

# **New York State Security Guard Program**

## **Related Sections of Law & Program Regulations**



**Division of Criminal  
Justice Services**

New York State Division of Criminal Justice Services  
80 South Swan Street, Albany, New York 12110

[www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov)

## Background

The security industry provides a general and specialized workforce to enforce the rules, regulations and procedures of employers and clients, to control access and prevent trespass to an employers or clients property, to prevent loss or damage to person or property, to represent the employer or client by providing guidance to authorized visitors and other employees, too manage traffic flow and deter criminal activity on the employer or client's property. In NYS, these persons are employed to deter, observe, detect, and report incidents in order to protect persons and property from the effects of criminal activity.

The Security Guard Program commenced with the passage of chapter 336 of the laws of 1992 (section 6). The law established uniform standards for the employment, registration, training, and enforcement of liability coverage of security guards and the security guard industry. The law became effective January 1, 1993.

The General Business Law divides program responsibilities between the Department of State and the Division of Criminal Justice Services, Office of Public Safety (Division). The role of the Division is to prescribe and certify mandatory training courses, certify security guard training schools, and to certify instructors as competent to provide mandatory instruction.

The Executive Law establishes a Security Guard Advisory Council to make recommendations to the Department of State and to the Division as to the implementation of the program, and provides the Commissioner (Division) the authority promulgate rules and regulations governing training aspect of the law. Program regulations are codified in Title 9 of the *Official Compilation of Codes, Rules, and Regulations of the State of New York* (9 NYCRR).

The following materials shall serve as reference for all program activities. Laws and regulations are updated as necessary. Legislation included in the New York State Budget for fiscal year 2009-10 amended sections of the Executive Law to permit the Division to charge fees for the application and renewal of security guard training schools and instructors. The schedule of fees will be included in regulatory amendments to 9 NYCRR 6027 and 9 NYCRR 6028.

In addition to the schedule of fees, the Division has added additional language to the 9 NYCRR 6027 and 9 NYCRR 6028 which requires school directors and instructors to maintain a valid security guard registration card. The reason for this is twofold. First, in order to provide the highest quality instruction, it is reasonable to require school directors and instructors to be practitioners, and second, in applying for a security guard registration card, the applicant must submit to a criminal history background check. Persons who fail to obtain a security guard registration card due to prior criminal convictions would not be certified to participate in the Security Guard Program.

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**BYLAWS**  
New York State Security Guard Advisory Council

Revised July 1, 2007  
Revised June 25, 2003  
Revised February 14, 1995  
Adopted June 13, 1995

**ARTICLE I - NAME, MEMBERSHIP, AND TERMS OF MEMBERSHIP**

Section 1. Name

The name of the Council is the "New York State Security Guard Advisory Council" (hereinafter referred to as the "Council"). As prescribed by section 841-a of the Executive Law, the Council shall be within the New York State Division of Criminal Justice Services (hereinafter referred to as "DCJS").

Section 2. Membership

- (a) As prescribed by subdivision 1 of section 841-a of the Executive Law, the Council shall be composed of seventeen members appointed by the Governor and two ex-officio non-voting members. The Council shall consist of:
  - (i) Eight members representing the following: at least one member representing a contractual security company; at least one member representing a proprietary security company; at least one member who shall be actively employed as a security guard for a contractual security company; and at least one member who shall be actively employed as a security guard for a proprietary security company;
  - (ii) Three members who shall be appointed by the Governor on the recommendation of the Temporary President of the New York State Senate;
  - (iii) One member who shall be appointed by the Governor on the recommendation of the Minority Leader of the New York State Senate;
  - (iv) Three members who shall be appointed by the Governor on the recommendation of the Speaker of the New York State Assembly;
  - (v) One member who shall be appointed by the Governor on the recommendation of the Minority Leader of the New York State Assembly;
  - (vi) One member who shall be appointed by the Governor who shall be a full-time faculty member of a college or university who teaches and whose area of expertise is in the field of security; and
  - (vii) In addition, the Council shall include as ex-officio non-voting members, the Secretary of State and the Commissioner of DCJS (hereinafter referred to as "Commissioner") or their respective designees.
- (b) In accordance with Executive Law §841-a(5), membership on the Council shall not constitute the holding of a public office, and members of the Council shall not be required to take and file oaths of office before serving on the Council.

- (c) Pursuant to Executive Law §841-a(5), the Council shall not have the right to exercise any portion of the sovereign powers of the State of New York.
- (d) Pursuant to Executive Law §841-a(7), members of the Council shall not be disqualified from holding any public office or employment, and shall not forfeit any such office or employment, by reason of appointment to the Council, notwithstanding the provisions of any general, special or local law, ordinance, or city charter.
- (e) All members shall be residents of New York State.

### Section 3. Terms of Membership

- (a) All members of the Council appointed by the Governor shall be appointed for terms of three years, such terms to commence on January first, and expire on December thirty-first; provided, however, of the members first appointed, four shall be appointed for one-year terms and four shall be appointed for two-year terms. Any member may be reappointed for additional terms.
- (b) Any member chosen to fill a vacancy created otherwise than by expiration of a term shall be appointed for the unexpired term of the member whom he or she is to succeed. Vacancies caused by expiration of a term or otherwise shall be filled in the same manner as original appointments.

### Section 4. Cessation of Membership

Any member of the Council who shall cease to hold the position which qualified him/her for such appointment shall cease to be a member of the Council.

### Section 5. Compensation

In accordance with Executive Law §841-a(6), the members of the Council shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their Council functions.

## **ARTICLE II - CHAIRPERSON AND VICE-CHAIRPERSON OF THE COUNCIL; DESIGNATION AND FUNCTIONS**

### Section 1. Chairperson and Vice-Chairperson

In accordance with Executive Law §841-a(2), the Governor shall designate from among the members of the Council, a Chairperson and a Vice-Chairperson, who shall serve at the pleasure of the Governor.

## Section 2. Chairperson to Call Special Meetings

In accordance with Executive Law §841-a(4), special meetings of the Council may be called by the Chairperson and shall be called at the request of the Governor or upon the written request of nine (9) members of the Council (see Article V, Section 1).

## Section 3. Temporary Absence of the Chairperson

When the Chairperson expects to be absent from a meeting of the Council, the Vice-Chairperson shall act as Chairperson for that meeting. In the event that the Vice-Chairperson is also absent from the meeting, the Commissioner of DCJS or his/her designee shall convene the meeting and shall act as Chairperson thereof.

## Section 4. Resignation, Death, Membership Cessation, or Disability of the Chairperson

In the event of the resignation, death, membership cessation, or long-term disability of the Chairperson, the Vice-Chairperson shall assume all of the functions, powers, and duties of the Chairperson as prescribed by these Bylaws.

# ARTICLE III- FUNCTIONS, POWERS, AND DUTIES OF THE COUNCIL

## Section 1. Functions of the Council

- (a) Pursuant to Executive Law §841-b(1), the Council shall recommend to the Commissioner, rules and regulations with respect to the following:
  - (i) The approval or revocation of security guard training schools and training programs;
  - (ii) The minimum courses of study duration, attendance requirements, and equipment and facilities to be required at approved security guard training schools and training programs, taking into account subject matter, the hours each subject is to be taught and special requirements unique to particular assignments, employers and work sites;
  - (iii) The minimum qualifications for instructors at approved security guard training schools and training programs; and
  - (iv) The subject matter of all training requirements which security guards and security guard applicants must complete before being registered as unarmed and armed security guards.

## Section 2. Additional Duties

- (a) In accordance with Executive Law §841-b(2), the Council may perform the following additional duties:

- (i) Consult with, advise and make recommendations to the Commissioner with respect to the exercise of his or her functions, powers and duties as specified in the Executive Law;
  - (ii) Recommend studies, surveys and reports to be made by the Commissioner regarding the carrying out of the objectives and purposes of the Executive Law;
  - (iii) Visit and inspect any security guard training school approved by the Commissioner or for which application for such approval has been made;
  - (iv) Make recommendations, from time to time, to the Commissioner, the Governor, the Legislature and the Secretary of State, with regard to implementation of the purposes of the Executive Law; and of Article Seven-A of the General Business Law; and
  - (v) Perform such other acts as may be necessary or appropriate to carry out the functions of the Council.
- (b) Pursuant to General Business Law §89-o, the Secretary of State shall, in consultation with the Council, adopt rules and regulations implementing the provisions of Article 7-A of the General Business Law.
- (c) Pursuant to General Business Law Article 7-A, the Council may consult with and advise the Secretary of State on the following matters:
- (i) The minimum due diligence required to be exercised by security guard companies in connection with verifying information contained in registration applications; and
  - (ii) The information to be contained in the application filed by security guard applicants with the Department of State.

#### **ARTICLE IV- REGULAR MEETINGS OF THE COUNCIL**

##### **Section 1. Time, Place and Notice**

- (a) In accordance with Executive Law §841-a(4), the Council shall meet as frequently as it deems necessary but in no event less than one (1) time in each year. The dates of such regular meetings shall be fixed by resolution of the Council.
- (b) Regular meetings shall be held in Albany or elsewhere as designated by the Chairperson.
- (c) Written notice of a regular meeting shall be sent to each Council member at least ten (10) days prior to the date thereof. Such notice shall contain the date, time, and place of the meeting and the tentative agenda. A regular meeting shall be held as scheduled notwithstanding the fact that notice was not timely sent to the members, unless the issue of untimeliness is affirmatively raised and a motion to adjourn such meeting on account thereof is adopted.

- (d) In accordance with the Open Meetings Law [see Public Officers Law §104(1)], public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the public and shall be conspicuously posted in one or more designated public locations at least 72 hours before such meeting.
- (e) In accordance with the Open Meetings Law [see Public Officers Law §104(2)], public notice of the time and place of every other meeting, e.g., those scheduled less than one week prior to the meeting date, must be given, to the extent practicable, to the public and be conspicuously posted in one or more designated public locations at a reasonable time prior to the meeting. Effective July 1, 2007, Executive Order #3 requires the meeting to be webcast.

#### Section 2. Conduct of Business

- (a) Pursuant to Executive Law §841-a(4), the Council may establish its own procedures with respect to the conduct of its meetings and other affairs.
- (b) All recommendations made by the Council to the Commissioner pursuant to Executive Law §841-b shall require the affirmative vote of a majority of the Council.
- (c) The order in which the Council shall conduct its business at a regular meeting shall be within the discretion of the Chairperson, except that the first order of business shall be the adoption by the Council of the agenda for such meeting.
- (d) Upon a majority vote of the Council, the Council may conduct an executive session in accordance with the purposes specified in Public Officers Law §105 (e.g., matters involving the following: public safety, identity of a confidential informant, current or future criminal investigations, litigation, collective negotiations, confidential personal/corporate information, examinations or proposed security or real estate sales).

#### Section 3. Quorum Requirements

- (a) A quorum shall consist of a majority of the members then in office.
- (b) No business shall be transacted at a meeting of the Council unless a quorum is present, except that discussions of pending matters may take place provided that no action is taken thereon.
- (c) A member may be represented at a meeting by a personal representative. Such personal representative may speak on behalf of the member, but shall not be counted in the determination of a quorum, nor have the power to vote.

#### Section 4. Voting

- (a) Each member of the Council shall have one vote, except for the Secretary of State and the Commissioner of DCJS, or their respective designees, who shall serve as ex-officio non-voting members pursuant to Executive Law §841-a(1).

- (b) Any action taken by the Council requires a majority of the members then in office, provided that all recommendations made by the Council to the Governor pursuant to Executive Law §841-b shall require the affirmative vote of nine members of the Council.
- (c) A vote may be cast only by a member physically present or participating by means of videoconferencing at the time the vote is taken. Voting by proxy, by personal representative, by mail, telephone, or any other manner is prohibited.
- (d) The Chairperson may cast a vote on all matters voted upon.
- (e) The vote of each member present and voting shall be recorded in the minutes and made available for public inspection with regard to all proceedings at which final decisions are made.

#### Section 5: Public Participation

The meetings of the Council shall be open to the general public except for such executive sessions as may be necessary. (See Article IV, Section 2 for purposes for which an executive session may be called.) A member of the general public present may address the Council, if a written request is received by the Commissioner at least twenty-four hours before the scheduled start of the meeting, setting forth concisely the subject matter to be presented, and consent given thereto by two-thirds of the Council members present and entitled to vote.

### **ARTICLE V - SPECIAL MEETINGS OF THE COUNCIL**

#### Section 1. Manner of Calling Special Meetings

Special meetings of the Council may be held as often as necessary and shall be called by the Chairperson or upon the request of the Governor or upon the written request of nine (9) members of the Council. A request for a special meeting shall contain a statement of the specific purpose or purposes of the meeting.

#### Section 2. Time, Place and Notice

- (a) The time and place of special meetings shall be determined in accordance with the provisions of Article IV, Section 1 of the Bylaws.
- (b) The Chairperson shall cause notice of a special meeting to be given to each member at least ten (10) days prior to the date thereof. The notice shall be in such form as the Chairperson may prescribe. Such notice shall contain a statement of the specific purpose or purposes of the meeting. A special meeting shall be held as scheduled notwithstanding the fact that notice thereof was not timely sent to members, unless the issue of untimeliness is affirmatively raised and a motion to adjourn such special meeting on account thereof is adopted.

### Section 3. Conduct of Special Meetings

- (a) The only matters that may be acted upon at a special meeting are those specified in the notice of special meeting; provided, however, that matters other than those specified may be discussed but not acted upon.
- (b) The provisions of Article IV, sections 2 through 5 of the Bylaws, governing the conduct of regular meetings of the Council, shall also apply to the conduct of special meetings.

## ARTICLE VI - PROMULGATION OF COUNCIL RULES

The Commissioner shall adopt and promulgate any or all of the rules and regulations recommended by the Council to the Commissioner pursuant to Executive Law §841-b(1), which are necessary to implement the provisions of sections 841-a, 841-b, and 841-c of the Executive Law and Article 7-A of the General Business Law. At such time as the Commissioner promulgates any rule or regulation recommended by the Council, there shall be transmitted a certified copy thereof to the Secretary of State, in accordance with the requirements of the State Administrative Procedure Act §203(1) and Executive Law §101-a.

## ARTICLE VII - FUNCTIONS OF THE OFFICE OF PUBLIC SAFETY

### Section 1. Staff Assistance to Council

The Deputy Commissioner of the Division of Criminal Justice Services, who serves as Director of the Office of Public Safety (hereinafter referred to as "OPS") and OPS staff shall render such professional, administrative and clerical assistance to the Council as shall, from time to time, be agreed upon between the Chairperson and the Commissioner. The Council may not engage professional, administrative or clerical consultant services except upon the prior written approval of the Commissioner.

### Section 2. Minutes of Meetings

- (a) Minutes of meetings of the Council shall be prepared at all open meetings of the Council in accordance with Public Officers Law §106.
- (b) Minutes of executive sessions of the Council shall be prepared in accordance with Public Officers Law §106.
- (c) Minutes of all meetings of the Council shall be made available as required by Public Officers Law §106. Minutes of meeting shall be available to the public within two weeks from the date of such meeting. The minutes shall consist of a summary of all motions, proposals, resolutions and other matter formally voted upon and the vote thereon.
- (d) Minutes from an executive session must be made available to the public within one week from the date of such session.

#### **ARTICLE VIII - AMENDMENT OR REPEAL OF BYLAWS**

A resolution to add to, amend, or repeal the Bylaws may be introduced and finally acted upon at any regular or special meeting of the Council.

#### **ARTICLE IX - RATIFICATION OF PRIOR ACTION**

No action taken by the Council from the date of its inception to the date of the adoption of these Bylaws, shall be affected by these Bylaws, notwithstanding that such action may have been taken in a manner inconsistent with the provisions of these Bylaws.

#### **ARTICLE X - MATTERS NOT COVERED IN BY-LAWS**

Except as otherwise required or permitted by these Bylaws, the conduct of the proceedings of the Council shall accord with Roberts' Rules of Order.

**GENERAL BUSINESS LAW**  
**ARTICLE 7-A. SECURITY GUARD ACT**

**§ 89-f. Definitions.**

As used in this article, the following words and phrases shall have the following meanings:

1. "Commissioner" shall mean the commissioner of the division of criminal justice services.
2. "Division" shall mean the division of criminal justice services.
3. "Secretary" shall mean the secretary of state.
4. "Department" shall mean the department of state.
5. "Security guard company" shall mean any person, firm, limited liability company, corporation, public entity or subsidiary or department of such firm, limited liability company, corporation or public entity employing one or more security guards or being self-employed as a security guard on either a proprietary basis for its own use or on a contractual basis for use by another person, firm, limited liability company, corporation, public entity or subsidiary thereof within the state.
6. "Security guard" shall mean a person, other than a police officer, employed by a security guard company to principally perform one or more of the following functions within the state:
  - a. protection of individuals and/or property from harm, theft or other unlawful activity;
  - b. deterrence, observation, detection and/or reporting of incidents in order to prevent any unlawful or unauthorized activity including but not limited to unlawful or unauthorized intrusion or entry, larceny, vandalism, abuse, arson or trespass on property;
  - c. street patrol service;
  - d. response to but not installation or service of a security system alarm installed and/or used to prevent or detect unauthorized intrusion, robbery, burglary, theft, pilferage and other losses and/or to maintain security of a protected premises.
  - e. Provided, however, that a security guard who is otherwise subject to regulation with respect to registration and training by the federal government in the performance of their duties, or a security guard providing such services on a voluntary basis, shall not be subject to the provisions of this article.
7. "Public entity" shall mean:
  - a. the state of New York;
  - b. a county, city, town, village or any other political subdivision or civil department or division of the state;
  - c. any other public corporation, public authority, commission, agency, municipal or other public housing authority, or project organized pursuant to article two of the private housing finance law;
  - d. any other governmental instrumentality or governmental unit in the state of New York.

8. "Security system" shall mean an assembly of equipment and devices or a single device designated to detect and/or signal an unauthorized intrusion into premises or to signal an attempted robbery, burglary, theft, pilferage or other loss at a protected premises, and with respect to which signal, police and/or security guards are expected to respond. Smoke and/or fire alarm systems are excluded from the provisions of this article.
9. "Applicant" shall mean an individual who has filed an application with the department for a security guard registration card.
10. "Holder" shall mean an individual who has been issued a registration card by the department.
11. "Registration card" shall mean a photographic identification card issued by the department, including a special armed guard registration card signifying that the individual identified thereon has been authorized by the department to perform security guard functions.
12. "Special armed guard registration card" shall mean a registration card issued by the department signifying that the individual thereon has been certified by the department to perform security guard functions and to carry firearms in connection with such functions. Nothing herein contained shall relieve such guard from any provision of law which requires that he or she be licensed to carry such firearm.
13. "Serious offense" shall mean any felony involving the offenses enumerated in the closing paragraph of this subdivision; a criminal solicitation of or a conspiracy to commit or an attempt to commit or a criminal facilitation of a felony involving the offenses enumerated in the closing paragraph of this subdivision, which criminal solicitation, conspiracy, attempt or criminal facilitation itself constitutes a felony or any offense in any other jurisdiction which if committed in this state would constitute a felony; any offense in any other jurisdiction which if committed in this state would constitute a felony provided that for the purposes of this article, none of the following shall be considered criminal convictions or reported as such: (i) a conviction for which an executive pardon has been issued pursuant to the executive law; (ii) a conviction which has been vacated and replaced by a youthful offender finding pursuant to article seven hundred twenty of the criminal procedure law, or the applicable provisions of law of any other jurisdiction; or (iii) a conviction the records of which have been sealed pursuant to the applicable provisions of the laws of this state or of any other jurisdiction; and (iv) a conviction for which other evidence of successful rehabilitation to remove the disability has been issued.
  - a. Felonies involving: assault, aggravated assault and reckless endangerment pursuant to article one hundred twenty; vehicular manslaughter, manslaughter and murder pursuant to article one hundred twenty-five; sex offenses pursuant to article one hundred thirty; unlawful imprisonment, kidnapping or coercion pursuant to article one hundred thirty-five; criminal trespass and burglary pursuant to article one hundred forty; criminal mischief, criminal tampering and tampering with a consumer product pursuant to article one hundred forty-five; arson pursuant to article one hundred fifty; larceny and offenses involving theft pursuant to article one hundred fifty-five; offenses involving computers pursuant to article one hundred fifty-six; robbery pursuant to article one hundred sixty; criminal possession of stolen property pursuant to article one hundred sixty-five; forgery and related offenses pursuant to article one hundred seventy; involving false written statements pursuant to article one hundred seventy-five; commercial bribing and commercial bribe receiving pursuant to article one hundred eighty; criminal impersonation and scheme to defraud pursuant to article one hundred ninety; bribery

involving public servants and related offenses pursuant to article two hundred; perjury and related offenses pursuant to article two hundred ten; tampering with a witness, intimidating a victim or witness and tampering with physical evidence pursuant to article two hundred fifteen; criminal possession of a controlled substance pursuant to sections 220.06, 220.09, 220.16, 220.18 and 220.21; criminal sale of a controlled substance pursuant to sections 220.31, 220.34, 220.39, 220.41, 220.43 and 220.44; criminal sale of marijuana pursuant to sections 221.45, 221.50 and 221.55; riot in the first degree, aggravated harassment in the first degree, criminal nuisance in the first degree and falsely reporting an incident in the second or first degree pursuant to article two hundred forty; and crimes against public safety pursuant to article two hundred sixty-five of the penal law.

14. "Peace officer" shall mean a peace officer as defined by subdivision thirty-three of *section 1.20 of the criminal procedure law*, who is employed full-time as a peace officer and who has successfully completed the training requirements as set forth in subdivision one of section 2.30 of such law.
15. "Police officer" shall mean a police officer as defined by subdivision thirty-four of *section 1.20 of the criminal procedure law*.

**GENERAL BUSINESS LAW**  
**ARTICLE 7-A. SECURITY GUARD ACT**

**§ 89-n. Training requirements.**

1. Security guards shall be required to satisfactorily complete training programs given and administered by security guard training schools, schools which provide security guard training programs or security guard companies prescribed, certified and approved by the commissioner pursuant to section eight hundred forty-one-c of the executive law to include:
  - a. an eight hour pre-assignment training course;
  - b. an on-the-job training course to be completed within ninety working days following employment, consisting of a minimum of sixteen hours and a maximum of forty hours, as determined by the council, generally relating to the security guard's specific duties, the nature of the work place and the requirements of the security guard company;
  - c. a forty-seven hour firearms training course for issuance of a special armed guard registration card;
  - d. an eight hour annual in-service training course; and
  - e. an additional eight hour annual in-service training course for holders of special armed guard registration cards.
  - f. The training programs and courses required by this subdivision may, if approved and certified by the commissioner pursuant to subdivision two of section eight hundred forty-one-c of the executive law, be given and administered by security guard companies.

Nothing herein shall be construed to prohibit a security guard company from voluntarily providing training programs and courses which exceed the minimum requirements provided by this subdivision.

Upon completion of a required training course, a security guard shall receive from the provider a certificate evidencing satisfactory completion thereof in accordance with the requirements prescribed by the commissioner pursuant to section eight hundred forty-one-c of the executive law.

2.

a. A security guard who has been or was previously employed as a peace officer for eighteen months or more who exhibits a valid certificate awarded pursuant to subdivision six of section 2.30 of the criminal procedure law attesting to his or her satisfactory completion of the training requirements imposed by section 2.30 of the criminal procedure law shall be exempt from the requirements of paragraph c of subdivision one of this section provided that such peace officer has completed a course of firearms training approved by the municipal police training council pursuant to the last paragraph of subdivision one of section 2.30 of the criminal procedure law provided, however, that nothing in this subdivision shall be deemed to authorize such guard to carry, possess, repair or dispose of a firearm unless the appropriate license therefore has been issued pursuant to section 400.00 of the penal law.

b. [Redesignated]

3. A security guard who is also employed as a peace officer for eighteen months or more shall be exempt from the requirements of paragraph e of subdivision one of this section as long as he or she is currently employed as a peace officer and provides to his or her security guard employer proof of such annual in-service training required under paragraph e of subdivision one of this section.

4. The provisions of this section shall not apply to a security guard who is:

a. a correction officer of any state correctional facility having the powers of a peace officer pursuant to subdivision twenty-five of section 2.10 of the criminal procedure law [fig 1];

b. a bridge and tunnel officer, sergeant or lieutenant of the Triborough bridge and tunnel authority having the powers of a peace officer pursuant to subdivision twenty of section 2.10 of the criminal procedure law;

c. a uniformed court officer of the unified court system having the powers of a peace officer pursuant to subdivision twenty-one of section 2.10 of the criminal procedure law;

d. a court clerk having the powers of a peace officer pursuant to subdivision twenty-one of section 2.10 of the criminal procedure law;

e. a deputy sheriff having the powers of a peace officer pursuant to subdivision two of section 2.10 of the criminal procedure law;

f. a police officer as defined in paragraphs (a), (b), (c), (d), (e), (f), (j), (k), (l), (o) and (p) of subdivision thirty-four of section 1.20 of the criminal procedure law who has been retired from such employment for a period not to exceed ten years, provided, however, that a retired police officer who has been retired from such employment for a period in excess of ten years shall be required to provide proof to his or her security guard employer of his or her satisfactory completion of an eight hour annual in-service training course approved by the commissioner, and provided further, however, that a retired police officer who will be required by his or her security guard employer to carry a firearm or will be authorized to have access to a firearm shall provide to such employer proof of his or her satisfactory completion of a forty-seven hour firearms training course approved by the commissioner and, if such firearms training course has not been completed within one year prior to such

employment, satisfactory completion of an additional eight hour annual firearms in-service training course approved by the commissioner, such training course to be completed at least annually [fig 1] ;or

- g. a peace officer as defined in subdivisions two, twenty and twenty-five and paragraphs a and b of subdivision twenty-one of section 2.10 of the criminal procedure law who has been retired from such employment for a period not to exceed ten years, provided, however, that a retired peace officer who has been retired from such employment for a period in excess of ten years shall be required to provide proof to his or her security guard employer of his or her satisfactory completion of an eight hour annual in-service training course approved by the municipal police training council, and provided further, however, that a retired peace officer who will be required by his or her security guard employer to carry a firearm or will be authorized to have access to a firearm shall provide to such employer proof of his or her satisfactory completion of a forty-seven hour firearms training course approved by the municipal police training council and, if such firearms training course has not been completed within one year prior to employment, satisfactory completion of an additional eight hour annual firearms in-service training course approved by the municipal police training council, such training course to be completed at least annually.

**EXECUTIVE LAW**  
**ARTICLE 35. DIVISION OF CRIMINAL JUSTICE SERVICES**

**§ 841-a. Security guard advisory council**

1. There is hereby created within the division a security guard advisory council composed of seventeen members who are knowledgeable about the security guard industry. In addition, the council shall include as ex-officio non-voting members, the secretary of state and the commissioner of the division of criminal justice services, or their respective designees. All members shall be residents of the state and shall be selected as follows:
  - a. eight shall be appointed by the governor, one of whom shall be a representative of a contractual security company, one of whom shall be a representative of a proprietary security company, one of whom shall be a person actively employed as a security guard for a contractual security company and one of whom shall be a person actively employed as a security guard for a proprietary security company;
  - b. three shall be appointed by the governor on the recommendation of the temporary president of the senate;
  - c. one shall be appointed by the governor on the recommendation of the minority leader of the senate;
  - d. three shall be appointed by the governor on the recommendation of the speaker of the assembly;
  - e. one shall be appointed by the governor on the recommendation of the minority leader of the assembly;
  - f. one shall be appointed by the governor who shall be a full-time faculty member of a college or university who teaches and whose area of expertise is in the field of security.
2. The governor shall designate from among the members of the council a chairperson and a vice-chairperson who shall each serve at the pleasure of the governor.
3. All members of the council appointed by the governor shall be appointed for terms of three years, such terms to commence on January first, and expire on December thirty-first; provided, however, that of the members first appointed, four shall be appointed for one year terms and four shall be appointed for two year terms. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Vacancies caused by expiration of a term or otherwise shall be filled in the same manner as original appointments. Any member may be reappointed for additional terms.
4. The council shall meet as frequently as it deems necessary but in no event less than one time in each year. Special meetings may be called by the chairperson and shall be called by him or her at the request of the governor or upon the written request of nine members of the council. The council

may establish its own requirements as to quorum and its own procedures with respect to the conduct of its meetings and other affairs; provided, however, that all recommendations made by the council to the governor pursuant to section eight hundred forty-one-b of this article shall require the affirmative vote of a majority of the council.

5. Membership on the council shall not constitute the holding of an office, and members of the council shall not be required to take and file oaths of office before serving on the council. The council shall not have the right to exercise any portion of the sovereign powers of the state.
6. The members of the council shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions hereunder.
7. No member of the council shall be disqualified from holding any public office or employment, nor shall he or she forfeit any such office or employment, by reason of his or her appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance or city charter.

**§ 841-b. Functions, powers and duties of council**

1. The council shall recommend to the commissioner rules and regulations with respect to:
  - a. the approval, or revocation thereof, of security guard training schools and training programs;
  - b. minimum courses of study duration, attendance requirements, and equipment and facilities to be required at approved security guard training schools and training programs, taking into account subject matter, the hours each subject is to be taught and special requirements unique to particular assignments, employers and work sites;
  - c. minimum qualifications for instructors at approved security guard training schools and training programs; and
  - d. the subject matter of all training requirements which security guards and security guard applicants must complete before being registered as unarmed and armed security guards.
  
2. The council may, in addition:
  - a. consult with, advise and make recommendations to the commissioner with respect to the exercise of his or her functions, powers and duties as set forth in this section;
  - b. recommend studies, surveys and reports to be made by the commissioner regarding the carrying out of the objectives and purposes of this section;
  - c. visit and inspect any security guard training school approved by the commissioner or for which application for such approval has been made;
  - d. make recommendations, from time to time, to the commissioner, the governor, the legislature and the secretary of state, with regard to implementation of the purposes of this section and of article seven-A of the general business law; and
  - e. perform such other acts as may be necessary or appropriate to carry out the functions of the council.

**HISTORY:** Add, L 1992, ch 336, § 8, eff July 12, 1993 (see 1992 note below).

**§841-c. Functions, powers and duties of the commissioner with respect to the council.**

In addition to the functions, powers and duties otherwise provided by this section and article seven-A of the general business law, the commissioner shall, upon the recommendation and with the general advice of the council:

1. prescribe minimum requirements for the eight hours of pre-assignment training; the on-the-job training program to be completed within ninety working days following employment as a security guard; the forty-seven hours of firearms training for a special armed guard registration card; the eight hour annual in-service training course; and the eight hour in-service training course for armed security guards.
2. approve and certify security guard training schools, programs and courses which meet or exceed the minimum requirements prescribed pursuant to subdivision one of this section and issue certificates of approval to such schools, and revoke such approval or certificate provided, however, that the commissioner may permit any such school, program or course in existence on the effective date of this section, to remain in effect for a period of one year following the effective date;
3. certify, as qualified, instructors of security guards and issue appropriate certificates to such instructors;
4. certify security guards or applicants who have satisfactorily completed basic training programs and issue appropriate certificates to such security guards or applicants;
5. cause studies and surveys to be made relating to the establishment, operation and approval of security guard training schools and training programs;
6. consult with and cooperate with approved security guard training schools and programs for the development of advanced in-service training programs for security guards and issue appropriate certificates to security guards, attesting to their satisfactory completion of such advanced training programs;
7. consult with and cooperate with universities, colleges and institutes in the state for the development of specialized courses of study for security guards;
8. consult with and cooperate with other departments and agencies of the state concerned with security guard training;
9. consult with, cooperate with and provide technical assistance to the council and to the department of state on matters concerning security guards;
10. report to the council at each regular meeting of the council and at other such times as may be appropriate;
11. waive the training requirements as specified in article seven-A of the general business law with respect to applicants employed by a security guard company, if the security guard applicant

provides appropriate documentation to demonstrate that he or she was or is subject to training requirements which meet or exceed the requirements established pursuant to such article;

12. waive the training requirements as specified in article seven-A of the general business law with respect to applicants employed by a security guard company on a proprietary basis for its own use when such company presents adequate documentation that such training is not directly relevant to the applicant's job responsibilities and such applicant does not, in the course of their employment duties:

(a) wear a uniform or other readily apparent indicia of authority; or

(b) as a requisite of employment, carry a gun, and

(c) have interactions with the public or expend a majority of the time spent in their employment duties in contract with the public; and

13. in consultation with the council, adopt and promulgate any rules and regulations necessary to implement the provisions of this section and sections eight hundred forty-one-a and eight hundred forty-one-b of this article and or\* article seven-A of the general business law.

\*So in original. Probably should be "of". L94 (1994, chgd. by chap. 634, eff. 8/2/94.)

**TITLE 9 OF THE OFFICIAL COMPILATION OF CODES RULES, AND REGULATIONS  
OF THE STATE OF NEW YORK, PART 6027  
SECURITY GUARD TRAINING COURSES**

(Statutory Authority: General Business Law section 89-n; Executive Law sections 841-b and 841-c)

The training requirements recommended by the Security Guard Advisory Council and adopted by the Commissioner of the Division of Criminal Justice Services, (Division) are promulgated in 9 NYCRR Parts 6027, 6028, and 6029, with respect to security guard training courses, the approved security guard training schools, and the security guard instructor standards and qualifications. These regulations specify only the minimum requirements necessary for the approval or certification of a course, school, or instructor. The approval or certification granted by the Commissioner shall address only these minimum requirements. While the Division may encourage entities to provide training that exceeds the minimum standards specified in these Parts, any such training which exceeds these minimum requirements shall not need to satisfy the following minimum standards for approval and/or certification.

**Section**

- 6027.1** Definitions.
- 6027.2** Statement of purpose.
- 6027.3** Minimum standards of the eight hour pre-assignment training course.
- 6027.4** Minimum standards of the on-the-job training course.
- 6027.5** Minimum standards of the 47 hour firearms training course.
- 6027.6** Minimum standards of the eight hour annual in-service training course.
- 6027.7** Minimum standards of the eight hour annual in-service training course for holders of special armed guard registration cards.
- 6027.8** Requirements for approval of a security guard training course.
- 6027.9** Revocation of approval of a security guard training course.
- 6027.10** Term and renewal of curriculum certification.
- 6027.11** Requirements for conducting security guard training courses.
- 6027.12** Requirements for issuance of a certificate of successful completion.
- 6027.13** Waiver standards and qualifications; general authority.
- 6027.14** Waiver standards and qualifications; proprietary guards.

**§6027.1 Definitions.**

When used in this Part:

- (a) The term "commissioner" shall mean the Commissioner of the Division of Criminal Justice Services or his/her designee.
- (b) The term "council" shall mean the Security Guard Advisory Council.
- (c) The term "certified security guard instructor" or "security guard instructor" shall mean an individual who meets or exceeds the minimum requirements for security guard instructor certification as set forth in Part 6029 of this Title or the requirements for special security guard instructor certification as set forth in Part 6029 of this Title and who has been certified by the commissioner in accordance with the provisions of Part 6029 of this Title.

- (d) The term "approved security guard training school" or "security guard training school" shall mean an entity which has been approved by the commissioner in accordance with the provisions of Part 6028 of this Title.
- (e) The term "security guard training course or courses" shall mean, separately and collectively, the eight hour pre-assignment training course which meets or exceeds the minimum standards as set forth in section 6027.3 of this Part and which has been approved by the commissioner in accordance with the provisions of section 6027.8 of this Part; the on-the-job training course which meets or exceeds the minimum standards as set forth in section 6027.4 of this Part and which has been approved by the commissioner in accordance with the provisions of section 6027.8 of this Part; the 47 hour firearms training course which meets or exceeds the minimum standards as set forth in section 6027.5 of this Part and which has been approved by the commissioner in accordance with the provisions of section 6027.8 of this Part; the eight hour annual in-service training course which meets or exceeds the minimum standards as set forth in section 6027.6 of this Part and which has been approved by the commissioner in accordance with the provisions of section 6027.8 of this Part; and the eight hour annual in-service course for holders of special armed guard registration cards which meets or exceeds the minimum standards as set forth in section 6027.7 of this Part and which has been approved by the commissioner in accordance with the provisions of section 6027.8 of this Part.
- (f) The term "security guard" shall have the same meaning as set forth in section 89-f of the General Business Law.
- (g) The term "school director" shall mean the director of an approved security guard training school as provided for in Part 6028 of this Title, or his/her designee.
- (h) The term "special armed guard registration card" shall have the same meaning as set forth in section 89-f of the General Business Law.

#### **§6027.2 Statement of purpose.**

The purpose of this Part is to set forth minimum standards for the security guard training courses with regard to subject matter and time requirements, which have been recommended by the council, to set forth requirements for administration of such security guard training courses to be followed by certified security guard instructors and to promulgate rules governing attendance and completion of such courses.

#### **§6027.3 Minimum standards of the eight hour pre-assignment training course.**

- (a) No eight hour pre-assignment training course for security guards shall be approved by the commissioner which does not follow a curriculum consisting of at least eight hours which includes, but is not limited to, the following general topic areas and corresponding minimum time requirements:

Introduction - one-quarter (1/4) hour;  
Role of a security guard - one and one-quarter (1 1/4) hours;  
Legal powers and limitations - two (2) hours;  
Emergency situations - one (1) hour;  
Communications and public relations - one (1) hour;  
Access control - one-half (1/2) hour;

Ethics and conduct - one (1) hour; and  
Review and examination - one (1) hour.

- (b) As referenced above, the eight hour pre-assignment training course shall include a one hour review and examination period to be administered to the individual student following completion of the presentation of the course topics.
- (c) All requirements of an eight hour pre-assignment training course should be completed during one eight hour session. In the event that such training course cannot be completed by an individual within one eight hour session, the course may be completed by an individual attending two four hour sessions within a seven day period.
- (d) Only security guard instructors who have been certified to instruct an eight hour pre-assignment training course in accordance with the provisions of Part 6029 of this Title shall provide instruction in such training course.
- (e) An eight hour pre-assignment training course approved by the commissioner in accordance with this Part shall be administered only at an approved security guard training school.

**§6027.4 Minimum standards of the on-the-job training course.**

- (a) No on-the-job training course shall be approved by the commissioner which does not follow a curriculum consisting of at least 16 hours. The curriculum shall take into consideration the security guard's specific duties, the nature of the work place and the requirements of the security guard company. The 16 hours of instruction shall include, but not be limited to, the following general topic areas which shall relate to these three objectives and satisfy the corresponding minimum time requirements:

- Role of a security guard - one (1) hour;
- Legal powers and limitations - one (1) hour;
- Emergency situations - one (1) hour;
- Communications and public relations – one half (1/2) hour;
- Access control - one half (1/2) hour;
- Ethics and conduct - one half (1/2) hour;
- Incident command system – two (2) hours;
- Terrorism related topics – four (4) hours; and
- Review and examination - one (1) hour.

- (b) As referenced above, the on-the-job training course shall include a one hour review and examination period to be administered to the individual student following completion of the on-the-job training course.
- (c) The requirements of an on-the-job training course may be completed in separate sessions of no less than 30 minutes per session.
- (d) Only security guard instructors who have met the requirements for security guard instructor certification and who have been certified in accordance with the provisions of Part 6029 of this Title shall administer an approved on-the-job training course.

- (e) An on-the-job training course approved by the commissioner in accordance with this Part shall be administered only by an approved security guard training school.

**§6027.5 Minimum standards of the 47 hour firearms training course.**

- (a) No 47 hour firearms training course shall be approved by the commissioner which does not follow a curriculum consisting of at least 47 hours which includes, but is not limited to, the following topics and corresponding minimum time requirements: Firearms handling, safety, and proficiency, course of fire for firearms qualification - 40 hours; Deadly physical force instruction, review and examination - seven hours.
  - (1) The 47 hour firearms training course shall include a course of fire for firearms qualification for the firearms handling, safety, and proficiency component, to be administered to the individual student following completion of the presentation of the firearms component.
  - (2) As referenced above, the 47 hour firearms training course shall include a review and an examination period to be administered to the individual student upon completion of the presentation of the course topics on deadly physical force. The taking and passing of a firearms proficiency examination is required of each individual prior to the issuance of a certificate of successful completion for the 47 hour firearms training course. A certified security guard instructor shall provide the examination material, administer and supervise the examination, and grade the examination.
- (b) With respect to the deadly physical force instruction of the 47 hour firearms training course, the requirements should be completed during one seven hour session. In the event that such training course cannot be completed by an individual within one seven hour session, the course may be completed by an individual attending two three and one-half hour sessions within a seven day period. With respect to the firearms handling, safety, proficiency and qualification component of the 47 hour firearms training course, the requirements may be completed by an individual attending 10 four hour sessions within a 60 day period.
- (c) Only security guard instructors who have met the requirements for armed security guard instructor certification and who have been certified to instruct the 40 hour firearms component of a 47 hour firearms training course in accordance with the provisions of Part 6029 of this Title may provide instruction in such component of the training course. Only security guard instructors who have met the requirements for security guard instructor certification or who have been certified to instruct the seven hour deadly physical force component of a 47 hour firearms training course in accordance with the provisions of Part 6029 of this Title may provide instruction in such component of the training course.
- (d) A 47 hour firearms training course approved by the commissioner in accordance with this Part shall be administered only at an approved security guard training school.

**§6027.6 Minimum standards of the eight hour annual in-service training course.**

- (a) No eight hour annual in-service training course shall be approved by the commissioner which does not follow a curriculum consisting of at least eight hours which includes, but is not limited to, the following general topic areas and corresponding minimum time requirements. Six of the eight hours shall be chosen from these following topics and corresponding minimum time

requirements. The remaining two hours of instruction may be selected from the other general and elective topic areas. Where no minimum time requirement is specified, the annual in-service training course does not have to include that topic. Where a maximum time requirement is specified, that maximum number of hours cannot be exceeded in order to satisfy the eight hour annual in-service training course.

	Minimum hours	Maximum hours
Role of a security guard	0	2
Legal powers and limitations	0	2
Emergency situations	0	2
Communications and public relations	0	2
Access Control	0	2
Report writing	0	2
Ethics and conduct	0	2
Elective topics	0	2

- (b) Upon satisfaction of the eight hour annual in-service training course, nothing herein shall preclude the instruction of additional topics or the instruction of the following topics in excess of the maximum hours prescribed herein.
- (c) All requirements of the eight hour annual in-service training course may be completed in separate sessions of no less than two hours per session over the calendar year in which such training must be completed.
- (d) Only security guard instructors who have met the requirements for security guard instructor certification and who have been certified in accordance with the provisions of Part 6029 of this Title may provide instruction in such training course.
- (e) An eight hour annual in-service training course approved by the commissioner in accordance with this Part shall be administered only at approved security guard training schools.

**§6027.7 Minimum standards of the eight hour annual in-service training course for holders of special armed guard registration cards.**

- (a) No eight hour annual in-service training course required for holders of special armed guard registration cards shall be approved by the commissioner which does not follow a curriculum consisting of at least eight hours of instruction which includes, but is not limited to, the following topics and corresponding minimum time requirements: Firearms handling, safety, and proficiency, course of fire for firearms qualification - five hours; Deadly physical force instruction, review and examination - three hours.
- (b) As referenced above, the eight hour annual in-service training course for holders of special armed guard registration cards shall include a review and an examination period to be administered to the individual student upon completion of the presentation of the course topics on deadly physical force. The taking and passing of a firearms proficiency examination is also required of each individual prior to the issuance of a certificate of successful completion for this course. A certified security guard instructor shall provide the examination material, administer and supervise the examination, and grade the examination.

- (c) Only security guard instructors who have met the requirements for armed security guard instructor certification and who have been certified to instruct the five hour firearms component of an eight hour annual in-service training course for holders of special armed guard registration cards in accordance with the provisions of Part 6029 of this Title may provide instruction in such component of the training course. Only security guard instructors who have met the requirements for security guard instructor certification or who have been certified to instruct the three hour deadly physical force component of an eight hour annual in-service training course for holders of special armed guard registration cards in accordance with the provisions of Part 6029 of this Title may provide instruction in such component of the training course.
- (d) An eight hour annual in-service training course for holders of special armed guard registration cards approved by the commissioner in accordance with this Part shall be administered only at an approved security guard training school.

**§6027.8 Requirements for approval of security guard training courses.**

- (a) No later than 45 days prior to commencement of initial training, the school director shall file a copy of the proposed curriculum(s) with the commissioner. The curriculum(s) shall be in a form prescribed by the commissioner and shall include, but not be limited to:
  - (1) the name and location of the approved security guard training school;
  - (2) a chronological listing of topics, including the date, time and number of hours allotted to each topic; and
  - (3) the names of the school director and certified security guard instructor(s) and the type of instructor certification(s) held by each certified security guard instructor and school director if such school director holds instructor certification(s).
- (b) The commissioner may require any additional information deemed necessary for the purposes of approving a security guard training course.
- (c) The commissioner shall provide a written approval of a security guard training course to be conducted when in his or her judgment, the information provided warrants such approval.

**§6027.9 Revocation of approval of a security guard training course.**

- (a) The commissioner may revoke the approval granted to a security guard training course pursuant to this Part at any time. Reasons for such revocation may include, but not be limited to, the violation of any of the provisions of this Part.
- (b) The commissioner shall send the school director, via certified mail, a written notice of his or her intent to revoke the approval and the reasons for such action. Upon receipt of such notice, approval of the security guard training course shall be suspended and such course shall not be conducted at the security guard training school.

- (c) Within 30 days of the receipt of said notice, the school director may forward a written request to the commissioner, for a hearing to be held by the council to determine whether the approval should be revoked. The commissioner shall forward the request to the council.
- (d) Such hearing shall be held at the next regularly scheduled meeting of the council, whenever possible. At least 15 days before the next regularly scheduled council meeting, the council shall give to the school director written notice by mail of the time and place of said meeting, wherein a hearing shall be held to determine whether the approval should be revoked. The school director may be represented at the hearing by counsel and may produce any evidence to support its position.
- (e) Within 10 business days following the meeting, the council shall submit its recommendation to the commissioner. Following receipt of the council's recommendation, the commissioner shall forward to the school director the decision and the reasons given for such decision. The failure of the school director to timely request a hearing shall not preclude the commissioner from revoking the approval.

**§6027.10 Term and renewal of curriculum approval.**

The security guard training course approval shall be valid for a period of three years, provided that the council has not made any substantive changes to the curriculum as set forth in this Part. Such approval may be renewed by a school director upon filing of a copy of the curriculum in use at that time with the commissioner and approval by the commissioner in accordance with this Part.

**§6027.11 Requirements for conducting a security guard training course.**

- (a) No security guard training course shall be conducted which does not meet the minimum standards as set forth in this Part.
- (b) The school director shall ensure that the security guard training course is conducted in accordance with applicable standards, policies and procedures.
- (c) If any information filed with the commissioner for the application required pursuant to this Part is changed or modified, the school shall notify the commissioner in writing of such change within 15 days of such change.
- (d) Within seven days after the conclusion of a security guard training course, the school director shall forward all appropriate documentation required by the commissioner, including but not limited to, the course roster which shall include the names of individuals who have successfully completed the course and any other relevant information as determined by the commissioner.

**§6027.12 Requirements for issuance of a certificate of successful completion.**

- (a) Attendance shall be required of each individual student for all sections of a security guard training course.
- (b) As provided for in this Part, the taking and passing of a written examination is required of each individual prior to issuance of a certificate of successful completion for the pre-assignment training course, the on-the-job training course, the 47 hour firearms training course, and the eight hour annual in-service training course for holders of special armed guard registration cards. A

certified security guard instructor shall provide the examination material, administer and supervise the examination, and grade the examination. The school director shall retain the examination papers and all other appropriate records as determined by the commissioner in accordance with the appropriate schedule for records retention and disposition promulgated by the New York State Commissioner of the Department of Education. Such records shall be available for inspection by members of the council of the commissioner. Entities not otherwise covered by the Department of Education's schedule for records retention and disposition shall retain such records for a period of not less than two years.

- (c) Upon attestation by a school director that an individual listed on the roster has satisfactorily completed the requirements of a security guard training course and upon verification of the documentation forwarded by such school director in accordance with this Part, a certificate of successful completion in the form and manner prescribed by the commissioner, shall be issued to such individual.

**§6027.13 Waiver standards and qualifications; general authority.**

- (a) The commissioner shall waive the training requirements as set forth in this Part, or any portion thereof, when, in his or her opinion, the individual or entity has provided appropriate documentation demonstrating that such individual or entity was, or is subject to training requirements which meet or exceed those as specified in this Part.
- (b) Such documentation shall include, but not be limited to, appropriate course curricula, copies of materials, related documents which have been used for instruction or are proposed for instructional use, and/or such other materials as may be deemed necessary by the commissioner. Additionally, such documentation must identify, designate, outline, or otherwise physically locate the following:
  - (1) topics;
  - (2) course objectives;
  - (3) hours of instruction; and/or
  - (4) other relevant information which explains and supports the request for a waiver pursuant to this section.
- (c) Upon waiver of any or all portions of the training requirements, the commissioner shall forward written documentation to such individual or entity advising of such waiver.

**§6027.14 Waiver standards and qualifications; proprietary guards.**

- (a) The commissioner shall waive the training requirements as set forth in this Part, or any portion thereof, for individuals whose employment by a security guard company is on a proprietary basis for its own use, when in his or her opinion, the security guard company provides adequate documentation demonstrating that training courses as set forth in this Part are not directly relevant to the individual's job responsibilities; and

- (1) the individual, in the course of his or her employment, wears a uniform or other readily apparent indicia of authority, but does not have interactions with the public or expend a majority of time spent in their employment duties in contact with the public; or
  - (2) the individual, as a requisite of employment, carries a firearm as specified in the Penal Law, but does not have interactions with the public or expend a majority of time spent in their employment duties in contact with the public; or
  - (3) the individual, in the course of his or her employment, wears a uniform or other readily apparent indicia of authority, and also, as a requisite of employment, carries a firearm as specified in the Penal Law but does not have interactions with the public or expend a majority of time spent in their employment duties in contact with the public; or
  - (4) the individual has interactions with the public or expends a majority of time spent in his or her employment duties in contact with the public but does not, in the course of his or her employment, wear a uniform or other readily apparent indicia of authority, or as a requisite of employment, carry a firearm as specified in the Penal Law; or
  - (5) the individual does not, in the course of his or her employment, wear a uniform or other readily apparent indicia of authority, does not, as a requisite of employment, carry a firearm as specified in the Penal Law, and does not have interactions with the public or expend a majority of time spent in their employment duties in contact with the public.
- (b) For the purposes of this section, the public shall mean those individuals who are not employed by such company. Furthermore, a majority of the time shall mean more than 50% of the individual's regularly scheduled work hours.
  - (c) Upon waiver of any or all portions of the training requirements, the commissioner shall forward written documentation to such individual or entity advising of such waiver.

(Updated 12/06/01)

Part 6028 of 9 NYCRR is repealed and a new Part 6028 is added to read as follows:

## Part 6028

### Approved Security Guard Training Schools

Note: The training requirements recommended by the Security Guard Advisory Council, and adopted by the Commissioner of the Division of Criminal Justice Services (commissioner), are promulgated in 9 NYCRR Parts 6027, 6028 and 6029, with respect to security guard training courses, the approved security guard training schools, and the security guard instructor standards and qualifications. These regulations specify the requirements necessary for the approval of a course or school, or certification of an instructor. The approval or certification granted by the commissioner shall address these requirements.

#### Section

6028.1 Definitions

6028.2 Statement of purpose

6028.3 Requirements for approval of a security guard training school

6028.3-A Exemptions

6028.4 Suspension and revocation of approval of a security guard training school

6028.5 Term and renewal of security guard training school approval

6028.6 Requirements for the administration of an approved security guard training school

6028.7 Refund policy of an approved security guard training school

## 6028.8 Schedule of fees

### Section 6028.1 Definitions.

When used in this Part:

- (a) The term *commissioner* shall mean the Commissioner of the Division of Criminal Justice Services, or his or her designee.
- (b) The term *division* shall mean the Division of Criminal Justice Services.
- (c) The term *council* shall mean the Security Guard Advisory Council.
- (d) The term *approved security guard training school* shall mean an entity which has been approved as a security guard training school by the commissioner in accordance with section 6028.3 of this Part and is approved to provide a security guard training course or courses as set forth in Part 6027 of this Title.
- (e) The term *security guard training course or courses* shall mean, separately and collectively:
  - (1) the eight hour pre-assignment training course which meets the minimum standards as set forth in Part 6027 of this Title and which has been approved by the commissioner in accordance with the provisions of Part 6027 of this Title;
  - (2) the on-the-job training course which meets the minimum standards as set forth in Part 6027 of this Title and which has been approved by the commissioner in accordance with the provisions of Part 6027 of this Title;
  - (3) the 47 hour firearms training course which meets the minimum standards as set forth in Part 6027 of this Title and which has been approved by the commissioner in accordance with the provisions of Part 6027 of this Title;

- (4) the eight hour annual in-service training course which meets the minimum standards as set forth in Part 6027 of this Title and which has been approved by the commissioner in accordance with the provisions of Part 6027 of this Title; and
- (5) the eight hour annual in-service training course for holders of special armed guard registration cards which meets the minimum standards as set forth in Part 6027 of this Title and which has been approved by the commissioner in accordance with the provisions of Part 6027 of this Title.

(f) The term *successful completion* or *successfully complete* shall mean the attendance of a student at all sections of a security guard training course and the course curriculum was not altered in either content or duration from that which was approved and the course met the minimum standards.

(g) The term *school director or school co-director* shall mean the director or co-director of an approved security guard training school as designated by the school owner, who is responsible for the administration of the school and/or responsible for the administration of additional school locations which have been approved by the commissioner.

(h) The term *certified security guard instructor* shall mean an individual who meets the minimum requirements for security guard instructor certification or the requirements for special security guard instructor certification or the requirements for armed security guard instructor certification as set forth in Part 6029 of this Title and who has been certified by the commissioner in accordance with the provisions of Part 6029 of this Title.

(i) The term *school owner* shall mean the owner of an approved security guard training school.

(j) The term *public entity* shall mean:

(1) the state of New York;

(2) a county, city, town, village or any other political subdivision or civil department or division of the state;

(3) any other public corporation, public authority, commission, agency, municipal or other public housing authority, or project organized pursuant to article two of the private housing finance law;

(4) any other governmental instrumentality or governmental unit in the state of New York.

(k) The term *defects in business practices* shall include, but not be limited to: security guard training courses not meeting the minimum standards as set forth in Part 6027 of this Title; selling certificates of successful completion; combining or condensing security guard training courses; use of false, deceptive or misleading advertisements and such advertisements are in contradiction with applicable laws, rules and regulations, division requirements, and policies and procedures with respect to security guard training courses, approved security guard training schools and security guard instructor standards and qualifications; and false, deceptive or misleading representations to students about security guard training courses.

6028.2 Statement of purpose.

The purpose of this Part is to set forth the minimum qualifications for approval as a security guard training school and to establish clear and specific requirements for such approval.

6028.3 Requirements for approval of a security guard training school.

(a) The existing or prospective school owner shall submit a completed Security Guard Training School Application form prescribed by the division. The application shall include such information as may be required or requested by the commissioner.

(b) The existing or prospective school owner shall at a minimum:

- (1) possess standards of good character, integrity and trustworthiness; and
- (2) be an officer, member, or principal currently licensed by the Department of State as a private investigator; watch, guard or patrol agency; or armored car carrier; or
- (3) maintain a valid security guard registration card issued by the Department of State; or
- (4) maintain a valid armored car guard registration card issued by the Department of State.

(c) Each existing or prospective security guard training school owner applicant applying for approval shall appoint a school director.

(d) The existing or prospective school director, and, if applicable, school co-director, shall at a minimum:

- (1) possess standards of good character, integrity and trustworthiness; and

- (2) be an officer, member, or principal currently licensed by the Department of State as a private investigator; watch, guard or patrol agency; or armored car carrier agency; or
- (3) maintain a valid security guard registration card issued by the Department of State; or
- (4) maintain a valid armored car guard registration card issued by the Department of State.

(e) The commissioner shall consider additional factors including, but not limited to: whether the existing or prospective school owner, school director or co-director(s) has had a security guard school application or renewal application denied for cause, or is the owner, school director or co-director of a school where the approval of such school has ever been or is suspended or revoked pursuant to this Part and the date and nature of such denial, suspension or revocation; whether the existing or prospective school owner, school director or co-director(s) utilizes a security guard instructor who has had a certification denied, suspended or revoked pursuant to Part 6029 of this Title; whether the existing or prospective school owner, school director or co-director(s) has ever been convicted of a crime, and the date and nature of the offense; and whether there are any criminal charges pending against the existing or prospective school owner, school director or co-director(s).

(f) Each existing or prospective school owner applicant applying for approval shall submit a school application fee as determined by the schedule of fees prescribed by the commissioner in section 6028.8 of this Part.

(g) The council or the commissioner may visit and inspect any security guard training school for which application for approval has been made.

(h) The commissioner may require any additional information deemed necessary for the purposes of approving a security guard training school.

(i) The commissioner shall provide a written approval of a security guard training school when, in his or her judgment, the information provided warrants approval.

#### 6028.3-A Exemptions.

Some of the requirements for the existing or prospective school owner, school director or school co-director may be waived by the commissioner if the security guard training school, or existing or prospective school owner, director or co-director is:

(a) A public or private educational institution operating under the purview of the New York State Education Department or an equivalent agency in another jurisdiction; or

(b) A public entity; or

(c) An entity employing security guards on a proprietary basis for its own use; or

(d) An educational institution conducted on a not-for-profit basis by firms or organizations, provided that such instruction is offered at no charge; or

(e) An employed police or peace officer in good standing.

#### 6028.4 Suspension and revocation of approval of a security guard training school.

(a) The commissioner may move to suspend or revoke the security guard training school approval pursuant to this Part at any time. Upon the suspension of the approval of a security guard training school, the commissioner shall either:

(1) Proceed under the provisions of paragraph (c) of this section to revoke the school approval, or;

(2) Hold the revocation of the school approval in abeyance pending the resolution of the concerns raised by the commissioner.

(b) Suspension.

(1) The approval of a security guard training school may be suspended for causes including, but not be limited to: violation of any of the provisions of Article 7-A of the General Business Law, and/or applicable rules and regulations as set forth in this Part; the commissioner determines that there are defects in business practices; the security guard training school owner, director, and/or co-director is charged with a felony or misdemeanor and the conduct constituting the offense was performed in the name of or in behalf of the school, or, in the discretion of the commissioner, bears on the integrity of the division; the security guard training school application contained a material false statement or omission, the truth or inclusion of which would have resulted in denial of the application pursuant to this Part; or any other cause for which the commissioner deems the suspension necessary.

(2) The commissioner may, but is not required to, send the security guard training school, via certified mail, a written a notice to cure in response to paragraph one of this subdivision.

Upon receipt of such notice, the approval of such security guard training school shall be suspended and such school shall not operate as an approved security guard training school and shall not conduct any security guard training course or courses.

(3) No later than fifteen (15) days of the receipt of said notice, the security guard training school owner may address the concerns raised. The security guard training school owner shall notify the division in writing of the actions taken. If the actions do not satisfactorily address the concerns of the division, the division may proceed with the revocation of the approval of the security guard training school.

(4) Where the security guard training school owner, director, and/or co-director has been charged with a felony or misdemeanor, the commissioner shall send the security guard training school, via certified mail, a written notice of suspension pending the disposition of the case. Upon receipt of such notice, the approval of such security guard training school shall be suspended and such school shall not operate as an approved security guard training school and it shall not conduct any security guard training course or courses.

(5) A suspended security guard training school approval may be reissued only by the commissioner.

(c) Revocation.

(1) The approval of a security guard training school may be revoked for causes including, but not be limited to: violation of any of the provisions of Article 7-A of the General Business Law, and/or applicable rules and regulations as set forth in this Part; the

commissioner determines that there are defects in business practices; the security guard training school owner, director, and/or co-director is convicted of a felony or misdemeanor and the conduct constituting the offense was performed in the name of or in behalf of the school, or, in the discretion of the commissioner, bears on the integrity of the division; the security guard training school application contained a material false statement or omission, the truth or inclusion of which would have resulted in denial of the application pursuant to this Part; a school, after receipt of a notice of suspension, continues to conduct security guard training courses or holds itself out to be an approved security guard training school; or any other cause for which the commissioner deems the revocation necessary.

- (2) The commissioner shall send the security guard training school owner, via certified mail, a written notice of his or her intent to revoke the approval of such security guard training school and the reasons for such action. Upon receipt of such notice, the approval of such security guard training school shall be suspended, or will remain suspended, and such school shall not operate as an approved security guard training school and shall not conduct any security guard training course or courses.
- (3) Within fifteen (15) days of the receipt of said notice, the security guard training school owner may forward a written request to the commissioner for a hearing to be held by the council to consider the revocation of the security guard training school approval. The commissioner shall forward the request to the council. The failure of the security guard training school owner to timely request a hearing shall not preclude the commissioner from revoking the approval.

(4) Such hearing shall be held at the next meeting of the council. At least fifteen (15) days before the next council meeting, the commissioner shall give to the school owner written notice by mail of the time and place of said meeting wherein a hearing shall be held to consider the revocation of the security guard training school approval. The security guard training school may be represented at the hearing by counsel and may produce any evidence to support its position

(5) The hearing shall be conducted in accordance with the provisions of the state administrative procedure act. Following deliberation, and in accordance with the open meetings law established by article seven of the public officers law, the council shall submit its recommendation to the commissioner. Following receipt of the council's recommendation, and within 90 days of the date of the hearing, the commissioner shall forward to the school owner the decision and the reasons given for such decision. The commissioner makes the final decision, notwithstanding the council's recommendation. The commissioner, and not the council, shall be responsible for setting any penalty.

(6) A revocation shall remain in effect for at least one year, depending upon factors enumerated in section 6028.3(e) of this Part and other factors, and upon a showing of corrective action.

(d) During an on-site inspection of an approved security guard training school by the commissioner, the commissioner may suspend an approved security guard training school pending revocation if the violation or misconduct warrants such action.

(1) To invoke the suspension, the commissioner shall provide the approved security guard training school with a notice of intent to revoke the approval of such security guard training school and the reasons for such action on a form prescribed by the commissioner.

(2) Upon receipt of such notice, the approval of such security guard training school shall be suspended and such school shall not operate as an approved security guard training school and shall not conduct any security guard training course or courses.

(3) Within seventy-two hours of the notification, the commissioner shall proceed under the provisions of paragraphs (2) – (5), inclusive, of subdivision (c) of this section to revoke the school approval.

#### 6028.5 Term and renewal of security guard training school approval.

(a) The security guard training school approval shall be valid only in the possession of the school to which it is issued for a period of two (2) years from the date of approval, unless revoked by the commissioner pursuant to section 6028.4 of this Part prior to its expiration.

(b) Owners of existing approved security guard training schools seeking renewal of approval must submit at least 120 days prior to the expiration date of the school approval a completed Security Guard Training School Renewal Application form prescribed by the commissioner. Each school owner applicant applying for renewal of approval shall submit a school renewal application fee as determined by the schedule of fees prescribed by the commissioner in section 6028.8 of this Part.

(c) A security guard training school approval which was not renewed or which expired may be reissued only in a manner prescribed by the commissioner.

(d) The council or the commissioner may visit any security guard training school for which application for such renewal has been made.

(e) The approval of a security guard training school may not be renewed for causes including, but not be limited to: violation of any of the provisions of Article 7-A of the General Business Law, and/or applicable rules and regulations as set forth in this Part; the commissioner determines that there are defects in business practices; the security guard training school owner, school director, and/or school co-director is convicted of a felony or misdemeanor and the conduct constituting the offense was performed in the name of or in the behalf of the school, or, in the discretion of the commissioner, bears on the integrity of the division; the security guard school application contained a material false statement or omission, the truth or inclusion of which would have resulted in denial of the application pursuant to this Part; or any other cause for which the commissioner deems the denial of renewal necessary. Where the security guard training school owner, director, and/or co-director has been charged with a felony or misdemeanor, the act of the commissioner to grant or deny renewal shall be suspended pending the disposition of the case.

(f) The commissioner shall send the security guard training school owner, via certified mail, written notice of his or her intent to deny the renewal of such security guard training school approval and the reasons for such action.

(g) Within fifteen (15) days of the receipt of said notice, the security guard training school owner may forward a written request to the commissioner for a hearing to be held by the council

to consider the denial of the security guard training school approval. The commissioner shall forward the request to the council. The failure of the security guard training school owner to timely request a hearing shall not preclude the commissioner from denying the renewal of the approval.

(h) Such hearing shall be held at the next meeting of the council. At least fifteen (15) days before the next council meeting, the commissioner shall give to the school owner written notice by mail of the time and place of said meeting wherein a hearing shall be held to consider the denial of the security guard training school approval. The security guard training school may be represented at the hearing by counsel and may produce any evidence to support its position.

(i) The hearing shall be conducted in accordance with the provisions of the state administrative procedure act. Following deliberation, and in accordance with the open meetings law established by article seven of the public officers law, the council shall submit its recommendation to the commissioner. Following receipt of the council's recommendation, and within 90 days of the date of the hearing, the commissioner shall forward to the school owner the decision and the reasons given for such decision. The commissioner makes the final decision, notwithstanding the council's recommendation. The commissioner, and not the council, shall be responsible for setting any penalty.

(j) A denial shall remain in effect for at least one year following the decision, depending upon factors enumerated in section 6028.3(e) of this Part and other factors, and upon a showing of corrective action.

6028.6 Requirements for the administration of an approved security guard training school.

(a) No entity shall operate as an approved security guard training school which does not meet the minimum standards as established in this Part.

(b) The security guard training school approval certification shall be displayed in a conspicuous place at all school facilities and training sites.

(c) The school owner, director, and, if applicable, co-director, shall ensure that the approved security guard training school is compliant with applicable laws, rules and regulations, division requirements, and policies and procedures. This includes, but is not limited to the following: ensure that no school personnel behaves in a manner that is in contradiction to any applicable statute, rule, policy or decision issued by the commissioner; ensure that only instructors certified pursuant to the provisions of this Title are allowed to instruct a security guard training course or program at the school; and periodic review of each security guard training course or program to ensure that the course or program is conducted in accordance with applicable standards.

(d) The council or the commissioner may conduct periodic unscheduled inspections of approved security guard training schools to monitor compliance with applicable laws, rules and regulations, division requirements, and policies and procedures. All such schools shall provide upon request of the council or the commissioner any and all records necessary to review compliance with the applicable laws, rules and regulations, division requirements, and policies and procedures.

(e) As provided for in Part 6027, the taking and passing of a written examination is required of each individual prior to issuance of a certificate of successful completion for the pre-assignment

training course, the on-the-job training course, the 47 hour firearms training course, and the eight hour annual in-service training course for holders of special armed guard registration cards. A certified security guard instructor shall provide the examination material, administer and supervise the examination, and grade the examination. The school owner, director, and, if applicable, co-director, shall retain lesson plans, class rosters, examination papers, student primary and secondary identification and all other appropriate records as determined by the commissioner in accordance with the appropriate schedule for records retention and disposition promulgated by the New York State Commissioner of the Department of Education. Such records shall be available for inspection by the council or the commissioner. Entities not otherwise covered by the Department of Education's schedule for records retention and disposition shall retain such records for a period of not less than two years.

(f) The school owner, director, and if applicable, co-director, shall ensure that each individual student presents acceptable identification prior to attending any section of a security guard training course. Primary identification includes one of the following: (1) valid driver's license; (2) valid United States passport; (3) current government ID; or (4) current Military ID. Secondary identification includes a social security card plus one of the following: (1) employer ID; (2) student photo ID; or (3) other similar photo ID.

(g) Attendance shall be required of each individual student for all sections of a security guard training course. No student shall be issued a certificate of completion who does not successfully complete a security guard training course.

(h) The school owner, director, and if applicable, co-director, shall ensure that the approved security guard training school and its employees, instructors, agents or other representatives adhere to and engage in proper business practices.

(i) The school owner, director, and, if applicable, co-director shall promptly respond to any and all requests and inquiries made by the division, and promptly investigate any and all complaints by students and prospective students with respect to this Part.

(j) If a school director or co-director ceases to be employed by the approved security guard training school, the school owner shall give written notification of such to the commissioner within (15) days of the director's termination of employment. In addition, the school shall provide written notification to the commissioner of the name of the newly appointed school director or co-director within (15) days of the appointment. The school shall not be allowed to operate as a security guard training school during such period of time when there is no appointed school director, unless the school owner is designated as acting school director.

(k) If an approved security guard training school is also approved by another entity, such school shall file a copy of such approval with the commissioner within 7 days of the receipt of such approval. If the security guard training school's approval is suspended or revoked by such other entity, such school shall notify the commissioner in writing within 10 days of such suspension or revocation along with a copy of the reasons for suspension or revocation.

(l) If any other information filed with the commissioner for the application required pursuant to this Part is changed or modified, the approved security guard training school shall notify the commissioner in writing of such change within 15 days of the change.

6028.7 Refund policy of an approved security guard training school.

(a) The refund policy for any approved security guard training school shall be as follows:

(1) The eight hour pre-assignment training course. An approved security guard training school may retain no more than zero percent of the course fees if a student withdraws from the course before instruction begins or one hundred percent of the course fees if the termination occurs after instruction begins. In the event that such training course cannot be conducted within one eight hour session and the course is conducted in two four hour sessions within a seven day period, an approved security guard training school may retain no more than zero percent of the course fees if the student withdraws from the course before instruction begins; or fifty percent of the course fees if the termination occurs after the commencement of the first four hour session, but before instruction begins for the second four hour session; or one hundred percent of the course fees if the termination occurs after instruction begins for the second four hour session.

(2) The on-the-job training course. An approved security guard training school may retain no more than zero percent of the course fees if the student withdraws from the course before instruction begins or one hundred percent of the course fees if the termination occurs after instruction begins. In the event that the such training course is conducted in two eight hour sessions, an approved security guard training school may retain no more than zero percent of the course fees if the student withdraws from the course before instruction begins; or fifty percent of the course fees if the termination occurs after the commencement of the first eight hour session, but before instruction begins for the second eight hour session; or one hundred percent of the course fees if the termination occurs after instruction begins for the second eight hour session.

(3) The 47 hour firearms training course. The 47 hour firearms training course shall be follow a curriculum consisting of at least 47 hours which includes: (1) Firearms handling, safety, proficiency and qualification -- 40 hours; and (2) Deadly physical force instruction, review and examination -- seven hours. An approved security guard training school may retain no more than zero percent if the student withdraws from the course before instruction begins; or one-sixth of the course fees if the termination occurs after the commencement of the deadly force instruction, but before instruction begins for the firearms handling, safety, proficiency and qualification component of the course; or one hundred percent of the course fees if the termination occurs after instruction begins for the firearms handling, safety, proficiency and qualification component of the course.

(4) The eight hour annual in-service training course. An approved security guard training school may retain no more than zero percent of the course fees if a student withdraws from the course before instruction begins or one hundred percent of the course fees if the termination occurs after instruction begins. In the event that such training course cannot be conducted within one eight hour session and the course is conducted in two four hour sessions within a seven day period, an approved security guard training school may retain no more than zero percent of the course fees if the student withdraws from the course before instruction begins; or fifty percent of the course fees if the termination occurs after the commencement of the first four hour session, but before instruction begins for the second four hour session; or one hundred percent of the course fees if the termination occurs after instruction begins for the second four hour session.

(b) Where a security guard training course is conducted in any other approved number of sessions, an approved security guard training school shall refund course fees accordingly.

(c) Notwithstanding the provisions of paragraph (a) of this section, and where applicable, if a student pays for a course or courses and fails to attend or successfully complete such course or courses due to defects in business practices unbeknownst to the student at the time of payment, all course fees received by an approved school shall be refunded to the student.

#### 6028.8 Schedule of fees.

(a) The following non-refundable application fees will apply to:

Initial school application --\$1000.00

School Renewal --\$500.00

(b) Payment for services shall be made by electronic transfer of funds; postal money order; Western Union, Integrated Payment Systems, bank, American Express, or Travelers Express money orders; corporate check; or governmental check, unless otherwise provided by agreement. Bank money orders must be issued by a bank chartered in the United States, must be payable in U.S. funds, and must be valid for at least 90 days from the date of issuance. A \$25 service charge may be imposed for all checks that are returned due to insufficient funds. The commissioner may refuse to accept a certain form of payment if that form of payment has previously been uncollectible. Remittance shall be made payable to the Division of Criminal Justice Services.

(c) The commissioner may waive the initial school application fee or school renewal fee if the school is operated by a New York State or local government entity that provides training solely for security guards in its employ or a school district providing security guard training as part of a curriculum approved by the Department of Education.

Part 6029 of 9 NYCRR is repealed and a new Part 6029 is added to read as follows:

## Part 6029

### Security Guard Instructor Standards and Qualifications

Note: The training requirements recommended by the Security Guard Advisory Council and adopted by the Commissioner of the Division of Criminal Justice Services (commissioner) are promulgated in 9 NYCRR Parts 6027, 6028, and 6029, with respect to security guard training courses, the approved security guard training schools, and the security guard instructor standards and qualifications. These regulations specify the requirements necessary for the approval or certification of a course, school, or instructor. The approval or certification granted by the commissioner shall address these requirements.

#### Section

6029.1 Definitions

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6029.9 Schedule of fees

Section 6029.1 Definitions.

When used in this Part:

(a) The term *commissioner* shall mean the Commissioner of the Division of Criminal Justice Services or his or her designee.

(b) The term *division* shall mean the Division of Criminal Justice Services.

(c) The term *council* shall mean the Security Guard Advisory Council.

(d) The term *certified instructor* shall mean an individual who meets the minimum requirements for security guard instructor certification as set forth in section 6029.3 of this Part or the requirements for special security guard instructor certification as set forth in section 6029.4 of this Part or the requirements for armed security guard instructor certification as set forth in section 6029.5 of this Part, and who has been certified by the commissioner in accordance with the provisions of section 6029.2 of this Part.

(e) The term *approved security guard training school* shall mean an entity which has been approved by the commissioner in accordance with the provisions of Part 6028 of this Title and is approved to provide a security guard training course or program as set forth in Part 6027 of this Title.

(f) The term *security guard* shall have the same meaning as set forth in section 89-f of the General Business Law.

(g) The term *basic course* shall include the basic course for police officers as set forth in Part 6020 of this Title; the basic course for peace officers as set forth in Part 6025 of this Title; or the eight hour pre-assignment training course as set forth in Part 6027 of this Title.

(h) The term *police officer* shall have the same meaning as set forth in section 1.20(34) of the Criminal Procedure Law.

(i) The term *peace officer* shall have the same meaning as set forth in section 2.10 of the Criminal Procedure Law.

(j) The term *security guard instructor certification* shall mean any certification made by the commissioner to an individual whose qualifications meet the requirements established by section 6029.3 of this Part.

(k) The term *special security guard instructor certification* shall mean any certification made by the commissioner to an individual whose qualifications meet the requirements established by section 6029.4 of this Part.

(l) The term *armed security guard instructor certification* shall mean any certification made by the commissioner to an individual whose qualifications meet the requirements established by section 6029.5 of this Part.

(m) The term *security guard training course or courses* shall mean, separately and collectively:

1) the eight hour pre-assignment training course which meets the minimum standards as set forth in Part 6027 of this Title and which has been approved by the commissioner in accordance with the provisions of Part 6027 of this Title;

2) the on-the-job training course which meets the minimum standards as set forth in Part 6027 of this Title and which has been approved by the commissioner in accordance with the provisions of Part 6027 of this Title;

3) the 47 hour firearms training course which meets the minimum standards as set forth in Part 6027 of this Title and which has been approved by the commissioner in accordance with the provisions of Part 6027 of this Title;

4) the eight hour annual in-service training course which meets the minimum standards as set forth in Part 6027 of this Title and which has been approved by the commissioner in accordance with the provisions of Part 6027 of this Title; and

5) the eight hour annual in-service training course for holders of special armed guard registration cards which meets the minimum standards as set forth in Part 6027 of this Title and which has been approved by the commissioner in accordance with the provisions of Part 6027 of this Title.

(n) The term *defects* shall include, but not be limited to: security guard training courses not meeting the minimum standards as set forth in Part 6027 of this Title; selling certificates of successful completion; combining or condensing security guard training courses; and false, deceptive or misleading representations to students about security guard training courses.

(o) The term *successfully complete* or *successfully completed* shall mean the attendance of a student at all sections of a security guard training course and the course curriculum was not altered in either content or duration from that which was approved and the course met the minimum standards.

(p) The term *application fee* means the minimum fee charged for each initial application for instructor certification or renewal of certification as determined by the schedule of fees prescribed by the commissioner in section 6029.9 of this Part.

(q) The term *public entity* shall mean:

(1) the state of New York;

(2) a county, city, town, village or any other political subdivision or civil department or division of the state;

(3) any other public corporation, public authority, commission, agency, municipal or other public housing authority, or project organized pursuant to article two of the private housing finance law;

(4) any other governmental instrumentality or governmental unit in the state of New York.

6029.2 Certification of security guard instructor, special security guard instructor and armed security guard instructor.

Instructor certification for security guard instructor, special security guard instructor and armed security guard instructor may be granted by the commissioner upon demonstration of instructor competency and subject matter expertise and payment of an application fee, in accordance with the minimum requirements established by this Part.

6029.3 Minimum requirements for security guard instructor certification.

(a) Each applicant requesting security guard instructor certification shall:

(1) satisfy minimum qualification criteria relating to education, teaching experience, formal training, and security experience as determined by the commissioner, including but not limited to the following:

(i) possess a high school diploma or its equivalent;

(ii) possess standards of good character, integrity, and trustworthiness; and

(iii) be an officer, member, or principal currently licensed by the Department of State as a private investigator; watch, guard or patrol agency; or armored car carrier agency; or

(iv) maintain a valid security guard registration card issued by the Department of State; or

(v) maintain a valid armed security armored car guard registration card issued by the Department of State; or

(vi) be employed as police or peace officer in good standing.

(2) submit an application fee as determined by the schedule of fees prescribed by the commissioner in section 6029.9 of this Part.

(b) The applicant shall forward any other additional information as determined by the commissioner to be necessary to establish the competence of the applicant.

(c) The commissioner shall consider additional factors including, but not limited to: whether the applicant has had a security guard, special security guard or armed security guard instructor, or security guard training school application or renewal application denied for cause, or is the instructor at a school where the security guard application or renewal application of such school

has ever been denied for cause pursuant to Part 6028 of this Title, and the date and nature of such denial; whether the applicant has had a security guard, special security guard or armed security guard instructor certification, or security guard training school approval suspended or revoked, or is the instructor at a school where the approval of such school has ever been or is suspended or revoked pursuant to Part 6028 of this Title, and the date and nature of such suspension or revocation; whether the applicant has ever been convicted of a crime, and the date and nature of the offense; and whether there are any criminal charges pending against the applicant.

#### 6029.4 Requirements for special security guard instructor certification.

Special security guard instructor certification may be granted at the discretion of the commissioner upon written application in cases in which the applicant meets the minimum requirements for security guard instructor certification as set forth in section 6029.3 of this Part and has advanced academic credentials and qualifying experience in addition to having demonstrated technical expertise.

#### 6029.5 Requirements for armed security guard instructor certification.

(a) Each applicant requesting armed security guard instructor certification shall:

(1) have a minimum of three years experience as a police officer, peace officer or security guard.

The requirements relating to experience shall be satisfied by an individual who has carried a firearm in the course of his or her official duties and has done so for the prescribed period of time. Individuals who are not otherwise exempted from the licensing requirements of the Penal Law shall possess the requisite license in accordance with section 400.00 of the Penal Law; and

(2) have successfully completed a Firearms Instructor Course as prescribed by the commissioner.

(3) submit an application fee as determined by the schedule of fees prescribed by the commissioner in section 6029.9 of this Part

(b) All applicants requesting armed security guard instructor certification shall provide any other additional information as determined by the commissioner to be relevant to establish the competence of the applicant.

(c) The commissioner shall consider additional factors including, but not limited to: whether the applicant has had a security guard, special security guard or armed security guard instructor, or security guard training school application or renewal application denied for cause, or is the instructor at a school where the security guard school application or renewal application of such school has ever been denied for cause pursuant to Part 6028 of this Title, and the date and nature of such denial; whether the applicant has had a security guard, special security guard or armed security guard instructor certification, or security guard training school approval suspended or revoked, or is the instructor at a school where the approval of such school has ever been or is suspended or revoked pursuant to Part 6028 of this Title, and the date and nature of such suspension or revocation; whether the applicant has ever been convicted of a crime, and the date and nature of the offense; and whether there are any criminal charges pending against the applicant.

#### 6029.5-A Exemptions.

Some of the requirements for the existing or prospective security guard, special security guard or armed security guard instructor may be waived by the commissioner if the existing or

prospective security guard, special security guard or armed security guard instructor is employed with or at a public or private educational institution operating under the purview of the New York State Education Department or an equivalent agency in another jurisdiction, a public entity, an entity employing security guards on a proprietary basis for its own use, or an educational institution conducted on a not-for-profit basis by firms or organizations, provided that such instruction is offered at no charge; or is an employed police or peace officer in good standing.

#### 6029.6 Term and renewal of certifications.

(a) An instructor certification granted by the commissioner in accordance with this Part shall be valid only in the possession of the instructor to which it is issued for a term of five years from the date of issuance, unless revoked by the commissioner pursuant to section 6029.7 of this Part prior to its expiration.

(b) An instructor certification granted by the commissioner in accordance with this Part may be renewed if the instructor continues to meet criteria established by the commissioner. The council or the commissioner may visit any security guard training school and conduct an evaluation of the instructor applicant.

(c) The certified instructor must submit no more than sixty nor less than thirty days prior to the expiration date of the instructor certification a completed Security Guard Instructor Renewal Application form prescribed by the commissioner for instructor of security guard courses and an application fee as determined by the schedule of fees prescribed by the commissioner in section 6029.9 of this Part.

(d) An instructor certification which was not renewed or which expired may be reissued only in a manner prescribed by the commissioner.

(e) The certification of a security guard instructor may not be renewed for causes including, but not be limited to: the violation of any of the provisions of Article 7-A of the General Business Law, and/or applicable rules and regulations as set forth in this Part; the commissioner determines that there are defects in the instruction provided by a certified instructor ; the instructor is convicted of a felony or misdemeanor and the conduct constituting the offense was performed in the name of or in behalf of an approved security guard training school; or in the discretion of the commissioner, conduct of the instructor bears on the integrity of the division; the security guard instructor application contained a material false statement or omission, the truth or inclusion of which would have resulted in denial of the application pursuant to this Part; or any other cause for which the commissioner deems the denial of renewal necessary.

Where the instructor has been charged with a felony or misdemeanor, the act of the commissioner to grant or deny renewal shall be suspended pending the disposition of the case.

(f) The commissioner shall send the instructor, via certified mail, a written notice of his or her intent to deny the renewal of the certification and the reasons for such action.

(g) Within 15 days of the receipt of said notice, the instructor may forward a written request to the commissioner for a hearing to be held by the council to consider the denial of the instructor certification. The commissioner shall forward the request to the council. The failure of the individual to timely request a hearing shall not preclude the commissioner from denying the renewal of the certification.

(h) Such hearing shall be held at the next meeting of the council. At least 15 days before the next meeting, the council shall give to the instructor written notice of the time and place of said meeting, wherein a hearing shall be held to consider the denial of the instructor certification. The instructor may be represented at the hearing by counsel and may produce any evidence to support his or her position.

(i) The hearing shall be conducted in accordance with the provisions of the state administrative procedure act. Following deliberation, and in accordance with the open meetings law established by article seven of the public officers law, the council shall submit its recommendation to the commissioner. Following receipt of the council's recommendation, and within 90 days of the date of the hearing, the commissioner shall forward to the individual the decision and the reasons given for such decision. The commissioner makes the final decision, notwithstanding the council's recommendation. The commissioner, and not the council, shall be responsible for setting any penalty.

(j) A denial shall remain in effect for at least one year following the decision, depending upon factors enumerated in sections 6029.3(c) and 6029.5(c) of this Part and other factors, and upon a showing of corrective action.

#### 6029.7 Suspension and revocation of certification.

(a) The commissioner may move to suspend or revoke the instructor certification pursuant to this Part at any time. Upon the suspension of the instructor certification, the commissioner shall either:

(1) Proceed under the provisions of paragraph (c) of this section to revoke the instructor certification, or;

(2) Hold the revocation of the instructor certification in abeyance pending the resolution of the concerns raised by the commissioner.

(b) Suspension.

(1) The certification of a security guard instructor may be suspended for causes including, but not be limited to: the violation of any of the provisions of Article 7-A of the General Business Law and/or applicable rules and regulations as set forth in this Part; the commissioner determines that there are defects in the instruction provided by a instructor; the instructor is charged with a felony or misdemeanor and the conduct constituting the offense was performed in the name of or in behalf of an approved security guard training school, or, in the discretion of the commissioner, the conduct of the instructor bears on the integrity of the division; the security guard instructor application contained a material false statement or omission, the truth or inclusion of which would have resulted in denial of the application pursuant to this Part; or any other cause for which the commissioner deems the suspension necessary.

(2) The commissioner may, but is not required to, send the instructor, via certified mail, a written notice to cure in response to paragraph one of this subdivision. Upon receipt of such notice, the certification of the instructor shall be suspended and such instructor shall not instruct any approved security guard training course or program.

(3) No later than fifteen (15) days of the receipt of said notice, the instructor may address the concerns raised. The instructor shall notify the division in writing of the actions taken. If the

actions do not satisfactorily address the concerns of the division, the division may proceed with the revocation of the instructor certification.

(4) Where the instructor has been charged with a felony or misdemeanor, the commissioner shall send the instructor, via certified mail, a written notice of suspension pending the disposition of the case. Upon receipt of such notice, the certification of the instructor shall be suspended and such instructor shall not instruct any approved security guard training course or program.

(c) Revocation.

(1) The certification of a security guard instructor may be revoked for causes including, but not be limited to: the violation of any of the provisions of Article 7-A of the General Business Law and/or applicable rules and regulations as set forth in this Part; the commissioner determines that there are defects in the instruction provided by an instructor; the instructor is convicted of a felony or misdemeanor and the conduct constituting the offense was performed in the name of or in behalf of an approved security guard training school, or, in the discretion of the commissioner, the conduct of the instructor bears on the integrity of the division; the security guard instructor application contained a material false statement or omission, the truth or inclusion of which would have resulted in denial of the application pursuant to this Part; an instructor, after receipt of a notice of suspension, continues to conduct security guard training courses; or any other cause for which the commissioner deems the revocation necessary.

(2) The commissioner shall send the instructor, via certified mail, a written notice of his or her intent to revoke the certification and the reasons for such action. Upon receipt of such notice, the certification of the instructor shall be suspended, or will remain suspended, and such instructor shall not instruct any approved security guard training course or program.

(3) Within fifteen (15) days of the receipt of said notice, the instructor may forward a written request to the commissioner for a hearing to be held by the council to consider the revocation of the instructor certification. The commissioner shall forward the request to the council. The failure of the individual to timely request a hearing shall not preclude the commissioner from revoking the certification.

(4) Such hearing shall be held at the next meeting of the council . At least 15 days before the next meeting, the council shall give to the instructor written notice by mail of the time and place of said meeting, wherein a hearing shall be held to consider the revocation of the instructor certification. The instructor may be represented at the hearing by counsel and may produce any evidence to support his or her position.

(5) The hearing shall be conducted in accordance with the provisions of the state administrative procedure act. Following deliberation, and in accordance with the open meetings law established by article seven of the public officers law, the council shall submit its recommendation to the commissioner. Following receipt of the council's recommendation, and within 90 days of the date of the hearing, the commissioner shall forward to the individual the decision and the reasons given for such decision. The commissioner makes the final decision, notwithstanding the council's recommendation. The commissioner, and not the council, shall be responsible for setting any penalty.

(6) A revocation shall remain in effect for at least one year following the decision, depending upon factors enumerated in sections 6029.3(c) and 6029.5(c) of this Part and other factors, and upon a showing of corrective action.

(d) During an on-site inspection of an approved security guard training school by the commissioner, the commissioner may suspend an instructor certification pending revocation if the violation or misconduct warrants such action.

(1) To invoke the suspension, the commissioner shall provide the instructor with a notice of intent to revoke the instructor certification and the reasons for such action on a form prescribed by the commissioner.

(2) Upon receipt of such notice, the instructor certification shall be suspended and such instructor shall not conduct any approved security guard training course or program.

(3) Within seventy-two hours of the notification, the commissioner shall proceed under the provisions of paragraphs (2) – (5), inclusive, of subdivision (c) of this section to revoke the instructor certification.

#### 6029.8 Conducting a security guard training course.

(a) No security guard training course shall be conducted which does not meet the minimum standards as set forth in Part 6027 of this Title.

(b) Only instructors certified pursuant to the provisions of this Part are allowed to instruct a security guard training course or program at the school.

(c) The certified instructor shall ensure that the security guard training course is compliant with applicable laws, rules and regulations, division requirements, and policies and procedures.

(d) The certified instructor shall adhere to and engage in proper business practices.

(e) Attendance shall be required of each individual student for all sections of a security guard training course. No student shall be issued a certificate of completion who does not successfully complete a security guard training course.

(f) The council or the commissioner may conduct periodic unscheduled inspections to monitor compliance with applicable laws, rules and regulations, division requirements, and policies and procedures.

#### 6029.9 Schedule of fees.

(a) The following application fee will apply to:

Initial application for security guard instructor certification, special security guard instructor certification, or armed security guard instructor certification --\$500.00

Instructor renewal --\$250.00

(b) Persons who maintain a valid security guard instructor certification who subsequently apply for armed security guard instructor certification shall be subject to the renewal fee at the time of initial application for armed security guard instructor certification.

(c) Payment for services shall be made by electronic transfer of funds; postal money order; Western Union, Integrated Payment Systems, bank, American Express, or Travelers Express money orders; corporate check; or governmental check, unless otherwise provided by agreement. Bank money orders must be issued by a bank chartered in the United States, must be payable in U.S. funds, and must be valid for at least 90 days from the date of issuance. A \$25 service charge may be imposed for all checks that are returned due to insufficient funds. The commissioner may

refuse to accept a certain form of payment if that form of payment has previously been uncollectible. Remittance shall be made payable to the Division of Criminal Justice Services.