

NASCO

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**Written Testimony
of
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HB25-1262 (Regulate Private Security Officers & Agencies)
Before the House Business Affairs and Labor Committee
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The National Association of Security Companies (NASCO) is the nation's largest contract security association whose member companies employ over 500,000 private security officers across the nation. NASCO companies have thousands of trained and vetted officers performing security services at a wide variety of public, private, commercial and other client sites in the State Colorado. At some locations in Colorado, security officers and the company that employs them are regulated by municipal entities such as Denver and Colorado Springs, in many other locations they are governing regulations. While NASCO member companies will vet and train all their officers and have sufficient insurance regardless of governmental requirements, this is not the case with many other security officers and companies. Security officers are seen as persons of trust and often are the first on the scene of an emergency or disturbance. They often interact with employees and visitors and others at client sites and can be armed. They play a crucial role in supporting law enforcement. It is unquestionable that having common standards/requirements in the profession related to licensing, vetting and training will increase security officer professionalism and performance throughout the State and decrease negative incidents involving security officers. It will also benefit Coloradans if all security officer employers are required to be registered and have experience and insurance to properly provide private security.

For over fifty years, NASCO and its member companies have worked throughout the country with state legislators, governmental and law enforcement officials to enact efficient and commonsense state level regulation related to the licensing, training and vetting of security officers and their employers. NASCO thanks the sponsors of HB25-1262 for their efforts to bring forward a bill that will provide for statewide licensing and regulation of security officers and their employers and set training and vetting requirements for all security officers in Colorado. NASCO especially wishes to thank Sen. Weissman, who starting back in 2021 has sought out NASCO and NASCO member company input on such a bill, including HB25-1262.

The bill has many laudable and commonsense elements, many equivalent to current regulatory requirements and schemes found already in those CO municipalities that regulate private security and in other States. However, the bill also contains several provisions that are unprecedented and problematic.

First, the positives.

The bill will regulate all persons who provide security services, meaning both contract and proprietary security officers, as well as their employers. All security officers working in Colorado that are providing protective and security services for Colorado commercial, retail, industrial, governmental, healthcare, educational and other sites and employees, visitors, and customers who are at those sites, should have relevant training and have undergone a criminal background check. Security officers are seen as persons of trust and often will interact with the public and it is unfathomable that there are security officers in CO that are working without any licensure, training or vetting and with no way to remove them from a security job if they act dangerously or improperly. So too should every employer of security officers be regulated and be required to have a license and insurance and be held responsible for the actions of their officers. Denver, and an increasing number of States, regulate both contract and propriety officers and employers and so too should the State of Colorado.

The bill recognizes that the training needs/topics for security officers that perform commercial security services are different than those security officers that perform event security services, and the bill's training requirements for commercial and event officers reflect this recognition. The training topic are apropos to the current activities and experiences of security officers. Finally, the training requirements are reasonable and in line with existing requirements in municipalities, such as Denver, and right above the national average. So too are the background check/vetting requirements of the bill. Accordingly, and by purpose, that will mean that the thousands of security officers with a Denver will be able to "grandfather" into a state license.

Issues that need to be resolved.

The bill's blanket "on-the- job-training" (OJT) requirement for employers to initially assign every new hire "to work in a team setting with more experienced licensed security officers" is incredibly problematic and completely unprecedented anywhere in the United States. It is not practical and/or simply impossible to assign all new hires to only posts that have two other experienced officers. The scenarios where such a requirement would make no sense or would be impossible to meet are endless. Also, regardless of the number of officers at a post, it is already standard industry practice to provide a new hire with site specific training when he or she is assigned to a post. For obvious commercial, operational, reputational and liability reasons, security companies are very vested in

a new officer being able to perform effectively and without incident at his or post. Accordingly, this provision is not only unprecedented and impractical, but also unnecessary.

The bill, as is the case in many other states, grants significant authority to a "Board." The Board will Adopt rules related to many topics (e.g. uniforms, badges, physical licenses, operational limits,) ; Approve training curricula and programs (for armed, commercial and event officers, and all the various weapons that security officers are permitted to carry); Issue and renew licenses, weapon endorsements, and registrations and impose fees; and Conduct investigations and hearings and impose discipline. The Board will also determine which existing municipally licensed officers qualify for a statewide license.

Accordingly, it would be reasonable for such a Board to consist of a majority of members who possess operational or regulatory experience in private security and the industry. However, of the seven-member Board created by the bill, it's likely only a minority of the Board will have private security operational/regulatory experience. The State law required public member of the Board who "does not engage in the private security industry or provide private security services" will have no operational or regulatory experience in private security. Conversely, the Board member from a registered employer that provides contract security services will have operational/regulatory experience. Then there are two Board members representing municipalities that currently regulate private security. Those Board members may or may not have private security regulatory experience, but no operational experience. Then there is the Board member of a registered private security employer that uses its own employees to provide security on the employer premises. If this Board member has only a small number of security employees, and likely never before had to register as a security employer, this person is not likely to have much operational or regulatory experience. Number six is a Board member who "represents employees in the private security industry." While that Board member may have experience negotiating wages and benefits for security officers working at security companies, it's unlikely that person has operational or regulatory experience. Finally, in what is completely preceded in any other State that has a private security regulatory Board, there is a Board position for someone "who is a licensed private security officer and who does not work in a management position." This Member will be a hourly wage employee who will not get paid for his/her Board duties. He/she, by definition will have no experience as to the management and general operations of a security company. He/she most likely will have no oversight or policy-making experience. He/she will only have training experience/exposure of a personal nature. It is the equivalent of putting a construction worker on a Building Standards Commission, which too would be unprecedented.

Given the experience of NASCO and its member companies with Private Security Boards in other States, NASCO cannot support the establishment of a new State regulatory Board – with such broad powers – as provided for in the bill.

It is NASCO's sincere hope to continue to work with the sponsors of the bill and others to come up with a final bill that will create an effective and practical Statewide private security licensing and regulatory regime in Colorado. However, until the above issues are addressed, NASCO cannot support the bill in its current form.