

DEPARTMENT OF CONSUMER AFFAIRS  
**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS**  
**DIVISION 7**

BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
**Power to Arrest and Appropriate Use of Force Training**

**NOTICE IS HEREBY GIVEN** that the Bureau of Security and Investigative Services (Bureau) proposes to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Bureau has not scheduled a public hearing on this proposed action. However, the Bureau will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this Notice.

**WRITTEN COMMENT PERIOD**

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Bureau at its office no later than 5:00 p.m., Wednesday, September 6, 2023**, or must be received by the Bureau at the hearing, should one be scheduled.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Sections 7515, 7574.05, 7581, 7585, 7585.6, and 7591.6 of the Business and Professions Code (BPC or Code), and to implement, interpret or make specific Sections 7542, 7574.18, 7583.6, 7583.7, 7583.22, 7583.23, 7583.37, 7583.5, 7585, 7596, 7596.3, 7598.1, 7598.2, and 7599.40 of the Code, the Bureau proposes changes to sections 628, 631, 633, 635, 643, 645, and 646 of Title 16, Division 7 of the California Code of Regulations (CCR).

**INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW**

Existing law requires security guard applicants, proprietary private security officers (PSOs), and alarm agents to complete a Power to Arrest (PTA) training course, and eligible private security industry, investigators, and alarm agent licensees applying for a firearms permit to complete the PTA training course and firearms training. (BPC

Sections 7542, 7574.18 (b)(2), 7583.5, 7583.6, 7583.7, 7585, 7585.6, 7598.1(a), and 7596(a)).

BPC section 7583.7(a) requires the PTA course for private security services licensees to be approximately eight hours in length and CCR section 643 Appendix B specifies that four of the eight hours shall be dedicated to “Weapons of Mass Destruction (WMD) & Terrorism Awareness.” BPC Section 7585(f) delineates topics to be covered in the course of training in the carrying and usage of firearms, including qualification course of fire.

BPC section 7574.18(d) requires the Department of Consumer Affairs to establish skills training for PSOs. CCR section 645(c) establishes that the PTA course for PSOs shall consist of a minimum of four hours of training, further specifying that two (2) of the hours shall be dedicated to PTA training and the remaining two (2) hours shall be dedicated to WMD and Terrorism Awareness Training for Security Professionals. Further, BPC section 7574.18 (f)(1) requires Proprietary Private Security Employers to annually provide each PSO employee with a specifically dedicated review or practice of security officer skills and requires the Bureau to adopt and approve by regulation the minimum number of hours for annual review. CCR section 645(e) specifies that PSOs shall receive a minimum of (2) hours of continuing education annually.

BPC section 7598.2(a) establishes a list of topics to be covered in the PTA training course for alarm agents.

This regulatory proposal will implement Assembly Bill (AB) 229 (Chapter 697, Statutes of 2021) and AB 2515 (Chapter 287, Statutes of 2022). AB 229 expands the PTA and firearms trainings to include topics on the appropriate use of force. AB 229 requires the Bureau to work in consultation with the Commission on Peace Officer Standards and Training (POST) to develop the outline for the course and curriculum for the appropriate use of force topics. Further, AB 229 specifies that WMD and Terrorism Awareness shall be an elective topic only. (BPC 7583.7(a)(11) and 7598.2(a)(7).) AB 2515 delays the operation of AB 229’s provisions until July 1, 2023.

This regulatory proposal will amend CCR sections 628, 631, 633, 635 and 643. Further, this proposal will adopt CCR section 646 and repeal CCR section 645. These regulatory changes align with the Bureau’s mission to protect and serve the public and consumers through effective regulatory oversight of professions within the Bureau’s jurisdiction.

The Bureau proposes the following changes:

Amend CCR section 628 Training in Exercising the Power to Arrest

This proposal will amend CCR section 628 by removing redundant and duplicative language and updating the title of the Power to Arrest and Appropriate Use of Force Training Manual dated July 2023.

Amend CCR section 631 Definitions

This proposal will amend CCR 631 by adding definitions for “Cultural Competency,” “Diverse” or “Diversity,” “Disability,” “Behavioral Health Issues” and “Mental Illness.” These additions are needed to provide definitions and context for the new training topics.

Amend CCR section 633 Biennial Renewal of Firearms Permit

This proposal will amend CCR 633 to revise the firearm permit renewal requirements by differentiating course of fire requirements for revolvers and semi-automatic firearms. Additionally, this proposal will further specify appropriate shooting stances for the purposes of qualifying and specify the allowable firearm calibers for permit holders.

Amend CCR section 635 Course of Firearm Training

This proposal will amend CCR section 635 to add Use of Force topics to the firearms training outline as mandated by BPC section 7585.6. Also, this proposal will specify appropriate shooting stances for the purposes of qualifying and specify the allowable firearm calibers for applicants. Additionally, due to the increased cost and shortage of ammunition, this proposal will remove the requirement for applicants to fire fifty (50) practice rounds before qualifying and change the requirement to be at the discretion of the instructor and applicant, contingent upon the applicant’s current skills and ability. Further, this proposal will differentiate the course of fire requirements for revolvers and semi-automatic firearms.

Amend CCR section 643 Skills Training Course for Security Guards and Proprietary Security Officers

This proposal will amend CCR section 643 to add Use of Force topics to the PTA training, and remove Weapons of Mass Destruction & Terrorism Awareness as a mandated section of training. Additionally, this proposal mandates that PSOs also complete the full Power to Arrest and Appropriate Use of Force training, to ensure that all security personnel who interact with the public are appropriately trained. Finally, this proposal will make continuing education requirements consistent across both license types.

### Adopt CCR section 646 Training for Alarm Agents

This proposal will adopt CCR section 646 to outline training requirements specific to alarm agents as mandated in BPC section 7598.2.

### Repeal CCR section 645 Skills Training Course for Proprietary Private Security Officers

This proposal will repeal CCR section 645 as the training requirements previously specific only to PSOs will now be mandated based on the amends in CCR section 643 which mandates that PSOs complete the same training as other security personnel.

## **ANTICIPATED BENEFITS OF THE PROPOSAL**

The Bureau has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state's environment:

BPC section 7583.6(a) requires security personnel to complete PTA training prior to being assigned to security guard duties, or "standing post." BPC section 7583.7 mandates PTA training include appropriate use of force topics so security personnel are better equipped when handling situations with members of the public that may require a level of force be administered. Additionally, BPC section 7585 requires appropriate use of force topics be included in firearms training for security personnel who carry firearms while on duty.

Expanding the PTA training to include appropriate use of force topics will increase public safety and consumer protection by providing security personnel with the knowledge and skills necessary to act appropriately within the scope of their duties. The expansion of training topics better reflects the climate of the evolving industry and, through improved training, these professionals will be better equipped to make good decisions, intervene effectively, prevent conflict, achieve resolutions, and convey confidence.

Extending PTA training from four (4) hours to eight (8) hours for PSOs is consistent with this goal because PSOs also interact with the public daily and face many of the same situations as other security personnel. Because of this interaction, it is imperative that PSOs receive adequate training that would benefit both PSOs and members of the public by way of improved interactions and outcomes.

Adding a regulations section specific to alarm agents will benefit instructors and alarm agents by providing clarity and consistency related to alarm agent training. Further, the proposed regulation will provide guidance on the training specific to topic inclusion, length, format, etc., mirroring preceding section 643 of the CCR.

Amending the firearms course of fire to include a firing schedule designed for semi-automatic firearms will benefit students utilizing different weapons and provide proper training for the weapon they will be employing while on duty. Semi-automatic firearms are more widely used by the licensing population and this proposal ensures that permitholders are trained on a schedule most appropriate for the type of firearm they will be carrying in the course of their duties.

Making practice rounds optional and at the discretion of the student and firearms training instructor will reduce costs for applicants who already have experience with firearms and do not require additional practice in order to qualify. Additionally, adding a list of permissible calibers ensures permitholders are carrying appropriate firearms while carrying out their duties. Requiring the firearms instructor to issue the student a Certificate of Proficiency will enable the student to demonstrate their proficiency for potential employers and will enable employers to be compliant with BPC section 7583.2(e).

### **Evaluation of Consistency and Compatibility with Existing State Regulations**

During the process of developing this regulatory proposal, the Bureau has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

### **DISCLOSURES REGARDING THIS PROPOSED ACTION**

#### **FISCAL IMPACT ESTIMATES**

#### **Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

The regulations do not result in a fiscal impact to the state. The regulations are intended to align the Bureau's regulations with current law and existing practice. As a result, no additional costs are anticipated.

The regulations do not result in costs or savings in federal funding to the state.

**Nondiscretionary Costs/Savings to Local Agencies: None**

**Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None**

**Mandate Imposed on Local Agencies or School Districts: None**

## **Significant Effect on Housing Costs: None**

### **BUSINESS IMPACT ESTIMATES**

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on a review of existing professional standards and practice. As such, the Bureau's regulations merely align with current law, as amended and current industry practice and standards.

**Cost Impact on Representative Private Person or Business:** The Bureau is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

This proposal better aligns the Bureau's regulations with current law and existing professional practice. As a result, no additional costs impacts are anticipated for individuals.

Additionally, the coursework modules outlined in this proposal are currently readily available consistent with POST standards. As a result, businesses opting to provide these courses are anticipated to be able to incorporate them into existing programming without incurring significant start-up costs.

**Effect on Housing Costs:** None

### **Impact on Jobs/Businesses:**

The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. The regulations better align the Bureau's regulations with current law and existing professional standards and practice. As a result, any impacts are a result of current law.

### **Benefits of Regulation**

The Bureau has determined that this regulatory proposal will benefit the health and welfare of California residents because it adds appropriate use of force topics to the required trainings which will increase the level of training for private security professionals. These increased training standards will better reflect the climate of the evolving security industry. Through improved training, these security professionals will be better equipped to make good decisions, intervene effectively, prevent conflict, achieve resolutions, and convey confidence.

## **Business Reporting Requirements**

The regulatory action requires supervisors and security employers to file a report with the Bureau when an incident involving physical force occurs with a citizen or a firearm is discharged. The Bureau has determined that it is necessary for the health, safety, or welfare of the people of the State that the regulation apply so that supervisors and security employers keep the Bureau informed of the number of violent incidents and whether training on appropriate use of force will potentially decrease the number of violent incidents.

## **Effect on Small Business**

The Bureau has determined that the proposed regulations will not affect small businesses. The Bureau does not maintain data relating to the number or percentage of licensees who own a small business.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Bureau must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Bureau in writing relevant to the above determinations at 2420 Del Paso Road, Suite 270, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

## **AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE**

The Bureau has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

## **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained

upon request from the Bureau, at 2420 Del Paso Road, Suite 270, Sacramento, CA 95834.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, the Bureau, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

### **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

### **CONTACT PERSONS**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Kerry Ortman
Address:	2420 Del Paso Road, Suite 270 Sacramento, CA 95834
Telephone No.:	(916) 619-3319
Fax No.:	(916) 575-7287
E-Mail Address:	BSISRegs@dca.ca.gov

The backup contact person is:

Name:	Samuel Stodolski
Address:	2420 Del Paso Road, Suite 270 Sacramento, CA 95834



Telephone No.: (916) 619-3319  
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E-Mail Address: BSISRegs@dca.ca.gov

### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text ,if any, can be accessed through the Bureau's website at [https://www.bsis.ca.gov/about\\_us/laws/prop\\_regs.shtml](https://www.bsis.ca.gov/about_us/laws/prop_regs.shtml).