

## **BILL ANALYSIS**

Senate Research Center

H.B. 1661  
By: Haggerty (Jackson)  
Criminal Justice  
5/23/2003  
Committee Report (Amended)

### **DIGEST 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. H.B. 1661 provides private security officers, with proper training, a defense to prosecution for possession of a chemical dispensing device.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 46.05, Penal Code, by adding Subsection (f), as follows:

(f) Provides that it is a defense to prosecution under this section 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 the chemical dispensing device by a training program that is:

- (1) provided by the Commission on Law Enforcement Officer Standards and Education; or
- (2) approved for the purposes described by this subsection by the Texas Commission on Private Security.

SECTION 2. Reenacts and amends Section 46.15(b), Penal Code, as amended by Chapters 1221 and 1261, Acts of the 75th Legislature, Regular Session, 1997, to provide that Section 46.02 does not apply to certain individuals.

SECTION 3. (a) Effective date: September 1, 2003.  
(b) Makes application of this Act prospective.

### **LIST OF COMMITTEE AMENDMENTS**

Committee Amendment No. 1:

Amend H.B. No. 1661 by striking SECTION 2 and renumbering the subsequent sections accordingly.