

By: Haggerty

H.B. No. 1132

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of and rights of private security personnel.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. OCCUPATIONS CODE CHANGES

SECTION 1.01. Section 1702.163(a), Occupations Code, is amended to read as follows:

(a) The board [~~commission~~] may not issue a security officer commission to an applicant employed by a license holder unless the applicant submits evidence satisfactory to the board [~~commission~~] that the applicant has:

(1) completed the basic training course at a school or under an instructor approved by the board [~~commission~~];

(2) met each qualification established by this chapter and board [~~commission~~] rule;

(3) achieved the score required by the board [~~commission~~] on the examination under Section 1702.1685; and

(4) demonstrated to the satisfaction of the firearm training instructor that the applicant has complied with other board [~~commission~~] standards for minimum marksmanship competency with a handgun [~~shotgun~~].

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

1           (a) The board [~~commission~~] shall conduct a criminal history  
2 check, including a check of any criminal history record information  
3 maintained by the Federal Bureau of Investigation, in the manner  
4 provided by Subchapter F, Chapter 411, Government Code, on each  
5 applicant for a license, registration, security officer  
6 commission, letter of approval, permit, or certification. An  
7 applicant is not eligible for a license, registration, commission,  
8 letter of approval, permit, or certification if the check reveals  
9 that the applicant has committed an act that constitutes grounds  
10 for the denial of the license, registration, commission, letter of  
11 approval, permit, or certification. Except as provided by  
12 Subsection (d), each [~~Each~~] applicant shall include in the  
13 application two complete sets of fingerprints on forms prescribed  
14 by the board [~~commission~~] accompanied by the fee set by the board  
15 [~~commission~~].

16           (d) An applicant who is a peace officer is not required to  
17 submit fingerprints with the applicant's application. On request,  
18 the law enforcement agency or other entity that employs the peace  
19 officer or the entity that maintains the peace officer's  
20 fingerprints shall provide the fingerprints for the peace officer  
21 to the board. The applicant shall provide sufficient information  
22 to the board to enable the board to obtain the fingerprints under  
23 this subsection.

24                           ARTICLE 2. PENAL CODE CHANGES

25           SECTION 2.01. Section 46.05, Penal Code, is amended by  
26 amending Subsection (f) and adding Subsection (g) to read as  
27 follows:

1           (f) It is a defense to prosecution under this section for  
2 the possession of a chemical dispensing device that the actor is  
3 ~~[holds]~~ a security officer ~~[commission issued by the Texas~~  
4 ~~Commission on Private Security]~~ and has received training on the  
5 use of the chemical dispensing device by a training program that is:

6                   (1) provided by the Commission on Law Enforcement  
7 Officer Standards and Education; or

8                   (2) approved for the purposes described by this  
9 subsection by the Texas ~~[Commission on]~~ Private Security Board of  
10 the Department of Public Safety.

11           (g) In Subsection (f), "security officer" means a  
12 commissioned security officer as defined by Section 1702.002,  
13 Occupations Code, or a noncommissioned security officer registered  
14 under Section 1702.221, Occupations Code.

15                                   ARTICLE 3. EFFECTIVE DATE

16                   SECTION 3.01. This Act takes effect September 1, 2005.