

AN ACT

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

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

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

Sec. 1702.323. SECURITY DEPARTMENT OF PRIVATE BUSINESS. (a) Except as provided by Subsections (b) and [7] (d), [~~and (e)~~], 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.

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 1393 was passed by the House on March 31, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1393 was passed by the Senate on May 5, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor