

**DEPARTMENT OF CONSUMER AFFAIRS**  
*Bureau of Security and Investigative Services*



**SECURITY GUARD GUIDE**

*A SUMMARY OF LAWS GOVERNING THE PROFESSION*



**JULY 2012**

## TABLE OF CONTENTS

Introduction.....	3
A Security Guard’s Role and Responsibilities.....	3
Power to Arrest and Training Requirements.....	4
Firearms.....	7
Authority to Carry an Exposed Firearm.....	8
Exemptions from the Private Security Services Act .....	9
Peace Officer Exemptions.....	10
Batons .....	14
Tear Gas.....	16
Uniforms, Patches, Badges and Vehicles.....	18

The sections in the California Penal Code that refer to “Control of Deadly Weapons” have been recodified “without substantive changes” (renumbered). The new section numbers became operative January 1, 2012 and are now mainly found in Part 6 of the Penal Code, beginning at Section 16000. The Security Guard Guide contains references to California Penal Codes as they relate to security guards and weapons. Corrections have been made to Security Guard Guide to bring it into compliance with the new section numbers.

## **INTRODUCTION**

### **A Summary of Laws Governing the Profession**

Terrorism awareness and crime prevention have become major issues in our society. Security guards play a crucial role in safety and security. A great burden is placed on public forces to respond to crisis situations. As a result, the consumer is turning to the private security industry to help protect neighborhoods and businesses.

The Department of Consumer Affairs (DCA or Department), Bureau of Security and Investigative Services (BSIS or Bureau), has jurisdiction over the private security industry. The authority is derived from Division 3, commencing with Section 7580 thru Section 7588.5, Chapter 11.5, Private Security Services Act in the Business and Professions Code (B & P).

This brochure explains key sections of the Business and Professions Code (B & P), Penal Code (PC) and California Code of Regulations (CCR), so security guards and law enforcement officers can be fully informed of the provisions affecting private security guards.

Security guards outnumber sworn peace officers four to one in this state, so it benefits peace officers and security guards alike to learn and understand the laws governing the security industry.

*NOTE: Every effort has been made to ensure the accuracy of this compilation. Should any confusion or error occur, the law will take precedence. Please refer to the relevant legal codes for clarification.*

## **A SECURITY GUARD'S ROLE AND RESPONSIBILITIES**

- A security guard's role should be to PROTECT people and/or the property of his/her employer or contracted clients.
- A security guard's responsibility BEFORE an incident/offense has occurred should be PREVENTION.
- A security guard's responsibility during or after an incident/offense should be to OBSERVE and REPORT.
- The security guard's role and responsibilities listed in the security guard guide are at the discretion of the employer. Some employers may want their security personnel to be more proactive as long as they stay within the parameters of what is lawful regarding private person (citizen's) arrest.

**SECURITY GUARD POWER TO ARREST**  
**AND**  
**TRAINING REQUIREMENTS**

A security guard must complete 40 hours of required training and an 8-hour refresher course every 12 months after completing the 40-hour course. As part of that training, a security guard must complete an 8-hour Power to Arrest/Weapons of Mass Destruction Terrorism Awareness training course prior to submitting an application. In addition, 16 hours of training is required within the first 30 days of receiving a security guard registration, or within the first 30 days from the date of hire as a security guard. An additional 16 hours of training is also required within the first six months after receiving a security guard registration, or within the first six months of employment as a security guard.

<b>Date of Completion</b>	<b>Training Hours Needed</b>
Prior to submission of an application for a security guard registration	<b>8 hours (4 hours of Powers to Arrest/4 hours Weapons of Mass Destruction/Terrorism Awareness Training)</b>
Training Required within the first 30 Days after receipt of registration or date of hire.	<b>16 Hours (8 hours mandatory courses/8 hours of elective courses from training syllabus)</b>
Training Required within the First Six Months after receipt of registration or date of hire.	<b>16 Hours (8 hours mandatory courses/8 hours of elective courses from training syllabus)</b>
<b>TOTAL HOURS</b>	<b>40 HOURS</b>
<b>Annual Continuing Education Required after first year of licensure</b>	<b>8 Hours Annually</b>

A brief course of study in these laws and procedures is required prior to application for a “guard card.” The following code sections describe the requirements in detail.

**DIVISION 3, CHAPTER 11.5, PRIVATE SECURITY SERVICES**  
**ARTICLE 4**

**Business and Professions Code Section 7583.6 (Excerpt)**

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

(b) Except for a registrant who has completed the course of training required by Section 7583.45, a person registered pursuant to this chapter shall complete not less than 32 hours of training in security officer skills within six months from the date the registration card is

## SECURITY GUARD GUIDE

issued. Sixteen of the 32 hours shall be completed within 30 days from the date the registration card is issued.

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

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

(e) The course of training required by subdivision (b) may be administered, tested, and certified by any licensee, or by any organization or school approved by the department. The department may approve any person or school to teach the course.

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

### **Business and Professions Code Section 7583.7 (Excerpt)**

(a) The course of training in the exercise of the power to arrest may be administered, tested, and certified by any licensee or by any organization or school approved by the department. The department may approve any person or school to teach the course in the exercise of the power to arrest. The course of training shall be approximately eight hours in length and shall cover the following topics:

- (1) Responsibilities and ethics in citizen arrest.
- (2) Relationship between a security guard and a peace officer in making an arrest.
- (3) Limitations on security guard power to arrest.
- (4) Restrictions on searches and seizures.
- (5) Criminal and civil liabilities.
  - (A) Personal liability.
  - (B) Employer liability.
- (6) Trespass law.
- (7) Ethics and communications.
- (8) Emergency response, including response to medical emergencies.
- (9) Security officer safety.

SECURITY GUARD GUIDE

- (10) Any other topic deemed appropriate by the bureau.
- (b) The majority of the course shall be taught by means of verbal instruction. This instruction may include the use of a video presentation.

**Business and Professions Code Section 7583.8 (Excerpt)**

No employee of a licensee who performs the function of a security guard or security patrolperson shall be issued a registration card until there is proper certification by the instructor that the exercise of the power to arrest course has been taught and the employee's certification that the instruction was received has been delivered to the department.

**CALIFORNIA CODE OF REGULATIONS  
TITLE 16, DIVISION 7  
ARTICLE 6**

**§628. Training in Exercising the Powers to Arrest.**

(a) The course of training in the powers to arrest prescribed by the Department of Consumer Affairs pursuant to Sections 7583.6(a) and 7583.7(a) of the Business and Professions Code consists of successful completion of a course approved by the bureau in exercising the powers to arrest.

(b) Uniformed employees of private patrol operators and responding alarm agents shall take and successfully complete the training course and examination in the exercise of powers to arrest. An employee must receive a score of 100% on said examination in order to successfully complete said course.

The course of training and administration of the examination may be given by a training school approved by the bureau or by the employer or such uniformed employees provided that such employer has a designated instructor and such instructor is knowledgeable in the powers to arrest as set forth in the Standard Training Manual issued by the bureau and is able to assist employees who cannot read or write.

(c) A licensee or approved training school which administers the training and examination shall retain the examination results on bureau-approved answer sheets for a period of not less than two years or until audited by the bureau, whichever occurs first. A licensee or training facility shall certify under penalty of perjury on the employee's application for registration that such person has successfully completed the training and examination contained in the Standard Training Manual issued by the bureau.

(d) No employee may be assigned to work until he or she has completed the course referred to in subsection (a).

FIREARMS

Training and background checks are required in order to become registered as and armed security guard. The following regulations discuss training requirements, distinctions between exposed and concealed firearms, and firearm-related crimes.

**CALIFORNIA CODE OF REGULATIONS  
TITLE 16, DIVISION 7  
ARTICLE 7**

**§631. Requirements for Carrying or Use of Firearms or Simulated Firearms.**

- (a) A registered employee shall not carry, use or possess a loaded or unloaded firearm in the performance of his duty, whether or not it is serviceable or operative, unless he has in his possession a firearms qualification card issued to him by the chief. Such card must be shown to any peace officer or bureau representative upon demand.
- (b) A registered employee may not carry any replica or other simulated firearm.

**631.1. Allowing the Carrying or Use of a Firearm.**

- (a) A private patrol or alarm company operator shall not allow an employee to carry or use a loaded or unloaded firearm, whether or not it is serviceable or operative, unless such employee possesses a firearms qualification card.
- (b) A private patrol or alarm company operator may not allow an employee to carry any replica or other simulated firearm.

**632. Firearms Qualification Card.**

- (a) The bureau shall issue a firearms qualification card to an applicant where all of the following conditions exist:
  - (1) The applicant is a licensed private investigator, alarm company operator, private patrol operator or registered employee of such a licensee or is employed or compensated by a lawful business or public agency as a security guard or patrol person;
  - (2) The applicant has filed with the bureau a completed application for a firearms qualification card on a form prescribed by the bureau, dated and signed by the applicant under penalty of perjury that the information in the application is true and correct;
  - (3) The application is accompanied by:
    - (A) Payment of the firearms qualification fee prescribed by Section 640(g).

## SECURITY GUARD GUIDE

(B) Proof, satisfactory to the bureau, of successful completion of a course approved by the bureau in the carrying and use of a firearm. Including:

1. Proof of successful passage of a written examination prescribed by the bureau. Such examination shall be based on information required to be taught pursuant to Section 635; and
2. Proof of qualifying on an approved firearm range with the caliber of weapon to be used by the applicant pursuant to Section 635.

(4) 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.

(b) The firearms qualification card, when issued, shall be mailed to the applicant at the address which appears on the application. In the event of the loss or destruction of the card the cardholder may apply to the chief for a certified replacement for the card, stating the circumstances surrounding the loss, and pay a \$10 certification fee whereupon the chief shall issue a certified replacement for such card.

(c) Firearms qualification card does not authorize the holder thereof to carry a concealed weapon as that term is defined in Penal Code Section 26150.

## AUTHORITY TO CARRY AN EXPOSED FIREARM

The Business and Professions Code and the Penal Code contain several sections that security guards must obey when they carry an exposed firearm on duty.

### **BUSINESS AND PROFESSIONS CODE DIVISION 3, CHAPTER 11.5, PRIVATE SECURITY SERVICES ARTICLE 4**

#### **Business & Professions Code Section 7583.5**

(a) Every licensee and any person employed and compensated by a licensee, other lawful business or public agency as a security guard or patrolperson, and who in the course of that employment or business carries a firearm, shall complete a course of training in the exercise of the powers to arrest and a course of training in the carrying and use of firearms. This subdivision shall not apply to armored vehicle guards hired prior to January 1, 1977. Armored vehicle guards hired on or after January 1, 1977, shall complete a course in the carrying and use of firearms, but shall not be required to complete a course of training in the exercise of the powers to arrest. The course of training in the carrying and use of firearms shall not be required of any employee who is not required or permitted by a licensee to carry or use firearms. The course in the carrying and use of firearms and the course of training in the exercise of the powers to arrest shall meet the standards which shall be prescribed by the Department of Consumer Affairs. The Department shall encourage restraint and caution in the use of firearms.



## SECURITY GUARD GUIDE

(b) No uniformed employee of a licensee shall carry or use any firearm unless the employee has in his or her possession a valid firearm qualification card.

*Note: It is illegal for a licensee or registrant to carry a concealed weapon on duty without a permit issued by local authorities. The firearm permit issued by BSIS only allows the security guard to carry an exposed firearm while on duty.*

## EXEMPTIONS FROM THE PRIVATE SECURITY SERVICES ACT

### **Business & Professions Code Section 7582.2 (Excerpt)**

This chapter [Chapter 11.5, the Private Security Services Act] does not apply to the following:

(a) A person who does not meet the requirements to be a proprietary private security officer, as defined in Section 7574.1, and is employed exclusively and regularly by any employer who does not provide contract security services for other entities or persons, in connection with the affairs of the employer only and where there exists an employer-employee relationship if that person at no time carries or uses any deadly weapon in the performance of his or her duties. For purposes of this subdivision, "deadly weapon" is defined to include any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade and any metal pipe or bar used or intended to be used as a club.

...

(k) A peace officer of this state or a political subdivision thereof while the peace officer is employed by a private employer to engage in off-duty employment in accordance with Section 1126 of the Government Code. However, nothing herein shall exempt a peace officer who either contracts for his or her services or the services of others as a private patrol operator or contracts for his or her services as or is employed as an armed private security officer. For the purpose of this subdivision, "armed security officer" means an individual who carries or uses a firearm in the course and scope of that contract or employment.

(l) A retired peace officer of the state or political subdivision thereof when the retired peace officer is employed by a private employer in employment approved by the chief law enforcement officer of the jurisdiction where the employment takes place, provided that the retired officer is in a uniform of a public law enforcement agency, has registered with the bureau on a form approved by the director, and has met any training requirements or their equivalent as established for security personnel under Section 7583.5. This officer may not carry an unloaded and exposed handgun unless he or she is exempted under the provisions of Article 2 (commencing with Section 26361) of Chapter 6 of Division 5 of Title 4 of Part 6 of the Penal Code, and may not carry a loaded or concealed firearm unless he or she is exempted under the provisions of Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6 of the Penal Code or Sections 25900 to 25910, inclusive, of the Penal Code or has met the requirements set forth in subdivision (d) of Section 26030 of the

## SECURITY GUARD GUIDE

Penal Code. However, nothing herein shall exempt the retired peace officer who contracts for his or her services or the services of others as a private patrol operator.

## PEACE OFFICER EXEMPTIONS

An active duty peace officer or a level 1 or 2 reserve peace officer may apply to be an armed or unarmed security guard. However, to carry a weapon as a security guard, a peace officer must have on his/her person, while performing the duties of a security guard, either a written authorization from his/her primary employer (law enforcement entity) giving the peace officer permission to carry a weapon while performing the duties of a security guard or the peace officer must have an exposed firearm permit issued by the Bureau. If the peace officer is unable to obtain the written permission from his/her primary employer (law enforcement entity) the peace officer must apply for the firearm permit.

Most law enforcement entities will not give a peace officer written permission on their department letterhead to carry a weapon, off duty, while performing the duties of a security guard. Therefore, the peace officer must usually apply for the exposed firearm permit.

An active duty and level 1 & 2 reserve peace officer is also exempt from having to submit fingerprints for the security guard registration. However, a peace officer must submit fingerprints if the officer is also applying for the firearm permit. If the peace officer is only applying for the security guard registration they have the option of submitting or not submitting fingerprints. However, if they leave their primary employment with law enforcement (retired, quit, laid off, or fired) and have not submitted fingerprints they must notify the Bureau that they are no longer with law enforcement and return the security guard registration to the Bureau within 72 hours. If they wished to continue working as a security guard they would have to reapply as a private citizen and complete the required training along with submission of fingerprints in order to obtain a security guard registration.

Most peace officers, who work off duty as armed or unarmed security guards, prefer to submit fingerprints for both the security guard and the firearm permit. This allows a peace officer to retain the security guard registration and exposed firearm permit after the peace officer retires or changes employment status, and is no longer a sworn peace officer.

## APPLICABLE PENAL CODE SECTIONS (FROM THE 2012 COMPACT EDITION)

### **I. Penal Code Section 25850 [Carrying of loaded firearms; misdemeanor]**

**§25850.** (a) A person is guilty of carrying a loaded firearm when the person carries a loaded firearm on the person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory.

## SECURITY GUARD GUIDE

(b) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on the person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to this section constitutes probable cause for arrest for violation of this section.

(c) Carrying a loaded firearm in violation of this section is punishable, as follows:

(1) Where the person previously has been convicted of any felony, or of any crime made punishable by a provision listed in Section 16580, as a felony.

(2) Where the firearm is stolen and the person knew or had reasonable cause to believe that it was stolen, as a felony.

(3) Where the person is an active participant in a criminal street gang, as defined in subdivision (a) of Section 186.22, under the Street Terrorism Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1), as a felony.

(4) Where the person is not in lawful possession of the firearm, or is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Chapter 2 commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, as a felony.

(5) Where the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.

(6) Where the person is not listed with the Department of Justice pursuant to Section 11106 as the registered owner of the handgun, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, or by a fine not to exceed one thousand dollars (\$1,000), or both that fine and imprisonment.

(7) In all cases other than those specified in paragraphs (1) to (6), inclusive, as a misdemeanor, punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.

(d) (1) Every person convicted under this section who has previously been convicted of an offense enumerated in Section 23515, or of any crime made punishable under a provision listed in Section 16580, shall serve a term of at least three months in a county jail, or, if granted probation or if the execution or imposition of sentence is suspended, it shall be a condition thereof that the person be imprisoned for a period of at least three months.

## SECURITY GUARD GUIDE

(2) The court shall apply the three-month minimum sentence except in unusual cases where the interests of justice would best be served by granting probation or suspending the imposition or execution of sentence without the minimum imprisonment required in this section or by granting probation or suspending the imposition or execution of sentence with conditions other than those set forth in this section, in which case, the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(e) A violation of this section that is punished by imprisonment in a county jail not exceeding one year shall not constitute a conviction of a crime punishable by imprisonment for a term exceeding one year for the purposes of determining federal firearms eligibility under Section 922(g)(1) of Title 18 of the United States Code.

(f) Nothing in this section, or in Article 3 (commencing with Section 25900) or Article 4 (commencing with Section 26000), shall preclude prosecution under Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, Section 8100 or 8103 of the Welfare and Institutions Code, or any other law with a greater penalty than this section.

(g) Notwithstanding paragraphs (2) and (3) of subdivision (a) of Section 836, a peace officer may make an arrest without a warrant:

(1) When the person arrested has violated this section, although not in the officer's presence.

(2) Whenever the officer has reasonable cause to believe that the person to be arrested has violated this section, whether or not this section has, in fact, been violated.

(h) A peace officer may arrest a person for a violation of paragraph (6) of subdivision (c), if the peace officer has probable cause to believe that the person is carrying a handgun in violation of this section and that person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of Section 11106 as the registered owner of that handgun.

**Note:** *Merely completing a course in firearms training does not authorize a security guard to carry a firearm on duty. A security guard MUST obtain a firearm permit in order to carry a firearm while on duty. A security guard who carries a firearm on duty without a valid permit could be arrested and convicted for violation of Section 25850 of the Penal Code.*

## **II. Penal Code Section 25400 [Carrying a weapon concealed within a vehicle or on person]**

**§25400.** (a) A person is guilty of carrying a concealed firearm when the person does any of the following:

(1) Carries concealed within any vehicle that is under the person's control or direction any pistol, revolver, or other firearm capable of being concealed upon the person.

## SECURITY GUARD GUIDE

- (2) Carries concealed upon the person any pistol, revolver, or other firearm capable of being concealed upon the person.
- (3) Causes to be carried concealed within any vehicle in which the person is an occupant any pistol, revolver, or other firearm capable of being concealed upon the person.
- (b) A firearm carried openly in a belt holster is not concealed within the meaning of this section.
- (c) Carrying a concealed firearm in violation of this section is punishable as follows:
- (1) If the person previously has been convicted of any felony, or of any crime made punishable by a provision listed in Section 16580, as a felony.
- (2) If the firearm is stolen and the person knew or had reasonable cause to believe that it was stolen, as a felony.
- (3) If the person is an active participant in a criminal street gang, as defined in subdivision (a) of Section 186.22, under the Street Terrorism Enforcement and Prevention Act (Chapter 11, commencing with Section 186.20) of Title 7 of Part 1), as a felony.
- (4) If the person is not in lawful possession of the firearm or the person is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Chapter 2 commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, as a felony.
- (5) If the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.
- (6) If both of the following conditions are met, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment:
- (A) The pistol, revolver, or other firearm capable of being concealed upon the person is loaded, or both it and the unexpended ammunition capable of being discharged from it are in the immediate possession of the person or readily accessible to that person.
- (B) The person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of Section 11106 as the registered owner of that pistol, revolver, or other firearm capable of being concealed upon the person

## SECURITY GUARD GUIDE

(7) In all cases other than those specified in paragraphs (1) to (6), inclusive, by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.

(d) (1) Every person convicted under this section who previously has been convicted of a misdemeanor offense enumerated in Section 23515 shall be punished by imprisonment in a county jail for at least three months and not exceeding six months, or, if granted probation, or if the execution or imposition of sentence is suspended, it shall be a condition thereof that the person be imprisoned in a county jail for at least three months.

(2) Every person convicted under this section who has previously been convicted of any felony, or of any crime made punishable by a provision listed in Section 16580, if probation is granted, or if the execution or imposition of sentence is suspended, it shall be a condition thereof that the person be imprisoned in a county jail for not less than three months.

(e) The court shall apply the three-month minimum sentence as specified in subdivision (d), except in unusual cases where the interests of justice would best be served by granting probation or suspending the imposition or execution of sentence without the minimum imprisonment required in subdivision (d) or by granting probation or suspending the imposition or execution of sentence with conditions other than those set forth in subdivision (d), in which case, the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(f) A peace officer may arrest a person for a violation of paragraph (6) of subdivision (c) if the peace officer has probable cause to believe that the person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of Section 11106 as the registered owner of the pistol, revolver, or other firearm capable of being concealed upon the person, and one or more of the conditions in subparagraph (A) of paragraph (6) of subdivision (c) is met.

## **BATONS**

### **Business & Professions Code Section 7585.9 (Excerpt)**

(a) The course of training in the carrying and usage of the baton, the satisfactory completion of which shall be required of applicants who wish to obtain a baton permit, shall be in the format prescribed by the Department of Consumer Affairs as delineated in the bureau's "Baton Training Manual." The course of training contained in the manual shall include, but not be limited to, the following subjects:

- (1) Moral and legal aspects of baton usage.
- (2) Use of force.
- (3) Baton familiarization and uses.
- (4) First aid for baton injuries.

## SECURITY GUARD GUIDE

- (5) Fundamentals of baton handling.
  - (A) Stances and grips.
  - (B) Target areas.
  - (C) Defensive techniques.
  - (D) Control techniques.
  - (E) Arrest and control techniques.
- (6) Examination of the subject matter as taught in the classroom and as provided by the bureau.

\*\*\*

### **Business & Professions Code Section 7585.14 (Excerpt)**

(a) A baton training facility shall issue a bureau-developed baton permit to any person who successfully completes a baton training course as described in Section 7585.9 and possesses a valid security guard registration card issued pursuant to Article 4 (commencing with Section 7583) or who has made application for that registration card. The baton permit is valid only when the holder possesses a valid guard registration card.

### **Business & Professions Code Section 7583.34**

A licensee shall not permit any employee to carry a baton prior to ascertaining that the employee is proficient in the use of the weapon. Evidence of proficiency shall include a certificate from a baton training facility approved by the bureau which certifies that the employee is proficient in the use of the baton.

## 2012 PENAL CODE SECTIONS

### **Penal Code Section 22295 [Exemptions: Law Enforcement Officers; Uniformed Security Guards.]**

§22295. (a) Nothing in any provision listed in Section 16580 prohibits any police officer, special police officer, peace officer, or law enforcement officer from carrying any wooden club or baton.

(b) Nothing in any provision listed in Section 16580 prohibits a uniformed security guard, regularly employed and compensated by a person engaged in any lawful business, while actually employed and engaged in protecting and preserving property or life within the scope of employment, from carrying any wooden club or baton if the uniformed security guard has satisfactorily completed a course of instruction certified by the Department of Consumer Affairs in the carrying and use of the club or baton. The training institution certified by the Department of Consumer Affairs to present this course, whether public or private, is authorized to charge a fee covering the cost of the training.

## SECURITY GUARD GUIDE

- (c) The Department of Consumer Affairs, in cooperation with the Commission on Peace Officer Standards and Training, shall develop standards for a course in the carrying and use of a club or baton.
- (d) Any uniformed security guard who successfully completes a course of instruction under this section is entitled to receive a permit to carry and use a club or baton within the scope of employment, issued by the Department of Consumer Affairs. The department may authorize a certified training institution to issue permits to carry and use a club or baton. A fee in the amount provided by law shall be charged by the Department of Consumer Affairs to offset the costs incurred by the department in course certification, quality control activities associated with the course, and issuance of the permit.
- (e) Any person who has received a permit or certificate that indicates satisfactory completion of a club or baton training course approved by the Commission on Peace Officer Standards and Training prior to January 1, 1983, shall not be required to obtain a club or baton permit or complete a course certified by the Department of Consumer Affairs.
- (f) Any person employed as a county sheriff's or police security officer, as defined in Section 831.4, shall not be required to obtain a club or baton permit or to complete a course certified by the Department of Consumer Affairs in the carrying and use of a club or baton, provided that the person completes a course approved by the Commission on Peace Officer Standards and Training in the carrying and use of the club or baton, within 90 days of employment.
- (g) Nothing in any provision listed in Section 16580 prohibits an animal control officer, as described in Section 830.9, or an illegal dumping enforcement officer, as described in Section 830.7, from carrying any wooden club or baton if the animal control officer or illegal dumping enforcement officer has satisfactorily completed the course of instruction certified by the Commission on Peace Officer Standards and Training in the carrying and use of the club or baton. The training institution certified by the Commission on Peace Officer Standards and Training to present this course, whether public or private, is authorized to charge a fee covering the cost of the training.

[NOTE: BSIS issues generic baton permits to be used with all categories of batons. Therefore, while a security guard is authorized to carry any type of baton while on duty, **BSIS strongly recommends that the security guard receives specific training for each type of baton the guard carries.**]

## **TEAR GAS**

Tear gas and other chemical agents commonly used in the security professions may only be used after the proper training and certificate have been attained. The following excerpts from the Business and Professions Code explain the requirements.



**DIVISION 3, CHAPTER 11.5, PRIVATE SECURITY SERVICES  
ARTICLE 4**

**Business & Professions Code Section 7583.35**

Every licensee, qualified manager, or a registered uniformed security guard, who in the course of his or her employment carries tear gas or any other nonlethal chemical agent, shall complete the required course pursuant to Section 22835 of the Penal Code.

**Business & Professions Code Section 7583.36**

A licensee shall not permit any employee to carry tear gas or any other nonlethal chemical agent prior to ascertaining that the employee is proficient in the use of tear gas or other nonlethal chemical agent. Evidence of proficiency shall include a certificate from a training facility approved by the Department of Consumer Affairs, Bureau of Security and Investigative Services that the person is proficient in the use of tear gas or any other nonlethal chemical agent.

**Business & Professions Code Section 7583.37 (Excerpt)**

The director may assess fines as enumerated in Article 7 (commencing with Section 7587). Assessment of administrative fines shall be independent of any other action by the bureau or any local, state, or federal governmental agency that may result from a violation of this article. In addition to other prohibited acts under this chapter, no licensee, qualified manager, or registered security guard shall, during the course and scope of licensed activity, do any of the following:

\*\*\*

(d) Carry or use tear gas or any other nonlethal chemical agent in the performance of his or her duties unless he or she has in his or her possession proof of completion of a course in the carrying and use of tear gas or any other nonlethal chemical agent.

**APPLICABLE PENAL CODE SECTIONS**

**Section 22835**

§22835. Notwithstanding any other provision of law, a person holding a license as a private investigator pursuant to Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code, or as a private patrol operator pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, or a uniformed patrolperson employee of a private patrol operator, may purchase, possess, or transport any tear gas weapon, if it is used solely for defensive purposes in the course of the activity for which the license was issued and if the person has satisfactorily completed a course of instruction approved by the Department of Consumer Affairs in the use of tear gas.

**UNIFORMS, PATCHES, BADGES, AND VEHICLES**

Security guards use distinctive uniforms, security patrol cars, and other items to distinguish their status and company affiliation. To maintain the distinction between civilians, security guards, and members of the law enforcement community, these identifying items must comply with the following regulations.

**BUSINESS AND PROFESSIONS CODE  
DIVISION 3, CHAPTER 11.5, PRIVATE SECURITY SERVICES  
ARTICLE 3**

**Business and Professions Code Section 7582.26 (Excerpt)**

...

(d) No licensee, or officer, director, partner, manager, or employee of a licensee, shall use a title, or wear a uniform, or use an insignia, or use an identification card, or make any statement with the intent to give an impression that he or she is connected in any way with the federal government, a state government, or any political subdivision of a state government.

...

(f) No private patrol licensee or officer, director, partner, manager, or employee of a private patrol licensee shall use or wear a badge, except while engaged in guard or patrol work and while wearing a distinctive uniform. A private patrol licensee or officer, director, partner, manager, or employee of a private patrol licensee wearing a distinctive uniform shall wear a patch on each shoulder of his or her uniform that reads "private security" and that includes the name of the private patrol company by which the person is employed or for which the person is a representative and a badge or cloth patch on the upper left breast of the uniform. All patches and badges worn on a distinctive uniform shall be of a standard design approved by the director and shall be clearly visible. The director may assess a fine of two hundred fifty dollars (\$250) per violation of this subdivision. [Emphasis added]. . .

(i) No private patrol operator licensee or officer, director, partner, or manager of a private patrol operator licensee, or person required to be registered as a security guard pursuant to this chapter shall use or wear a baton or exposed firearm as authorized by this chapter unless he or she is wearing a uniform which complies with the requirements of Section 7582.27.

**Business and Professions Code Section 7582.27 (Excerpt)**

(a) Any person referred to in subdivision (i) of Section 7582.26 who uses or wears a baton or exposed firearm as authorized pursuant to this chapter shall wear a patch on each arm that reads "private security" and that includes the name of the company by which the person is employed or for which the person is a representative. The patch shall be clearly visible at all times. The patches of a private patrol operator licensee, or his or her employees or representatives shall be of a standard design approved by the director. . .

**SECURITY GUARD GUIDE**

**Business and Professions Code Section 7582.28 (Excerpt)**

(a) Any badge or cap insignia worn by a person who is a licensee, officer, director, partner, manager, or employee of a licensee shall be of a design approved by the director, and shall bear on its face a distinctive word indicating the name of the licensee and an employee number by which the person may be identified by the licensee.

The provisions of this section shall not be construed to authorize persons to wear badges who are prohibited by Section 7582.26 from wearing badges. . .

**DIVISION 3, CHAPTER 11.5, PRIVATE SECURITY SERVICES  
ARTICLE 4**

**Business and Professions Code Section 7583.38**

A city, county, or city and county may regulate the uniforms and insignias worn by uniformed employees of a private patrol operator and vehicles used by a private patrol operator to make the uniforms and vehicles clearly distinguishable from the uniforms worn by, and the vehicles used by, local regular law enforcement officers.

**QUESTIONS?**

The Bureau of Security and Investigative Services is located at:

2420 Del Paso Road, Suite 270  
Sacramento, California 95834

Business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday; phone (916) 322-4000.

Additional copies may be downloaded from the web site at [www.bsis.ca.gov](http://www.bsis.ca.gov) or may be requested by writing to the Bureau at the above address.