

ORDINANCE NO. 15-_____

AN ORDINANCE AMENDING PART 2 (PRIVATE SECURITY SERVICES) OF ARTICLE 3 (SALES OF GOODS AND SERVICES) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO PRIVATE SECURITY

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLORADO SPRINGS AS FOLLOWS:

Section 1. Section 202 (Definitions) of Part 2 (Private Security Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended as follows:

2.3.202: DEFINITIONS:

* * *

~~CONDUCTIVE ENERGY DEVICE~~**-WEAPON (CEW)**: A device capable of temporarily immobilizing a person by the infliction of an electrical charge, including, but not limited to, stun guns and Tasers.

* * *

Section 2. Section 204 (Qualifications for License) of Part 2 (Private Security Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended as follows:

2.3.204: Qualifications for License:

Every applicant for a private security officer license and every principal of a contract security agency applying for a contract security agency license shall be at least eighteen (18) years of age and shall meet all other requirements specified for the license. Any applicant requesting a firearm ~~and/or conductive energy device~~ endorsement shall be at least twenty one (21) years of age.

Section 3. Section 210 (Application Requirements for Private Security Officers) of Part 2 (Private Security Services) of Chapter 2 (Business Licensing, Liquor Regulation

and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended as follows:

2.3.210: Application Requirements for Private Security Officers

* * *

B. Firearm/~~CED~~ **CEW** Endorsement:

1. Qualifications For A Firearm/~~CED~~ **CEW** Endorsement: The applicant shall be certified annually by the applicant's employer to carry a firearm and/or ~~CED~~ **CEW** during the course of employment. Prior to annual renewal of the firearm endorsement, the applicant shall provide proof of a minimum requalifying range proficiency score of seventy five percent (75%) acquired no more than six (6) months prior to the renewal application. The firearm requalification course shall, at a minimum, include the training standards established in subsections 2.3.213 B3 and B4 of this part. Prior to annual renewal of the ~~CED~~ **CEW** endorsement, the applicant or the applicant's employer shall certify completion of continuing training and education regarding the use of ~~conductive energy devices~~ **CEWs**. The applicant must have no convictions of Federal, State or local laws relating to domestic violence or weapons, firearms, domestic abuse violations or offenses related to unlawful sexual behavior.

2. Authorized When: The firearm/~~CED~~ **CEW** endorsement shall authorize a licensed private security officer to carry a firearm/~~CED~~ **CEW** only when providing or performing security services as a duty of the officer's employment with a contract security agency.

3. Permit Not A Defense To Violation: The possession of a concealed weapons permit issued by any sheriff or chief of police shall not be a defense to a violation of this ~~section~~ **part**; nor shall the firearm/~~CED~~ **CEW** endorsement authorize the violation of any Federal, State or local firearm or weapons law.

~~4. Violation To Not Report Discharge, Display Of Firearm/ CED: It shall be a violation of this section for any licensed contract security agency or licensed private security officer to fail to report to the City Clerk's Office any incident involving the discharge or display of a firearm/ CED while in the course of providing security services within twenty four (24) hours of the discharge or display.~~

Section 4. Section 211 (Private Security Officer Licenses) of Part 2 (Private Security Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended as follows:

2.3.211: Private Security Officer Licenses:

* * *

B. Each private security officer's license shall expire one year from the date of issuance, unless suspended or revoked earlier. If the licensed private security officer also holds a firearm/~~CED~~ **CEW** endorsement, the firearm/~~CED~~ **CEW** endorsement shall expire at the same time as the private security officer license.

Section 5. Section 213 (Private Security Officer Training) of Part 2 (Private Security Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended as follows:

2.3.213: Private Security Officer Training:

* * *

B. * * *

3. The firearm safety and familiarization certificate shall indicate the applicant completed at least sixteen (16) hours of basic firearms training which includes a minimum of nine (9) hours of classroom instruction, a minimum of four (4) hours of live fire practice, followed by a minimum of three (3) hours on the weapons qualification course. **If the applicant desires to carry a concealed weapon, the certificate shall indicate the applicant completed at least an additional four (4) hours of concealed firearms training which includes a minimum of one (1) hour of classroom instruction which may include practical application instruction and a minimum of three (3) hours of live fire practice utilizing the concealed carry holster that the private security officer will carry on duty.**

* * *

C. The Licensing Officer shall establish minimum standards for an approved ~~conductive energy device (CED)~~ **CEW** safety and familiarization training program. Any specialized training beyond these standards shall be the responsibility of the contract security agency.

1. Prior to issuance of a ~~CED~~ **CEW** endorsement to a private security officer license, the applicant shall provide a certificate of completion of a ~~CED~~ **CEW** user course provided by an instructor certified by the manufacturer of the ~~CED~~ **CEW** being carried. The ~~CED~~ **CEW** training certificate shall identify the course taken, the number of training hours obtained, identify the issuing contract security agency, the applicant's name, name of the certified ~~CED~~ **CEW** instructor providing the training and the dates of training.

2. A letter of authorization to carry a ~~CEW~~ **CEW** from the contract security agency.

3. The ~~CEW~~ **CEW** safety and familiarization certificate shall indicate the applicant completed at least six (6) hours of basic ~~conductive energy device~~ **CEW** training which includes classroom instruction, a practical application of the ~~conductive energy device~~ **CEW** and an annual recertification consisting of legal and training updates and a practical exercise that shall include the firing of a single cartridge.

4. In addition to the training required by subsection A or B of this section, private security officer ~~conductive energy device~~ **CEW** safety and familiarization training shall, at a minimum, include:

- a. Moral and legal aspects of ~~conductive energy device~~ **CEW** use;
- b. Use of physical force and less lethal force;
- c. State and local laws, codes and ordinances relating to deployment and tactical fundamentals involving ~~conductive energy devices~~ **CEWs** and the use of force;
- d. ~~Conductive energy device~~ **CEW** safety, nomenclature, operation and maintenance;
- e. Emergency response procedures, to include medical needs; and
- f. Demonstrate proper ~~conductive energy device~~ **CEW** handling and firing fundamentals.

D. Every contract security agency shall be responsible for ensuring that all private security officers have received adequate, basic, firearm, ~~conductive energy device~~ **CEW**, on the job, and any other training necessary to perform security services or other duties for which they were hired. Further, no contract security agency shall hire or assign any person to perform the duties of a private security officer until all training has been completed and the officer has been appropriately licensed.

E. A licensed private security officer holding a firearm endorsement shall be authorized and limited to carrying **one of** the following types of firearms and **related** ammunition **while exercising the privileges of the license or firearm endorsement:**

* * *

2. A double action/**striker fired**, semiautomatic pistol. The pistol shall be ~~of~~ **between nine millimeter (9 mm) .380 or and .40 .45** caliber.

3. Armed private security officers may carry two (2) additional factory authorized ~~elips~~**magazines** at full capacity.

* * *

Section 6. Section 216 (Unlawful Acts; Violations; Penalty) of Part 2 (Private Security Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended as follows:

2.3.216: Unlawful Acts; Violations; Penalty:

* * *

C. Misrepresentation: No person shall make willful misrepresentation in applying for or obtaining a license or a firearm/~~GED~~ **CEW** endorsement.

* * *

H. Report Of Discharge Of Firearm/CEW: It shall be a violation of this part for any licensed contract security agency or licensed private security officer to fail to report to the City Clerk's Office in writing any incident involving the discharge of a firearm/CEW while in the course of providing security services by the end of the next business day following the discharge.

~~H~~I. * * *

~~I~~J. * * *

~~J~~K. * * *

~~K~~L. * * *

~~L~~M. * * *

~~M~~N. Firearms: It shall be unlawful for any private security officer to carry any firearm while performing security services without first obtaining a firearm endorsement from the City Clerk's Office. It shall be unlawful to carry a concealed weapon while performing security services or exercising the privileges of licensure **without a firearm endorsement and a valid concealed weapons permit issued by any sheriff or chief of police pursuant to State law.**

~~N~~O. * * *

~~O~~P. * * *

PQ. * * *

QR. * * *

Section 7. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 8. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2015.

Finally passed: _____

Keith King, Council President

Delivered to Mayor on _____.

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Steve Bach, Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk