

BILL ANALYSIS

H.B. 1661
By: Haggerty
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, it is illegal for a private security officer to possess a chemical dispensing device. However, many security officers routinely work alone in remote areas without backup or support, leaving them open to attack by one or more individuals. Like police officers, security guards need ways to defend themselves from attacks. Without proper training, however, the security officers could endanger the public with the improper use of chemical dispensing devices. House Bill 1661 gives private security officers, with proper training, a defense to prosecution for possession of a chemical dispensing device.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. House Bill 1661 amends Section 46.05 of the Penal Code by adding Subsection (f), which states that it is a defense to prosecution for the possession of a chemical dispensing device that the actor holds a security officer commission issued by the Texas Commission on Private Security and has received training on the use of a chemical dispensing device. The training program must be provided by the Commission on Law Enforcement Officers Standards and Education or approved by the Texas Commission on Private Security.

SECTION 2. House Bill 1661 deletes language from Section 46.15(b) of the Penal Code requiring a person who holds a security officer commission to be engaged in the performance of his or her duties or traveling to work to qualify for an exemption from Section 46.02 of the Penal Code, which prohibits unlawful carrying of a weapon.

EFFECTIVE DATE

This Act takes effect September 1, 2003.