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**STATE OF ALABAMA
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Security Regulatory Act – Licenses
and Permits – Police Officers –
Municipal Ordinances – Exemptions
– Baldwin County

In instances where other exemptions
are not applicable, off-duty sworn
peace officers are required to obtain
a state license and/or certification
from the Alabama Security
Regulatory Board.

Pursuant to section 34-27C-18(b) of
the Code of Alabama, the City of
Orange Beach may not continue to
regulate security officers who work
for companies that are exempt from
state regulation.

Dear Ms. Cochran:

This opinion of the Attorney General is issued in response to your
request on behalf of the City of Orange Beach.

QUESTION 1

Are off-duty police officers required to
obtain a state license and/or certification
pursuant to Act 2009-640?

FACTS AND ANALYSIS

In your letter of request, you stated the following:

The City of Orange Beach is a Class 8 municipality. By local ordinance, the city currently regulates security guards, armed security guards, and contract security companies within the city.

Last May, the Legislature adopted Act 2009-640, entitled "Security Regulatory Act" (the Act). The Act creates the Alabama Security Regulatory Board ("the Board") and empowers it to license and regulate security guards, armed security guards, and contract companies.

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For many years, the City of Orange Beach has regulated private security officers. With certain exceptions, no person can serve as a security officer in the City of Orange Beach without first obtaining a city license and satisfying certain other requirements. Each applicant must provide fingerprints and other information to the police department and undergo a background check. For example, City Code section 50-376 prohibits persons who have been convicted of a felony involving controlled substances, drugs, theft of property, and conversion of stolen property, and the like from working as a security officer.

The question then is whether the city may continue to regulate this segment of the security officer population.

The Alabama Security Regulatory Act is codified at section 34-27C-1, *et seq.*, of the Code of Alabama. This agency was created to regulate security guards, armed security guards, and the companies that employ such persons. This act does not apply to security companies that employ less than 100 persons. ALA. CODE § 34-27C-17(5) (Supp. 2009). Your

first inquiry, however, questions whether this act is applicable to off-duty police officers.

Section 34-27C-17 of the Code of Alabama lists the exemptions for this particular statutory authority. Subsection 3 of this statute exempts “[a] sworn peace officer who only provides security services within the scope of his or her employment with a public entity and who does not contract for or otherwise provide in any manner private contract security.” ALA. CODE § 34-27C-17(3) (Supp. 2009).

When interpreting statutes, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000). Based on the foregoing, it is the opinion of this Office that sworn peace officers who provide security services outside the scope of employment with the public entity are subject to the provisions of section 34-27C-1, *et seq.*, and thereby may be required to become certified with the Alabama Security Regulatory Board. *See, generally*, ALA. CODE § 34-27C-17(4) (Supp. 2009).

CONCLUSION

In instances where other exemptions are not applicable, off-duty sworn peace officers are required to obtain a state license and/or certification from the Alabama Security Regulatory Board.

QUESTION 2

May the City of Orange Beach continue to regulate security officers who work for companies that are exempt from state regulation; i.e., companies employing fewer than 100 security officers?

FACTS, ANALYSIS, AND CONCLUSION

Section 34-27C-18 of the Code of Alabama discusses the relative impact of this legislation with regard to other authority that is either contemplated or currently in force. More particularly, subsection b of

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section 34-27C-18 states that “any legislative code, ordinance, or rule promulgated by any local governmental subdivision of this state, relating to licensing, training, or regulation of contract security companies or security guards, shall be superseded by this chapter.” ALA. CODE § 34-27C-18 (Supp. 2009). Based on the plain language used in this Code section, it is the opinion of this Office that the City of Orange Beach may not continue to regulate security officers who work for companies that are exempt from state regulation.

CONCLUSION

Pursuant to section 34-27C-18(b) of the Code of Alabama, the City of Orange Beach may not continue to regulate security officers who work for companies that are exempt from state regulation.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

TROY KING
Attorney General
By:



BRENDA F. SMITH
Chief, Opinions Division

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