

BILL ANALYSIS

C.S.S.B. 949
By: Hegar
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

C.S.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

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. 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), which provides that this section does not apply to a requirement that a private business contract with or employ a peace officer to provide security services for a public event, to conduct a public escort, or to direct traffic on a public roadway. The bill further states that Subsection (a) does not apply to an order or determination made by a court under Chapter 125, Civil Practices and Remedies Code.

SECTION 2. Provides that the Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect 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

C.S.S.B. 949 80(R)

The substitute differs from the original bill in that the substitute provides that a private business may still be required to contract with or employ a peace officer to provide security services for a public event, to conduct a public escort, or to direct traffic on a public roadway; the original bill only provided that Subsection (a) does not apply to a requirement that a private business contract with or employ a peace officer to provide security services for a public event. The substitute also states that subsection (a) does not apply to an order or determination made by a court under Chapter 125, Civil Practices and Remedies Code. The original contained no such provision.