

1-1 By: Driver (Senate Sponsor - Armbrister) H.B. No. 2303
1-2 (In the Senate - Received from the House May 11, 2005;
1-3 May 13, 2005, read first time and referred to Committee on Business
1-4 and Commerce; May 20, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2303 By: Armbrister

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of and rights of private security
1-11 personnel.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter C, Chapter 1702, Occupations Code, is
1-14 amended by adding Section 1702.047 to read as follows:

1-15 Sec. 1702.047. ADMINISTRATIVE STAFF. The department shall
1-16 designate a department employee who shall report directly to the
1-17 board. The employee designated under this section shall assist the
1-18 board in the administration of the board's duties. The salary for
1-19 an employee designated under this section may not exceed the salary
1-20 specified in the General Appropriations Act for an employee subject
1-21 to salary group A10.

1-22 SECTION 2. Subchapter D, Chapter 1702, Occupations Code, is
1-23 amended by adding Section 1702.0611 to read as follows:

1-24 Sec. 1702.0611. RULEMAKING PROCEDURES. (a) The board may
1-25 only adopt rules under this chapter on the approval of the Public
1-26 Safety Commission as provided by this section.

1-27 (b) Before adopting a rule under this chapter, the board
1-28 must:

1-29 (1) determine the need for the proposed rule;

1-30 (2) work with persons who will be affected by the rule
1-31 to ensure consideration of all relevant issues regarding the
1-32 proposed rule;

1-33 (3) consult with an attorney in the department's
1-34 regulatory licensing service to draft the rule and ensure that the
1-35 proposed rule complies with statutory requirements regarding
1-36 administrative rules; and

1-37 (4) submit the proposed rule to the department's
1-38 general counsel, director, and chief accountant for consideration
1-39 of the proposed rule's impact on the department and to ensure that
1-40 the proposed rule is within the board's authority.

1-41 (c) On the completion of the required publication and
1-42 comment periods under Chapter 2001, Government Code, the Public
1-43 Safety Commission shall:

1-44 (1) return the proposed rule to the board if:

1-45 (A) the commission identifies a problem with the
1-46 rule that must be resolved before the rule is approved; or

1-47 (B) a comment requiring resolution is received
1-48 during the comment period; or

1-49 (2) place the rule on the commission's agenda for final
1-50 approval during the commission's next regularly scheduled meeting.

1-51 (d) On approval of the proposed rule by the Public Safety
1-52 Commission, the department shall comply with the requirements of
1-53 Chapter 2001, Government Code, for final adoption of the rule.

1-54 SECTION 3. Section 1702.062(a), Occupations Code, is
1-55 amended to read as follows:

1-56 (a) The commission by rule shall establish reasonable and
1-57 necessary fees that produce sufficient revenue to administer this
1-58 chapter. The fees may not produce unnecessary fund balances and may
1-59 not exceed the following amounts:

1-60	Class A license	<u>\$350</u>	[\$250]	(original and renewal)
1-61	Class B license	<u>\$400</u>	[\$300]	(original and renewal)
1-62	Class C license	<u>\$540</u>	[\$440]	(original and renewal)
1-63	Class D license		<u>\$400</u>	(original and renewal)

2-1	Reinstate suspended license	\$150
2-2	Assignment of license	\$150
2-3	Change name of license	\$ 75
2-4	Delinquency fee	
2-5	Branch office certificate and renewal	<u>\$300</u> [\$200]
2-6	Registration fee for private investigator, manager,	
2-7	branch office manager, <u>locksmith, electronic access control device</u>	
2-8	<u>installer, and alarm</u>	
2-9	systems installer	<u>\$ 30</u> [\$ 20] (original and renewal)
2-10	Registration fee for noncommissioned	
2-11	security officer	<u>\$ 30</u> [\$ 25] (original and renewal)
2-12	Registration fee for security salesperson	<u>\$ 30</u> [\$ 20]
2-13	Registration fee for alarm systems monitor	<u>\$ 30</u> [\$ 20]
2-14	Registration fee for dog trainer	<u>\$ 30</u> [\$ 20]
2-15	Registration fee for owner, officer,	
2-16	partner, or shareholder of a license holder	\$ 50
2-17	Registration fee for security consultant	<u>\$300</u> [\$ 55]
2-18	<u>Registration fee for employee of license holder</u>	<u>\$ 30</u>
2-19	Security officer commission fee	\$ 50 (original and renewal)
2-20	School instructor fee	\$100 (original and renewal)
2-21	School approval fee	<u>\$350</u> [\$250] (original and renewal)
2-22	Letter of authority fee for private business	
2-23	and political subdivision	<u>\$400</u> [\$300]
2-24	Letter of authority renewal fee for private	
2-25	business and political subdivision	\$225
2-26	<u>Letter of authority fee for commissioned officer,</u>	
2-27	<u>noncommissioned officer, or personal protection</u>	
2-28	<u>officer for political subdivision</u>	<u>\$ 10</u>
2-29	FBI fingerprint check	\$ 25
2-30	Duplicate pocket card	\$ 10
2-31	Employee information update fee	\$ 15
2-32	Burglar alarm sellers renewal fee	<u>\$ 30</u> [\$ 25]
2-33	Personal protection officer authorization	\$ 50
2-34	SECTION 4. Section 1702.163(a), Occupations Code, is	
2-35	amended to read as follows:	
2-36	(a) The <u>board</u> [commission] may not issue a security officer	
2-37	commission to an applicant employed by a license holder unless the	
2-38	applicant submits evidence satisfactory to the <u>board</u> [commission]	
2-39	that the applicant has:	
2-40	(1) completed the basic training course at a school or	
2-41	under an instructor approved by the <u>board</u> [commission];	
2-42	(2) met each qualification established by this chapter	
2-43	and <u>board</u> [commission] rule;	
2-44	(3) achieved the score required by the <u>board</u>	
2-45	[commission] on the examination under Section 1702.1685; and	
2-46	(4) demonstrated to the satisfaction of the firearm	
2-47	training instructor that the applicant has complied with <u>other</u>	
2-48	<u>board</u> [commission] standards for minimum marksmanship competency	
2-49	with a <u>handgun</u> [shotgun].	
2-50	SECTION 5. Section 1702.182, Occupations Code, is amended	
2-51	to read as follows:	
2-52	Sec. 1702.182. SECURITY DEPARTMENT OF PRIVATE BUSINESS.	
2-53	(a) A security department acts as the security department of a	
2-54	private business if it:	
2-55	(1) has as its general purpose the protection and	
2-56	security of its own property and grounds; and	
2-57	(2) does not offer or provide security services to	
2-58	another person.	
2-59	(b) <u>For purposes of this subchapter, a hospital licensed</u>	
2-60	<u>under Chapter 241 or 577, Health and Safety Code, may provide</u>	
2-61	<u>security services to:</u>	
2-62	<u>(1) buildings, grounds, and tenants located on the</u>	
2-63	<u>hospital's property or campus, regardless of who owns the building;</u>	
2-64	<u>and</u>	
2-65	<u>(2) a parent entity or member entity of the hospital or</u>	
2-66	<u>hospital corporation, or an affiliated entity or business with whom</u>	
2-67	<u>the hospital shares common ownership or control.</u>	
2-68	SECTION 6. Section 1702.282, Occupations Code, is amended	
2-69	by amending Subsection (a) and adding Subsection (d) to read as	

3-1 follows:

3-2 (a) The board [~~commission~~] shall conduct a criminal history
 3-3 check, including a check of any criminal history record information
 3-4 maintained by the Federal Bureau of Investigation, in the manner
 3-5 provided by Subchapter F, Chapter 411, Government Code, on each
 3-6 applicant for a license, registration, security officer
 3-7 commission, letter of approval, permit, or certification. An
 3-8 applicant is not eligible for a license, registration, commission,
 3-9 letter of approval, permit, or certification if the check reveals
 3-10 that the applicant has committed an act that constitutes grounds
 3-11 for the denial of the license, registration, commission, letter of
 3-12 approval, permit, or certification. Except as provided by
 3-13 Subsection (d), each [~~Each~~] applicant shall include in the
 3-14 application two complete sets of fingerprints on forms prescribed
 3-15 by the board [~~commission~~] accompanied by the fee set by the board
 3-16 [~~commission~~].

3-17 (d) An applicant who is a peace officer is not required to
 3-18 submit fingerprints with the applicant's application. On request,
 3-19 the law enforcement agency or other entity that employs the peace
 3-20 officer or the entity that maintains the peace officer's
 3-21 fingerprints shall provide the fingerprints for the peace officer
 3-22 to the board. The applicant shall provide sufficient information
 3-23 to the board to enable the board to obtain the fingerprints under
 3-24 this subsection.

3-25 SECTION 7. Section 46.05, Penal Code, is amended by
 3-26 amending Subsection (f) and adding Subsection (g) to read as
 3-27 follows:

3-28 (f) It is a defense to prosecution under this section for
 3-29 the possession of a chemical dispensing device that the actor is
 3-30 [~~holds~~] a security officer [~~commission issued by the Texas~~
 3-31 ~~Commission on Private Security~~] and has received training on the
 3-32 use of the chemical dispensing device by a training program that is:

3-33 (1) provided by the Commission on Law Enforcement
 3-34 Officer Standards and Education; or

3-35 (2) approved for the purposes described by this
 3-36 subsection by the Texas [~~Commission on~~] Private Security Board of
 3-37 the Department of Public Safety.

3-38 (g) In Subsection (f), "security officer" means a
 3-39 commissioned security officer as defined by Section 1702.002,
 3-40 Occupations Code, or a noncommissioned security officer registered
 3-41 under Section 1702.221, Occupations Code.

3-42 SECTION 8. Section 1702.062(a), Occupations Code, as
 3-43 amended by Section 3 of this Act, takes effect only if the provision
 3-44 of the General Appropriations Act to increase appropriations to the
 3-45 Department of Public Safety of the State of Texas to increase the
 3-46 department's full time employee (FTE) count by 39 employees for
 3-47 implementation of Chapter 1702, Occupations Code, is enacted and
 3-48 becomes law. If that provision is not enacted, Section
 3-49 1702.062(a), Occupations Code, as amended by Section 3 of this Act,
 3-50 is void and of no effect.

3-51 SECTION 9. This Act takes effect September 1, 2005.

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