

## **BILL ANALYSIS**

C.S.H.B. 2258  
By: Frost  
Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Even though licensed private guards undergo rigorous training in providing on-site security to obtain a license, some property owners feel they are being pressured to hire off-duty peace officers when they want to participate in a nuisance abatement plan. While many business property owners utilize the services of off-duty peace officers, frequently the specialized training, availability and affordability of licensed security services make this service a more advantageous option.

C.S.H.B. 2258 would clarify that private business owners have the option to contract for the services of either a licensed security service or an off-duty peace officer when hiring security services.

### **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**

SECTION 1. Amends Subchapter H, Chapter 1702, Occupations Code, by adding Section 1702.184, as follows:

Sec. 1702.184.

(a) Prohibits a political subdivision from requiring a private business to contract with or employ a peace officer to provide security for the business.

(b) The section does not apply to requirements that a private business contract with or employ a peace officer to provide security for a public event, conduct a public escort or direct traffic on a public roadway. Also, the section does not apply to an order or determination of a court under Chapter 125, Civil Practice and Remedies Code (Common and Public Nuisances).

SECTION 2. Establishes the effective date: upon passage or September 1, 2007.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original bill provided that a private business could provide security services to buildings and grounds of the business by commissioned security officers and was not required to contract with a peace officer.

The substitute also provides exceptions to Occupations Code Chapter 1702.184 (a), as added by this Act, which provides that a private business may still be required to contract or employ peace officers under certain circumstances.