

By: Driver

H.B. No. 1423

A BILL TO BE ENTITLED

1 AN ACT

2 relating to exemption from application of the Private Security Act
3 of certain peace officers employed by a law enforcement agency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1702.322, Occupations Code, is amended
6 to read as follows:

7 Sec. 1702.322. LAW ENFORCEMENT PERSONNEL. This chapter
8 does not apply to:

9 (1) a person who is a chief of police, sheriff,
10 constable, or other chief administrator of a law enforcement agency
11 in this state or is appointed, elected, or employed by the chief
12 administrator of a law enforcement agency [~~has full-time~~
13 ~~employment~~] as a peace officer, as defined by Section 1701.001, in
14 accordance with the licensing requirements adopted under rules of
15 the Commission on Law Enforcement Officer Standards and Education
16 and who receives compensation for private employment on an
17 individual or an independent contractor basis as a patrolman,
18 guard, extra job coordinator, or watchman if [~~the officer~~]:

19 (A) the officer is employed by the private
20 employer in an employee-employer relationship or [~~employed~~] on an
21 individual contractual basis;

22 (B) the private employment does not require the
23 officer to be [~~is not~~] in the employ of another peace officer;

24 (C) the officer is not a reserve peace officer;

1 and

2 (D) the officer works for the law enforcement
3 agency [~~as a peace officer~~] on the average of at least 32 hours a
4 week, is compensated by the state or a political subdivision of the
5 state at least at the minimum wage, and is entitled to all employee
6 benefits offered to a peace officer by the state or political
7 subdivision;

8 (2) a reserve peace officer while the reserve officer
9 is performing guard, patrolman, or watchman duties for a county and
10 is being compensated solely by that county;

11 (3) a peace officer acting in an official capacity in
12 responding to a burglar alarm or detection device; or

13 (4) a person engaged in the business of electronic
14 monitoring of an individual as a condition of that individual's
15 community supervision, parole, mandatory supervision, or release
16 on bail, if the person does not perform any other service that
17 requires a license under this chapter.

18 SECTION 2. This Act takes effect September 1, 2007.