

1-1 By: Haggerty (Senate Sponsor - Averitt) H.B. No. 1132  
1-2 (In the Senate - Received from the House May 12, 2005;  
1-3 May 13, 2005, read first time and referred to Committee on Business  
1-4 and Commerce; May 19, 2005, reported favorably by the following  
1-5 vote: Yeas 8, Nays 0; May 19, 2005, sent to printer.)

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

1-8 relating to the regulation of and rights of private security  
1-9 personnel.

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

1-11 ARTICLE 1. OCCUPATIONS CODE CHANGES

1-12 SECTION 1.01. Section 1702.163(a), Occupations Code, is  
1-13 amended to read as follows:

1-14 (a) The board [~~commission~~] may not issue a security officer  
1-15 commission to an applicant employed by a license holder unless the  
1-16 applicant submits evidence satisfactory to the board [~~commission~~]  
1-17 that the applicant has:

1-18 (1) completed the basic training course at a school or  
1-19 under an instructor approved by the board [~~commission~~];

1-20 (2) met each qualification established by this chapter  
1-21 and board [~~commission~~] rule;

1-22 (3) achieved the score required by the board  
1-23 [~~commission~~] on the examination under Section 1702.1685; and

1-24 (4) demonstrated to the satisfaction of the firearm  
1-25 training instructor that the applicant has complied with other  
1-26 board [~~commission~~] standards for minimum marksmanship competency  
1-27 with a handgun [~~shotgun~~].

1-28 SECTION 1.02. Section 1702.282, Occupations Code, is  
1-29 amended by amending Subsection (a) and adding Subsection (d) to  
1-30 read as follows:

1-31 (a) The board [~~commission~~] shall conduct a criminal history  
1-32 check, including a check of any criminal history record information  
1-33 maintained by the Federal Bureau of Investigation, in the manner  
1-34 provided by Subchapter F, Chapter 411, Government Code, on each  
1-35 applicant for a license, registration, security officer  
1-36 commission, letter of approval, permit, or certification. An  
1-37 applicant is not eligible for a license, registration, commission,  
1-38 letter of approval, permit, or certification if the check reveals  
1-39 that the applicant has committed an act that constitutes grounds  
1-40 for the denial of the license, registration, commission, letter of  
1-41 approval, permit, or certification. Except as provided by  
1-42 Subsection (d), each [~~Each~~] applicant shall include in the  
1-43 application two complete sets of fingerprints on forms prescribed  
1-44 by the board [~~commission~~] accompanied by the fee set by the board  
1-45 [~~commission~~].

1-46 (d) An applicant who is a peace officer is not required to  
1-47 submit fingerprints with the applicant's application. On request,  
1-48 the law enforcement agency or other entity that employs the peace  
1-49 officer or the entity that maintains the peace officer's  
1-50 fingerprints shall provide the fingerprints for the peace officer  
1-51 to the board. The applicant shall provide sufficient information  
1-52 to the board to enable the board to obtain the fingerprints under  
1-53 this subsection.

1-54 ARTICLE 2. PENAL CODE CHANGES

1-55 SECTION 2.01. Section 46.05, Penal Code, is amended by  
1-56 amending Subsection (f) and adding Subsection (g) to read as  
1-57 follows:

1-58 (f) It is a defense to prosecution under this section for  
1-59 the possession of a chemical dispensing device that the actor is  
1-60 [~~holds~~] a security officer [~~commission issued by the Texas~~  
1-61 ~~Commission on Private Security~~] and has received training on the  
1-62 use of the chemical dispensing device by a training program that is:

1-63 (1) provided by the Commission on Law Enforcement  
1-64 Officer Standards and Education; or

2-1 (2) approved for the purposes described by this  
2-2 subsection by the Texas [~~Commission on~~] Private Security Board of  
2-3 the Department of Public Safety.

2-4 (g) In Subsection (f), "security officer" means a  
2-5 commissioned security officer as defined by Section 1702.002,  
2-6 Occupations Code, or a noncommissioned security officer registered  
2-7 under Section 1702.221, Occupations Code.

2-8 ARTICLE 3. EFFECTIVE DATE

2-9 SECTION 3.01. This Act takes effect September 1, 2005.

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