

Institute for
Constitutional Advocacy and Protection

GEORGETOWN LAW

Fact Sheet: Private Security Services

Jurisdictions nationwide have experienced an [alarming rise](#) in private paramilitary activity, which is unlawful in all 50 states.¹ Unlawful paramilitary groups sometimes seek to legitimize themselves by purporting to provide [security](#) for elected officials, local businesses, or at rallies, creating confusion about their role and occasionally [resulting](#) in [violence](#). Private security services, in contrast, are legitimate, state-authorized entities that can provide protection to individuals, businesses, and events. This Fact Sheet provides an overview of state laws governing private security services.

What distinguishes private security, state militias, and unlawful paramilitaries?

State militias include National Guard units and other state defense forces. They are authorized, structured, and governed by federal and state law, and they answer to civilian leadership and can be activated to protect public safety.² Private security services are hired by individuals, businesses, or institutions in order to provide lawful protection.³ Each state regulates and oversees private security services.⁴ Private paramilitary groups that do not comply with state requirements for the provision of security services lack any lawful authority to provide such services or to assume the functions of law enforcement. **If they do so, they likely run afoul of state laws barring unauthorized militias, paramilitary activity, and the false assumption of the functions of law enforcement.**⁵

Are there licensing requirements for private security officers?

Usually yes. All but nine states require private security companies to be licensed in order to perform their services lawfully.⁶ In many states, the state-level department of public safety or other similar state agency is the licensing authority.⁷ These agencies typically have the authority to investigate licensing violations and revoke private security licenses if officers fail to follow the law.⁸

¹ For more information on state law prohibitions on private paramilitary activity, see Inst. for Const. Advocacy & Prot., *Prohibiting Private Armies at Public Rallies: A Catalog of Relevant State and Statutory Provisions* (4th ed., Jan. 2024), <https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2024/02/50-state-survey-v4-FIN.pdf>.

² Forty-eight state constitutions require the strict subordination of military forces within a state to civil authorities. State law also typically gives the governor exclusive power as commander-in-chief over that state's militia forces. See, e.g., Mich. Comp. Laws Ann. § 32.579. Although some states recognize the “unorganized militia,” which is generally comprised of able-bodied citizens between certain ages, see, e.g., *id.* § 32.509, the “unorganized militia” can only be called into service by the governor, and then becomes part of the authorized state militia, see, e.g., *id.* § 32.555.

³ Kevin Strom et al., *The Private Security Industry: A Review of Definitions, Available Data Sources, and Paths Moving Forward*, U.S. Dep't of Just. (Dec. 2010), at 1-1, <https://www.ojp.gov/pdffiles1/bjs/grants/232781.pdf>.

⁴ Terminology differs by state. See, e.g., Cal. Bus. & Prof. Code § 7582.1 (defining “private patrol operator”); Tex. Occ. Code Ann. §§ 1702.002(16-a), (20-a) (defining “personal protection officer” and “security officer”); 22 Pa. Cons. Stat. § 12(e) (defining “patrol agency”). Off-duty law enforcement officers also often serve as private security officers, raising legal questions about liability for actions taken on behalf of a private employer. Strom, *supra* note 3, at 4-5 to -10. Off-duty officers are sometimes exempt from some of the statutory requirements governing other private security officers. See Seth W. Stoughton, *Moonlighting: The Private Employment of Off-Duty Police Officers*, 2017 Univ. Ill. L. Rev. 1847, 1871-72, https://scholarcommons.sc.edu/cgi/viewcontent.cgi?article=2449&context=law_facpub.

⁵ *Prohibiting Private Armies at Public Rallies*, *supra* note 1, at 5-7.

⁶ Strom, *supra* note 3, at 6-1.

⁷ See, e.g., N.M. Stat. Ann. § 61-27B-3(A) (granting authority to the New Mexico Regulation and Licensing Department); Tex. Occ. Code Ann. § 1702.004(a)(4) (granting authority to the Texas Department of Public Safety); Va. Code Ann. § 9.1-139(A) (granting authority to the Virginia Department of Criminal Justice Services).

⁸ See, e.g., Mich. Comp. Laws Ann. § 338.1060; Wis. Stat. Ann. § 440.26(6).

In some states, the state agency delegates licensing authority to an independent board of private citizens, many of whom have relevant experience in the field of private security.⁹ In other states, this board advises the state licensing agency.¹⁰ Even in states without formal licensure requirements, private security officers must comply with other regulations, such as completing training requirements for firearms permits¹¹ or registering their companies with the Secretary of State.¹²

What are the requirements for obtaining a private security officer license?

Newly and in-service licensed private security officers are required to undergo training in nearly all states. In most states, these training requirements are set by the licensing authority that is responsible for approving private security officers.¹³ Beyond training, the requirements to become licensed as a private security officer vary from state to state. They can include successful completion of a background and criminal record check, good moral “character” or “fitness,” work experience, written or oral examinations, or continuing education courses.¹⁴ Some states require private security officers to provide proof of general liability insurance in order to be certified.¹⁵

Are there restrictions on private security officers carrying firearms?

Usually yes. Many states regulate the carrying of firearms by private security officers, although restrictions vary. For example, some states forbid private security officers from carrying firearms without a permit and/or require the completion of training requirements specific to the use of firearms;¹⁶ some states require private security officers to carry their firearms in plain view while they are wearing the uniform of a security officer, but conceal their firearms if they are not wearing a uniform;¹⁷ and some states require private security officers to satisfy other qualifications, such as a psychological evaluation, to determine their suitability for carrying a firearm.¹⁸

This guidance was prepared by the Institute for Constitutional Advocacy and Protection (ICAP) at Georgetown University Law Center. ICAP’s mission is to use strategic legal advocacy to defend constitutional rights and values while working to restore confidence in the integrity of governmental institutions. Connect with ICAP at www.law.georgetown.edu/icap/, reachICAP@georgetown.edu, or [@GeorgetownICAP](https://www.instagram.com/GeorgetownICAP).

⁹ See, e.g., N.C. Gen. Stat. Ann. § 74C-4(a) (establishing an independent Private Protective Services Board “to administer the licensing and set educational and training requirements for persons” engaged in private security); Or. Rev. Stat. Ann. § 181A.870 (establishing an independent Board on Public Safety Standards and Training to establish standards for “[i]ssuing, denying, renewing, suspending and revoking a private security provider’s certificate or license”).

¹⁰ See Tex. Occ. Code Ann. § 1702.031 (providing that the advisory committee shall “shall provide advice and recommendations to the department” on the regulation of private security).

¹¹ See Neb. Rev. Stat. § 69-2433.

¹² See Wyo. Dep’t of Crim. Investigations, *PI FAQs*, <https://wyomingdci.wyo.gov/operations/pi-faqs> (accessed May 3, 2024).

¹³ See, e.g., N.C. Gen. Stat. Ann. § 74C-8(e) (requiring applicants for private security license to pass a Board examination or demonstrate “successful completion of a Board-approved training program”); Va. Code Ann. § 9.1-139(A) requiring that applicants for a private security license “meet the qualifications and perform the duties required by the regulations adopted by the Board”).

¹⁴ See, e.g., Cal. Bus. & Prof. Code § 7583.1(a); Ga. Code Ann., § 43-38-6(b)(3), (7); N.C. Gen. Stat. Ann. § 74C-8(d), -22; Or. Rev. Stat. Ann. § 181A.870(2); Va. Code Ann. § 9.1-139(K); Tex. Occ. Code Ann. § 1702.204(a)(1).

¹⁵ See, e.g., Va. Code Ann. § 9.1-144.

¹⁶ See, e.g., Cal. Bus. & Prof. Code § 7583.5(b) (private security officer may not “carry or use any firearm” without the possession of a “valid firearms qualification card”); 22 Pa. Cons. Stat. § 44 (all private security officers who carry a lethal weapon are required to attend “education and training program in the handling of lethal weapons”).

¹⁷ See Tex. Occ. Code Ann. § 1702.206.

¹⁸ See, e.g., N.M. Stat. Ann. § 61-27B-31; Or. Rev. Stat. Ann. § 181A.906 (firearm training requirements must be completed with the same kind of firearm that will be used by the armed private security officer).