

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL NO. CB17-1177

SERIES OF 2017

COMMITTEE OF REFERENCE:

Business, Arts, Workforce & Aeronautical Services

A BILL

For an ordinance amending Article V of Chapter 42 and Article II of Chapter 32 of the Denver Revised Municipal Code by repealing and reenacting a new Article V of Chapter 42 concerning the licensing and regulation of private security businesses and private security guards, and amending Article II of Chapter 32 concerning licensing fees for private security businesses and private security guards.

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

Section 1. Article V of Chapter 42 of the Denver Revised Municipal Code shall be repealed and reenacted to read as follows:

Sec. 42-131. Definitions.

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

- (1) *Background check* means a national criminal history records check conducted by the federal bureau of investigation upon submission of fingerprint records and all required documents.
- (2) *Bodily harm* means physical damage to a person's body for which medical attention was provided, including cuts, burns, disfigurement, concussion, loss of consciousness, or any impairment of physical condition.
- (3) *Canine* means a dog regularly and specifically used for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders, and does not include a dog that is regularly and specifically used for the principal purpose of aiding in the detection of explosives.
- (4) *Director* means the director of the Denver Department of Excise and Licenses.
- (5) *Person* includes any individual, natural person, firm, company, business, association, organization, partnership, or corporation.
- (6) *Primary responsibility* means an activity that is fundamental to, and required or expected in, the regular course of employment and is not merely incidental to employment.
- (7) *Private security employer* means any person who provides or agrees to provide the services of a security guard on a contractual basis to another person or entity, or any person that utilizes its own employees to provide security services for the employer or the employer's premises.

- 1 (8) *Security guard* means a person employed or engaged by a private security employer to perform
2 security services, and includes the owner, agent, or principal of a security guard employer who
3 also performs security services.
- 4 (9) *Security services* means the performance of at least one of the following activities:
5 (a) Observing, investigating, and/or reporting unlawful activity.
6 (b) Preventing or detecting theft or misappropriation of goods, money, or other items of value.
7 (c) Protecting individuals or property from harm or misappropriation.
8 (d) Taking enforcement action by physically detaining or ejecting persons from premises.
9 (e) Controlling access to protected premises, except as otherwise provided in section 42-132(c).
- 10 (10) *Special event* means any organized gathering of at least 25 individuals, whether on public or
11 private property, assembled with a common purpose for a period of one hour or longer. Special
12 events include but are not limited to festivals, fairs, carnivals, concerts, circuses, parades, farmers
13 markets, marathons, walkathons, races, bicycle events, celebrations or any other similar gathering
14 where a group of people are brought together to watch or participate and which operates for a
15 temporary and limited period of time.
- 16 (11) *Veteran* means a person who served in the active military, naval, or air service, and who was
17 discharged or released therefrom under conditions other than dishonorable, in accordance with
18 U.S.C. title 38, as amended.

19 **Sec. 42-132. License required; exemptions.**

20 (a) *Effective date and applicability.*

21 (1) This article shall be effective ninety (90) days from the adoption of rules pursuant to section
22 42-161, and the requirements of this article shall apply to all applications submitted on or after
23 that date.

24 (2) On or after the effective date of this article, any license previously issued pursuant to this
25 article V shall expire and shall be of no further force and effect after the expiration date
26 recorded upon the face of the license. The licensee shall submit an application for a new
27 license as provided in section 42-133.

28 (b) *License required.*

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

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

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

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

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

9 (2) Any person who performs airport pre-departure screening services regulated by the Federal
10 Aviation Administration or the Transportation Security Administration, while engaged in the
11 performance of their official duties.

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

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

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

20 a. To a person who:

- 21 1. Does not carry a firearm or other dangerous weapon including, but not limited to, a
22 stun gun, taser, pepper mace or nightstick;
- 23 2. Does not wear a uniform or clothing readily identifiable by a member of the public
24 as that worn by a security guard or law enforcement officer;
- 25 3. Does not have the authority or permission to initiate confrontational activities,
26 including physical contact and the confiscation of property; or
- 27 4. Does not have the authority or permission to physically detain or eject persons from
28 the premises;

29 b. To a person who is performing security checks as a prerequisite to entry into a special
30 event, including but not limited to wandering, scanning, or searching people or property to
31 prevent the introduction of weapons onto the premises, and only:

- 32 1. If the person conforms with the restrictions provided in subparagraph a of this

1 paragraph (5);

2 2. If there is at least one person on-site who is licensed under this article for every 10
3 or fewer unlicensed persons performing the services described in this paragraph (5);

4 3. When any enforcement action, other than incidental or temporary action, is taken by
5 or under the supervision of a person licensed under this article; and

6 4. During the time when the crowd has assembled for the purpose of attending or taking
7 part in an special event, including pre-event assembly, event operation hours, and
8 post-event departure activities.

9 (d) *Nontransferable.* No license granted pursuant to this article shall be transferable from one
10 person to another.

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

13 (f) *Security guard license and identification card.*

14 (1) In addition to a license, each security guard shall be issued an identification card which shall
15 contain, at minimum, the following information:

16 a. The license type and license number;

17 b. The expiration date of the license;

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

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

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

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

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

27 (g) *Termination or changes in employment.*

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

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

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

5 (h) *Reporting requirements.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (8) Certificates of insurance demonstrating minimum insurance coverage as required in section
28 42-138 of this article V and any rules or regulations promulgated by the director.

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, the
2 courses taken, the number of training hours obtained, the date(s) of training, and the name of
3 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 **Sec. 42-135. Vehicles, uniforms, and badges.**

13 (a) *Vehicles.*

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

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

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

25 (b) *Uniforms and badges.*

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

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

1 a. A badge or patch containing the words "Security," "Private Security," "Security Guard," or
2 "Guard";

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

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

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

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

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

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

17 **Sec. 42-136. Reserved.**

18 **Sec. 42-137. Firearms.**

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

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

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

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

31 In addition to any other insurance coverage required by the director, private security employers shall
32 meet the following minimum insurance requirements in amounts as required by the director:

- 1 (a) Workers' compensation and employers' liability;
- 2 (b) Automobile liability, if vehicles are used to provide security services; and
- 3 (c) Commercial general liability.
- 4 (d) Certificates of insurance shall be submitted to the director before any license may be issued or
- 5 renewed.
- 6 (e) All insurance policies shall be kept in force and effect for the term of the license.
- 7 (f) The licensee shall be responsible for any damage to property or injury to persons arising out of
- 8 the exercise of the privileges granted under the license.

9 **Sec. 42-139. Reserved.**

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

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

- 12 (a) For any licensee to detain and hold any person except when that person commits a criminal
- 13 offense in the presence of the licensee. This subsection does not prevent a licensee from
- 14 barring or ejecting a person from entry into premises.
- 15 (b) For any licensee to fail to immediately release upon request any such person detained to the
- 16 police department or to report any force used to detain the person if such force resulted in
- 17 bodily harm to another person.
- 18 (c) For any person to carry a firearm while performing security services without first obtaining
- 19 specific authorization from the chief of police as provided in section 42-137. It shall be
- 20 unlawful to carry a concealed weapon while performing security services without specific
- 21 authorization from the chief of police as provided in section 42-137 and a valid concealed
- 22 weapons permit issued by any sheriff or chief of police pursuant to state law.
- 23 (d) For any person to draw or fire a firearm while performing security services, except as provided
- 24 under Colorado Revised Statutes sections 18-1-704 through 18-1-707.
- 25 (e) For any person, while performing security services, to possess or be accompanied by a canine
- 26 or to have a canine within a security vehicle or within any other piece of equipment.
- 27 (f) For any licensee to hinder or interfere with any investigation under the jurisdiction of the police
- 28 department or other public law enforcement agency.
- 29 (g) For any licensee to fail to report immediately to the police department or other public law
- 30 enforcement agency all violations of city, state, or federal laws, or to fail to cooperate in the
- 31 investigation of such criminal activity when requested by law enforcement.
- 32 (h) For any licensee to wear a uniform, badge or insignia other than that authorized by the director.

- 1 (i) For any person to represent themselves as a law enforcement officer, including an officer of the
2 police department, sheriff's department, state patrol, or other public law enforcement agency.
3 (j) For any licensee knowingly to allow their identification card to be used by another person or
4 knowingly to use another person's identification card.

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

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

25 **Sec. 42-142. Causes for denial.** In addition to the grounds set forth in Chapter 32 of this

- 26 Code, a license shall be denied under this article V if the applicant or a principal of the applicant:
27 (a) Is under eighteen (18) years of age;
28 (b) Has been convicted of or released from incarceration for any felony within five (5) years of the
29 application date;
30 (c) Has been convicted of or released from incarceration for any misdemeanor or municipal
31 ordinance offense involving fraud, theft, deceit or misrepresentation within five (5) years of the
32 application date;

- 1 (d) Has been convicted of or released from incarceration for any offense involving an act of violence
2 against persons or property within five (5) years of the application date, including but not limited
3 to assault, child abuse, and offenses where the underlying factual basis has been found to
4 include any act of domestic violence;
- 5 (e) Has been previously denied a license under this article V or has had a license issued under this
6 article suspended or revoked within five (5) years of the application date;
- 7 (f) Has been convicted of operating without a license required under this article or performing any
8 act for which a license is required under this article;
- 9 (g) Is unable to provide documentation that they will be employed as a security guard upon issuance
10 of the license;
- 11 (h) Is unable to provide sufficient verification that the person is physically and mentally capable of
12 performing security services in a manner that will not jeopardize the health, welfare, or safety of
13 any person; or
- 14 (j) Whose character and reputation show a pattern of conduct or personal history that does not
15 demonstrate honesty, fairness, and respect for the rights of others or for the law.

16 **Sec. 42-143. 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 **Sec. 42-144. Fees.**

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

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

- 25 (a) The director may make such reasonable rules and regulations as may be necessary for the
26 purpose of administering and enforcing the provisions of this article and any other ordinances or
27 laws relating to and affecting the licensing and operation of security guards and private security
28 employers.
- 29 (b) It shall be unlawful for any person to violate a rule or regulation adopted by the director pursuant
30 to this section.

31 **Section 2.** Section 32-95 of the Denver Revised Municipal Code shall be amended by adding
32 the language underlined and deleting the language stricken to read as follows:

1 COMMITTEE APPROVAL DATE: October 25, 2017
2 MAYOR-COUNCIL DATE: October 31, 2017
3 PASSED BY THE COUNCIL: _____ November 13, 2017
4 _____ *ALB* - PRESIDENT
5 APPROVED: _____ *JM* - MAYOR _____ Nov 14, 2017
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;
10 PREPARED BY: Marley Bordovsky, Assistant City Attorney DATE: November 2, 2017
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15 Kristin M. Bronson, Denver City Attorney
16 BY: *Kristin M. Bronson*, Assistant City Attorney DATE: _____ Nov 2, 2017