

1-1 By: Driver (Senate Sponsor - Shapiro) H.B. No. 1769
1-2 (In the Senate - Received from the House May 5, 2003;
1-3 May 7, 2003, read first time and referred to Committee on Criminal
1-4 Justice; May 21, 2003, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 21, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to occupations regulated by the Texas Commission on
1-9 Private Security.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 1702.062, Occupations Code, is amended
1-12 by adding Subsection (c) to read as follows:

1-13 (c) A person whose pocket card has not expired is not
1-14 eligible to receive from the commission another pocket card in the
1-15 same classification in which the pocket card is held.

1-16 SECTION 2. Section 1702.309(a), Occupations Code, is
1-17 amended to read as follows:

1-18 (a) The commission by rule shall develop a continuing
1-19 education course [~~in handgun proficiency~~] required for renewal of a
1-20 security officer commission. Only a commission-approved
1-21 instructor may administer the continuing education course. The
1-22 course must include[+]

1-23 [~~(1)~~] at least six [~~four~~] hours of instruction
1-24 determined by the director of the commission [~~on one or more of the~~
1-25 ~~subjects listed in Section 1702.1675(g), and~~

1-26 [~~(2) other information that the director determines is~~
1-27 ~~appropriate~~].

1-28 SECTION 3. Section 1702.323, Occupations Code, is amended
1-29 by amending Subsections (a) and (d) and adding Subsection (e) to
1-30 read as follows:

1-31 (a) Except as provided by Subsections (b), [~~and~~] (d), and
1-32 (e), this chapter does not apply to an individual employed in an
1-33 employee-employer relationship exclusively and regularly by one
1-34 employer in connection with the affairs of the employer.

1-35 (d) This chapter applies to an individual described by
1-36 Subsection (a) who[+]

1-37 [~~(1) works at a location that is open to the public,~~
1-38 ~~and~~

1-39 [~~(2)~~] in the course of employment:

1-40 (1) [~~(A) regularly~~] comes into contact with the
1-41 public; [~~and~~]

1-42 (2) [~~(B)~~] wears a uniform with any type of badge
1-43 commonly associated with security personnel or law enforcement or a
1-44 patch or apparel with "security" [~~or the name of the employer~~] on
1-45 the patch or apparel; or

1-46 (3) performs a duty described by Section 1702.222.

1-47 (e) This chapter applies to any person who conducts an
1-48 investigation if the investigation involves a person, or the
1-49 affairs of a person, who is not employed by the same employer as the
1-50 person conducting the investigation and the investigation is not
1-51 conducted on the premises of the employer. Premises of the employer
1-52 include walkways, parking areas, and other areas relating to the
1-53 affairs of the employer.

1-54 SECTION 4. The following laws are repealed:

1-55 (1) Section 1702.166, Occupations Code; and

1-56 (2) Section 1702.281, Occupations Code.

1-57 SECTION 5. The changes in law made by this Act apply only to
1-58 a license, certification, registration, commission, or letter of
1-59 authority that is originally issued or renewed on or after the
1-60 effective date of this Act. An issuance or renewal that occurs
1-61 before the effective date of this Act is governed by the law in
1-62 effect immediately before the effective date of this Act, and the
1-63 former law is continued in effect for that purpose.

1-64 SECTION 6. This Act takes effect September 1, 2003.

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