

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2017

COUNCIL BILL NO. CB17-
COMMITTEE OF REFERENCE:
4 Business Development

5 **A BILL**

6 **For an ordinance concerning the licensing and regulation of private security**
7 **businesses and private security guards, and in connection therewith amending**
8 **Article V of Chapter 42 and Article II of Chapter 32 of the Denver Revised Municipal**
9 **Code.**

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** Division I of Article V of Chapter 42 shall be amended by deleting the language
12 stricken to read as follows:

13 **~~DIVISION 1. GENERALLY~~**

14 **Section 2.** Section 42-131 of the Denver Revised Municipal Code shall be amended by
15 adding the language underlined and deleting the language stricken to read as follows:

16 **Sec. 42-131. Definitions.**

17 The following words and phrases, when used in this article, shall have the following meanings,
18 unless the context clearly indicates a different meaning, respectively ascribed to them as follows:

19 ~~(1) Agents and employees shall mean all persons employed by a merchant guard or merchant~~
20 ~~patrol, in the conduct of business, except stenographic and clerical employees whose duties~~
21 ~~are confined entirely to stenographic and clerical duties in the business office of the merchant~~
22 ~~guard or merchant patrol or other employees not directly engaged in providing protection and~~
23 ~~preserving the peace.~~

24 ~~(2) Business or industrial guard shall mean an individual who accepts employment from a single~~
25 ~~employer for the purpose of watching, guarding or otherwise protecting the persons or property~~
26 ~~of that employer only, or to preserve the peace in the conduct of that employer's business,~~
27 ~~except any individual so employed by any common carrier engaged in interstate commerce, but~~
28 ~~shall exclude maintenance men and installers, janitors, repairmen or persons engaged in similar~~
29 ~~occupations; and officers of the police department and deputy sheriffs, engaged in off-duty~~
30 ~~employment.~~

31 ~~(3) Merchant guard or merchant patrol shall mean any person who conducts or is engaged in the~~
32 ~~business of protection to persons and property, or preserving the peace in the conduct of any~~
33 ~~business, except a business or industrial guard.~~

- 1 (1) Background check means a national criminal history records check conducted by the federal
2 bureau of investigation upon submission of fingerprint records and all required documents.
- 3 (2) Bodily harm means physical damage to a person's body for which medical attention was
4 provided, including cuts, burns, disfigurement, concussion, loss of consciousness, or any
5 impairment of physical condition.
- 6 (3) Canine means a dog regularly and specifically used for the principal purpose of aiding in the
7 detection of criminal activity, enforcement of laws, or apprehension of offenders, and does not
8 include a dog that is regularly and specifically used for the principal purpose of aiding in the
9 detection of explosives.
- 10 (4) Director means the director of the Denver Department of Excise and Licenses.
- 11 (5) Person includes any individual, natural person, firm, company, business, association,
12 organization, partnership, or corporation.
- 13 (6) Primary responsibility means an activity that is fundamental to, and required or expected in, the
14 regular course of employment and is not merely incidental to employment.
- 15 (7) Private security employer means any person who provides or agrees to provide the services of
16 a security guard on a contractual basis to another person or entity, or any person that utilizes
17 its own employees to provide security services for the employer or the employer's premises.
- 18 (8) Security guard means a person employed or engaged by a private security employer to perform
19 security services, and includes the owner, agent, or principal of a security guard employer who
20 also performs security services.
- 21 (9) Security services means the performance of at least one of the following activities:
22 (a) Observing, investigating, and/or reporting unlawful activity.
23 (b) Preventing or detecting theft or misappropriation of goods, money, or other items of value.
24 (c) Protecting individuals or property from harm or misappropriation.
25 (d) Taking enforcement action by physically detaining or ejecting persons from premises.
26 (e) Controlling access to protected premises, except as otherwise provided in section 42-132(c).
- 27 (10) Veteran means a person who served in the active military, naval, or air service, and who was
28 discharged or released therefrom under conditions other than dishonorable, in accordance with
29 U.S.C. title 38, as amended.

30 **Section 3.** Section 42-132 of the Denver Revised Municipal Code shall be repealed and
31 reenacted by deleting the language stricken and adding the language underlined to read as follows:

32 **Sec. 42-132. Identification cards.**

1 In addition to the license, the director of excise and licenses shall issue to each licensee an
2 identification card approximately two and one-half (2½) inches by four (4) inches, which shall
3 include the following:

- 4 (1) ~~The type of license and expiration date thereof;~~
- 5 (2) ~~Name, address, physical description and picture of the licensee;~~
- 6 (3) ~~The name of the employer if the licensee is a business or industrial guard or the agent and~~
7 ~~employee of a merchant guard or merchant patrol;~~
- 8 (4) ~~The signature of the licensee and that of the director of excise and licenses;~~
- 9 (5) ~~A statement as to whether or not the licensee is authorized to carry a firearm;~~
- 10 (6) ~~Such other information as the director of excise and licenses may deem advisable.~~

11 **Sec. 42-132. Applicability; license required; exemptions.**

12 (a) Effective date and applicability.

13 (1) This article shall be effective ninety (90) days from the adoption of rules pursuant to
14 section 42-161, and the requirements of this article shall apply to all applications submitted on
15 or after that date.

16 (2) Concerning existing licenses previously issued pursuant to this article V, on or before the
17 expiration date recorded upon the face of the license, the licensee shall submit a new
18 application as provided in section 42-133. Failure of the licensee to submit a new application
19 shall be grounds for immediate revocation of any license issued pursuant to this article V.

20 (b) License required.

21 (1) It shall be unlawful for any person to act as a security guard without first obtaining a
22 license as provided in this article.

23 (2) It shall be unlawful for a private security employer to permit or direct any person to
24 perform security services unless the person has obtained a license as provided in this article.

25 (3) It shall be unlawful to operate as a private security employer without first obtaining a
26 license as provided in this article.

27 (c) Exemptions. The requirements of this article do not apply to:

28 (1) Law enforcement officers, including police officers, sheriffs, deputy sheriffs, Colorado State
29 patrol officers, POST certified corrections officers, marshals, deputy marshals, district attorney
30 investigators, Colorado Bureau of Investigation agents, parole or probation officers, or federal
31 law enforcement officers, while engaged in the performance of their official duties or while
32 engaged in off-duty employment.

33 (2) Any person who performs airport pre-departure screening services regulated by the Federal

1 Aviation Administration or the Transportation Security Administration, while engaged in the
2 performance of their official duties.

3 (3) An individual while protecting the individual's own property.

4 (4) A person whose primary responsibility is to regulate or direct the flow or movement of
5 persons on private property, whether by vehicle or foot, if that person does not have the authority
6 to physically detain or eject persons from such a place.

7 (5) A person whose primary responsibility is to perform crowd management or guest services
8 including, but not limited to, a person described as a ticket vendor, ticket taker, usher, door
9 attendant, identification checker, parking attendant, crowd monitor, or event staff. This
10 exemption applies only:

11 a. To a person who:

12 1. Does not carry a firearm or other dangerous weapon including, but not limited to,
13 a stun gun, taser, pepper mace or nightstick;

14 2. Does not wear a uniform or clothing readily identifiable by a member of the public
15 as that worn by a security guard or law enforcement officer;

16 3. Does not have the authority or permission to initiate confrontational activities,
17 including physical contact and the confiscation of property; or

18 4. Does not have the authority or permission to physically detain or eject persons from
19 the premises;

20 b. If there is at least one person on-site who is licensed under this article for every 10 or fewer
21 unlicensed persons performing the services described in paragraph (5) of this sub-section
22 (c);

23 c. If any enforcement action, other than incidental or temporary action, is taken by or under
24 the supervision of a person licensed under this article; and

25 d. During the time when the crowd has assembled for the purpose of attending or taking part
26 in an organized event, including pre-event assembly, event operation hours, and post-event
27 departure activities.

28 (d) Nontransferable. No license granted pursuant to this article shall be transferable from one
29 person to another.

30 (e) Private security employer license. The private security employer license shall at all times be
31 posted in a conspicuous place in the licensee's principal place of business.

32 (f) Security guard license and identification card.

33 (1) In addition to a license, each security guard shall be issued an identification card which shall

1 contain, at minimum, the following information:

2 a. The license type and license number;

3 b. The expiration date of the license;

4 c. The name and a recent photograph of the card-holder;

5 d. The signature of both the card-holder and the director;

6 e. A firearm endorsement if the card-holder is authorized to carry a firearm; and

7 f. A plainclothes endorsement if the card-holder has received an exemption from the uniform
8 requirement as provided in section 42-135.

9 (2) The identification card must be carried on the licensee's person at all times when the
10 licensee is performing security services, and shall be exhibited upon request by a law
11 enforcement officer, the director, or other city official. It shall be unlawful for any licensee, or for
12 any agent or employee of the licensee, to fail to comply with this section.

13 (g) Termination or changes in employment.

14 (1) Whenever the employment of a security guard is terminated for any reason, the employer
15 shall notify the director within seventy-two (72) hours of such termination.

16 (2) When the employment of a security guard is terminated, the security guard shall notify the
17 director within seventy-two (72) hours of such termination.

18 (3) Any person changing place of business or adding an employer shall notify the director of
19 such fact within seventy-two (72) hours, together with the name and address of the new place
20 of business or new employer. It shall be the responsibility of the licensee to keep contact
21 information current with the director.

22 (h) Reporting requirements.

23 (1) When a security guard is convicted of any crime specified in section 42-142 of this article,
24 the security guard shall notify the director within seventy-two (72) hours of such conviction.

25 (2) Whenever a security guard, while providing security services, uses force that results in bodily
26 harm to another person, the security guard must immediately contact the Denver Police
27 Department and shall notify the director within seventy-two (72) hours of such use of force.

28 **Section 3.** Section 42-133 of the Denver Revised Municipal Code shall be repealed and reenacted
29 by deleting the language stricken and adding the language underlined to read as follows:

30 ~~**Sec. 42-133. Badges.** The director of excise and licenses, in addition to the identification card~~
31 ~~provided for, may issue a uniform type badge to be designed by the director, but the manager is~~
32 ~~hereby authorized to approve the use of badges and insignia, provided to agents or employees by~~
33 ~~the merchant guard or merchant patrol, or to business or industrial guards by an employer, where~~

1 ~~such badges and insignia are not a colorable imitation of, or cannot be confused with the badge~~
2 ~~worn by officers of the police department.~~

3 **Sec. 42-133. Application requirements.** All applications for licensing as a security guard or
4 private security employer shall be made upon forms provided by the director and shall include, in
5 addition to any information required by Chapter 32 of this code, all supplemental materials
6 required by this article V and any rules adopted pursuant thereto.

7 (a) Security guard license. Every application for a security guard license shall contain the following:

8 (1) The name of the private security employer by whom the applicant will be employed, the
9 address of the employer, the nature of the services to be rendered, and any other pertinent
10 information required by the director. In addition, the applicant must provide written
11 documentation that the applicant will be employed by a private security employer in the event
12 the application is approved;

13 (2) A statement whether the applicant has been convicted of any felony, misdemeanor or
14 municipal ordinance violation (other than traffic violations), the nature of the offense, the penalty
15 or punishment imposed, and the date and place where such offense occurred;

16 (3) A statement whether a judgment for fraud, deceit, or misrepresentation was ever entered
17 against the applicant and the details thereof;

18 (4) A statement of the applicant's work and/or school history for the five (5) years immediately
19 preceding the date of application;

20 (5) A certificate of a licensed physician, registered nurse, or physician assistant licensed by the
21 Colorado Medical Board, stating that the applicant was examined within sixty (60) days of the
22 application date and found to be physically and mentally capable of performing security services
23 in a manner that will not jeopardize the health, welfare, or safety of any person;

24 (6) A background check, as described in section 42-131 of this article, completed no more than
25 sixty (60) days before the application date; and

26 (7) Verification of successful completion of a basic security guard training program, as provided
27 in section 42-134, completed no more than sixty (60) days before the application date.

28 (b) Private security employer license. Every application for a license to operate as a private security
29 employer shall contain the following:

30 (1) The name under which the licensee will operate, the address of the principal place of
31 business, and the name and address of each principal and managing agent;

32 (2) A description of the specific types of services to be offered;

33 (3) A description and photograph of the following:

1 a. The vehicles to be used to provide security services, including the number, type, and
2 photograph or drawing of the proposed vehicle and any insignias;

3 c. The uniform and badges to be worn by the employer's security guards, including a
4 photograph or drawing of the proposed uniforms and badges; and

5 d. Any additional equipment, not including office equipment or vehicles, to be used by the
6 employer's security guards while providing security services;

7 (4) A statement whether each principal and managing agent has been convicted of any felony,
8 misdemeanor or municipal ordinance violation (other than traffic violations), the nature of the
9 offense, the penalty or punishment imposed, and the date and place where such offense
10 occurred;

11 (5) A statement whether a judgment for fraud, deceit or misrepresentation was ever entered
12 against any principal and managing agent, and the details thereof;

13 (6) A statement of the work and/or school history of each principal and managing agent for the
14 five (5) years immediately preceding the date of application;

15 (7) An affidavit attesting that each of its security guards is duly licensed pursuant to
16 subsection (a) of this section; and

17 (8) Certificates of insurance demonstrating minimum insurance coverage as required in section
18 42-138 of this article V and any rules or regulations promulgated by the director.

19 **Section 4.** Section 42-134 of the Denver Revised Municipal Code shall be repealed and
20 reenacted by deleting the language stricken and adding the language underlined to read as follows:

21 **Sec. 42-134. Uniforms.**

22 ~~Uniforms, if any, worn by business or industrial guards and agents, or employees of merchant~~
23 ~~guards or merchant patrols, while employed within the city, will be of a color different from that worn~~
24 ~~by officers of the police department, sheriff's officers and officers of the state patrol. Such uniforms~~
25 ~~shall be presented to the director of excise and licenses for approval as to color prior to issuance to~~
26 ~~employees and agents of merchant guards or merchant patrols, and before being worn by business~~
27 ~~and industrial guards, and once this determination is made, it shall not thereafter be changed except~~
28 ~~by mutual agreement between the director of excise and licenses and the licensee.~~

29 **Sec. 42-134. Required training.**

30 (a) Verification of completion. Prior to issuance of any security guard license, the applicant shall
31 provide verification of successful completion of a basic security guard training program,
32 completed no more than sixty (60) days before the application date.

1 (b) Training verification. The training verification shall identify, at minimum, the applicant's name,
2 the courses taken, the number of training hours obtained, the date(s) of training, and the name
3 of the training provider.

4 (c) Minimum training requirements. For new license applications, in addition to any other training
5 required by the director, the security guard training verification shall indicate the applicant
6 completed at least sixteen (16) hours of basic security training, which shall include, at minimum:

7 (1) Duties of a security guard;

8 (2) Communication procedures and protocol;

9 (3) Interaction with law enforcement;

10 (4) Use of force;

11 (5) Any additional training required by the director.

12 **Section 5.** Section 42-135 of the Denver Revised Municipal Code shall be repealed and
13 reenacted by deleting the language stricken and adding the language underlined to read as follows:

14 **Sec. 42-135. Vehicles and equipment.**

15 ~~The vehicles used in the conduct of the merchant guard or merchant patrol business within~~
16 ~~the city by any licensee shall be of a color approved by the director of excise and licenses and~~
17 ~~different from that of the vehicles of the police department uniform patrol division, and once~~
18 ~~determined, shall not be changed except by mutual agreement between the director of excise and~~
19 ~~licenses and the licensee. In addition, such vehicles shall not be equipped with any lights or sirens~~
20 ~~in violation of the traffic code of the city, or the motor vehicle department of the state, nor shall any~~
21 ~~insignias be painted on the sides thereof which are similar to or which could be confused with that~~
22 ~~painted on the sides of the vehicles of such division.~~

23 **Sec. 42-135. Vehicles, uniforms, and badges.**

24 (a) Vehicles.

25 (1) All vehicles used by any licensee providing or performing security services within the city
26 shall be approved by the director, and once determined, shall not be changed except with
27 approval from the director. The licensee is responsible for submitting any vehicle design or
28 design change to the director for approval.

29 (2) It shall be unlawful for any person, while providing or performing security services within
30 the city, to use or operate any vehicle displaying the words "police" or "officer," or displaying
31 any sign, shield, marking, or insignia that indicates or implies that the vehicle is operated by a
32 law enforcement agency.

1 (3) It shall be unlawful for any person to equip vehicles used to perform security services in
2 any manner resembling an authorized emergency vehicle, including lights or sirens, in
3 violation of any state or local laws.

4 (b) Uniforms and badges.

5 (1) All uniforms shall be presented to the director for approval prior to being used by any
6 licensee to provide security services, and once this determination is made, it shall not be
7 changed except with approval from the director. The licensee is responsible for submitting any
8 proposed uniform design or design change for approval.

9 (2) Except as provided in paragraph (6) of this subsection (b), all security guards shall wear a
10 uniform while performing security services. The outer uniform shall prominently display the
11 following:

12 a. A badge or patch containing the words "Security," "Private Security," "Security Guard," or
13 "Guard";

14 b. A badge, patch or nametag containing the guard's name; and

15 c. A badge or patch containing the name of the private security employer.

16 (3) It shall be unlawful for any person, while performing or providing security services, to wear
17 a uniform or badge similar to that worn by any law enforcement agency, including the police
18 department, sheriff's department, or officers of the state patrol.

19 (4) It shall be unlawful for any person to wear or display any badge, insignia, shield, patch, or
20 pattern that indicates or implies that the person is a law enforcement officer.

21 (5) It shall be unlawful for any person, while performing security services, to wear a uniform or
22 badge that contains the words "police" or "officer."

23 (6) Notwithstanding the requirement of a uniform in paragraph (2) of this subsection (b), upon
24 written request from a private security employer, the director may provide specific
25 authorization for licensees to perform security services while wearing plainclothes. Such
26 request must provide sufficient detail to support the need for an exemption from the uniform
27 requirement, and the decision to allow an exemption lies within the sole discretion of the
28 director.

29 **Section 6.** Section 42-136 of the Denver Revised Municipal Code shall be repealed by
30 deleting the language stricken to read as follows:

31 **~~Sec. 42-136. Use of words "police" or "officer" prohibited.~~**

1 The words "police" or "officer" shall not be used in any advertising or upon the premises,
2 within the limits of the city occupied by the merchant guard or merchant patrol, nor on any of its
3 vehicles or equipment.

4 **Sec. 42-136. Reserved.**

5 **Section 7.** Section 42-137 of the Denver Revised Municipal Code shall be amended by
6 adding the language underlined and deleting the language stricken to read as follows:

7 **Sec. 42-137. Firearms.**

8 (a) Licensees shall have the right to carry firearms during the performance of security services
9 only when specifically authorized by the chief of police through the manager of safety who will
10 grant such authority only when, in the manager's opinion, the duties to be performed and the
11 services to be rendered by the licensee require that a firearm be carried for the protection of the
12 licensee and only when the licensee demonstrates that the licensee is proficient in the care,
13 maintenance and the use of firearms. A permit to carry a concealed weapon does not constitute
14 the specific authorization required by this section.

15 (b) The authority to carry firearms will be extended only while the licensee is performing the
16 required duties of employment and while en route to or from the place of business.

17 (c) The authority to carry firearms will not be extended to any person under twenty-one (21) years
18 of age.

19 **Section 8.** Section 42-138 of the Denver Revised Municipal Code shall be repealed and
20 reenacted by deleting the language stricken and adding the language underlined to read as follows:

21 **Sec. 42-138. Change of personnel.**

22 ~~(a) Whenever a business or industrial guard or an agent or employee of a merchant guard or~~
23 ~~merchant patrol is discharged for any reason, the employer shall immediately notify the director~~
24 ~~of excise and licenses of such fact, together with the reasons for the dismissal.~~

25 ~~(b) When a business or industrial guard or agent or employee of a merchant guard or merchant~~
26 ~~patrol is dismissed, such person shall forthwith surrender the identification card and any badge~~
27 ~~issued him to the director of excise and licenses. If the person surrendering a set of identification~~
28 ~~card and badge is reemployed during the remainder of the year, the identification card and~~
29 ~~badge may be reissued without charge.~~

30 ~~(c) Any licensee changing place of business or abode shall immediately notify the director of excise~~
31 ~~and licenses of such fact, together with the address of the new place of business or abode;~~
32 ~~provided, however, that if a licensee changes the place of abode, this shall not be deemed to~~
33 ~~be a transfer of license, or require the payment of any additional fees.~~

1 **Sec. 42-138. Minimum insurance requirements.**

2 In addition to any other insurance coverage required by the director, private security employers shall
3 meet the following minimum insurance requirements:

4 (a) Workers' compensation and employers' liability;

5 (b) Automobile liability, if vehicles are used to provide security services; and

6 (c) Commercial general liability.

7 (d) Certificates of insurance shall be submitted to the director before any license may be issued or
8 renewed.

9 (e) All insurance policies shall be kept in force and effect for the term of the license.

10 (f) The licensee shall be responsible for any damage to property or injury to persons arising out of
11 the exercise of the privileges granted under the license.

12 **Section 9.** Section 42-139 of the Denver Revised Municipal Code shall be repealed by
13 deleting the language stricken to read as follows:

14 **Sec. 42-139. Reserved. Report of new vehicles.**

15 ~~Whenever a new vehicle is acquired by a licensee for use in the conduct of business, the type~~
16 ~~and description of the vehicle shall be immediately reported to the director of excise and licenses.~~

17 **Section 10.** Section 42-140 of the Denver Revised Municipal Code shall be amended by
18 adding the language underlined and deleting the language stricken to read as follows:

19 **Sec. 42-140. Unlawful acts.**

20 ~~It~~ In addition to any other acts prohibited by this chapter, it shall be unlawful:

21 (1a) ~~For any licensee to arrest, detain and hold~~ any person except when that person commits a
22 criminal offense in the presence of the licensee. This subsection does not prevent a licensee
23 from barring or ejecting a person from entry into premises.

24 (2b) ~~For any licensee to fail to turn over~~ immediately release upon request any such person
25 ~~arrested, detained, immediately~~ to the police department or to report any force used to detain
26 the person if such force resulted in bodily harm to another person.

27 (3) ~~For any licensee to draw or fire a firearm in the performance of duties except when necessary~~
28 ~~to protect the licensee from great bodily harm, or to prevent the commission of a felony;~~

29 (c) For any person to carry a firearm while performing security services without first obtaining
30 specific authorization from the chief of police as provided in section 42-137. It shall be
31 unlawful to carry a concealed weapon while performing security services without specific
32 authorization from the chief of police as provided in section 42-137 and a valid concealed
33 weapons permit issued by any sheriff or chief of police pursuant to state law.

- 1 ~~(4) For any licensee to hinder or interfere with any investigation under the jurisdiction of the police~~
2 ~~department;~~
- 3 (d) For any person to draw or fire a firearm while performing security services, except as provided
4 under Colorado Revised Statutes sections 18-1-704 through 18-1-707.
- 5 (e) For any person, while performing security services, to possess or be accompanied by a canine
6 or to have a canine within a security vehicle or within any other piece of equipment.
- 7 (f) For any licensee to hinder or interfere with any investigation under the jurisdiction of the police
8 department or other public law enforcement agency.
- 9 ~~(5g) For any licensee to fail to report immediately to the police department or other public law~~
10 ~~enforcement agency all violations of city, state, or federal laws, or to cooperate in the~~
11 ~~investigation of such criminal activity when requested by law enforcement, which constitute~~
12 ~~felonies or breach of the peace coming to the licensee's attention;~~
- 13 ~~(6h) For any licensee to wear a uniform, badge or insignia other than that authorized by the~~
14 ~~director of excise and licenses;~~
- 15 ~~(7i) For any licensee person to represent themselves as a law enforcement officer, including to be~~
16 ~~an officer of the police department, sheriff's department, state patrol, or other public law~~
17 ~~enforcement agency.~~
- 18 (8j) For any licensee knowingly to allow their identification card to be used by another person or
19 knowingly to use another person's identification card. For any licensee to fail to conduct
20 themselves in a lawful and orderly manner at all times.

21 **Section 11.** Section 42-141 of the Denver Revised Municipal Code shall be repealed and
22 reenacted by deleting the language stricken and adding the language underlined to read as follows:

23 **Sec. 42-141. Rules and regulations.**

24 ~~The director of excise and licenses may issue and promulgate from time to time rules and~~
25 ~~regulations to provide for the health, safety and welfare of the city in relation to the merchant guard~~
26 ~~or merchant patrol business. Such rules may pertain by way of example to the duties of licensees,~~
27 ~~manner of conduct of merchant guard or merchant patrol businesses, merchant guards or merchant~~
28 ~~patrols and business or industrial guards, and reports to be furnished to the director of excise and~~
29 ~~licenses. It shall be unlawful for any person to violate a rule or regulation adopted by the director~~
30 ~~pursuant to this section.~~

31 **Sec. 42-141. Term of licenses; renewals.**

- 1 (a) Any license or registration granted pursuant to this article V shall be valid for a period of one
2 (1) year from the date of issuance, unless suspended or revoked earlier. If the licensee also
3 holds a firearm endorsement, the endorsement shall expire at the same time as the license.
4 (b) Except when the director has received a complete renewal application, it shall be unlawful for
5 any person to provide security services after the expiration date recorded upon the face of the
6 license issued pursuant to this article V.
7 (c) Applications for renewal of a private security employer license shall include:
8 (1) An affidavit attesting that each of its security guards is duly licensed pursuant to section
9 42-133 of this article;
10 (2) Certificates of insurance as provided in section 42-138; and
11 (3) Any additional information as required by the director.
12 (d) Applications for renewal of a security guard license shall include:
13 (1) A statement whether the applicant has been convicted of any federal, state, or municipal law
14 violation (excluding traffic infractions) within the previous 12 months;
15 (2) A CBI individual records check from the Colorado Bureau of Investigation completed no
16 more than sixty (60) days before the renewal application date; and
17 (3) Any additional information as required by the director.
18 (e) In addition to any other grounds specified in this Code, the director may refuse to renew a
19 license for any of the causes for denial provided in section 42-142.

20 **Section 12.** Section 42-142 of the Denver Revised Municipal Code shall be amended by
21 adding the language underlined to read as follows:

22 **Sec. 42-142. Reserved. Causes for denial.** In addition to the grounds set forth in Chapter
23 32 of this Code, a license shall be denied under this article V if the applicant or a principal of the
24 applicant:

- 25 (a) Is under eighteen (18) years of age;
26 (b) Has been convicted of or released from incarceration for any felony within five (5) years of the
27 application date;
28 (c) Has been convicted of or released from incarceration for any misdemeanor or municipal
29 ordinance offense involving fraud, theft, deceit or misrepresentation within five (5) years of the
30 application date;
31 (d) Has been convicted of or released from incarceration for any offense involving an act of violence
32 against persons or property within five (5) years of the application date, including but not limited

1 to assault, child abuse, and offenses where the underlying factual basis has been found to
2 include any act of domestic violence.

3 (e) Has been previously denied a license under this article V or has had a license issued under this
4 article suspended or revoked within five (5) years of the application date;

5 (f) Has been convicted of operating without a license required under this article or performing any
6 act for which a license is required under this article;

7 (g) Is unable to provide documentation that they will be employed as a security guard upon issuance
8 of the license;

9 (h) Is unable to provide sufficient verification that the person is physically and mentally capable of
10 performing security services in a manner that will not jeopardize the health, welfare, or safety
11 of any person; or

12 (i) Whose character and reputation show a pattern of conduct or personal history that does not
13 demonstrate honesty, fairness, and respect for the rights of others or for the law.

14 **Section 13.** Section 42-143 of the Denver Revised Municipal Code shall be amended by
15 adding the language underlined to read as follows:

16 **Sec. 42-143. Reserved. Disciplinary actions.**

17 (a) In addition to the grounds provided in chapter 32 of the Code, a license may be suspended or
18 revoked for any of the grounds for denial set forth in section 42-142 of this article V.

19 (b) Procedures for investigation of license violations, and for suspension, revocation, or other
20 licensing sanctions as a result of any such violation, shall be as provided in chapter 32 of the
21 Code and any rules and regulations promulgated by the director.

22 **Section 14.** Section 42-144 of the Denver Revised Municipal Code shall be amended by
23 adding the language underlined to read as follows:

24 **Sec. 42-144. Reserved. Fees.**

25 Application and license fees for this article V are prescribed in section 32-95 of the Code.

26 **Section. 15.** Division 2 of Article V of Chapter 42 shall be amended by deleting the language
27 stricken to read as follows:

28 **~~DIVISION 2. -LICENSE~~**

29 **Section 16.** Section 42-161 of the Denver Revised Municipal Code shall be repealed and
30 reenacted by deleting the language stricken and adding the language underlined to read as follows:

31 **Sec. 42-161. Required**

32 (a) It shall be unlawful for any person to engage in or conduct a merchant guard or merchant
33 patrol business or to act as a business or industrial guard without obtaining a license as

1 provided in this division.

2 ~~(b) It shall be unlawful for any merchant guard or merchant patrol to employ any agent or~~
3 ~~employee unless the person to be employed has obtained a license as provided in this~~
4 ~~division.~~

5 ~~(c) It shall be unlawful for any person to accept employment as an agent or employee of a~~
6 ~~merchant guard or merchant patrol without obtaining a license as provided in this division.~~

7 **Sec. 42-161. Rules and regulations.**

8 (1) The director may make such reasonable rules and regulations as may be necessary for the
9 purpose of administering and enforcing the provisions of this article and any other ordinances
10 or laws relating to and affecting the licensing and operation of security guards and private
11 security employers.

12 (2) It shall be unlawful for any person to violate a rule or regulation adopted by the director pursuant
13 to this section.

14 **Section 17.** Section 42-162 of the Denver Revised Municipal Code shall be repealed
15 deleting the language stricken to read as follows:

16 **Sec. 42-162. Application. Reserved.**

17 ~~Applicants for a license as a merchant guard or merchant patrol, business or industrial~~
18 ~~guard, or agent or employee or a merchant guard or merchant patrol, shall file an application with~~
19 ~~the director of excise and licenses on forms to be provided by the director for that purpose and~~
20 ~~shall contain, in addition to the information required by chapter 32, the following:~~

21 ~~(1) If an applicant for a license as a merchant guard or merchant patrol: A description of the nature~~
22 ~~and type of business to be conducted, the services to be offered, and the area expected to be~~
23 ~~covered in the conduct of the business; a statement as to the number of persons to be employed~~
24 ~~as agents or employees; a statement as to the number and type of vehicles to be used in the~~
25 ~~conduct of the business and a description thereof; a description of the equipment, but not~~
26 ~~including equipment used in the maintenance of the office, other than vehicles to be used in the~~
27 ~~conduct of the business; and any other pertinent facts required by the director of excise and~~
28 ~~licenses;~~

29 ~~(2) If an applicant for a license as an agent or an employee of a merchant guard or merchant patrol,~~
30 ~~or as a business or industrial guard: The name of the person by whom the applicant is to be~~
31 ~~employed; the address where the applicant is to be employed; the nature of the services to be~~
32 ~~rendered; the purpose of the employment, and any other pertinent facts required by the director~~
33 ~~of excise and licenses. In addition, the director shall require evidence that the applicant will be~~

1 employed by a merchant guard or merchant patrol, or other employer in the event the
2 application is approved;

3 ~~(3) A statement as to whether or not the applicant has been convicted of any felony, misdemeanor~~
4 ~~or ordinance violation (other than traffic violations), the nature of the offense, the penalty or~~
5 ~~punishment imposed, and the date and place where such offense occurred;~~

6 ~~(4) A statement as to whether or not the applicant has ever had a judgment or conviction for fraud,~~
7 ~~deceit or misrepresentation entered against the applicant, and if so, the details thereof;~~

8 ~~(5) A statement as to the business or employment record of the applicant for the ten (10) years~~
9 ~~immediately preceding the date of application;~~

10 ~~(6) Three (3) letters certifying to the good character and business responsibility of the applicant;~~

11 ~~(7) A certificate of a licensed physician, registered nurse, physician assistant certified by the~~
12 ~~Colorado State Board of Medical Examiners, or a licensed chiropractor, reciting that the~~
13 ~~applicant has been examined within sixty (60) days preceding the application date and was~~
14 ~~found to be free of any defects which would affect the applicant's ability to satisfactorily perform~~
15 ~~the duties required by the employer.~~

16 **Section 18.** Section 42-163 of the Denver Revised Municipal Code shall be repealed by
17 deleting the language stricken to read as follows:

18 **~~Sec. 42-163. Temporary license. Reserved.~~**

19 ~~In addition to the annual license provided in this division, the director of excise and licenses~~
20 ~~may issue a temporary license for a period not to exceed thirty (30) days to any business or~~
21 ~~industrial guards, agents and employees of merchant guards or merchant patrols upon the~~
22 ~~submission of a satisfactory application as provided in section 42-162.~~

23 **Section 19.** Section 42-164 of the Denver Revised Municipal Code shall be repealed by
24 deleting the language stricken to read as follows:

25 **~~Sec. 42-164. Fees. Reserved.~~**

26 ~~Application and license fees under this division are prescribed in section 32-95.~~

27 **Section 20.** Section 42-165 of the Denver Revised Municipal Code shall be repealed by
28 deleting the language stricken to read as follows:

29 **~~Sec. 42-165. Causes for denial. Reserved.~~**

30 ~~No license shall be issued under this division to any of the following persons:~~

31 ~~(1) Any person eighteen (18) years of age;~~

32 ~~(2) Any person whose character and reputation and record of sobriety are not satisfactory to the~~
33 ~~director of excise and licenses;~~

- 1 ~~(3) Any person convicted of a felony, misdemeanor or violation of a municipal ordinance pertaining~~
2 ~~to moral turpitude within ten (10) years immediately preceding the date of application;~~
- 3 ~~(4) Any person against whom a judgment or conviction for fraud, deceit or misrepresentation has~~
4 ~~been entered within ten (10) years immediately preceding the date of application;~~
- 5 ~~(5) Any person who has a record of drug addiction, or a record of violent acts against persons or~~
6 ~~property;~~
- 7 ~~(6) Any person who is unable to provide that they will be employed as a business or industrial~~
8 ~~guard, or an agent or employee of a merchant guard or merchant patrol upon issuance of the~~
9 ~~license;~~
- 10 ~~(7) Any person whose physical and mental condition are such so as not to warrant confidence that~~
11 ~~the service to be rendered will not jeopardize the health, safety or welfare of any person.~~

12 **Section 21.** Section 42-166 of the Denver Revised Municipal Code shall be repealed by
13 deleting the language stricken to read as follows:

14 **Sec. 42-166. Bonds. Reserved.**

15 ~~Persons licensed as a merchant guard or merchant patrol shall furnish a good and sufficient~~
16 ~~bond in the sum of five thousand dollars (\$5,000.00) conditioned on the faithful observance of this~~
17 ~~article and conditioned on the faithful performance and honest conduct of the merchant guard or~~
18 ~~merchant patrol business. Such bond shall be payable to the city, and to the person who may have~~
19 ~~employed such licensee and been injured by any willful, wanton or dishonest act of the licensee or~~
20 ~~any agent or any of its employees. Such bond shall be further conditioned upon the payment of all~~
21 ~~wages and salaries due to all agents or employees of the merchant guard or merchant patrol and~~
22 ~~shall be directly payable to the employees in the event of default of payment.~~

23 **Section 22.** Section 42-167 of the Denver Revised Municipal Code shall be repealed by
24 deleting the language stricken to read as follows:

25 **Sec. 42-167. Suspension or revocation. Reserved.**

26 ~~The director of excise and licenses shall have the power to suspend or revoke any license issued~~
27 ~~under this division for violation of any federal or state statute, city ordinances or any of the~~
28 ~~provisions of this article, or for any act committed by a licensee which is detrimental to the health,~~
29 ~~welfare and safety of the public.~~

30 **Section 23.** Section 32-95 of the Denver Revised Municipal Code shall be amended by adding
31 the language underlined and deleting the language stricken to read as follows:

32 **Sec. 32-95. Merchant, business or industrial guards or patrols. Security guards or**
33 **private security employers.**

1 ~~Merchant, business or industrial guards or patrols~~ Security guards or private security employers

2 shall pay the following fees:

3 (1) Application fees:

4 a. Individuals \$50.00

5 b. ~~Merchant guards or merchant patrols~~ Private security employers employing fewer
6 than twenty-five (25) agents or employees to provide security services 100.00

7 c. ~~Merchant guards or merchant patrols~~ Private security employers ~~which~~ employing
8 twenty-five (25) or more agents or employees to provide security services 200.00

9 d. Veterans shall be exempt from the application fee required by this subsection.

10 (2) License fees, per year:

11 a. Individuals 25.00

12 b. ~~Merchant guards or merchant patrols~~ Private security employers employing twenty-
13 five (25) or fewer agents or employees to provide security services 100.00

14 c. ~~Merchant guards or merchant patrols~~ Private security employers ~~which~~ employing
15 more than twenty-five (25) agents or employees to provide security services 200.00

16
17 COMMITTEE APPROVAL DATE: _____, 2017

18 MAYOR-COUNCIL DATE: _____, 2017

19 PASSED BY THE COUNCIL: _____, 2017

20 _____ - PRESIDENT

21 APPROVED: _____ - MAYOR _____, 2017

22 ATTEST: _____ - CLERK AND RECORDER,

23 EX-OFFICIO CLERK OF THE

24 CITY AND COUNTY OF DENVER

25 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2017; _____, 2017

26 PREPARED BY: Marley Bordovsky, Assistant City Attorney DATE: _____, 2017

27 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
28 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
29 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
30 3.2.6 of the Charter.

31 Kristin Bronson, Denver City Attorney

32 BY: _____, Assistant City Attorney DATE: _____, 2017