

By: Driver

H.B. No. 1491

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

Sec. 1702.322. LAW ENFORCEMENT PERSONNEL. This chapter does not apply to:

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

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

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

(C) the officer is not a reserve peace officer;

1 and

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

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

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

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

18 SECTION 2. This Act takes effect September 1, 2009.