

BILL ANALYSIS

C.S.H.B. 1423
By: Driver
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Section 1701.322 of the Occupations Code states that a person, who has full-time employment as a peace officer and who works as a peace officer on the average of at least 32 hours a week, is exempt from the Private Security Act.

C.S.H.B. 1423 would create an exemption from the Private Security Act for individuals working for law enforcement agencies who have completed peace officer training and who are licensed by the Texas Commission on Law Enforcement Officer Standards and Education as a peace officer. The change in language places importance on training and licensing, rather than the job title or current duties of the officer.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1423 amends Occupations Code Section 1702.322 to create an exemption from the Private Security Act for individuals who are a chief of police, a sheriff, a constable, other chief administrator of a law enforcement agency, and to individuals who are appointed, elected, or employed by the chief administrator of a law enforcement agency as peace officers as defined by Section 1701.001 of the Occupations Code and in accordance with the licensing requirements adopted by the Texas Commission on Law Enforcement Officer Standards and Education.

Conforming and nonsubstantive changes are made in Sec.1702.322(1)(A) through Sec.1702.322(1)(D).

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1423 modifies the original by amending the caption to specifically refer to a law enforcement agency instead of a sheriff's department. The substitute also removes the reference to public security officers.