

BILL ANALYSIS

H.B. 1393
By: Flores
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, contract private security personnel and investigators who engage in the business of providing security and investigation services to the public are required by Texas law to be regulated and licensed by the Texas Private Security Bureau. Current law inadvertently applies to >in-house= corporate security personnel employed exclusively with the affairs under the employer. By moving these >in-house= corporate security functions under the jurisdiction of the Texas Security Bureau, and by requiring these >in-house= functions to be licensed, current law is hampering the ability of numerous corporations doing business in Texas to effectively manage their own affairs, especially their own businesses= relationships with their employees, their customers, and their vendors.

H.B. 1393 clarifies existing statute by identifying who must be licensed as a security officer, and specifically provides an exemption for individuals employed in an employee-employer relationship exclusively with the affairs of the employer.

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.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1702.323, Occupations Code, as follows:

Sec. 1702.323. SECURITY DEPARTMENT OF PRIVATE BUSINESS. (a) provides that, except as provided by Subsections (b) and (d), this chapter does not apply to an individual employed in an employee-employer relationship exclusively and regularly by one employer in connection with the affairs of the employer.

(d) Provides that this chapter applies to an individual who in the course of employment meets all three descriptions as follows:

- (1) comes in contact with the public;
- (2) wears a uniform with any type of badge commonly associated with security personnel or law enforcement or a patch or apparel with "security" on the patch or apparel; and
- (3) performs a duty described by Section 1702.222.

(e) Deletes text providing that this chapter applies to any person who conducts an investigation on a person not employed by the same employer and off the employer's premises.

SECTION 2. Effective date: September 1, 2005.

EFFECTIVE DATE

September 1, 2005.