

BILL ANALYSIS

H.B. 1491
By: Driver
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a person who is employed full-time as a peace officer and who works as a peace officer on the average of at least 32 hours a week, is exempt from the Private Security Act.

However, Attorney General Opinion No. GA-0465 states that a person who works full-time as a jailer and who is only nominally a deputy sheriff would not meet the requirement to work 32 hours a week as a peace officer. Therefore, this person would be subject to the Private Security Act. This puts unnecessary focus on the job title and current duties of the officer, rather than on the training and licensing by the Texas Commission on Law Enforcement Officer Standards and Education.

H.B. 1491 creates an exemption from the Private Security Act for anyone working for a law enforcement agency who has completed peace officer training and who is licensed by the commission as a peace officer.

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

H.B. 1491 amends the Occupations Code to specify that a person who is a chief of police, sheriff, constable, or other chief administrator of a Texas law enforcement agency or who is appointed, elected, or employed by the chief administrator of a law enforcement agency as a licensed peace officer and who works for the law enforcement agency on an average of at least 32 hours a week is exempt from the Private Security Act for private employment. The bill removes language that required the 32 hours of work a week to be work as a peace officer.

EFFECTIVE DATE

September 1, 2009.