

BILL ANALYSIS

S.B. 1244
By: Carona
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the 80th Legislature, Regular Session, 2007, legislation was enacted to address the licensing and regulation of individuals and companies providing private security services. The resulting statute contains language dictating who is required to obtain a private investigator's license through the Texas Department of Public Safety's Private Security Bureau. This language has been interpreted by some as a requirement for computer repair technicians and network technicians to obtain a private investigator's license prior to performing routine duties.

Current language has also led to compliance confusion among businesses that are already regulated by other agencies and do not provide the type of investigative services that require special licensure. For example, a business may perform investigative services to support their internal operations or particular customer bases without operating as private security providers. Their work is already controlled, supervised and regulated by certain government agencies, therefore the necessary amount of protection is already provided to the public.

S.B. 1244 provides that the repair and maintenance of a computer does not constitute an investigation for purposes of an investigation company regulated by the Private Security Act and exempts an employee performing investigative services who is otherwise subject to certain regulatory bodies from requirements under that 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

S.B. 1244 amends the Occupations Code to include a person who engages in or is employed in the business of obtaining or furnishing information related to crime or wrongs done or threatened against a person in the list of persons who act as an investigation company for purposes of the Private Security Act. The bill provides that the repair or maintenance of a computer does not constitute an investigation for purposes of an investigation company regulated by the Private Security Act and does not require licensing under that act if the review or analysis of computer-based data is performed only to diagnose a computer or software problem, if there is no intent to obtain or furnish information pertaining to an investigation, and if the discovery of any information pertaining to an investigation was inadvertent.

S.B. 1244 adds an employee performing investigative services that would otherwise be subject to the Private Security Act for an entity regulated by the Texas Department of Insurance, the Office of Thrift Supervision, the Securities and Exchange Commission, the Federal Deposit Insurance Corporation, the National Association of Securities Dealers, or the Financial Industry Regulatory Authority to the list of persons to whom the Private Security Act does not apply.

EFFECTIVE DATE

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