

FIRST REGULAR SESSION

[CORRECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 436

99TH GENERAL ASSEMBLY

1139H.02C

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 590.750, RSMo, and to enact in lieu thereof one new section relating to corporate security advisors, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 590.750, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 590.750, to read as follows:

590.750. 1. The department of public safety shall have the sole authority to regulate and license all corporate security advisors. Licensed corporate security advisors who are not also commissioned by the department shall not have the power of arrest for violations of the criminal code, except as otherwise provided by law.

2. The director shall have the sole authority to commission corporate security advisors. No person shall hold a commission as a corporate security advisor without a valid peace officer license. The director shall commission corporate security advisors as he or she deems appropriate, taking into consideration the education, training, and experience of each individual in relation to the powers of peace officers and the limitations on the powers of peace officers in regard to the constitutional rights of citizens to be secure in their persons and property. Each individual commissioned by the department shall be issued a commission by the director of the department and before entering into the performance of his or her duties shall subscribe before the clerk of a circuit court of this state an oath, in the form prescribed by Article VII, Section 11 of the Constitution of Missouri, to support the Constitution and laws of the United States and this state; to faithfully demean himself or herself in the office; and to faithfully perform the duties of the office. The executed oath of office, along with a copy of the individual's commission, shall be filed with the director until the commission is terminated or revoked.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           3. The authority and jurisdiction of a corporate security advisor shall be limited only by  
19 the geographical limits of the state, unless the corporate security advisor's license is recognized  
20 by the laws or regulations of another state or the federal government.

21           4. The department shall establish a minimum amount of liability insurance to be  
22 provided by the prospective or current employer of the corporate security advisor, and require  
23 the employer to provide a statement that the corporate security advisor will be included in the  
24 policy as a named insured.

25           5. Acting as a corporate security advisor without a license from the department of public  
26 safety is a class A misdemeanor.

27           6. The director may promulgate rules to implement the provisions of this section under  
28 chapter 536 and section 590.190.

29           7. Any corporate security advisor licensed as of February 1, 2014, shall not be required  
30 to apply for a new license from the department until the advisor's license expires or is otherwise  
31 revoked.

32           8. All applications for corporate security advisor licenses shall be made upon such forms  
33 and in such manner as the director shall prescribe. The department shall charge a fee for  
34 issuance of a license under this section in an amount, not to exceed two hundred dollars,  
35 established by regulation promulgated in accordance with the provisions of chapter 536.

36           9. **Notwithstanding any other provision of law, whenever a corporate security**  
37 **advisor licensed under this section takes any action while performing his or her work**  
38 **duties that rises above the verbalization level, the corporate security advisor shall complete**  
39 **a written report detailing the actions taken and the cause for such action and submit the**  
40 **report to the employer of the corporate security advisor. The contents of any such report**  
41 **shall be considered public records under chapter 610.**

42           10. Nothing in this section is intended to nor shall it be construed as a waiver of  
43 sovereign immunity or the acknowledgment or creation of any liability on the part of the state  
44 for personal injury, death, or property damage. The department of public safety and the director  
45 shall have immunity from civil liability arising out of the commissioning of corporate security  
46 advisors under this section.

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