

By: Driver

H.B. No. 2303

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of and rights of private security
3 personnel.

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

5 SECTION 1. Subchapter C, Chapter 1702, Occupations Code, is
6 amended by adding Section 1702.047 to read as follows:

7 Sec. 1702.047. ADMINISTRATIVE STAFF. The department shall
8 designate a department employee who shall report directly to the
9 board. The employee designated under this section shall assist the
10 board in the administration of the board's duties.

11 SECTION 2. Subchapter D, Chapter 1702, Occupations Code, is
12 amended by adding Section 1702.0611 to read as follows:

13 Sec. 1702.0611. RULEMAKING PROCEDURES. (a) The board
14 shall adopt rules under this chapter subject to the approval of the
15 Public Safety Commission as provided by this section.

16 (b) Before adopting a rule under this chapter, the board
17 must:

18 (1) determine the need for the proposed rule;

19 (2) work with persons who will be affected by the rule
20 to ensure consideration of all relevant issues regarding the
21 proposed rule;

22 (3) consult with an attorney in the department's
23 regulatory licensing service to draft the rule and ensure that the
24 proposed rule complies with statutory requirements regarding

1 administrative rules; and

2 (4) submit the proposed rule to the department's
3 general counsel, director, and chief accountant for consideration
4 of the proposed rule's impact on the department and to ensure that
5 the proposed rule is within the board's authority.

6 (c) On the completion of the required publication and
7 comment periods under Chapter 2001, Government Code, the Public
8 Safety Commission may return the proposed rule to the board if the
9 commission identifies a problem with the rule that must be resolved
10 before the rule is approved.

11 (d) On approval of the proposed rule by the Public Safety
12 Commission, the board shall comply with the requirements of Chapter
13 2001, Government Code, for final adoption of the rule.

14 SECTION 3. Section 1702.062(a), Occupations Code, is
15 amended to read as follows:

16 (a) The commission by rule shall establish reasonable and
17 necessary fees that produce sufficient revenue to administer this
18 chapter. The fees may not produce unnecessary fund balances and may
19 not exceed the following amounts:

20	Class A license	<u>\$350</u> [\$250] (original and renewal)
21	Class B license	<u>\$400</u> [\$300] (original and renewal)
22	Class C license	<u>\$540</u> [\$440] (original and renewal)
23	<u>Class D license</u>	<u>\$400</u> (original and renewal)
24	Reinstate suspended license	\$150
25	Assignment of license	\$150
26	Change name of license	\$ 75
27	Delinquency fee	_____

1	Branch office certificate and renewal	<u>\$300</u> [\$200]
2	Registration fee for private investigator, manager,	
3	branch office manager, <u>locksmith, electronic access control device</u>	
4	<u>installer</u> , and alarm	
5	systems installer	<u>\$ 30</u> [\$ 20] (original and renewal)
6	Registration fee for noncommissioned	
7	security officer	<u>\$ 30</u> [\$ 25] (original and renewal)
8	Registration fee for security salesperson	<u>\$ 30</u> [\$ 20]
9	Registration fee for alarm systems monitor	<u>\$ 30</u> [\$ 20]
10	Registration fee for dog trainer	<u>\$ 30</u> [\$ 20]
11	Registration fee for owner, officer,	
12	partner, or shareholder of a license holder	\$ 50
13	Registration fee for security consultant	<u>\$300</u> [\$ 55]
14	<u>Registration fee for employee of license holder</u>	<u>\$ 30</u>
15	Security officer commission fee	\$ 50 (original and renewal)
16	School instructor fee	\$100 (original and renewal)
17	School approval fee	<u>\$350</u> [\$250] (original and renewal)
18	Letter of authority fee for private business	
19	and political subdivision	<u>\$400</u> [\$300]
20	Letter of authority renewal fee for private	
21	business and political subdivision	\$225
22	<u>Letter of authority fee for commissioned officer,</u>	
23	<u>noncommissioned officer, or personal protection</u>	
24	<u>officer for political subdivision</u>	<u>\$ 10</u>
25	FBI fingerprint check	\$ 25
26	Duplicate pocket card	\$ 10
27	Employee information update fee	\$ 15

1 Burglar alarm sellers renewal fee \$ 30 [~~\$ 25~~]
2 Personal protection officer authorization \$ 50

3 SECTION 4. Section 1702.163(a), Occupations Code, is
4 amended to read as follows:

5 (a) The board [~~commission~~] may not issue a security officer
6 commission to an applicant employed by a license holder unless the
7 applicant submits evidence satisfactory to the board [~~commission~~]
8 that the applicant has:

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

11 (2) met each qualification established by this chapter
12 and board [~~commission~~] rule;

13 (3) achieved the score required by the board
14 [~~commission~~] on the examination under Section 1702.1685; and

15 (4) demonstrated to the satisfaction of the firearm
16 training instructor that the applicant has complied with other
17 board [~~commission~~] standards for minimum marksmanship competency
18 with a handgun [~~shotgun~~].

19 SECTION 5. Section 1702.282, Occupations Code, is amended
20 by amending Subsection (a) and adding Subsection (d) to read as
21 follows:

22 (a) The board [~~commission~~] shall conduct a criminal history
23 check, including a check of any criminal history record information
24 maintained by the Federal Bureau of Investigation, in the manner
25 provided by Subchapter F, Chapter 411, Government Code, on each
26 applicant for a license, registration, security officer
27 commission, letter of approval, permit, or certification. An

1 applicant is not eligible for a license, registration, commission,
2 letter of approval, permit, or certification if the check reveals
3 that the applicant has committed an act that constitutes grounds
4 for the denial of the license, registration, commission, letter of
5 approval, permit, or certification. Except as provided by
6 Subsection (d), each [~~Each~~] applicant shall include in the
7 application two complete sets of fingerprints on forms prescribed
8 by the board [~~commission~~] accompanied by the fee set by the board
9 [~~commission~~].

10 (d) An applicant who is a peace officer is not required to
11 submit fingerprints with the applicant's application. On request,
12 the law enforcement agency or other entity that employs the peace
13 officer or the entity that maintains the peace officer's
14 fingerprints shall provide the fingerprints for the peace officer
15 to the board. The applicant shall provide sufficient information
16 to the board to enable the board to obtain the fingerprints under
17 this subsection.

18 SECTION 6. Section 46.05, Penal Code, is amended by
19 amending Subsection (f) and adding Subsection (g) to read as
20 follows:

21 (f) It is a defense to prosecution under this section for
22 the possession of a chemical dispensing device that the actor is
23 [~~holds~~] a security officer [~~commission issued by the Texas~~
24 ~~Commission on Private Security~~] and has received training on the
25 use of the chemical dispensing device by a training program that is:

26 (1) provided by the Commission on Law Enforcement
27 Officer Standards and Education; or

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

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

8 SECTION 7. This Act takes effect September 1, 2005.