

By: Flores

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) Although the security department of a private business  
16 that hires or employs an individual as a private security officer to  
17 possess a firearm in the course and scope of the individual's duties  
18 is required to apply for a security officer commission for the  
19 individual under this chapter, the security department of a private  
20 business is not required to apply to the commission for any license  
21 under this chapter.

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

24 (1) comes into contact with the public;

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

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

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

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