

1-1 By: Flores, et al. (Senate Sponsor - Shapiro) H.B. No. 1393
1-2 (In the Senate - Received from the House April 4, 2005;
1-3 April 6, 2005, read first time and referred to Committee on
1-4 Business and Commerce; April 28, 2005, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; April 28, 2005, sent to printer.)

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

1-8 relating to the regulation of certain investigators by the Texas
1-9 Private Security Board.

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

1-11 SECTION 1. Section 1702.323, Occupations Code, is amended
1-12 to read as follows:

1-13 Sec. 1702.323. SECURITY DEPARTMENT OF PRIVATE BUSINESS. (a)
1-14 Except as provided by Subsections (b) and [7] (d), [~~and (e)~~], this
1-15 chapter does not apply to an individual employed in an
1-16 employee-employer relationship exclusively and regularly by one
1-17 employer in connection with the affairs of the employer.

1-18 (b) An individual described by Subsection (a) who carries a
1-19 firearm in the course of employment must obtain a private security
1-20 officer commission under this chapter.

1-21 (c) The security department of a private business may not
1-22 hire or employ an individual to perform a duty described by Section
1-23 1702.222 if the individual has been convicted of a crime that would
1-24 otherwise preclude the individual from being registered under this
1-25 chapter. Although the security department of a private business
1-26 that hires or employs an individual as a private security officer to
1-27 possess a firearm in the course and scope of the individual's duties
1-28 is required to apply for a security officer commission for the
1-29 individual under this chapter, the security department of a private
1-30 business is not required to apply to the commission for any license
1-31 under this chapter.

1-32 (d) This chapter applies to an individual described by
1-33 Subsection (a) who in the course of employment:

1-34 (1) comes into contact with the public;

1-35 (2) wears a uniform with any type of badge commonly
1-36 associated with security personnel or law enforcement or a patch or
1-37 apparel with "security" on the patch or apparel; and [~~or~~]

1-38 (3) performs a duty described by Section 1702.222.

1-39 [~~(c) This chapter applies to any person who conducts an~~
1-40 ~~investigation if the investigation involves a person, or the~~
1-41 ~~affairs of a person, who is not employed by the same employer as the~~
1-42 ~~person conducting the investigation and the investigation is not~~
1-43 ~~conducted on the premises of the employer. Premises of the employer~~
1-44 ~~include walkways, parking areas, and other areas relating to the~~
1-45 ~~affairs of the employer.]~~

1-46 SECTION 2. This Act takes effect September 1, 2005.

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