"AN ORDINANCE WITH PENALTIES AS ADOPTED BY THE ST. CHARLES COUNTY COUNCIL"

Bill No. 4706 Ordinance No. 19-033

Requested by: Dave Todd

Sponsored by: Council as a Whole

AN ORDINANCE AMENDING SECTIONS 605.010 TO 605.140 OF THE ORDINANCES OF ST. CHARLES COUNTY MISSOURI ("OSCCMo") CONCERNING THE LICENSING OF WATCHMEN AND SECURITY OFFICERS

WHEREAS, businesses in St. Charles County need professional security services to protect property, employees and customers of the business; and

WHEREAS, the Federal Bureau of Investigation's ("FBI") report, *Active Shooter Incidents in the United States in 2016 and 2017*, has concluded that the number of active shooter situations in 2017 was higher than any year previously recorded and that the enhanced threat posed by active shooters "support the importance of preparation by law enforcement officers and citizens alike." *Active Shooter Incidents in the United States in 2016 and 2017*, the Advanced Law Enforcement Rapid Response Training (ALERRT) Center at Texas State University and the Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 2018; and

WHEREAS, the St. Charles County Council finds and determines that amending Chapter 605 OSCCMo to provide for the licensing of conceal/carry security officers will promote the safety and well-being of businesses, their employees, and residents in the County.

POSTED: MAY 13, 2019

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 605.010 of the OSCCMo. is hereby amended as follows (additions in **bold** type, deletions in [~~bracketed and stricken~~] type):

Section 605.010 **Definitions.**

As used in this Chapter, the following terms shall have these prescribed meanings:

DESIGNATED AGENCY

Any agency or County department designated by the St. Charles County Chief of Police to issue licenses as prescribed by this Chapter or perform other duties under this Chapter.

DESIGNATED AREA

The established property within the boundaries owned, leased or rented [~~by the employer of such~~] **to which a licensed conceal/carry security officer,** security officer**,** or watchman **is assigned by his or her employer or contracting security company**.

LICENSEE

Any watchman [~~or~~], security officer**, or conceal/carry security officer,** who holds a license issued by the County of St. Charles.

SECURITY OFFICER

A person **21 years of age or older** employed with certain powers to protect life and property on/in a designated area and who must be in uniform, unless otherwise approved by

the Chief of Police, and may or may not carry an exposed firearm, electronic control weapon, or protective device.

WATCHMAN

A person **18 years or older** employed without any firearm, weapon or protective device to perform the tasks of observation, protection and reporting on/in a designated area.

CONCEAL/CARRY SECURITY OFFICER ("CCSO")

A person employed with certain powers to protect life and property only in a designated area and who must be in uniform, unless otherwise approved by the Chief of Police, and may or may not carry a concealed firearm, an exposed firearm, an electronic control weapon, or a protective device.

CCSOs may be employed by either (i) the owner, landlord, or tenant of a designated area, or (ii) by a contracted security company that:

1. **Maintains a minimum of $5,000,000.00 in general liability insurance coverage; and**
2. **Provides security services in a designated area owned, leased, or rented by a business employing or contracting with more than 500 personnel who work within such designated area.**

Applicants for a CCSO License must have completed at least one of the following requirements:

1. **At least one year of military service or of service as a law enforcement officer or corrections officer;**

   a. Military service may be proven by possession of an active military ID or a DD Form 214, Certificate of Release or Discharge from Active Duty, except that the person shall not have been discharged from the Armed Forces under dishonorable conditions.

2. **At least one year as a licensed security officer, whose license has never been suspended or revoked, and an Associate's degree (or completion of 60 credit hours) in law enforcement or criminal justice; or**

3. **Graduate of a Certified Public Safety Academy (military or civilian) in the law enforcement, adult corrections, firefighting, or emergency medical services fields.**

Section 2. Section 605.020 of the OSCCMo. is hereby amended as follows (additions in **bold** type, deletions in [~~bracketed and stricken~~] type):

Section 605.020 **Licensing Power.**

[~~A.~~]The County shall have the power to license all watchmen, [~~and~~] security officers, **and CCSOs** serving or acting in designated areas within the County and to regulate all watchmen [~~and~~], security officers, **and CCSOs** serving or acting in designated areas within:

A. [~~1.~~]The unincorporated County; and

B.[~~2.~~]The incorporated areas of the County with the consent of the Governing Body of the affected City, Town or Village[~~; and~~]

No [~~no~~] person shall act as [~~such~~] **a watchman, security officers, or CCSO** without first having obtained such license as required by this Chapter.

Section 3. Section 605.030 of the OSCCMo. is hereby amended as follows (additions in **bold** type, deletions in [~~bracketed and stricken~~] type):

Section 605.030 **License Required.**

[~~A.~~] No person shall engage in the activities of a watchman**,** [~~or~~] security officer**, or CCSO** without having first obtained a license to do so as provided by this Chapter, provided however[~~:~~]

[~~1. A~~] **a** person may obtain a sixty (60) day temporary permit to perform such services pending issuance of the license provided by this Chapter[~~; or~~]**.**

[~~2. A person who has been trained by and is licensed or registered by another public law enforcement agency, and has applied for a license hereunder may engage in the activity of a watchman or security officer for a period not to exceed thirty (30) days following filing of the application pending issuance of the license pursuant to this Chapter.~~]

Section 4. Section 605.040 of the OSCCMo. is hereby amended as follows (additions in **bold** type, deletions in [~~bracketed and stricken~~] type):

Section 605.040 **License Application.**

Any person desiring to act as a watchman [~~or~~], security officer, **or CCSO** in the County shall make written application to the St. Charles County Chief of Police or to another agency or department, which has been designated by the Chief of Police, for licensing as a watchman [~~or~~], security officer, **or CCSO** upon a form or forms prescribed by the Chief of Police. Such application shall describe the premises or the locality upon or within which the applicant is to serve as a watchman [~~or~~], security officer, **or CCSO**; and shall be accompanied by a written statement of a responsible business enterprise, citizen or group of citizens indicating its or their intention to employ the applicant as a watchman [~~or~~], security officer, **or CCSO**. The applicant's fingerprints will be taken by the St. Charles County Police Department or the designated agency at the time of submission of the application or the applicant's fingerprints may be provided by the employing agency or another law enforcement agency by which the applicant is licensed or registered as a watchman [~~or~~], security officer, **or CCSO**.

Section 5. Section 605.050 of the OSCCMo. is hereby amended as follows (additions in **bold** type, deletions in [~~bracketed and stricken~~] type):

Section 605.050 **Licensee to Furnish Bond to County.**

A. Every watchman or security officer licensed under the provisions of this Chapter shall furnish bond to the County with an insurance company corporate surety in the sum of thirty thousand dollars ($30,000.00), conditioned upon the faithful performance of the work and the observation of all the provisions of this Chapter, all

ordinances of the County and all laws of the State of Missouri and the United States. Such bond shall be for the use and benefit of the County and of any person who may have employed such licensee and been injured by the willful, negligent, malicious, or wrongful act of such licensee. The bond requirement of this Section may be waived by the St. Charles County Chief of Police on satisfactory proof by the employer of liability insurance covering the applicant with insuring single limits of not less than three hundred thousand dollars ($300,000.00).

B. Every CCSO licensed under the provisions of this Chapter shall furnish bond to the County with an insurance company corporate surety in the sum of thirty thousand dollars ($30,000), conditioned upon the faithful performance of the work and the observation of all the provisions of this Chapter, all ordinances of the County and all laws of the State of Missouri and the United States. Such bond shall be for the use and benefit of the County and of any person who may have employed such licensee and been injured by the willful, negligent, malicious, or wrongful act of such licensee. The bond requirement of this Section may be waived by the St. Charles County Chief of Police on satisfactory proof by the employer of liability insurance covering the applicant with insuring single limits of not less than five million dollars ($5,000,000.00).

Section 6. Section 605.060 of the OSCCMo. is hereby amended as follows (additions in **bold** type, deletions in [bracketed and stricken] type):

Section 605.060 **License Application Investigation by the Chief of Police.**

All applications for a license as a watchman [~~or~~], security officer, **or CCSO** shall be referred to the St. Charles County Chief of Police who shall investigate the moral character and fitness of the applicant or applicants, their experience in such business, the character of the services they expect to perform, and the manner in which such business is to be carried on, and who shall obtain such other information concerning the applicant as he **or she** may deem necessary in order to determine the applicant's fitness and qualifications for the conduct of such activity. Current licensing or registration may, in the sole discretion of the Chief of Police, be accepted in lieu of the investigation by the Chief of Police. The Chief of Police may designate another agency or department to perform the investigation.

Section 7. Section 605.070 of the OSCCMo. is hereby amended as follows (additions in **bold** type, deletions in [~~bracketed and stricken~~] type):

Section 605.070 **Training.**

[~~A.~~] All applicants who apply for a watchman [~~or~~], security officer, **or CCSO** license must successfully complete a prescribed course of training approved by the St. Charles County Chief of Police prior to the issuance of said license. [~~This training shall be at least a four (4) hour training session within six (6) weeks prior to date of a request for renewal.~~]

A. [~~1.~~] Firearms Training. All security officers **and CCSOs** who seek a license to carry firearms must successfully complete a firearms qualification course prior to license issuance each year. The Chief of Police shall not approve firearms training requirements [~~which~~] **that** do not include the following:

1. [~~a.~~] **Successful** [~~C~~]completion of a prescribed firearms qualification course conducted by a State Certified Police Academy; **and**

2. [~~b.~~] [~~Attendance at a four (4)~~] **Successful completion of an eight (8)** hour Firearms Safety Training Session [~~which must be completed within six (6) weeks from submission of the application or request for~~] **prior to license** renewal[~~;~~] **each year.**

B. [~~2.~~] Other Weapons And Protective Device Training. Any security officer **or CCSO** seeking to carry a protective device must also complete a certified session conducted by a State Certified Police Academy on carrying that protective device, [~~limited to~~] **including** CS (pepper) mace or impact weapons including straight baton, asp baton, or expandable baton. All security officers **or CCSOs** who are licensed to carry electronic control weapons must also successfully complete annual training and qualification at the agency designated by the Chief of Police prior to license renewal each year.

C. Handcuffs. Any security officer or CCSO seeking to carry handcuffs must complete a certified session conducted by a State-Certified Police Academy of at least six (6) hours for carrying handcuffs. All security officers or CCSOs who are licensed to carry handcuffs

must also successfully complete annual training and qualification at the agency designated by the Chief of Police prior to license renewal each year.

D. CCSOs seeking to carry a concealed weapon must complete an additional eight (8) hours of classroom instruction bi-annually by a qualified Missouri firearms safety instructor, as defined in Section 571.111, RSMo., which additional training will include the following:

1. Firearms Safety

2. Use of Force Continuum

3. Weapons Retention

4. Use of Force

5. Use of less than lethal force

6. Multiple Target Engagement

7. Flashlight Techniques

8. Live fire re-loading drills

9. Live fire malfunction drills

10. Shoot and move drills

Section 8. Section 605.090 of the OSCCMo. is hereby amended as follows (additions in **bold** type, deletions in [~~bracketed and stricken~~] type):

Ssection 605.090 **Identification Card – Uniform.**

Each such person licensed as a watchman [~~or~~], security officer**, or CCSO** shall receive an identification card

[~~which~~] **that** shall prominently indicate the position that the person is licensed for and provide proof of identity, authority, and possession of a valid license. The licensee will carry said card at all times while on duty. The loss of this card will be reported immediately to the St. Charles County Police Department or the designated agency and a duplicate card will be issued for a fee of fifteen dollars ($15.00). The uniform worn by licensees on duty shall be unlike the official uniform of the St. Charles County Police Department or **any** other law enforcement agency within St. Charles County. The licensee's uniform shall be complete with a cap and wearing a breast-type badge clearly visible at all times while the licensee is on duty, unless specific written permission for some other type of attire or dress is granted by the Chief of Police. Each person must exhibit a name bar one-eighth (⅛) inch above the right pocket of the uniform shirt depicting the name as it appears on the identification card. Each person licensed under the provision hereof shall at all times maintain on file with the Chief of Police or the designated agency a photograph accurately depicting the uniform, emblems and badges worn. If such person is employed by a person, firm or corporation which employs more than one (1) watchman [~~or~~], security officer, **or CCSO** who wear identical uniforms, emblems and badges, it shall be sufficient under this Section for such person, firm or corporation to maintain on file one (1) photograph accurately depicting each separate type of uniform, emblem or badge worn by its employees during the performance of their duties.

Section 9. Section 605.110 of the OSCCMo. is hereby amended as follows (additions in **bold** type, deletions in [~~bracketed and stricken~~] type):

Section 605.110 **Requirements for Licensed Security Officers.**

A. Licensee must be in uniform at all times when on duty if carrying an exposed firearm.

B. Licensee must perform his or her functions in a designated area.

C. Licensee must wear and exhibit on the outermost garment the issued badge or emblem when in uniform to include a visible name plate one-eighth (⅛) inch above the right shirt pocket.

D. Licensee must carry the license identification card whenever on duty and display same when requested to do so.

E. Licensee is authorized to carry a protective device, electronic control weapon, and/or an exposed firearm when he or she is qualified to do so and his or her license so states.

F. Licensee may not be a convicted felon**, someone who has been discharged from the Armed Forces under dishonorable conditions, or someone who has had a Peace Officers' License suspended or revoked**.

Section 10. Section 605.115 of the OSCCMo. is hereby created as follows (additions in **bold** type):

Section 605.115 Requirements for Licensed CCSOs.

A. Licensee must be in uniform at all times when on duty if carrying a concealed or exposed firearm.

B. In order to carry a concealed firearm, all CCSOs must have a concealed carry permit that is valid in the State of Missouri.

C. Licensee must perform his or her functions in a designated area.

D. Licensee must wear and exhibit on the outermost garment the issued badge or emblem when in uniform to include a visible name plate one-eighth (⅛) inch above the right shirt pocket. In addition, CCSOs shall wear a black uniform blazer that includes a security badge on the left front breast, a patch on each shoulder designating "Security", and three gold bands at the base of each sleeve designated by the licensing authority and approved by the Chief of Police. The security badge worn on the left front breast shall be at least two inches (2") wide and at least three inches (3") tall, as measured from the farthest points of the badge.

E. Licensee must carry the license identification card whenever on duty and display same when requested to do so.

F. Licensee is authorized to carry a protective device, electronic control weapon, exposed firearm, and/or a concealed firearm when he or she is qualified to do so and his or her license so states.

G. Licensee may not be a convicted felon, someone who has been discharged from the Armed Forces under

dishonorable conditions, or someone who has had a Peace Officers' License suspended or revoked.

Section 11. Section 605.120 of the OSCCMo. is hereby amended as follows (additions in **bold** type, deletions in [~~bracketed and stricken~~] type):

Section 115.120 **Firearms.**

A. A licensed security officer **or CCSO** certified after Eastern Missouri Police Academy firearms training to be armed or permitted to carry a weapon while on duty and in uniform at the location(s) specified in the license may have a firearm.

B. Firearms carried by licensed security personnel shall be revolvers capable of firing and loaded with thirty-eight hundredths (0.38) caliber (Special) ammunition or semi-automatic pistols up to and including forty hundredths (0.40) caliber. Only one (1) approved firearm may be carried on duty. Certified Police Officers may carry duty weapons. The carrying of automatics, derringers or any type shotgun or rifle is prohibited. The Chief of Police shall have the authority to review an application for and grant, where appropriate and for good cause shown, the carrying of additional weapons.

C. A security officer **or CCSO,** upon firing his weapon for any reason within the unincorporated area of St. Charles County, or using other force to make an arrest, shall immediately make or cause to be made a report to the St. Charles County Police Department and to the law enforcement agency with jurisdiction where the incident occurred.

D. All State requirements for carrying a firearm must be followed.

Section 12. Section 605.130 of the OSCCMo. is hereby amended as follows (additions in **bold** type, deletions in [~~bracketed and stricken~~] type):

Section 605.130 **Revocation, Expiration or Termination of License.**

Every watchman [~~or~~], security officer**, and CCSO** shall hold his **or her** license at the pleasure of the St. Charles County Chief of Police and any agency or department designated by the Chief of Police to issue licenses under this Chapter and such license shall be subject to revocation by the Chief of Police or the designated agency for good cause. Such license shall terminate automatically upon the termination of employment of such watchman [~~or~~], security officer**,** or **CCSO** by the [~~business~~] **employing** corporation, person**,** or persons upon whose written request the license is issued. Such employing corporation, person**,** or persons shall promptly notify the Chief of Police or designated agency that the [~~watchman's or~~] **watchman,** security [~~officer's~~] **officer, or CCSO's** employment has terminated if, and when in fact, it does terminate. Upon the revocation, expiration**,** or termination of such license, it shall be the duty of each such watchman [~~or~~], security officer**, or CCSO** to surrender to the Chief of Police or designated agency the license and identification card. From and after the revocation, expiration**,** or termination of such license**,** the person shall no longer have any authority to exercise the power of a watchman [~~or~~], security officer**, or CCSO**. All licenses shall be issued for the period of one (1) year.

Section 13. Section 605.140 of the OSCCMo. is hereby amended as follows (additions in bold type, deletions in [bracketed and stricken] type):

Section 605.140 **Police Officer Provisions.**

A. Commissioned Police Officers of the State of Missouri may be licensed to perform the duties and carry out the responsibilities of watchmen [~~or~~], security officer**, or CCSOs** provided they are employed during the term of their license as commissioned Police Officers in the State of Missouri. Each officer must have secondary employment approval by his **or her** employing department.

B. During the one (1) year term of the license, all licenses granted under this provision cease to be valid simultaneously with termination of the commissioned status.

C. No further training is required during employment as long as a Police Officer is qualified by State certification.

D. Responsibilities and obligations when performing in the licensed status shall be those applicable to the licensed function being performed, except that nothing in this provision shall diminish or enlarge upon the duties and responsibilities of the officers as provided for by Statute and his **or her** department regulations.

Section 14. This ordinance is subject to penalty provisions for its violation and therefore, for penal purposes, shall be effective thirty-one (31) days after its posting in six public places, its publication in full on the web site of St. Charles County, and the publication of its title and the location in St. Charles County where it may be viewed in its entirety in a legal publication or a newspaper of general circulation in St. Charles County.

April 29, 2019
DATE PASSED

May 3, 2019
DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR