subdivision (a) shall not apply to a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who has successfully completed a course of study in the use of firearms or to a federal qualified law enforcement officer, as defined in Section 926B of Title 18 of the United States Code, who has successfully completed a course of study in the use of firearms.

SEC. 18. Section 7583.23 of the Business and Professions Code is amended to read:

7583.23. The bureau shall issue a firearms permit when all of the following conditions are satisfied:

(a) The applicant is a licensee, a qualified manager of a licensee, or a registered uniformed security guard.

(b) A certified firearms training instructor has certified that the applicant has successfully completed a written examination prepared by the bureau and training course in the carrying and use of firearms approved by the bureau.

(c) The applicant has filed with the bureau a classifiable fingerprint card, a completed application for a firearms permit 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.

(d) The bureau has determined, after investigation, that the carrying and use of a firearm by the applicant, in the course of his or her duties, presents no apparent threat to the public safety, or that the carrying and use of a firearm by the applicant is not in violation of the Penal Code.

(e) The applicant has produced evidence to the firearm training facility that he or she is a citizen of the United States or has permanent legal alien status in the United States. Evidence of citizenship or permanent legal alien status shall be that deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession of firearms by persons unlawfully in the United States and may include, but not be limited to, the United

1 States Department of Justice, Immigration and Naturalization
2 Service Form I-151 or I-551, Alien Registration Receipt Card,
3 naturalization documents, or birth certificates evidencing lawful
4 residence or status in the United States.

5 (f) Beginning July 1, 2017, the applicant has been found capable
6 of exercising appropriate judgment, restraint, and self-control for
7 the purposes of carrying and using a firearm during the course of
8 his or her duties, pursuant to Section 7583.47.

9 (g) The application is accompanied by the application fees
10 prescribed in this chapter.

11 SEC. 19. Section 7583.24 of the Business and Professions
12 Code is amended to read:

13 7583.24. (a) The bureau shall not issue a firearm permit if the
14 applicant is prohibited from possessing, receiving, owning, or
15 purchasing a firearm pursuant to state or federal law.

16 (b) Before issuing an initial firearm permit the bureau shall
17 provide the Department of Justice with the name, address, social
18 security number, and fingerprints of the applicant.

19 (c) The Department of Justice shall inform the bureau, within
20 60 days from receipt of the information specified in subdivision
21 (b), of the applicant's eligibility to possess, receive, purchase, or
22 own a firearm pursuant to state and federal law.

23 (d) An applicant who has been denied a firearm permit based
24 upon subdivision (a) may reapply for the permit after the
25 prohibition expires. The bureau shall treat this application as an
26 initial application and shall follow the required screening process
27 as specified in this section.

28 (e) Beginning July 1, 2017, the bureau shall not issue a firearm
29 permit if the applicant has not been found capable of exercising
30 appropriate judgment, restraint, and self-control for the purposes
31 of carrying and using a firearm during the course of his or her
32 duties, pursuant to Section 7583.47.

33 SEC. 20. Section 7583.25 of the Business and Professions
34 Code is amended to read:

35 7583.25. (a) The bureau shall not renew a firearm permit if
36 the applicant is prohibited from possessing, receiving, purchasing,
37 or owning a firearm pursuant to state or federal law.

38 (b) Before renewing a firearm permit, the bureau shall provide
39 the Department of Justice with the information necessary to identify
40 the renewal applicant. No firearm permit shall be renewed if the

1 expiration date of the permit is between October 1, 1993, and
2 October 1, 1994, unless the application for renewal is also
3 accompanied by a classifiable fingerprint card and the fingerprint
4 processing fees for that card.

5 (c) The Department of Justice shall inform the bureau, within
6 30 days of receipt of the information specified in subdivision (b),
7 of the renewal applicant's eligibility to possess, receive, purchase,
8 or own a firearm pursuant to state and federal law.

9 (d) An applicant who is denied a firearm permit renewal based
10 upon subdivision (a) may reapply for the permit after the
11 prohibition expires. The bureau shall treat this as an initial
12 application and shall follow the screening process specified in
13 Section 7583.24.

14 (e) Beginning July 1, 2017, the bureau shall not renew a firearm
15 permit if the applicant has not been found capable of exercising
16 appropriate judgment, restraint, and self-control for the purposes
17 of carrying and using a firearm during the course of his or her
18 duties, pursuant to Section 7583.47.

19 SEC. 21. Section 7583.29 of the Business and Professions
20 Code is amended to read:

21 7583.29. If a firearms permit is denied, the denial of the permit
22 shall be in writing and shall describe the basis for the denial. The
23 denial shall inform the applicant that if he or she desires a review
24 by a disciplinary review committee to contest the denial, the review
25 shall be requested of the director within 30 days following notice
26 of the issuance of the denial. However, no review or hearing shall
27 be granted to an individual who is otherwise prohibited by law
28 from carrying a firearm or, beginning July 1, 2017, the applicant
29 has not been found capable of exercising appropriate judgment,
30 restraint, and self-control for the purposes of carrying and using
31 a firearm during the course of his or her duties, pursuant to Section
32 7583.47.

33 SEC. 22. Section 7583.32 of the Business and Professions
34 Code is amended to read:

35 7583.32. (a) A firearms qualification card expires two years
36 from the date of issuance, if not renewed. A person who wishes
37 to renew a firearms qualification card shall file an application for
38 renewal at least 60 days prior to the card's expiration. A person
39 whose card has expired shall not carry a firearm until he or she
40 has been issued a renewal card by the bureau.

(b) The bureau shall not renew a firearms qualification card unless all of the following conditions are satisfied:

(1) The cardholder has filed with the bureau a completed application for renewal of a firearms qualification card, on a form prescribed by the director, dated and signed by the applicant under penalty of perjury certifying that the information on the application is true and correct.

(2) The applicant has requalified on the range and has successfully passed a written examination based on course content as specified in the firearms training manual approved by the department and taught at a training facility approved by the bureau.

(3) The application is accompanied by a firearms requalification fee as prescribed in this chapter.

(4) The applicant has produced evidence to the firearm training facility, either upon receiving his or her original qualification card or upon filing for renewal of that card, that he or she is a citizen of the United States or has permanent legal alien status in the United States. Evidence of citizenship or permanent legal alien status is that deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession of firearms by persons unlawfully in the United States and may include, but not be limited to, Department of Justice, Immigration and Naturalization Service Form I-151 or I-551, Alien Registration Receipt Card, naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

(5) Beginning July 1, 2017, the applicant has been found capable of exercising appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of his or her duties, pursuant to Section 7583.47.

(c) An expired firearms qualification card may not be renewed. A person with an expired registration is required to apply for a new firearms qualification in the manner required of persons not previously registered. A person whose card has expired shall not carry a firearm until he or she has been issued a new firearms qualification card by the bureau.

(d) Paragraph (2) of subdivision (b) shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who is authorized to carry a firearm in the course of his or her duties and who has successfully completed requalification training.

1 SEC. 23. Section 7583.33 of the Business and Professions
2 Code is amended to read:

3 7583.33. (a) Any licensee, qualified manager, or a registered
4 uniformed security guard who wishes to carry a baton in the
5 performance of his or her duties, shall qualify to carry the weapon
6 pursuant to Article 5 (commencing with Section 7585).

7 (b) Subdivision (a) does not apply to a peace officer as defined
8 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
9 2 of the Penal Code who has successfully completed a course of
10 study in the use of batons or to a federal qualified law enforcement
11 officer, as defined in Section 926B of Title 18 of the United States
12 Code, who has successfully completed a course of study in the use
13 of batons.

14 SEC. 24. Section 7583.47 is added to the Business and
15 Professions Code, to read:

16 7583.47. (a) Beginning July 1, 2017, as a condition for the
17 issuance or renewal of a firearms permit, the applicant shall
18 complete a psychological assessment to determine whether or not
19 the applicant, at the point in time of the assessment, is capable of
20 exercising appropriate judgment, restraint, and self-control for the
21 purposes of carrying and using a firearm during the course of his
22 or her duties. If an applicant fails to meet the standards of the initial
23 assessment, the bureau shall provide a secondary assessment option
24 pursuant to this section.

25 (b) The bureau shall implement a process by which the applicant
26 for a firearms permit shall be assessed for appropriate judgment,
27 restraint, and self-control for the purposes of carrying and using
28 a firearm during the course of his or her duties.

29 (c) The bureau shall consult with a California licensed
30 psychologist, or other persons with subject matter expertise to
31 assist with the development of a contract for a vendor to administer
32 the psychological assessments. The licensed psychologist or other
33 persons shall assist the bureau with the following, but is not limited
34 to the following list:

35 (1) The establishment of the minimum standards required for
36 the assessment that will be administered by a third-party vendor.

37 (2) The review of the contract bids received by the bureau from
38 third-party vendors seeking to administer the psychological
39 assessments to ensure the assessment specified in the contract bid

1 meets the minimum standards for the assessment established by
2 the bureau and its consultants.

3 (d) The bureau shall contract with a third-party vendor to
4 administer a psychological assessment program to determine the
5 applicant's capability, as the point in time of the assessment, of
6 exercising appropriate judgment, restraint, and self-control for the
7 purposes of carrying and using a firearm during the course of his
8 or her duties.

9 (e) (1) Upon receipt of the initial or renewal firearms permit
10 application, the bureau shall notify the applicant that he or she is
11 to contact the bureau's psychological assessment vendor to
12 complete the psychological assessment. The applicant shall bear
13 the cost of the psychological assessment. If the applicant seeks
14 employment with, or is employed by, a licensee, the licensee may
15 bear the costs of the evaluation. The psychological assessment
16 vendor shall, within 30 days of completing the assessment, directly
17 notify the bureau of the applicant's capability in exercising
18 appropriate judgment, restraint and self-control for the purposes
19 of carrying and using a firearm during the course of his or her
20 duties, based on the psychological assessment results in the manner
21 prescribed by the bureau.

22 (2) If the results of the applicant's psychological assessment
23 indicate that he or she is capable of exercising appropriate
24 judgment, restraint, and self-control for the purposes of carrying
25 and using a firearm during the course of his or her duties, the
26 bureau may consider the results as demonstration of the applicant's
27 psychological capability of exercising appropriate judgment,
28 restraint, and self-control for the purposes of the issuance of a
29 firearms permit.

30 (f) If the psychological assessment is inconclusive or determines
31 that the applicant may not be capable of exercising appropriate
32 judgment, restraint, and self-control for the purposes of carrying
33 and using a firearm during the course of his or her duties, and the
34 applicant desires to continue the firearms permit application
35 process, the applicant shall complete a psychological evaluation.
36 The psychological evaluation shall be administered by a California
37 licensed psychologist of the applicant's choosing, excluding any
38 psychologist with an existing personal or professional relationship
39 with the applicant. The California licensed psychologist, or his or
40 her designee, shall conduct an inperson interview and may employ

1 whatever psychological measuring instruments or techniques
2 deemed necessary to render a professional opinion. The California
3 licensed psychologist shall, within 15 days of completing the
4 psychological evaluation, provide the bureau with his or her written
5 conclusion as to whether or not the applicant is capable of
6 exercising appropriate judgment, restraint, and self-control for the
7 purposes of carrying and using a firearm during the course of his
8 or her duties at the point in time of the evaluation. Included in the
9 written psychological evaluation shall be the assessment measures
10 used and the reason for their inclusion. The licensed psychologist's
11 written conclusion shall be provided to the bureau on a form
12 prescribed by the bureau. The applicant shall bear the costs of the
13 psychological evaluation. If the applicant seeks employment with,
14 or is employed by, a licensee that has an established and approved
15 process for the Minnesota Multiphasic Personality Inventory
16 (MMPI), the Institute for Personality and Ability Testing, Inc.,
17 (IPAT), or other psychological evaluation, the applicant may
18 choose to submit the response data to a licensed psychologist
19 chosen by the licensee. A licensee employing this process may
20 bear the costs of the evaluation.

21 (1) If the conclusions of the applicant's evaluation by a licensed
22 psychologist indicate that he or she is capable of exercising
23 appropriate judgment, restraint, and self-control for the purposes
24 of carrying and using a firearm during the course of his or her
25 duties, at the point in time of the evaluation, the bureau may
26 consider the conclusions as a demonstration of the applicant's
27 psychological capability in exercising appropriate judgment,
28 restraint, and self-control for the purposes of the issuance of a
29 firearms permit.

30 (2) The bureau shall not issue or renew a firearms permit to an
31 applicant who has been deemed by a licensed psychologist as not
32 being capable of exercising appropriate judgment, restraint, and
33 self-control for the purposes of carrying and using a firearm during
34 the course of his or her duties, at the time of evaluation.

35 (g) The bureau may utilize the conclusions of the psychological
36 assessment or evaluation, for the purpose of making a
37 determination on the individual's initial or renewal application for
38 a firearms permit, for up to six months from the date the assessment
39 or evaluation was completed.

(h) An applicant who is denied a firearms permit by the bureau due to being found incapable, at the time of assessment or evaluation, of exercising appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of his or her duties, shall not reapply for a firearms permit for one year from the date of being denied a firearms permit by the bureau.

(i) The bureau may decide if the applicant shall be administered an additional psychological evaluation instrument after the discharge of a firearm that requires the written report, described in Section 7583.4, in order to retain the firearms permit.

(j) This section does not apply to the following persons:

(1) A peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

(2) A federal law enforcement officer.

(3) A security guard applying for a renewal firearms permit where his or her employer verifies that the applicant has been employed for at least three years in an armed position in which period the applicant has not had a firearms incident or violent incident, as described in Section 7583.4. The employer shall submit verification of this information on a form prescribed by the bureau.

(k) This section does not prohibit a licensee from imposing additional requirements or taking additional steps to ensure that employees are qualified to work with firearms.

(l) The bureau may promulgate regulations to implement this section.

SEC. 25. Section 7585.4.1 is added to the Business and Professions Code, to read:

7585.4.1. (a) (1) Within 120 days after issuance of a “Firearms Training Facility Certificate,” the bureau shall inspect the facility for compliance with the applicable requirements of this article and the applicable rules and regulations of the bureau adopted pursuant to this article.

(2) The bureau may inspect the establishment for which a certificate application has been made prior to the issuance of the certificate.

(b) The bureau shall maintain a program of random and targeted inspections of facilities to ensure compliance with applicable laws relating to the conduct and operation of facilities.

1 (c) If the bureau determines that any facility is not complying
2 with applicable laws relating to the conducting and operation of
3 facilities, notice thereof shall immediately be given to the facility.

4 (d) In addition to the notice, the bureau may issue a citation or
5 take other disciplinary action for violations of applicable laws.

6 SEC. 26. Section 7587.8 of the Business and Professions Code
7 is amended to read:

8 7587.8. The director may assess fines for the following acts
9 pursuant to Article 4 (commencing with Section 7583) only as
10 follows:

11 (a) Violation of subdivisions (a), (b), and (c) of Section 7583.2;
12 five hundred dollars (\$500) per violation.

13 (b) Violation of subdivisions (h) and (i) of Section 7583.2; two
14 hundred fifty dollars (\$250) per violation.

15 (c) Violation of subdivision (d) of Section 7583.2; five hundred
16 dollars (\$500) per violation.

17 (d) Violation of subdivision (g) of Section 7583.2; one thousand
18 dollars (\$1,000) for the first violation and two thousand five
19 hundred dollars (\$2,500) per violation for each violation thereafter.

20 (e) Violation of subdivision (f) of Section 7583.2; two thousand
21 five hundred dollars (\$2,500) per violation, notwithstanding any
22 other provision of law.

23 SEC. 27. Section 7587.9 of the Business and Professions Code
24 is amended to read:

25 7587.9. The director may assess fines for the following acts
26 pursuant to Article 4 (commencing with Section 7583) only as
27 follows:

28 (a) Violation of subdivisions (a) and (b) of Section 7583.3; one
29 hundred fifty dollars (\$150) per violation.

30 (b) Violation of subdivision (c) of Section 7583.3; two hundred
31 fifty dollars (\$250) for the first violation and five hundred dollars
32 (\$500) per violation for each violation thereafter.

33 (c) Violation of Section 7583.4; five hundred dollars (\$500) per
34 violation.

35 SEC. 28. Section 7587.10 of the Business and Professions
36 Code is amended to read:

37 7587.10. The director may assess fines for the following acts
38 pursuant to Article 4 (commencing with Section 7583) only as
39 follows:

(a) Violation of subdivisions (c) and (d) of Section 7583.37; one hundred dollars (\$100) for the first violation and two hundred dollars (\$200) for each violation thereafter.

(b) Violation of subdivision (a) of Section 7583.37; one hundred dollars (\$100) for the first violation and five hundred dollars (\$500) for each violation thereafter.

(c) Violation of subdivision (e) of Section 7583.37; one thousand dollars (\$1,000).

(d) Violation of subdivision (b) of Section 7583.37; one thousand dollars (\$1,000) and suspension of a firearm qualification card for six months for the first violation and, for a violation thereafter, one thousand dollars (\$1,000) and a suspension of a firearm qualification card for not more than one year.

SEC. 29. Section 7587.12 of the Business and Professions Code is amended to read:

7587.12. The director may assess fines for the following acts only as follows:

(a) Violations of paragraph (1), (2), (11), or (12) of subdivision (a) of Section 7585.19; two hundred fifty dollars (\$250) for the first violation and five hundred dollars (\$500) for subsequent violations.

(b) Violations of paragraph (3), (7), (8), or (10) of subdivision (a) of Section 7585.19; five hundred dollars (\$500) for each violation.

(c) Violations of paragraph (6) of subdivision (a) of Section 7585.19; five hundred dollars (\$500) for each hour shortened.

(d) Violations of paragraph (4) of subdivision (a) of Section 7585.19; five hundred dollars (\$500) for each violation.

(e) Violations of paragraph (5) of subdivision (a) of Section 7585.19; five hundred dollars (\$500) for every hour the course has been shortened.

(f) Violations of paragraph (9) of subdivision (a) of Section 7585.19; one thousand dollars (\$1,000) for each violation.

SEC. 30. Section 7587.14 of the Business and Professions Code is amended to read:

7587.14. The director may assess administrative fines of fifty dollars (\$50) against any licensee, registrant, or firearms qualification cardholder for each violation for failure to notify the bureau within 30 days of any change of residence or business address. The principal place of business may be at a home or at a

1 business address, but it shall be the place at which the licensee
2 maintains a permanent office.

3 SEC. 31. Article 9 (commencing with Section 7588.8) is added
4 to Chapter 11.5 of Division 3 of the Business and Professions
5 Code, to read:

6
7 Article 9. Review
8

9 7588.8. Notwithstanding any other law, the powers and duties
10 of the bureau, as set forth in this chapter, shall be subject to review
11 by the appropriate policy committees of the Legislature. The review
12 shall be performed as if this chapter were scheduled to be repealed
13 as of January 1, 2020.

14 SEC. 32. Section 7597.1 of the Business and Professions Code
15 is amended to read:

16 7597.1. (a) A licensee, qualified manager, branch office
17 manager, or alarm agent shall not carry, use, or possess a loaded
18 or unloaded firearm in the course and scope of his or her
19 employment, whether or not it is serviceable or operative, unless
20 he or she has in his or her possession a valid and current firearms
21 qualification card issued to him or her by the bureau. The card
22 shall be shown to any peace officer or bureau representative upon
23 demand.

24 (b) Subdivision (a) shall not apply to a duly appointed peace
25 officer, as defined in Chapter 4.5 (commencing with Section 830)
26 of Title 3 of Part 2 of the Penal Code, or a federal qualified law
27 enforcement officer, as defined Section 926B of Title 18 of the
28 United States Code, who meets all of the following:

29 (1) He or she has successfully completed a course of study in
30 the use of firearms.

31 (2) He or she is authorized to carry a concealed firearm in the
32 course and scope of his or her employment pursuant to Article 2
33 (commencing with Section 25450) of Chapter 2 of Division 5 of
34 Title 4 of Part 6 of the Penal Code.

35 (3) He or she has proof that he or she has applied to the bureau
36 for a firearms qualification card.

37 (c) A fine of two hundred fifty dollars (\$250) may be assessed
38 for the first violation of this section and a fine of five hundred
39 dollars (\$500) for each subsequent violation.

1 SEC. 33. Section 7597.2 of the Business and Professions Code
2 is amended to read:

3 7597.2. (a) A licensee, qualified manager, branch office
4 manager, or alarm agent shall not carry any inoperable, replica, or
5 other simulated firearm.

6 (b) A violation of this section shall result in a fine of one
7 hundred dollars (\$100) for the first violation and a fine of two
8 hundred fifty dollars (\$250) for each subsequent violation.

9 SEC. 34. Section 7597.3 of the Business and Professions Code
10 is amended to read:

11 7597.3. (a) A licensee, qualified manager, branch office
12 manager, or alarm agent shall not use a firearm which is in
13 violation of law, or in knowing violation of the standards for
14 carrying and usage of firearms, as taught in the course of training
15 in the carrying and use of firearms, including, but not limited to:

16 (1) Illegally using, carrying, or possessing a dangerous weapon.

17 (2) Brandishing a weapon.

18 (3) Drawing a weapon without proper cause.

19 (4) Provoking a shooting incident without cause.

20 (5) Carrying or using a firearm while on duty under the influence
21 of alcohol or dangerous drugs.

22 (6) Carrying or using a firearm of a caliber for which a bureau
23 firearms permit has not been issued.

24 (b) A fine of one thousand dollars (\$1,000) and a suspension of
25 the firearms permit for six months may be assessed for the first
26 violation of this section and a fine of one thousand dollars (\$1,000)
27 and a suspension of the firearms permit for not more than one year
28 for a subsequent violation.

29 SEC. 35. Section 7597.5 of the Business and Professions Code
30 is amended to read:

31 7597.5. (a) A licensee, qualified manager, branch office
32 manager, or alarm agent shall not carry or use tear gas or any other
33 nonlethal chemical agent in the performance of his or her duties,
34 unless he or she has in his or her possession proof of completion
35 of a course in the carrying and use of tear gas or other nonlethal
36 chemical agent.

37 (b) A fine of one hundred dollars (\$100) may be assessed for
38 the first violation of this section and a fine of two hundred fifty
39 dollars (\$250) for each subsequent violation.

1 SEC. 36. Section 7597.6 of the Business and Professions Code
2 is amended to read:

3 7597.6. (a) A licensee, qualified manager, branch office
4 manager, or alarm agent shall not carry a pistol, revolver, or other
5 firearm capable of being concealed upon the person in a concealed
6 manner unless one of the following circumstances apply:

7 (1) The person has been issued a permit to carry that firearm in
8 a concealed manner by a local law enforcement agency pursuant
9 to Section 26150, 26155, 26170, or 26215 of the Penal Code.

10 (2) The person is an honorably retired peace officer authorized
11 to carry a concealed firearm pursuant to Section 25650 of the Penal
12 Code or Article 2 (commencing with Section 25450) of Chapter
13 2 of Division 5 of Title 4 of Part 6 of the Penal Code.

14 (3) The person is a duly appointed peace officer, as defined in
15 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
16 of the Penal Code, who is authorized to carry a concealed firearm
17 in the course and scope of his or her employment pursuant to
18 Article 2 (commencing with Section 25450) of Chapter 2 of
19 Division 5 of Title 4 of Part 6 of the Penal Code.

20 (b) A fine of one thousand dollars (\$1,000) may be assessed for
21 each violation of subdivision (a).

22 SEC. 37. Section 7598.51 of the Business and Professions
23 Code is amended to read:

24 7598.51. (a) An alarm agent shall carry on his or her person,
25 while on duty, either a valid and current registration card or a
26 temporary application for registration.

27 (b) A fine of one hundred fifty dollars (\$150) may be assessed
28 for each violation of subdivision (a).

29 SEC. 38. Section 7598.53 of the Business and Professions
30 Code is amended to read:

31 7598.53. An alarm agent who responds to an alarm system
32 shall wear a prominently displayed patch or other designation
33 which clearly identifies the name of the licensee. An alarm agent
34 who carries a deadly weapon while responding to an alarm system
35 shall wear a recognizable uniform with a prominently displayed
36 patch or other designation which clearly identifies the name of the
37 licensee. The uniform must be distinguishable from the uniforms
38 worn by local regular law enforcement officers. A violation of this
39 section may result in a fine of two hundred fifty dollars (\$250) for
40 each violation.

1 *SEC. 39. Section 7599.32 of the Business and Professions*
2 *Code, as amended by Section 20 of Chapter 291 of the Statutes of*
3 *2012, is amended to read:*

4 7599.32. (a) A licensee shall notify the bureau within 30 days
5 of any change of its officers or members required to be named
6 pursuant to Section 7593.4 or 7593.5 and of any addition of a new
7 partner.

8 (b) Applications, on forms prescribed by the director, shall be
9 submitted by all new officers, managing members, and partners.
10 The director may suspend or revoke a license issued under this
11 chapter if the director determines that the new officer, managing
12 member, or partner has committed any act which constitutes
13 grounds for the denial of a license pursuant to Section 7591.10.

14 (c) A notice of warning may be issued for the first violation of
15 this section and a fine of ~~twenty-five dollars (\$25)~~ *five hundred*
16 *dollars (\$500)* for each subsequent violation.

17 (d) This section shall remain in effect only until January 1, ~~2016,~~
18 *2019*, and as of that date is repealed, unless a later enacted statute,
19 that is enacted before January 1, ~~2016,~~ *2019*, deletes or extends
20 that date.

21 ~~SEC. 39.~~

22 *SEC. 40. Section 7599.32 of the Business and Professions*
23 *Code, as added by Section 21 of Chapter 291 of the Statutes of*
24 *2012, is amended to read:*

25 7599.32. (a) A licensee shall notify the bureau within 30 days
26 of any change of its officers required to be named pursuant to
27 Section 7593.4 and of any addition of a new partner.

28 (b) Applications, on forms prescribed by the director, shall be
29 submitted by all new officers and partners. The director may
30 suspend or revoke a license issued under this chapter if the director
31 determines that the new officer or partner has committed any act
32 which constitutes grounds for the denial of a license pursuant to
33 Section 7591.10.

34 (c) A notice of warning may be issued for the first violation of
35 this section and a fine of five hundred dollars (\$500) for each
36 subsequent violation.

37 *(d) This section shall become operative on January 1, 2019.*

38 ~~SEC. 40.~~

39 *SEC. 41. Section 7599.33 of the Business and Professions Code*
40 *is amended to read:*

7599.33. A licensee shall not conduct business, as defined in Section 7599.20, from any location other than that location for which a license or branch office registration was issued. A violation of this section may result in a fine of five hundred dollars (\$500) for the first violation of this section and a fine of one thousand dollars (\$1,000) for each subsequent violation.

SEC. 42. Section 7599.34 of the Business and Professions Code, as amended by Section 22 of Chapter 291 of the Statutes of 2012, is amended to read:

7599.34. (a) ~~No~~A licensee shall *not* conduct a business as an individual, partnership, limited liability company, or corporation unless the licensee holds a valid license issued to that exact same individual, partnership, limited liability company, or corporation. A violation of this section may result in a fine of ~~one~~ five hundred dollars ~~(\$100)~~ (\$500) for each violation.

(b) As a condition of the issuance, reinstatement, reactivation, or continued valid use of a license under this chapter, a limited liability company shall, in accordance with the provisions of this section, maintain a policy or policies of insurance against liability imposed on or against it by law for damages arising out of claims based upon acts, errors, or omissions arising out of the alarm company services it provides.

(c) The total aggregate limit of liability under the policy or policies of insurance required under this section shall be as follows:

(1) For a limited liability company licensee with five or fewer persons named as managing members pursuant to Section 7593.5 or 7599.32, the aggregate limit shall not be less than one million dollars (\$1,000,000).

(2) For a limited liability company licensee with more than five persons named as managing members pursuant to Section 7593.5 or 7599.32, an additional one hundred thousand dollars (\$100,000) of insurance shall be obtained for each person named as managing members of the licensee except that the maximum amount of insurance is not required to exceed five million dollars (\$5,000,000) in any one designated period, less amounts paid in defending, settling, or discharging claims as set forth under this section.

(d) Prior to the issuance, reinstatement, or reactivation of a limited liability company license as provided under this chapter, the applicant or licensee shall, in the manner prescribed by the bureau, submit the information and documentation required by

1 this section and requested by the bureau, demonstrating compliance
2 with the financial security requirements specified by this section.

3 (e) For any insurance policy secured by a licensee in satisfaction
4 of this section, a Certificate of Liability Insurance, signed by an
5 authorized agent or employee of the insurer, shall be submitted
6 electronically or otherwise to the bureau. The insurer issuing the
7 certificate shall report to the bureau the following information for
8 any policy required under this section: name, license number,
9 policy number, dates that coverage is scheduled to commence and
10 lapse, the date and amount of any payment of claims, and
11 cancellation date if applicable.

12 (f) If a licensee fails to maintain sufficient insurance as required
13 by this section, the license is subject to suspension.

14 (g) Where the license of a limited liability company is suspended
15 pursuant to subdivision (f), each member of the limited liability
16 company shall be personally liable up to one million dollars
17 (\$1,000,000) each for damages resulting to third parties in
18 connection with the company's performance, during the period of
19 suspension, of any act or contract where a license is required by
20 this chapter.

21 (h) This section shall remain in effect only until January 1, ~~2016~~,
22 2019, and as of that date is repealed, unless a later enacted statute,
23 that is enacted before January 1, ~~2016~~ 2019,, deletes or extends
24 that date.

25 ~~SEC. 41.~~

26 *SEC. 43.* Section 7599.34 of the Business and Professions
27 Code, as added by Section 23 of Chapter 291 of the Statutes of
28 2012, is amended to read:

29 7599.34. (a) A licensee shall not conduct a business as an
30 individual, partnership, or corporation unless the licensee holds a
31 valid license issued to that exact same individual, partnership, or
32 corporation. A violation of this section may result in a fine of five
33 hundred dollars (\$500) for each violation.

34 (b) *This section shall become operative on January 1, 2019.*

35 ~~SEC. 42.~~

36 *SEC. 44.* Section 7599.36 of the Business and Professions Code
37 is amended to read:

38 7599.36. (a) Each licensee shall maintain a file or record
39 containing the name, address, commencing date of employment,
40 and position of each employee, and the date of termination. Those

files and records shall be retained during the time of employment and for a period of not less than two years thereafter, and, together with usual payroll records, shall be available for inspection by the bureau, and copies thereof and information pertaining thereto or contained therein shall be submitted to the bureau upon written request. A violation concerning the maintenance of the files or records may result in a fine of two hundred fifty dollars (\$250) for each violation.

(b) A failure of a licensee to respond to the bureau's request to forward copies of the files or records and information pertaining thereto or contained therein within 30 days of the bureau's request may result in a fine of two hundred fifty dollars (\$250) for each violation.

~~SEC. 43.~~

SEC. 45. Section 7599.37 of the Business and Professions Code is amended to read:

7599.37. Each licensee shall maintain an accurate and current record of proof of completion of the course of training in the exercise of the power to arrest as required by Section 7598.1, by each of his or her employees. A violation of this section may result in a fine of five hundred dollars (\$500) for each violation.

~~SEC. 44.~~

SEC. 46. Section 7599.38 of the Business and Professions Code is amended to read:

7599.38. Each licensee shall certify an employee's completion of the course of training in the exercise of power to arrest, or obtain proof that the training has been administered by a bureau-approved training facility, prior to allowing the employee to respond to an alarm system as required by Section 7598.1. A violation of this section may result in a fine of five hundred dollars (\$500) for each violation.

~~SEC. 45.~~

SEC. 47. Section 7599.40 of the Business and Professions Code is amended to read:

7599.40. A licensee shall not allow any employee to carry a firearm or other deadly weapon without first ascertaining that the employee is proficient in the use of each weapon to be carried. A current and valid firearm qualification card which indicates the specific caliber of the firearm which may be carried shall be deemed evidence of proficiency. A firearm qualification permit is

1 not valid unless the employee holds a valid, current registration
2 card. With respect to other deadly weapons, evidence of proficiency
3 shall include a certificate from a training facility, certifying that
4 the employee is proficient in the use of that particular deadly
5 weapon. A violation of this section may result in a fine of two
6 thousand five hundred dollars (\$2,500) for each violation.

7 ~~SEC. 46.~~

8 *SEC. 48.* Section 7599.41 of the Business and Professions Code
9 is amended to read:

10 7599.41. A licensee shall maintain an accurate and current
11 record of all firearms or other deadly weapons that are in the
12 possession of the licensee, or of any employee of the licensee,
13 while on duty. The record shall contain the make, model, and serial
14 number, or a description of any other deadly weapon, and the name
15 of the person who has title of ownership. A violation of this section
16 may result in a fine of five hundred dollars (\$500) for each
17 violation.

18 *SEC. 49. Section 7599.42 of the Business and Professions*
19 *Code, as amended by Section 24 of Chapter 291 of the Statutes of*
20 *2012, is amended to read:*

21 7599.42. (a) Within seven days after any violent incident
22 involving a dangerous weapon that has been caused by or occurred
23 upon a licensee or any officer, partner, managing member, qualified
24 manager, or employee of a licensee, while acting within the course
25 and scope of his or her employment, and that results in bodily
26 injury to any person or death of any person involved in that incident
27 or of any discharge of a weapon, excluding any discharge which
28 occurs on the range, the licensee or his or her manager shall mail
29 or deliver to the chief a detailed report of the incident. The report
30 shall describe fully the circumstances surrounding the incident,
31 any injuries or damages incurred, the identity of all participants,
32 and whether a police investigation was conducted. A violation of
33 this section *by a licensee or any officer, partner, managing*
34 *member, or qualified manager* may result in a fine of ~~twenty-five~~
35 ~~dollars (\$25)~~ *one thousand dollars (\$1,000)* for the first violation
36 ~~and one hundred dollars (\$100)~~ *two thousand dollars (\$2,000)* for
37 each subsequent violation. *A violation of this section by an*
38 *employee of a licensee may result in a fine of five hundred dollars*
39 *(\$500) for each violation.*

(b) This section shall remain in effect only until January 1, ~~2016~~, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2016~~, 2019, deletes or extends that date.

~~SEC. 47.~~

SEC. 50. Section 7599.42 of the Business and Professions Code, as added by Section 25 of Chapter 291 of the Statutes of 2012, is amended to read:

7599.42. (a) Within seven days after any violent incident involving a dangerous weapon, that has been caused by or occurred upon a licensee or any officer, partner, qualified manager, or employee of a licensee, while acting within the course and scope of his or her employment, and that results in bodily injury to any person or death of any person involved in that incident or of any discharge of a weapon, excluding any discharge which occurs on the range, the licensee or his or her manager shall mail or deliver to the chief a detailed report of the incident. The report shall describe fully the circumstances surrounding the incident, any injuries or damages incurred, the identity of all participants, and whether a police investigation was conducted. A violation of this section by a licensee or any officer, partner, managing member, or qualified manager may result in a fine of one thousand dollars (\$1,000) for the first violation and two thousand five hundred dollars (\$2,500) for each subsequent violation. A violation of this section by an employee of a licensee may result in a fine of five hundred dollars (\$500) for each violation.

(b) *This section shall become operative on January 1, 2019.*

~~SEC. 48.~~

SEC. 51. Section 7599.44 of the Business and Professions Code is amended to read:

7599.44. Every advertisement by a licensee soliciting or advertising business shall contain his or her name and license number as they appear in the records of the bureau. A violation of this section may result in a fine of five hundred dollars (\$500) for the first violation and one thousand dollars (\$1,000) for each subsequent violation.

~~SEC. 49.~~

SEC. 52. Section 7599.45 of the Business and Professions Code is amended to read:

1 7599.45. A licensee or employee of a licensee shall not enter
2 any private building or portion thereof, excepting premises open
3 to the public, without the consent of the owner or the person in
4 legal possession thereof. A violation of this section may result in
5 a fine of one hundred dollars (\$100) for each violation.

6 ~~SEC. 50.~~

7 SEC. 53. Section 7599.54 of the Business and Professions Code
8 is amended to read:

9 7599.54. Every agreement, including, but not limited to, lease
10 agreements, monitoring agreements, and service agreements,
11 including all labor, services, and materials to be provided for the
12 installation of an alarm system, shall be in writing. All amendments
13 subject to the provisions of this section to an initial agreement
14 shall be in writing. Each initial agreement shall contain, but not
15 be limited to, the following:

16 (a) The name, business address, business telephone number,
17 and license number of the licensed alarm company operator and
18 the registration number of any alarm agent who solicited or
19 negotiated the agreement.

20 (b) The approximate dates when the work will begin and be
21 substantially completed.

22 (c) A description of the work to be done, a description of the
23 materials to be used, and the agreed consideration for the work.

24 (d) A disclosure that alarm company operators are licensed and
25 regulated by the Bureau of Security and Investigative Services,
26 Department of Consumer Affairs, Sacramento, CA, 95814.

27 (e) A description of the alarm system including the major
28 components thereof and services to be provided to the purchaser
29 once the alarm is installed, including response or monitoring
30 services, if any.

31 (f) Other matters agreed to by the parties of the contract. The
32 agreement shall be legible and shall be in a form as to clearly
33 describe any other document which is to be incorporated into the
34 contract, and, before any work is done, the client shall be furnished
35 with a copy of the written agreement signed by the licensee.

36 (g) A statement setting forth that upon completion of the
37 installation of the alarm system, the alarm company shall
38 thoroughly instruct the purchaser in the proper use of the alarm
39 system.

1 (h) In the event a mechanic's lien is to be utilized, a
2 notice-to-owner statement which shall describe, in nontechnical
3 language and in a clear and coherent manner using words with
4 common and everyday meaning, the pertinent provisions of this
5 state's mechanics' lien laws and the rights and responsibilities of
6 an owner of property and a contractor thereunder, including the
7 provisions relating to the filing of a contract concerning a work of
8 improvement with the county recorder and the recording in the
9 office of a contractor's payment bond for private work.

10 (i) For agreements or renewals entered into on or after January
11 1, 2016, if the agreement contains an automatic renewal provision,
12 the agreement or renewal shall include a separate and clear
13 disclosure, prior to any other terms and conditions of the
14 agreement, advising the consumer that the agreement he or she is
15 entering into contains an automatic renewal provision. The
16 disclosure shall specify that if the consumer fails to provide
17 notification of nonrenewal, as required in the agreement, it will
18 result in the automatic renewal of the agreement and shall include
19 the period of time of the renewal term. The disclosure shall include
20 an acknowledgement of the notification to be signed and dated by
21 the consumer. An automatic renewal provision shall be void and
22 invalid unless the acknowledgment includes an original signature
23 of the consumer.

24 (j) In addition to the above, every initial residential sales and
25 lease agreement, the total cost which over the time period fixed
26 by the agreement exceeds two hundred fifty dollars (\$250),
27 including the cost of all labor, service, or material to be provided
28 by the licensee for the installation, shall include, but not be limited
29 to, the following:

30 (1) A schedule of payments showing the amount of each
31 payment as a sum in dollars and cents. This schedule of payments
32 shall be referenced to the amount of work for services to be
33 performed or to any materials or equipment to be supplied.

34 (2) If the payment schedule contained in the agreement provides
35 for a downpayment to be paid to the licensee by the owner or the
36 tenant before commencement of the work, that downpayment shall
37 not exceed one thousand dollars (\$1,000) or 10 percent of the
38 contract price, excluding finance charges, whichever is the lesser.

39 (3) In no event shall the payment schedule provide that the
40 licensee receive, nor shall the licensee actually receive, payment

1 in excess of 100 percent of the value of the work performed on
2 the project at any time, excluding finance charges, except that the
3 licensee may receive an initial downpayment authorized by
4 paragraph (2). A failure by the licensee, without legal excuse, to
5 substantially commence work within 20 days of the approximate
6 date specified in the contract when work is to commence, shall
7 postpone the next succeeding payment to the licensee for that
8 period of time equivalent to the time between when substantial
9 commencement was to have occurred and when it did occur.

10 (4) A notice-to-owner statement which shall describe, in
11 nontechnical language and in a clear and coherent manner using
12 words with common and everyday meaning, the pertinent
13 provisions of this state's mechanics' lien laws and the rights and
14 responsibilities of an owner of property and a contractor thereunder,
15 including the provisions relating to the filing of a contract
16 concerning a work of improvement with the county recorder and
17 the recording in the office of a contractor's payment bond for
18 private work.

19 (5) A description of what constitutes substantial commencement
20 of work pursuant to the contract.

21 (6) A disclosure that failure by the licensee, without legal
22 excuse, to substantially commence work within 20 days from the
23 approximate date specified in the agreement when the work will
24 begin is a violation of the Alarm Company Act.

25 (7) A disclosure informing the buyer of any potential permit
26 fees which may be required by local jurisdictions concerning the
27 monitoring of an existing alarm system.

28 (8) This section shall not be construed to prohibit the parties to
29 a residential alarm system sale contract from agreeing to a contract
30 or account subject to Chapter 1 (commencing with Section 1801)
31 of Title 2 of Part 4 of Division 3 of the Civil Code.

32 (k) A violation of this section or failure to commence work
33 pursuant to paragraph (6) of subdivision (j) may result in a fine of
34 one hundred dollars (\$100) for the first violation and a fine of five
35 hundred dollars (\$500) for each subsequent violation.

36 ~~SEC. 54.~~

37 *SEC. 54.* Section 7599.59 of the Business and Professions Code
38 is amended to read:

39 7599.59. The director may assess administrative fines of fifty
40 dollars (\$50) against any licensee, qualified certificate holder,

1 firearms qualification card holder, or registrant for each violation
2 for failure to notify the bureau within 30 days of any change of
3 residence or business address.

4 ~~SEC. 52.~~

5 *SEC. 55.* Article 15 (commencing with Section 7599.80) is
6 added to Chapter 11.6 of Division 3 of the Business and Professions
7 Code, to read:

8
9 Article 15. Review

10
11 7599.80. Notwithstanding any other law, the powers and duties
12 of the bureau, as set forth in this chapter, shall be subject to review
13 by the appropriate policy committees of the Legislature. The review
14 shall be performed as if this chapter were scheduled to be repealed
15 as of January 1, 2020.

O

CAPITOL OFFICE
STATE CAPITOL, ROOM 2054
SACRAMENTO, CA 95814
TEL (916) 651-4026
FAX (916) 651-4926

DISTRICT OFFICE
2512 ARTESIA BLVD, SUITE 320
REDONDO BEACH, CA 90278
TEL (310) 318-6994
FAX (310) 318-6733

WWW.SENATE.CA.GOV/ALLEN

California State Senate

SENATOR
BEN ALLEN

TWENTY-SIXTH SENATE DISTRICT



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August 18, 2016

Assemblymember Rich Gordon
Chair, Assembly Rules Committee
State Capitol, 3rd Floor
Sacramento, CA 95814

Dear Chair Gordon,

I am writing to request approval by the Assembly Rules Committee to add an urgency clause to SB 468, legislation which would grant permission to the Peninsula Health Care District and the Beach Cities Health District to utilize design-build authority in the construction of facilities or other buildings in those respective districts. This authority would be granted for five years, expiring on January 1, 2022.

The Beach Cities Health Care District is home to a rapidly growing senior population, and plans to further improve the health of older adults through the construction of a therapeutic senior living community. This facility would consolidate vital social services for older adults—including rehab and fitness facilities, pharmacies, medical offices, social workers and grocery stores—onto a single, accessible residential campus.

Similarly, the Peninsula Health Care District plans to develop the Peninsula Wellness Community, which is envisioned as a gathering place that will engage all ages and levels of wellness with services and activities. The community will offer housing for older adults, health support across generations, and working spaces for professionals and researchers. It will become a hub for wellness and medical services, and a catalyst for intergenerational connections.

The granting of an urgency clause to effectuate design-build authority at the earliest date possible will allow for more cost-effective development of projects already under development. By fostering more competition and allowing a general contractor to provide earlier input in the design process, my belief is the construction process will be expedited, and save taxpayer dollars while fulfilling vital community health care needs.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Ben Allen".

[Back to Agenda](#)
Senator, 26th District

RN1624049

Substantive

AMENDMENTS TO SENATE BILL NO. 468
AS AMENDED IN ASSEMBLY SEPTEMBER 3, 2015

Amendment 1

In the heading, in line 1, strike out "Senator" and insert:

Senators Allen and

Amendment 2

In the heading, below line 1, insert:

(Principal coauthors: Assembly Members Hadley and Mullin)

Amendment 3

In the title, in line 1, strike out "amend Sections 7507.6, 7508.1, 7508.2, 7508.3, 7508.4," strike out lines 2 to 15, inclusive, and insert:

add and repeal Sections 32132.9 and 32132.95 of the Health and Safety Code, relating to health care districts, and declaring the urgency thereof, to take effect immediately.

Amendment 4

On page 5, before line 1, insert:

SECTION 1. Section 32132.9 is added to the Health and Safety Code, to read:

32132.9. (a) Notwithstanding Section 32132 or any other law, upon approval by the board of directors of the Beach Cities Health District, the design-build process described in Chapter

4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code may be used to assign contracts for the construction of facilities or other buildings in that district.

(b) For purposes of this section, all references in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code to "local agency" shall mean the Beach Cities Health District and its board of directors.

(c) To the extent that any project utilizing the design-build process authorized by subdivision (a) is otherwise required to comply with the standards and requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 (Chapter 1 (commencing with Section 129675) of Part 7 of Division 107), this section shall not be construed as an exemption from that act.

(d) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.

SEC. 2. Section 32132.95 is added to the Health and Safety Code, to read:

32132.95. (a) Notwithstanding Section 32132 or any other law, upon approval by the board of directors of the Peninsula Health Care District, the design-build process described in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code may be used to assign contracts for the construction of facilities or other buildings in that district.

(b) For purposes of this section, all references in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code to "local agency" shall mean the Peninsula Health Care District and its board of directors.

(c) To the extent that any project utilizing the design-build process authorized by subdivision (a) is otherwise required to comply with the standards and requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 (Chapter 1 (commencing with Section 129675) of Part 7 of Division 107), this section shall not be construed as an exemption from that act.

(d) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances relating to the Beach Cities Health District and the Peninsula Health Care District.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the Beach Cities Health District and the Peninsula Health Care District to facilitate construction of facilities or other buildings in those districts at the earliest possible time pursuant to design-

build authority, and to ensure the expedient provision of health care services in those districts at the earliest possible time, it is necessary that this act take immediate effect.

Amendment 5

On page 5, strike out lines 1 to 35, inclusive, and strike out pages 6 to 39, inclusive