

AN ACT

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

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

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

Sec. 1702.047. ADMINISTRATIVE STAFF. The department shall designate a department employee who shall report directly to the board. The employee designated under this section shall assist the board in the administration of the board's duties. The salary for an employee designated under this section may not exceed the salary specified in the General Appropriations Act for an employee subject to salary group A10.

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

Sec. 1702.0611. RULEMAKING PROCEDURES. (a) The board may only adopt rules under this chapter on the approval of the Public Safety Commission as provided by this section.

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

- (1) determine the need for the proposed rule;
- (2) work with persons who will be affected by the rule to ensure consideration of all relevant issues regarding the proposed rule;

1           (3) consult with an attorney in the department's  
2 regulatory licensing service to draft the rule and ensure that the  
3 proposed rule complies with statutory requirements regarding  
4 administrative rules; and

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

9           (c) On the completion of the required publication and  
10 comment periods under Chapter 2001, Government Code, the Public  
11 Safety Commission shall:

12                 (1) return the proposed rule to the board if:

13                         (A) the commission identifies a problem with the  
14 rule that must be resolved before the rule is approved; or

15                         (B) a comment requiring resolution is received  
16 during the comment period; or

17                 (2) place the rule on the commission's agenda for final  
18 approval during the commission's next regularly scheduled meeting.

19           (d) On approval of the proposed rule by the Public Safety  
20 Commission, the department shall comply with the requirements of  
21 Chapter 2001, Government Code, for final adoption of the rule.

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

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

1	Class A license	<u>\$350</u> [ <del>\$250</del> ] (original and renewal)
2	Class B license	<u>\$400</u> [ <del>\$300</del> ] (original and renewal)
3	Class C license	<u>\$540</u> [ <del>\$440</del> ] (original and renewal)
4	<u>Class D license</u>	<u>\$400 (original and renewal)</u>
5	Reinstate suspended license	\$150
6	Assignment of license	\$150
7	Change name of license	\$ 75
8	Delinquency fee	_____
9	Branch office certificate and renewal	<u>\$300</u> [ <del>\$200</del> ]
10	Registration fee for private investigator, manager,	
11	branch office manager, <u>locksmith, electronic access control device</u>	
12	<u>installer, and alarm</u>	
13	systems installer	<u>\$ 30</u> [ <del>\$ 20</del> ] (original and renewal)
14	Registration fee for noncommissioned	
15	security officer	<u>\$ 30</u> [ <del>\$ 25</del> ] (original and renewal)
16	Registration fee for security salesperson	<u>\$ 30</u> [ <del>\$ 20</del> ]
17	Registration fee for alarm systems monitor	<u>\$ 30</u> [ <del>\$ 20</del> ]
18	Registration fee for dog trainer	<u>\$ 30</u> [ <del>\$ 20</del> ]
19	Registration fee for owner, officer,	
20	partner, or shareholder of a license holder	\$ 50
21	Registration fee for security consultant	<u>\$300</u> [ <del>\$ 55</del> ]
22	<u>Registration fee for employee of license holder</u>	<u>\$ 30</u>
23	Security officer commission fee	\$ 50 (original and renewal)
24	School instructor fee	\$100 (original and renewal)
25	School approval fee	<u>\$350</u> [ <del>\$250</del> ] (original and renewal)
26	Letter of authority fee for private business	
27	and political subdivision	<u>\$400</u> [ <del>\$300</del> ]

1	Letter of authority renewal fee for private	
2	business and political subdivision	\$225
3	<u>Letter of authority fee for commissioned officer,</u>	
4	<u>noncommissioned officer, or personal protection</u>	
5	<u>officer for political subdivision</u>	\$ 10
6	FBI fingerprint check	\$ 25
7	Duplicate pocket card	\$ 10
8	Employee information update fee	\$ 15
9	Burglar alarm sellers renewal fee	<u>\$ 30</u> [ <del>\$ 25</del> ]
10	Personal protection officer authorization	\$ 50

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

13 (a) The board [~~commission~~] may not issue a security officer  
 14 commission to an applicant employed by a license holder unless the  
 15 applicant submits evidence satisfactory to the board [~~commission~~]  
 16 that the applicant has:

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

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

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

23 (4) demonstrated to the satisfaction of the firearm  
 24 training instructor that the applicant has complied with other  
 25 board [~~commission~~] standards for minimum marksmanship competency  
 26 with a handgun [~~shotgun~~].

27 SECTION 5. Section 1702.182, Occupations Code, is amended

1 to read as follows:

2 Sec. 1702.182. SECURITY DEPARTMENT OF PRIVATE BUSINESS.

3 (a) A security department acts as the security department of a  
4 private business if it:

5 (1) has as its general purpose the protection and  
6 security of its own property and grounds; and

7 (2) does not offer or provide security services to  
8 another person.

9 (b) For purposes of this subchapter, a hospital licensed  
10 under Chapter 241 or 577, Health and Safety Code, may provide  
11 security services to:

12 (1) buildings, grounds, and tenants located on the  
13 hospital's property or campus, regardless of who owns the building;  
14 and

15 (2) a parent entity or member entity of the hospital or  
16 hospital corporation, or an affiliated entity or business with whom  
17 the hospital shares common ownership or control.

18 SECTION 6. Section 1702.282, Occupations Code, is amended  
19 by amending Subsection (a) and adding Subsection (d) to read as  
20 follows:

21 (a) The board [~~commission~~] shall conduct a criminal history  
22 check, including a check of any criminal history record information  
23 maintained by the Federal Bureau of Investigation, in the manner  
24 provided by Subchapter F, Chapter 411, Government Code, on each  
25 applicant for a license, registration, security officer  
26 commission, letter of approval, permit, or certification. An  
27 applicant is not eligible for a license, registration, commission,

1 letter of approval, permit, or certification if the check reveals  
2 that the applicant has committed an act that constitutes grounds  
3 for the denial of the license, registration, commission, letter of  
4 approval, permit, or certification. Except as provided by  
5 Subsection (d), each [~~Each~~] applicant shall include in the  
6 application two complete sets of fingerprints on forms prescribed  
7 by the board [~~commission~~] accompanied by the fee set by the board  
8 [~~commission~~].

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

17 SECTION 7. Section 46.05, Penal Code, is amended by  
18 amending Subsection (f) and adding Subsection (g) to read as  
19 follows:

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

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

27 (2) approved for the purposes described by this

1 subsection by the Texas [~~Commission on~~] Private Security Board of  
2 the Department of Public Safety.

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

7 SECTION 8. Section 1702.062(a), Occupations Code, as  
8 amended by Section 3 of this Act, takes effect only if the provision  
9 of the General Appropriations Act to increase appropriations to the  
10 Department of Public Safety of the State of Texas to increase the  
11 department's full time employee (FTE) count by 39 employees for  
12 implementation of Chapter 1702, Occupations Code, is enacted and  
13 becomes law. If that provision is not enacted, Section  
14 1702.062(a), Occupations Code, as amended by Section 3 of this Act,  
15 is void and of no effect.

16 SECTION 9. This Act takes effect September 1, 2005.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2303 was passed by the House on May 10, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2303 on May 27, 2005, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 2303 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor