

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 sheriff's department.

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 or a public security officer, as
14 defined by Section 1701.001, in accordance with the licensing
15 requirements adopted under rules of the Commission on Law
16 Enforcement Officer Standards and Education and who receives
17 compensation for private employment on an individual or an
18 independent contractor basis as a patrolman, guard, extra job
19 coordinator, or watchman if [~~the officer~~]:

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

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

1 (C) the officer is not a reserve peace officer;
2 and

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

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

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

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

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