

BILL ANALYSIS

Senate Research Center

H.B. 1132
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Business & Commerce
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 1132 updates the Occupations Code to reflect the changes made by the 78th Legislature, Regular Session, 2003, moving the duties of the Texas Commission on Private Security to the Texas Department of Public Safety. H.B. 1132 removes redundant fingerprint requirements for peace officers who register with the Private Security Bureau of the Department of Public Safety. The bill also requires training of all security officers who carry pepper spray.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Private Security is transferred to the Texas Private Security Board in SECTION 1.01 (Section 1702.163, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLES 1. OCCUPATIONS CODE CHANGES

SECTION 1.01. Amends Section 1702.163(a), Occupations Code, to prohibit the Texas Private Security Board (board), rather than the Texas Commission on Private Security (TCPS), from issuing a security officer commission to an applicant employed by a license holder unless the applicant submits satisfactory evidence to the board that the applicant has demonstrated to the satisfaction of the firearm training instructor that the applicant has complied with other board standards for minimum marksmanship competency with a handgun, rather than a shotgun. Makes conforming changes.

SECTION 1.02. Amends Section 1702.282, Occupations Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires each applicant, except as provided by Subsection (d), to include in the application two complete sets of fingerprints on forms prescribed by the board accompanied by the fee set by the board. Makes conforming changes.

(d) Provides that an applicant who is a peace officer is not required to submit fingerprints with the applicant's application. Requires the law enforcement agency or other entity that employs the peace officer or the entity that maintains the peace officer's fingerprints, on request, to provide the fingerprints for the peace officer to the board. Requires the applicant to provide sufficient information to the board to enable the board to obtain the fingerprints under this subsection.

ARTICLE 2. PENAL CODE CHANGES

SECTION 2.01. Amends Section 46.05, Penal Code, by amending Subsection (f) and adding Subsection (g), 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 is a security officer, rather than holds a security officer commission issued by the TCPS, and has received training on the use of the chemical dispensing device by a training program that is approved for the purposes described by this subsection by the board.

(g) Defines "security officer."

ARTICLE 3. EFFECTIVE DATE.

SECTION 3.01. Effective date: September 1, 2005.