

By: Flores, et al.

H.B. No. 1393

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of certain investigators by the Texas
3 Private Security Board.

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

5 SECTION 1. Section 1702.323, Occupations Code, is amended
6 to read as follows:

7 Sec. 1702.323. SECURITY DEPARTMENT OF PRIVATE BUSINESS. (a)
8 Except as provided by Subsections (b) and [7] (d), [~~and (e)~~], this
9 chapter does not apply to an individual employed in an
10 employee-employer relationship exclusively and regularly by one
11 employer in connection with the affairs of the employer.

12 (b) An individual described by Subsection (a) who carries a
13 firearm in the course of employment must obtain a private security
14 officer commission under this chapter.

15 (c) The security department of a private business may not
16 hire or employ an individual to perform a duty described by Section
17 1702.222 if the individual has been convicted of a crime that would
18 otherwise preclude the individual from being registered under this
19 chapter. Although the security department of a private business
20 that hires or employs an individual as a private security officer to
21 possess a firearm in the course and scope of the individual's duties
22 is required to apply for a security officer commission for the
23 individual under this chapter, the security department of a private
24 business is not required to apply to the commission for any license

1 under this chapter.

2 (d) This chapter applies to an individual described by
3 Subsection (a) who in the course of employment:

4 (1) comes into contact with the public;

5 (2) wears a uniform with any type of badge commonly
6 associated with security personnel or law enforcement or a patch or
7 apparel with "security" on the patch or apparel; and ~~[or]~~

8 (3) performs a duty described by Section 1702.222.

9 ~~[(e) This chapter applies to any person who conducts an
10 investigation if the investigation involves a person, or the
11 affairs of a person, who is not employed by the same employer as the
12 person conducting the investigation and the investigation is not
13 conducted on the premises of the employer. Premises of the employer
14 include walkways, parking areas, and other areas relating to the
15 affairs of the employer.]~~

16 SECTION 2. This Act takes effect September 1, 2005.