

1-1 By: Driver (Senate Sponsor - Hegar) H.B. No. 1423
1-2 (In the Senate - Received from the House May 4, 2007;
1-3 May 8, 2007, read first time and referred to Committee on Criminal
1-4 Justice; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to exemption from application of the Private Security Act
1-9 of certain peace officers employed by a law enforcement agency.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 1702.322, Occupations Code, is amended
1-12 to read as follows:

1-13 Sec. 1702.322. LAW ENFORCEMENT PERSONNEL. This chapter
1-14 does not apply to:

1-15 (1) a person who is a chief of police, sheriff,
1-16 constable, or other chief administrator of a law enforcement agency
1-17 in this state or is appointed, elected, or employed by the chief
1-18 administrator of a law enforcement agency [~~has full-time~~
1-19 ~~employment~~] as a peace officer, as defined by Section 1701.001, in
1-20 accordance with the licensing requirements adopted under rules of
1-21 the Commission on Law Enforcement Officer Standards and Education
1-22 and who receives compensation for private employment on an
1-23 individual or an independent contractor basis as a patrolman,
1-24 guard, extra job coordinator, or watchman if [~~the officer~~]:

1-25 (A) the officer is employed by the private
1-26 employer in an employee-employer relationship or [~~employed~~] on an
1-27 individual contractual basis;

1-28 (B) the private employment does not require the
1-29 officer to be [~~is not~~] in the employ of another peace officer;

1-30 (C) the officer is not a reserve peace officer;
1-31 and

1-32 (D) the officer works for the law enforcement
1-33 agency [~~as a peace officer~~] on the average of at least 32 hours a
1-34 week, is compensated by the state or a political subdivision of the
1-35 state at least at the minimum wage, and is entitled to all employee
1-36 benefits offered to a peace officer by the state or political
1-37 subdivision;

1-38 (2) a reserve peace officer while the reserve officer
1-39 is performing guard, patrolman, or watchman duties for a county and
1-40 is being compensated solely by that county;

1-41 (3) a peace officer acting in an official capacity in
1-42 responding to a burglar alarm or detection device; or

1-43 (4) a person engaged in the business of electronic
1-44 monitoring of an individual as a condition of that individual's
1-45 community supervision, parole, mandatory supervision, or release
1-46 on bail, if the person does not perform any other service that
1-47 requires a license under this chapter.

1-48 SECTION 2. This Act takes effect September 1, 2007.

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