

BILL ANALYSIS

Senate Research Center

S.B. 949
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Business & Commerce
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under a nuisance abatement plan, a city requires a business property owner to implement a variety of crime reduction actions, such as installing security cameras, security gates, or hiring onsite personnel to patrol the property. Currently, there is no law prohibiting the city from requiring a business property owner to contract with particular security services, in particular, off-duty peace officers, in implementing a nuisance abatement plan. The business property owner may be prosecuted by the city for violation of the public nuisance statute, Chapter 125 (Common and Public Nuisances), Civil Practice & Remedies Code, if the business property owner fails to comply with the city's plan.

In some instances, business property owners have been required to hire off-duty peace officers instead of licensed security officers in order to comply with the proposed nuisance abatement plan. While many property owners utilize the services of off-duty peace officers, often times the availability and affordability of a licensed security service is a more favorable option.

S.B. 949 prohibits a political subdivision from requiring a private business to contract with or employ a peace officer when satisfying the requirements set forth in the nuisance abatement plan.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

Sec. 1702.184. LOCAL REGULATION OF CERTAIN SECURITY SERVICES FOR PRIVATE BUSINESS. (a) Prohibits a political subdivision from requiring a private business to contract with or employ a peace officer to provide security services for the business, except as provided by Subsection (b).

(b) Provides that this section does not apply to a requirement that a private business contract with or employ a peace officer to provide certain security or other services or to an order or determination made by a court under Chapter 125 (Common and Public Nuisances), Civil Practice and Remedies Code.

SECTION 2. Effective date: upon passage or September 1, 2007.