

FIRST REGULAR SESSION

HOUSE BILL NO. 1312

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PETERS.

1628H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 71.195, 84.340, 84.343, 84.720, 324.012, and 621.045, RSMo, and to enact in lieu thereof fifteen new sections relating to the licensing of security guards and companies, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 71.195, 84.340, 84.343, 84.720, 324.012, and 621.045, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 84.340, 84.343, 324.012, 621.045, 650.1000, 650.1005, 650.1010, 650.1015, 650.1020, 650.1025, 650.1030, 650.1035, 650.1040, 650.1045, and 650.1050, to read as follows:

84.340. Except as provided under section 590.750, the police commissioner of the said cities shall have power to regulate and license all ~~private watchmen,~~ private detectives ~~and private policemen,~~ serving or acting as such in said cities, and no person shall act as such ~~private watchman,~~ private detective ~~or private policeman~~ in said cities without first having obtained the written license of the president or acting president of said police commissioners of the said cities, under pain of being guilty of a misdemeanor.

84.343. 1. Subject to the provisions of sections 84.344 to 84.346, any city not within a county may establish a municipal police force for the purposes of:

- (1) Preserving the public peace, welfare, and order;
- (2) Preventing crime and arresting suspected offenders;
- (3) Enforcing the laws of the state and ordinances of the city;
- (4) Exercising all powers available to a police force under generally applicable state law; and

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 (5) Regulating and licensing all [~~private watchmen,~~] private detectives~~], and private~~
9 ~~police~~men] serving or acting as such in said city.

10 2. Any person who acts as a [~~private watchman,~~] private detective~~], or private~~
11 ~~police~~man] in said cities without having obtained a written license from said cities is guilty of
12 a class A misdemeanor.

324.012. 1. This section shall be known and may be cited as the "Fresh Start Act of
2 2020".

3 2. As used in this section, the following terms mean:

4 (1) "Criminal conviction", any conviction, finding of guilt, plea of guilty, or plea of
5 nolo contendere;

6 (2) "Licensing", any required training, education, or fee to work in a specific
7 occupation, profession, or activity in the state;

8 (3) "Licensing authority", an agency, examining board, credentialing board, or other
9 office of the state with the authority to impose occupational fees or licensing requirements on
10 any profession. For purposes of the provisions of this section other than subsection 7 of this
11 section, the term "licensing authority" shall not include the state board of education's
12 licensure of teachers pursuant to chapter 168, the Missouri state board of accountant's
13 licensure of accountants pursuant to chapter 326, the board of podiatric medicine's licensure
14 of podiatrists pursuant to chapter 330, the Missouri dental board's licensure of dentists
15 pursuant to chapter 332, the state board of registration for the healing art's licensure of
16 physicians and surgeons pursuant to chapter 334, the Missouri state board of nursing's
17 licensure of nurses pursuant to chapter 335, the board of pharmacy's licensure of pharmacists
18 pursuant to chapter 338, the Missouri real estate commission's licensure of real estate brokers,
19 real estate salespersons, or real estate broker-salespersons pursuant to sections 339.010 to
20 339.205, the Missouri veterinary medical board's licensure of ~~veterinarian's~~ **veterinarians**
21 pursuant to chapter 340, the Missouri director of finance appointed pursuant to chapter 361,
22 ~~or~~ the peace officer standards and training commission's licensure of peace officers or other
23 law enforcement personnel pursuant to chapter 590, **or the department of public safety's**
24 **licensure of security guards and security companies under sections 650.1000 to**
25 **650.1050;**

26 (4) "Political subdivision", a city, town, village, municipality, or county.

27 3. Notwithstanding any other provision of law, beginning January 1, 2021, no person
28 shall be disqualified by a state licensing authority from pursuing, practicing, or engaging in
29 any occupation for which a license is required solely or in part because of a prior conviction
30 of a crime in this state or another state, unless the criminal conviction directly relates to the
31 duties and responsibilities for the licensed occupation as set forth in this section or is violent
32 or sexual in nature.

33 4. Beginning August 28, 2020, applicants for examination of licensure who have
34 pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the
35 following offenses or offenses of a similar nature established under the laws of this state, any
36 other state, **the** United States, or any other country, notwithstanding whether sentence is
37 imposed, shall be considered by state licensing authorities to have committed a criminal
38 offense that directly relates to the duties and responsibilities of a licensed profession:

39 (1) Any murder in the first degree, or dangerous felony as defined under section
40 556.061 excluding an intoxication-related traffic offense or intoxication-related boating
41 offense if the person is found to be a habitual offender or habitual boating offender as such
42 terms are defined in section 577.001;

43 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
44 statutory rape in the first degree, statutory rape in the second degree, rape in the second
45 degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the
46 first degree, statutory sodomy in the second degree, child molestation in the first degree, child
47 molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual
48 misconduct involving a child, sexual misconduct in the first degree under section 566.090 as
49 it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to
50 August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or
51 attempting to entice a child;

52 (3) Any of the following offenses against the family and related offenses: incest,
53 abandonment of a child in the first degree, abandonment of a child in the second degree,
54 endangering the welfare of a child in the first degree, abuse of a child, using a child in a
55 sexual performance, promoting sexual performance by a child, or trafficking in children;
56 ~~and~~

57 (4) Any of the following offenses involving child pornography and related offenses:
58 promoting obscenity in the first degree, promoting obscenity in the second degree when the
59 penalty is enhanced to a class E felony, promoting child pornography in the first degree,
60 promoting child pornography in the second degree, possession of child pornography in the
61 first degree, possession of child pornography in the second degree, furnishing child
62 pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance
63 of obscene material;

64 (5) The offense of delivery of a controlled substance, as provided in section 579.020,
65 may be a disqualifying criminal offense for the following occupations: real estate appraisers
66 and appraisal management companies, licensed pursuant to sections 339.500 to 339.549; and
67 nursing home administrators, licensed pursuant to chapter 344; and

68 (6) Any offense an essential element of which is fraud may be a disqualifying
69 criminal offense for the following occupations: private investigators, licensed pursuant to

70 sections 324.1100 to 324.1148; accountants, licensed pursuant to chapter 326; architects,
71 licensed pursuant to sections 327.091 to 327.172; engineers, licensed pursuant to sections
72 327.181 to 327.271; land surveyors, licensed pursuant to sections 327.272 to 327.371;
73 landscape architects, licensed pursuant to sections 327.600 to 327.635; chiropractors, licensed
74 pursuant to chapter 331; embalmers and funeral directors, licensed pursuant to chapter 333;
75 real estate appraisers and appraisal management companies, licensed pursuant to sections
76 339.500 to 339.549; and nursing home administrators, licensed pursuant to chapter 344.

77 5. If an individual is charged with any of the crimes set forth in subsection 4 of this
78 section, and is convicted, pleads guilty to, or is found guilty of a lesser-included offense and
79 is sentenced to a period of incarceration, such conviction shall only be considered by state
80 licensing authorities as a criminal offense that directly relates to the duties and responsibilities
81 of a licensed profession for four years, beginning on the date such individual is released from
82 incarceration.

83 6. (1) The licensing authority shall determine whether an applicant with a criminal
84 conviction will be denied a license based on the following factors:

85 (a) The nature and seriousness of the crime for which the individual was convicted;

86 (b) The passage of time since the commission of the crime, including consideration of
87 the factors listed under subdivision (2) of this subsection;

88 (c) The relationship of the crime to the ability, capacity, and fitness required to
89 perform the duties and discharge the responsibilities of the occupation; and

90 (d) Any evidence of rehabilitation or treatment undertaken by the individual that
91 might mitigate against a direct relation.

92 (2) If an individual has a valid criminal conviction for a criminal offense that could
93 disqualify the individual from receiving a license, the disqualification shall not apply to an
94 individual who has been exonerated for a crime for which he or she has previously been
95 convicted of or incarcerated.

96 7. An individual with a criminal record may petition a licensing authority at any time
97 for a determination of whether the individual's criminal record will disqualify the individual
98 from obtaining a license. This petition shall include details on the individual's criminal
99 record. The licensing authority shall inform the individual of his or her standing within thirty
100 days after the licensing authority has met, but in no event more than four months after
101 receiving the petition from the applicant. The decision shall be binding, unless the individual
102 has subsequent criminal convictions or failed to disclose information in his or her petition. If
103 the decision is that the individual is disqualified, the individual shall be notified in writing of
104 the grounds and reasons for disqualification. The licensing authority may charge a fee by rule
105 to recoup its costs as set by rulemaking authority not to exceed twenty-five dollars for each
106 petition.

107 8. (1) If a licensing authority denies an individual a license solely or in part because
108 of the individual's prior conviction of a crime, the licensing authority shall notify the
109 individual in writing of the following:

110 (a) The grounds and reasons for the denial or disqualification;

111 (b) That the individual has the right to a hearing as provided by chapter 621 to
112 challenge the licensing authority's decision;

113 (c) The earliest date the person may reapply for a license; and

114 (d) That evidence of rehabilitation may be considered upon reapplication.

115 (2) Any written determination by the licensing authority that an applicant's criminal
116 conviction is a specifically listed disqualifying conviction and is directly related to the duties
117 and responsibilities for the licensed occupation shall be documented with written findings for
118 each of the grounds or reasons under paragraph (a) of subdivision (1) of this subsection by
119 clear and convincing evidence sufficient for a reviewing court.

120 (3) In any administrative hearing or civil litigation authorized under this subsection,
121 the licensing authority shall carry the burden of proof on the question of whether the
122 applicant's criminal conviction directly relates to the occupation for which the license is
123 sought.

124 9. The provisions of this section shall apply to any profession for which an
125 occupational license is issued in this state, including any new occupational license created by
126 a state licensing authority after August 28, 2020. Notwithstanding any other provision of law,
127 political subdivisions shall be prohibited from creating any new occupational licenses after
128 August 28, 2020. The provisions of this section shall not apply to business licenses, where
129 the terms "occupational licenses" and "business licenses" are used interchangeably in a city or
130 county charter definition.

621.045. 1. The administrative hearing commission shall conduct hearings and make
2 findings of fact and conclusions of law in those cases when, under the law, a license issued by
3 any of the following agencies may be revoked or suspended or when the licensee may be
4 placed on probation or when an agency refuses to permit an applicant to be examined upon
5 his or her qualifications or refuses to issue or renew a license of an applicant who has passed
6 an examination for licensure or who possesses the qualifications for licensure without
7 examination:

8 Missouri State Board of Accountancy

9 Missouri State Board for Architects, Professional Engineers, Professional Land
10 Surveyors and Landscape Architects

11 Board of Barber Examiners

12 Board of Cosmetology

13 Board of Chiropractic and Podiatry

14 Board of Chiropractic Examiners
15 Missouri Dental Board
16 Board of Embalmers and Funeral Directors
17 Board of Registration for the Healing Arts
18 Board of Nursing
19 Board of Optometry
20 Board of Pharmacy
21 Missouri Real Estate Commission
22 Missouri Veterinary Medical Board
23 Supervisor of Liquor Control
24 Department of Health and Senior Services
25 Department of Commerce and Insurance
26 Department of Mental Health
27 Board of Private Investigator Examiners
28 **Department of Public Safety.**

29 2. If in the future there are created by law any new or additional administrative
30 agencies which have the power to issue, revoke, suspend, or place on probation any license,
31 then those agencies are under the provisions of this law.

32 3. The administrative hearing commission is authorized to conduct hearings and make
33 findings of fact and conclusions of law in those cases brought by the Missouri state board for
34 architects, professional engineers, professional land surveyors and landscape architects
35 against unlicensed persons under section 327.076.

36 4. Notwithstanding any other provision of this section to the contrary, after August
37 28, 1995, in order to encourage settlement of disputes between any agency described in
38 subsection 1 or 2 of this section and its licensees, any such agency shall:

39 (1) Provide the licensee with a written description of the specific conduct for which
40 discipline is sought and a citation to the law and rules allegedly violated, together with copies
41 of any documents which are the basis thereof and the agency's initial settlement offer, or file a
42 contested case against the licensee;

43 (2) If no contested case has been filed against the licensee, allow the licensee at least
44 sixty days, from the date of mailing, to consider the agency's initial settlement offer and to
45 contact the agency to discuss the terms of such settlement offer;

46 (3) If no contested case has been filed against the licensee, advise the licensee that the
47 licensee may, either at the time the settlement agreement is signed by all parties, or within
48 fifteen days thereafter, submit the agreement to the administrative hearing commission for
49 determination that the facts agreed to by the parties to the settlement constitute grounds for
50 denying or disciplining the license of the licensee; and

51 (4) In any contact under this subsection by the agency or its counsel with a licensee
52 who is not represented by counsel, advise the licensee that the licensee has the right to consult
53 an attorney at the licensee's own expense.

54 5. If the licensee desires review by the administrative hearing commission under
55 subdivision (3) of subsection 4 of this section at any time prior to the settlement becoming
56 final, the licensee may rescind and withdraw from the settlement and any admissions of fact
57 or law in the agreement shall be deemed withdrawn and not admissible for any purposes
58 under the law against the licensee. Any settlement submitted to the administrative hearing
59 commission shall not be effective and final unless and until findings of fact and conclusions
60 of law are entered by the administrative hearing commission that the facts agreed to by the
61 parties to the settlement constitute grounds for denying or disciplining the license of the
62 licensee.

63 6. When a holder of a license, registration, permit, or certificate of authority issued by
64 the division of professional registration or a board, commission, or committee of the division
65 of professional registration against whom an affirmative decision is sought has failed to plead
66 or otherwise respond in the contested case and adequate notice has been given under sections
67 536.067 and 621.100 upon a properly pled writing filed to initiate the contested case under
68 this chapter or chapter 536, a default decision shall be entered against the licensee without
69 further proceedings. The default decision shall grant such relief as requested by the division
70 of professional registration, board, committee, commission, or office in the writing initiating
71 the contested case as allowed by law. Upon motion stating facts constituting a meritorious
72 defense and for good cause shown, a default decision may be set aside. The motion shall be
73 made within a reasonable time, not to exceed thirty days after entry of the default decision.
74 "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to
75 impede the administrative process.

650.1000. As used in sections 650.1000 to 650.1050, the following terms mean:

2 (1) "Arrest", the authority to apprehend and detain persons observed or
3 suspected of committing a law violation;

4 (2) "Client", any person receiving security services from a security guard or
5 security company;

6 (3) "Department", the department of public safety;

7 (4) "Designated area", the property owned or leased to which a security guard is
8 assigned by the security company that employs him or her as a security guard;

9 (5) "Firearm", the same meaning given to the term in section 571.010;

10 (6) "Hospital", the same meaning given to the term in section 197.020;

11 (7) "License", any license issued under sections 650.1000 to 650.1050 authorizing
12 a person to operate a security company or perform security services as a security guard;

13 (8) "Licensee", any security company or security guard issued a license;

14 (9) "Person", any individual, firm, association, company, partnership,
15 corporation, nonprofit organization, institution, or other legal entity;

16 (10) "Public school", the same meaning given to the term in section 160.011;

17 (11) "Qualified retired peace officer", the same meaning given to the term in
18 section 571.030;

19 (12) "School", any:

20 (a) Public school; or

21 (b) Private school offering instruction in any grade for which instruction is
22 provided by a public school;

23 (13) "Security company", a person engaging in the business of providing or
24 undertaking to provide at least one security service on a contractual basis for another
25 person;

26 (14) "Security guard", a person employed by a security company to perform at
27 least one security service;

28 (15) "Security service":

29 (a) Prevention of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on
30 private property or school property;

31 (b) Prevention, observation, or detection of any unauthorized activity on private
32 property or school property;

33 (c) Control, regulation, or direction of the flow or movements of the public,
34 whether by vehicle or otherwise, only to the extent and for the time directly and
35 specifically required to assure the protection of property; or

36 (d) Protection of individuals from bodily harm;

37 (16) "Security tool", pepper spray, a baton, a stun gun, or any other device
38 certified by the peace officer standards and training commission;

39 (17) "Stun gun", any portable device or weapon from which an electric current,
40 impulse, wave, or beam is produced that is capable of incapacitating temporarily,
41 injuring, or killing a person.

650.1005. 1. Except as otherwise provided in this section, a person:

2 (1) Shall not establish, conduct, or maintain a security company on or after
3 January 1, 2027, without a license issued by the department under sections 650.1000 to
4 650.1050; and

5 (2) Shall not perform any security service as a security guard on or after
6 January 1, 2027, unless such person is licensed under sections 650.1000 to 650.1050.

7 2. Any person who knowingly engages in an activity for which a license is
8 required under sections 650.1000 to 650.1050 without being licensed under sections
9 650.1000 to 650.1050 is guilty of a class B misdemeanor.

10 3. Sections 650.1000 to 650.1050 shall not apply to:

11 (1) Any law enforcement officer certified as a peace officer under chapter 590
12 while working under contract with a law enforcement agency in the official uniform of
13 the law enforcement agency;

14 (2) An officer or employee of the United States or of this state, or of a political
15 subdivision of either, while the employee or officer is engaged in the performance of
16 official duties;

17 (3) Any corporate security advisor holding a license under section 590.750 while
18 performing activities authorized by such license; or

19 (4) Any school protection officer designated under section 160.665 while
20 performing the responsibilities and duties of a school protection officer.

 650.1010. 1. The following classes of security guard licenses are hereby
2 established:

3 (1) Class A: Armed security guard, which authorizes the licensee to carry a
4 firearm;

5 (2) Class B: Unarmed security guard, which authorizes the licensee to carry a
6 security tool; and

7 (3) Class C: Watchman, which authorizes the licensee to engage only in the tasks
8 of observation and reporting in a designated area.

9 2. Each license issued to a security guard shall be designated as a class A, B, or C
10 license.

11 3. A security guard shall not perform any security service outside his or her
12 designated area unless expressly authorized under sections 650.1000 to 650.1050.

13 4. A security guard shall not carry a firearm while performing security services
14 unless he or she holds a class A license under this section.

15 5. A security guard shall not carry a security tool while performing security
16 services unless he or she holds a class B license under this section.

17 6. Any security guard holding a class A license may apply for the following
18 endorsements:

19 (1) A school endorsement authorizing the security guard to perform security
20 services at a school. A security guard shall not perform security services authorized by
21 a class A license at a school without a school endorsement; and

22 **(2) A hospital endorsement authorizing the security guard to perform security**
23 **services at a hospital. A security guard shall not perform security services authorized**
24 **by a class A license at a hospital without a hospital endorsement.**

25 **7. Any security guard holding a class A or B license may apply for a limited**
26 **powers of arrest endorsement authorizing the security guard to make arrests as**
27 **described in section 650.1035. A security guard shall not make arrests while performing**
28 **security services without a limited powers of arrest endorsement.**

29 **8. Any security guard holding a class C license shall not perform any security**
30 **service other than observation and reporting in his or her designated area.**

650.1015. 1. An application for a license as a security company or security guard
2 **shall be made to the department upon forms provided by the department and shall**
3 **contain such information as the department may require.**

4 **2. Each application for a license and each application for renewal of the license**
5 **shall be accompanied by a license fee. The department shall set the amount of the fees**
6 **by rule at a level that shall not substantially exceed the cost and expense of**
7 **administering sections 650.1000 to 650.1050.**

8 **3. All fees payable under sections 650.1000 to 650.1050 shall be collected by the**
9 **department and transmitted to the department of revenue for deposit in the state**
10 **treasury to the credit of the fund established under this section.**

11 **4. (1) There is hereby created in the state treasury the "Security Industry**
12 **Fund", which shall consist of moneys collected under this section. The state treasurer**
13 **shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state**
14 **treasurer may approve disbursements. The fund shall be a dedicated fund and, upon**
15 **appropriation, moneys in this fund shall be used solely for the administration of sections**
16 **650.1000 to 650.1050.**

17 **(2) Notwithstanding the provisions of section 33.080 to the contrary, moneys in**
18 **this fund shall not be transferred and placed to the credit of general revenue until the**
19 **amount in the fund at the end of the biennium exceeds three times the amount of the**
20 **appropriation from the fund for the preceding fiscal year. The amount, if any, in the**
21 **fund that shall lapse is that amount in the fund that exceeds the appropriate multiple of**
22 **the appropriations from the fund for the preceding fiscal year.**

23 **(3) The state treasurer shall invest moneys in the fund in the same manner as**
24 **other funds are invested. Any interest and moneys earned on such investments shall be**
25 **credited to the fund.**

650.1020. 1. The department shall not issue a security company license to any
2 **person unless the person:**

3 **(1) Has submitted an application and paid the required license fee;**

4 **(2) Demonstrates managerial experience in law enforcement or security services**
5 **as specified by the department by rule;**

6 **(3) Has completed training on the roles and responsibilities of a security**
7 **company at a training center licensed under section 590.060 or from a private training**
8 **provider approved by the department;**

9 **(4) Presents proof that any person employed by the security company to perform**
10 **security services is licensed as a security guard under sections 650.1000 to 650.1050; and**

11 **(5) Provides proof of liability insurance in the amount of one million dollars.**

12 **2. Each license shall be issued only for the person named in the application and**
13 **shall not be transferable or assignable except with the written consent of the**
14 **department.**

15 **3. If, during the period in which a license is in effect, the license holder legally**
16 **transfers operational responsibilities by any process to another person, an application**
17 **shall be made for the issuance of a new license to become effective on the transfer date.**

650.1025. 1. The department shall not issue a security guard license to any
2 **person unless the person:**

3 **(1) Is eighteen years of age or older;**

4 **(2) Has submitted an application and paid the required license fee; and**

5 **(3) Has completed training on the roles and responsibilities applicable to the**
6 **class of license and any type of endorsement he or she is seeking at a training center**
7 **licensed under section 590.060 or from a private training provider approved by the**
8 **department.**

9 **2. The department shall not issue a class A armed security guard license to any**
10 **person unless the person has received training on firearms and demonstrated the skills**
11 **necessary to safely use a firearm.**

12 **3. The department shall not issue a class B unarmed security guard license to**
13 **any person unless the person has been certified in the use of a security tool after the**
14 **completion of training that is consistent with the recommendations of the security tool's**
15 **manufacturer. A security guard shall not use any security tool for which he or she does**
16 **not hold a current certification.**

17 **4. Any law enforcement officer certified as a peace officer under chapter 590,**
18 **and any qualified retired peace officer, seeking a license as a security guard:**

19 **(1) Shall be exempt from any training requirements under this section; and**

20 **(2) Upon issuance of a license under this section, shall receive a security**
21 **identification clearly identifying his or her status as law enforcement or retired law**
22 **enforcement.**

650.1030. 1. A license shall be issued for a period of two years.

2 **2. Upon receipt of an application for renewal of a license, the department shall**
3 **renew the license for a period of two years upon payment of the required renewal fee**
4 **and proof that the applicant has complied with the minimum requirements for**
5 **continuing education established by the department under this section.**

6 **3. The department shall require annual training approved by the peace officer**
7 **standards and training commission for all licensees. Licensees shall be given the option**
8 **to complete the annual training through online or in-person courses. The department**
9 **shall establish an online reporting portal for the submission of continuing education**
10 **hours.**

11 **4. The department shall require additional annual training on firearms**
12 **approved by the peace officer standards and training commission for class A armed**
13 **security guard licensees. A class A armed security guard shall also be required to**
14 **undergo a semiannual qualification process to continue to carry a firearm in which he**
15 **or she shall demonstrate the skills necessary to safely use a firearm.**

16 **5. The department shall require a class B unarmed security guard to complete,**
17 **as part of his or her continuing education requirements, any training necessary to**
18 **continue to use the security tool for which he or she received an initial certification.**
19 **Training shall be consistent with the recommendations of the security tool's**
20 **manufacturer.**

650.1035. 1. Any security guard with a limited powers of arrest endorsement
2 **under section 650.1010 may make an arrest, and search for and seize evidence in**
3 **connection with the arrest, during the time of his or her assignment as a security guard**
4 **under the same conditions as members of the local police force or sheriff's department**
5 **in the relevant jurisdiction as follows:**

6 **(1) In all instances of felonies, misdemeanors, and city ordinance violations**
7 **committed in the presence of the security guard;**

8 **(2) During an attempt to commit a felony or misdemeanor;**

9 **(3) For an offense not committed in the presence or view of the security guard if**
10 **the security guard has probable cause to believe that the offense was committed by the**
11 **person the security guard is arresting;**

12 **(4) Outside the security guard's designated area when in foot pursuit for a felony**
13 **offense the security guard sees committed. Vehicle pursuits are prohibited in all**
14 **circumstances;**

15 **(5) Outside the security guard's designated area while escorting individuals from**
16 **the designated area to their parked vehicles or other means of transportation; and**

17 **(6) Outside the security guard's designated area while escorting a client or the**
18 **client's designee, by the most direct route, to or from a bank or other financial**
19 **institution for the purpose of making a cash deposit or withdrawal.**

20 **2. The authority granted security guards under this section is limited and such**
21 **limitations shall be strictly construed. Nothing in this section permits security guards to**
22 **serve as bodyguards, process servers, or investigators for attorneys.**

23 **3. An arrest is made by the actual restraint of the defendant or by the**
24 **defendant's submission to the authority of the security guard.**

25 **4. In making an arrest, a security guard shall use only as much force as is**
26 **reasonably required to achieve the security guard's lawful objective. Deadly force shall**
27 **never be used in defense of property only.**

28 **5. A security guard shall promptly notify the local police force or sheriff's**
29 **department in the relevant jurisdiction of any arrest made by the security guard,**
30 **furnish all pertinent facts and evidence to any police officers, and surrender to such**
31 **police officers custody of any defendant and evidence related to the arrest.**

32 **6. A security guard, upon firing his or her weapon or using force to make an**
33 **arrest, shall notify the nearest police district and ensure an official police report is**
34 **prepared. A copy of the official police report shall be forwarded to the department.**

650.1040. 1. The department shall have the sole authority to regulate and license
2 **security companies and security guards.**

3 **2. A political subdivision shall not require any person to obtain any local license,**
4 **permit, or authorization to operate a security company or perform any security service**
5 **as a security guard.**

650.1045. 1. The department may refuse to issue, renew, or reinstate any license
2 **required by sections 650.1000 to 650.1050 for one or any combination of causes stated in**
3 **subsection 2 of this section. The department shall notify the applicant in writing, in**
4 **both physical and digital form, of the reasons for the refusal and shall advise the**
5 **applicant of his or her right to file a complaint with the administrative hearing**
6 **commission as provided in chapter 621.**

7 **2. The department may cause a complaint to be filed with the administrative**
8 **hearing commission as provided by chapter 621 against any holder of a license issued**
9 **under sections 650.1000 to 650.1050 or any person who has failed to renew or has**
10 **surrendered his or her license for any one or any combination of the following causes:**

11 **(1) Use of any controlled substance, as defined in chapter 195, or alcoholic**
12 **beverage to an extent that such use impairs a person's ability to perform the work of**
13 **any profession licensed or regulated by sections 650.1000 to 650.1050;**

14 **(2) The person has committed any criminal offense regardless of whether a**
15 **criminal charge has been filed;**

16 **(3) The person has been convicted or has entered a plea of guilty or nolo**
17 **contendere in a criminal prosecution under the laws of any state, of the United States, or**
18 **of any country regardless of whether a sentence is imposed;**

19 **(4) Use of fraud, deception, misrepresentation, or bribery in securing any license**
20 **issued under sections 650.1000 to 650.1050;**

21 **(5) Obtaining or attempting to obtain any fee, charge, tuition, or other**
22 **compensation by fraud, deception, or misrepresentation;**

23 **(6) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or**
24 **dishonesty in the performance of the functions or duties of the profession regulated by**
25 **sections 650.1000 to 650.1050;**

26 **(7) Violation of, or assisting or enabling any person to violate, any provision of**
27 **sections 650.1000 to 650.1050 or of any lawful rule or regulation adopted under sections**
28 **650.1000 to 650.1050;**

29 **(8) Impersonation of any person holding a license or allowing any other person**
30 **to use his or her diploma from any school;**

31 **(9) Disciplinary action against the holder of a license or other right to practice**
32 **the profession regulated by sections 650.1000 to 650.1050 granted by another state,**
33 **territory, federal agency, or country upon grounds for which revocation or suspension is**
34 **authorized in this state;**

35 **(10) A person is finally adjudged insane or incompetent by a court of competent**
36 **jurisdiction;**

37 **(11) Issuance of a license based upon a material mistake of fact; or**

38 **(12) Use of any advertisement or solicitation that is false, misleading, or**
39 **deceptive to the general public or persons to whom the advertisement or solicitation is**
40 **primarily directed.**

41 **3. Any person who reports or provides information to the department in**
42 **accordance with the provisions of sections 650.1000 to 650.1050 and who does so in good**
43 **faith and without negligence shall not be subject to an action for civil damages as a**
44 **result thereof.**

45 **4. After the filing of a complaint under subsection 2 of this section, the**
46 **proceedings shall be conducted in accordance with the provisions of chapter 621. Upon**
47 **a finding by the administrative hearing commission that one or more of the grounds for**
48 **disciplinary action provided in subsection 2 of this section are met, the department may,**
49 **singly or in combination, censure or place the person named in the complaint on**

50 probation or suspension or revoke the license of the person on such terms and
 51 conditions as the department deems appropriate.

650.1050. The department shall promulgate rules to implement the provisions of
 2 sections 650.1000 to 650.1050. Any rule or portion of a rule, as that term is defined in
 3 section 536.010, that is created under the authority delegated in this section shall
 4 become effective only if it complies with and is subject to all of the provisions of chapter
 5 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
 6 and if any of the powers vested with the general assembly pursuant to chapter 536 to
 7 review, to delay the effective date, or to disapprove and annul a rule are subsequently
 8 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
 9 adopted after August 28, 2025, shall be invalid and void.

~~[71.195. 1. Any license or permit issued by a municipality to a person
 2 in order for such person to seek, obtain or maintain employment as a security
 3 guard shall be valid in any municipality within a charter county with a
 4 population not exceeding three hundred thousand adjoining another first class
 5 charter county, or by reciprocal agreement between the municipalities in any
 6 other county.~~

~~2. For the purposes of this section, the term "security guard" is defined
 8 as any person who is not authorized to carry a firearm and who is paid to
 9 protect the person or property of another, but shall not include law
 10 enforcement officers or any other public official or employee.]~~

~~[84.720. 1. The police commissioners of any city with a population of
 2 three hundred fifty thousand or more inhabitants which is located in more than
 3 one county shall have power to regulate and license all private security
 4 personnel and organizations, serving or acting as such in such cities, and no
 5 person or organization shall act in the capacity of, or provide, security services
 6 in such cities without first having obtained the written license of the president
 7 or acting president of the police commissioners of such cities. In order to
 8 determine an individual's suitability to be licensed, the police commissioners
 9 of such cities shall require each applicant to be licensed to be fingerprinted and
 10 shall forward the fingerprints to the Missouri state highway patrol for a
 11 criminal history record check. Any person or organization that violates the
 12 provisions of this section is guilty of a class B misdemeanor.~~

~~2. Any individual who is a holder of an occupational license issued by
 14 the Missouri gaming commission as defined under section 313.800 to perform
 15 the duties of an unarmed security guard while working on an excursion
 16 gambling boat as defined under section 313.800 or at a facility adjacent to an
 17 excursion gambling boat shall be exempt from the requirements of subsection
 18 1 of this section and from any other political subdivision licensing
 19 requirements for unarmed security guards.]~~

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