

§9410-A. Security guard qualifications

1. Qualifications to be a security guard. No natural person may be employed as a security guard by a contract security company unless the natural person meets the following minimum requirements:

- A. Is 18 years of age or older; [PL 1987, c. 170, §12 (NEW).]
- B. Is a citizen or resident alien of the United States; [PL 1987, c. 170, §12 (NEW).]
- C. Has not been dishonorably discharged from military service within the last 5 years; [PL 1987, c. 170, §12 (NEW).]
- D. Has not been convicted of a crime punishable by one year or more of imprisonment or, within the past 5 years, any crime enumerated in section 9412; [PL 1987, c. 170, §12 (NEW).]
- E. Has not been adjudicated to have committed a juvenile offense involving conduct which, if committed by an adult, is punishable by one year or more of imprisonment or, within the past 5 years, a juvenile offense involving conduct which, if committed by an adult, is a crime enumerated in section 9412; [PL 1987, c. 170, §12 (NEW).]
- F. Does not have 3 or more convictions for crimes punishable by less than one year of imprisonment within the past 5 years; [PL 2003, c. 12, §1 (AMD).]
- G. Is not a fugitive from justice; [PL 1987, c. 170, §12 (NEW).]
- H. Is not a drug user or a person with substance use disorder; [PL 2017, c. 407, Pt. A, §143 (AMD).]
- I. Is not potentially dangerous to himself or others as the result of a mental disorder; [PL 1987, c. 170, §12 (NEW).]
- J. Has not had a guardian or conservator appointed for that person pursuant to Title 18-C, Article 5, Part 3 or 4, or if a guardian or conservator has been appointed for that person, the guardianship or conservatorship has been terminated; and [PL 2017, c. 402, Pt. C, §87 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]
- K. At the request of the contract security company, the commissioner or his designee, takes whatever action is required of him by law to allow the contract security company, the commissioner or his designee to obtain from: Hospitals and mental institutions either within or outside the State, limited to records of involuntary commitments; the courts; law enforcement agencies; and the military, information relevant to whether the natural person meets the requirements set forth in paragraphs A to J. [PL 1987, c. 170, §12 (NEW).]

[PL 2017, c. 402, Pt. C, §87 (AMD); PL 2017, c. 407, Pt. A, §143 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Reporting new security guards to commissioner. A licensee shall notify the commissioner of all employees who will perform security guard functions in the State and who were not listed in the application for a contract security company license before the date that the employee begins to perform security guard functions in the State. The notice shall be made on forms prescribed by the commissioner. The forms shall contain, but not be limited to, the following information:

- A. The employee's full name; [PL 1987, c. 170, §12 (NEW).]
- B. The employee's full current address and addresses for the prior 5 years; and [PL 1987, c. 170, §12 (NEW).]
- C. The employee's date and place of birth, height, weight and color of eyes. [PL 1987, c. 170, §12 (NEW).]

[PL 1987, c. 170, §12 (NEW).]

3. Background investigation of security guards at site of labor dispute or strike. For each employee reported to the commissioner under subsection 2 who will perform security guard functions at the site of a labor dispute or strike, the licensee shall have previously investigated the background of the employee to ensure that the employee meets all of the requirements to be a security guard, as contained in subsection 1. The licensee shall also sign a statement accompanying the notice required by subsection 2, in which the licensee shall state that he has conducted this investigation and that the employee meets the requirements contained in subsection 1.

[PL 1987, c. 170, §12 (NEW).]

4. Background investigation by licensee of all other security guards. For all other employees reported to the commissioner under subsection 2, and for each employee on the list required by section 9405, subsection 1-A, paragraph F, subparagraph (6), for whom the licensee has not previously submitted a statement that the employee meets the requirements of subsection 1, the licensee shall investigate the background of the employee to ensure that the employee meets all of the requirements to be a security guard, as contained in subsection 1. Within 60 days of the date that the employee begins to perform security guard functions within the State, the licensee shall complete this background investigation and submit to the commissioner a statement, signed by the licensee, that the licensee has conducted the background investigation and that the employee meets the requirements of subsection 1. This statement must be submitted to the commissioner before an employee may wear, carry or use a firearm in the performance of security guard functions and before an employee may perform security guard functions at the site of a labor dispute or strike.

[PL 1987, c. 170, §12 (NEW).]

5. Access to confidential records. Notwithstanding that certain records retained by governmental entities are by law made confidential, yet are necessary to the commissioner's determination of the applicant's good moral character and compliance with the additional requirements of this section and of section 9411-A, the following records shall be made available, at the request of the commissioner or his designee, for inspection by and dissemination to the commissioner or his designee:

A. The records pertaining to involuntary commitments to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center; [PL 1987, c. 170, §12 (NEW); PL 2005, c. 236, §§3, 4 (REV).]

B. The records compiled pursuant to Title 19-A, section 4114, subsection 1; [PL 2021, c. 647, Pt. B, §63 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

C. Juvenile and adult crime records; and [PL 1987, c. 170, §12 (NEW).]

D. Military records. [PL 1987, c. 170, §12 (NEW).]

[PL 2021, c. 647, Pt. B, §63 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 1987, c. 170, §12 (NEW). PL 1995, c. 694, §D59 (AMD). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 12, §1 (AMD). PL 2005, c. 236, §§3,4 (REV). PL 2017, c. 402, Pt. C, §87 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2017, c. 407, Pt. A, §143 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2021, c. 647, Pt. B, §63 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF).

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