

BILL ANALYSIS

H.B. 3499
By: Naishtat
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Licensed social workers are often hired by the court or a defense attorney to do assessments of a defendant's background and psychological history. Some serve as mitigation specialists in capital punishment cases. These social workers research the life histories of the accused by interviewing family members and others involved, review educational, medical, and criminal records and write a comprehensive assessment to provide a better understanding of the defendant's history and its impact on the defendant's actions.

However, the Texas Commission on Private Security has challenged the legality of a licensed social worker collecting information for a court case or providing court testimony about an individual's background without the licensed social worker also being licensed as a private investigator through the Texas Commission on Private Security.

H.B. 3499 exempts a social worker who holds a license issued under the Social Work Practice Act who is engaged in the practice of social work from the requirements of the Private Security Act.

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. 3499 amends the Occupations Code to add a social worker who holds a license issued under the Social Work Practice Act who is engaged in the practice of social work to the list of persons who are exempt from private security regulation under the Private Security Act.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.