

AN ACT

relating to the continuation and functions of the Department of Public Safety of the State of Texas and the Texas Private Security Board; providing a penalty.

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

ARTICLE 1. CHANGES TO VEHICLE INSPECTION PROGRAM

SECTION 1.01. Section 548.006(i), Transportation Code, is amended to read as follows:

(i) The committee shall hold a meeting at least once [~~at least two meetings~~] each quarter [~~year~~].

SECTION 1.02. Subchapter A, Chapter 548, Transportation Code, is amended by adding Section 548.008 to read as follows:

Sec. 548.008. VEHICLE INSPECTION PROGRAM DIRECTOR. (a) The vehicle inspection program is managed by a program director. The program director may not be a commissioned officer.

(b) The office of the vehicle inspection program director must be located in Austin, Texas.

(c) The duties of the program director include:

(1) responsibility for the quality of the vehicle inspection program;

(2) coordination of the regional offices;

(3) compilation of regional and statewide performance data;

(4) the establishment of best practices and

1 distribution of those practices to the regional offices;

2 (5) setting goals for the entire program, in  
3 consultation with the public safety director or the public safety  
4 director's designee, and setting goals for each regional office in  
5 consultation with the regional managers;

6 (6) monitoring the progress toward the goals set in  
7 Subdivision (5) and evaluating the program based on that progress;  
8 and

9 (7) coordination with the Texas Highway Patrol to  
10 enforce provisions related to vehicle inspection.

11 (d) The regional offices shall make reports as requested by  
12 the program director.

13 ARTICLE 2. DIVISION OF EMERGENCY MANAGEMENT

14 PART A. ORGANIZATION OF DIVISION

15 SECTION 2A.01. Section 418.004, Government Code, is amended  
16 by amending Subdivision (2) and adding Subdivision (9) to read as  
17 follows:

18 (2) "Division" means the Texas Division of Emergency  
19 Management [~~division of emergency management in the office of the~~  
20 ~~governor~~].

21 (9) "Department" means the Department of Public Safety  
22 of the State of Texas.

23 SECTION 2A.02. Sections 418.041(a), (b), and (c),  
24 Government Code, are amended to read as follows:

25 (a) The Texas Division of Emergency Management [~~division of~~  
26 ~~emergency management~~] is a division of the department [~~office of~~  
27 ~~the governor~~].

1 (b) The division is managed by a chief [~~director~~] appointed  
2 by the public safety director of the department, with the approval  
3 of the governor. The chief [~~director~~] serves at the pleasure of the  
4 public safety director [~~governor~~]. The chief must possess  
5 professional training and knowledge consisting of not less than  
6 five years of managerial or strategic planning experience in  
7 matters relating to public safety, security, emergency services,  
8 and emergency response.

9 (c) At least once every two months, the following shall meet  
10 to coordinate efforts, prevent overlap of activities, and ensure  
11 that the state's approach to emergency management and homeland  
12 security is unified:

13 (1) a representative of the department;

14 (2) a representative of the division;

15 (3) a representative of the governor's office of  
16 homeland security;

17 (4) the presiding officer of the Homeland Security  
18 Council; and

19 (5) a state agency representative from the emergency  
20 management council, selected by the chair of the emergency  
21 management council. [~~The director shall appoint a state~~  
22 ~~coordinator.~~]

23 SECTION 2A.03. Section 418.072, Government Code, is amended  
24 to read as follows:

25 Sec. 418.072. DISASTER EMERGENCY FUNDING BOARD. The  
26 disaster emergency funding board is composed of:

27 (1) the governor;

- 1 (2) the lieutenant governor;
- 2 (3) the commissioner of insurance;
- 3 (4) the executive commissioner of the Health and  
4 ~~[Department of]~~ Human Services Commission; and
- 5 (5) the chief ~~[director]~~ of the division.

6 SECTION 2A.04. Section 418.074(b), Government Code, is  
7 amended to read as follows:

8 (b) If a gift, grant, or loan is accepted by the state, the  
9 governor, or the emergency management council or chief of the  
10 division ~~[state coordinator]~~ if designated by the governor, may  
11 dispense the gift, grant, or loan directly to accomplish the  
12 purpose for which it was made or may allocate and transfer to a  
13 political subdivision services, equipment, supplies, materials, or  
14 funds in the amount the governor or the governor's designee may  
15 determine.

16 PART B. OTHER AMENDMENTS, INCLUDING CONFORMING AMENDMENTS

17 REFLECTING DIVISION'S NAME CHANGE

18 SECTION 2B.01. Section 12.0012, Agriculture Code, is  
19 amended to read as follows:

20 Sec. 12.0012. NOTIFICATION. The department shall, upon  
21 submission for publication, notify the Texas Division of Emergency  
22 Management ~~[division of emergency management in the office of the~~  
23 ~~governor]~~ of each quarantine it adopts. The department shall  
24 thereafter cooperate with the Texas Division of Emergency  
25 Management ~~[division of emergency management]~~ in implementing any  
26 necessary safeguards to protect the state's agricultural resources  
27 from potential economic, health, or ecological disaster that may

1 result from the quarantined pest or disease.

2 SECTION 2B.02. Sections 88.303(a) and (d), Education Code,  
3 are amended to read as follows:

4 (a) Notwithstanding any other law, during any period in  
5 which Texas Task Force 1 is activated by the Texas Division of  
6 Emergency Management [~~governor's division of emergency~~  
7 ~~management~~], or during any training session sponsored or sanctioned  
8 by Texas Task Force 1, a participating nongovernment member or  
9 local government employee member is included in the coverage  
10 provided under Chapter 501, Labor Code, in the same manner as an  
11 employee, as defined by Section 501.001, Labor Code.

12 (d) Notwithstanding Section 412.0123, Labor Code, as added  
13 by Chapter 1098, Acts of the 75th Legislature, Regular Session,  
14 1997, the Texas Division of Emergency Management [~~governor's~~  
15 ~~division of emergency management~~] shall reimburse the State Office  
16 of Risk Management for the actual medical and indemnity benefits  
17 paid on behalf of a covered member of Texas Task Force 1 at the  
18 beginning of the next state fiscal year occurring after the date the  
19 benefits are paid.

20 SECTION 2B.03. Section 418.014(e), Government Code, is  
21 amended to read as follows:

22 (e) An executive order or proclamation shall be  
23 disseminated promptly by means intended to bring its contents to  
24 the attention of the general public. An order or proclamation shall  
25 be filed promptly with the division [~~of emergency management~~], the  
26 secretary of state, and the county clerk or city secretary in each  
27 area to which it applies unless the circumstances attendant on the

1 disaster prevent or impede the filing.

2 SECTION 2B.04. The heading to Subchapter C, Chapter 418,  
3 Government Code, is amended to read as follows:

4 SUBCHAPTER C. TEXAS DIVISION OF EMERGENCY MANAGEMENT

5 SECTION 2B.05. Section 418.073(d), Government Code, is  
6 amended to read as follows:

7 (d) The [~~governor's~~] division [~~of emergency management~~]  
8 shall administer the disaster contingency fund and shall develop  
9 and implement rules and procedures for providing emergency  
10 assistance from the fund. The division shall annually report to the  
11 speaker of the house of representatives and the lieutenant governor  
12 expenditures from the fund, the overall status of the fund, and any  
13 changes to rules and procedures regarding the fund.

14 SECTION 2B.051. Subchapter C, Chapter 418, Government Code,  
15 is amended by adding Section 418.050 to read as follows:

16 Sec. 418.050. REENTRY CREDENTIALING PILOT PROGRAM. (a)  
17 The division shall consider implementing a pilot program for a  
18 reentry credentialing process for reentry into areas previously  
19 evacuated because of a disaster or threat of disaster.

20 SECTION 2B.06. Section 421.021(a), Government Code, is  
21 amended to read as follows:

22 (a) The Homeland Security Council is composed of the  
23 governor or the governor's designee, the speaker of the house of  
24 representatives or the speaker's designee, the lieutenant governor  
25 or the lieutenant governor's designee, and one representative of  
26 each of the following entities, appointed by the single statewide  
27 elected or appointed governing officer, administrative head, or

1 chair, as appropriate, of the entity:

- 2 (1) Department of Agriculture;
- 3 (2) office of the attorney general;
- 4 (3) General Land Office;
- 5 (4) Public Utility Commission of Texas;
- 6 (5) Department of State Health Services;
- 7 (6) Department of Information Resources;
- 8 (7) Department of Public Safety of the State of Texas;
- 9 (8) Texas Division of Emergency Management [~~division~~  
10 ~~of emergency management of the office of the governor~~];
- 11 (9) adjutant general's department;
- 12 (10) Texas Commission on Environmental Quality;
- 13 (11) Railroad Commission of Texas;
- 14 (12) Texas Strategic Military Planning Commission;
- 15 (13) Texas Department of Transportation;
- 16 (14) Commission on State Emergency Communications;
- 17 (15) Office of State-Federal Relations;
- 18 (16) secretary of state;
- 19 (17) Senate Committee on Transportation and Homeland  
20 Security;
- 21 (18) House Committee on Defense and Veterans' Affairs  
22 [~~and State-Federal Relations~~];
- 23 (19) Texas Animal Health Commission;
- 24 (20) Texas Association of Regional Councils;
- 25 (21) Texas Commission on Law Enforcement Officer  
26 Standards and Education;
- 27 (22) state fire marshal's office;

- 1 (23) Texas Education Agency;
- 2 (24) Texas Commission on Fire Protection;
- 3 (25) Parks and Wildlife Department;
- 4 (26) Texas Forest Service; and
- 5 (27) Texas Water Development Board.

6 SECTION 2B.07. Section 661.907(b), Government Code, is  
7 amended to read as follows:

8 (b) The number of certified disaster service volunteers who  
9 are eligible for leave under this section may not exceed 350 state  
10 employees at any one time during a fiscal year. The Texas Division  
11 of Emergency Management [~~division of emergency management in the~~  
12 ~~governor's office~~] shall coordinate the establishment and  
13 maintenance of the list of eligible employees.

14 SECTION 2B.08. Section 661.919(b), Government Code, is  
15 amended to read as follows:

16 (b) The number of amateur radio operators who are eligible  
17 for leave under this section may not exceed 350 state employees at  
18 any one time during a state fiscal year. The Texas Division of  
19 Emergency Management [~~division of emergency management in the~~  
20 ~~governor's office~~] shall coordinate the establishment and  
21 maintenance of the list of eligible employees.

22 SECTION 2B.09. Section 501.001(5), Labor Code, is amended  
23 to read as follows:

- 24 (5) "Employee" means a person who is:
  - 25 (A) in the service of the state pursuant to an
  - 26 election, appointment, or express oral or written contract of hire;
  - 27 (B) paid from state funds but whose duties



1 require that the person work and frequently receive supervision in  
2 a political subdivision of the state;

3 (C) a peace officer employed by a political  
4 subdivision, while the peace officer is exercising authority  
5 granted under:

6 (i) Article 2.12, Code of Criminal  
7 Procedure; or

8 (ii) Articles 14.03(d) and (g), Code of  
9 Criminal Procedure;

10 (D) a member of the state military forces, as  
11 defined by Section 431.001, Government Code, who is engaged in  
12 authorized training or duty; or

13 (E) a Texas Task Force 1 member, as defined by  
14 Section 88.301, Education Code, who is activated by the Texas  
15 Division of Emergency Management [~~governor's division of emergency~~  
16 ~~management~~] or is injured during [~~any~~] training [~~session~~] sponsored  
17 or sanctioned by Texas Task Force 1.

18 SECTION 2B.10. Sections 16.055(a) and (b), Water Code, are  
19 amended to read as follows:

20 (a) The chief [~~coordinator~~] of the Texas Division of  
21 Emergency Management [~~division of emergency management of the~~  
22 ~~office of the governor~~] is the state drought manager. The state  
23 drought manager is responsible for managing and coordinating the  
24 drought response component of the state water plan.

25 (b) The drought preparedness council is created and shall  
26 meet as necessary to carry out the provisions of this section. The  
27 council is composed of one representative from each of the

1 following entities, appointed by the administrative head of that  
2 entity:

- 3 (1) the Texas Division of Emergency Management  
4 [~~division of emergency management of the office of the governor~~];
- 5 (2) the board;
- 6 (3) the commission;
- 7 (4) the Parks and Wildlife Department;
- 8 (5) the Department of Agriculture;
- 9 (6) the Texas AgriLife [~~Agricultural~~] Extension  
10 Service;
- 11 (7) the State Soil and Water Conservation Board;
- 12 (8) the Texas Department of Housing and Community  
13 Affairs;
- 14 (9) the Texas Forest Service;
- 15 (10) the Texas Department of Transportation;
- 16 (11) the Texas Department of Economic Development; and
- 17 (12) a representative of groundwater management  
18 interests who is appointed by the governor.

19 SECTION 2B.11. Section 1(3), Chapter 350 (S.B. 1101), Acts  
20 of the 71st Legislature, Regular Session, 1989 (Article 6419c,  
21 Vernon's Texas Civil Statutes), is amended to read as follows:

22 (3) "Division of emergency management" means the Texas  
23 Division of Emergency Management [~~division of emergency management~~  
24 ~~of the office of the governor~~].

25 SECTION 2B.12. A reference in law or a rule to the  
26 "governor's division of emergency management" or the "division of  
27 emergency management in the office of the governor" means the Texas

1 Division of Emergency Management in the Department of Public Safety  
2 of the State of Texas.

3 ARTICLE 3. ADMINISTRATIVE SUSPENSION OF DRIVER'S LICENSE  
4 FOR INTOXICATION OFFENSES

5 SECTION 3.01. Section 524.039, Transportation Code, is  
6 amended to read as follows:

7 Sec. 524.039. APPEARANCE OF TECHNICIANS AT HEARING. (a)  
8 Not [~~Notwithstanding Section 524.038, if not~~] later than the fifth  
9 day before the date of a scheduled hearing, [the department  
10 ~~receives from]~~ the person who requested a hearing may apply to the  
11 State Office of Administrative Hearings to issue a subpoena for the  
12 attendance [~~written notice, including a facsimile transmission,~~  
13 ~~requesting the presence at the hearing]~~ of the breath test operator  
14 who took the specimen of the person's breath to determine alcohol  
15 concentration or the certified breath test technical supervisor  
16 responsible for maintaining and directing the operation of the  
17 breath test instrument used to analyze the specimen of the person's  
18 breath, or both [~~, each requested person must appear at the~~  
19 ~~hearing]~~. The State Office of Administrative Hearings shall issue  
20 the subpoena only on a showing of good cause.

21 (b) The department may reschedule a hearing once not less  
22 than 48 hours before the hearing if a [~~the~~] person subpoenaed  
23 [~~requested to attend~~] under Subsection (a) is unavailable. The  
24 department may also reschedule the hearing on showing good cause  
25 that a [~~the~~] person subpoenaed [~~requested~~] under Subsection (a) is  
26 not available at the time of the hearing.

27 SECTION 3.02. The changes in law made by this article by the

1 amendment of Section 524.039, Transportation Code, apply only to a  
2 hearing conducted on or after September 1, 2009. A hearing  
3 conducted before September 1, 2009, is covered by the law in effect  
4 immediately before that date, and the former law is continued in  
5 effect for that purpose.

6 SECTION 3.03. This article takes effect September 1, 2009.

7 ARTICLE 4. CHANGES TO PRIVATE SECURITY ACT

8 SECTION 4.01. Section 1702.002, Occupations Code, is  
9 amended by amending Subdivisions (2), (3), (5), (11), (12), (13),  
10 (17), (19), (20), and (21) and adding Subdivision (6-b) to read as  
11 follows:

12 (2) "Branch office" means an office that is:

13 (A) identified to the public as a place from  
14 which business is conducted, solicited, or advertised; and

15 (B) at a place other than the principal place of  
16 business as shown in board [~~commission~~] records.

17 (3) "Branch office license" means a permit issued by  
18 the board [~~commission~~] that entitles a person to operate at a branch  
19 office as a security services contractor or investigations company.

20 (5) "Commissioned security officer" means a security  
21 officer to whom a security officer commission has been issued by the  
22 board [~~commission~~].

23 (6-b) "Endorsement" means a permit entitling an  
24 individual holding a registration to perform a service regulated by  
25 this chapter for an appropriately licensed company.

26 (11) "Letter of authority" means a permit issued by  
27 the board [~~commission~~] that entitles the security department of a

1 private business or a political subdivision to employ a  
2 commissioned security officer.

3 (12) "License" means a permit issued by the board  
4 [~~commission~~] that entitles a person to operate as a security  
5 services contractor or investigations company.

6 (13) "License holder" means a person to whom the board  
7 [~~commission~~] issues a license.

8 (17) "Personal protection officer endorsement  
9 [~~authorization~~]" means a permit issued by the board [~~commission~~]  
10 that entitles an individual to act as a personal protection  
11 officer.

12 (19) "Registrant" means an individual who has  
13 registered with the board [~~commission~~] under Section 1702.221.

14 (20) "Registration" means a permit issued by the board  
15 [~~commission~~] to an individual described by Section 1702.221.

16 (21) "Security officer commission" means an  
17 authorization issued by the board [~~commission~~] that entitles a  
18 security officer to carry a firearm.

19 SECTION 4.02. Section 1702.004, Occupations Code, is  
20 amended to read as follows:

21 Sec. 1702.004. GENERAL SCOPE OF REGULATION. (a) The board,  
22 in addition to performing duties required by other law or  
23 exercising powers granted by other law:

24 (1) licenses investigations companies and security  
25 services contractors;

26 (2) issues commissions to certain security officers;

27 (3) issues endorsements [~~authorizations~~] to certain

1 security officers engaged in the personal protection of  
2 individuals;

3 (4) registers and endorses:

4 (A) certain individuals connected with a license  
5 holder; and

6 (B) certain individuals employed in a field  
7 connected to private investigation or private security; and

8 (5) regulates license holders, security officers,  
9 ~~[and] registrants,~~ and endorsement holders under this chapter.

10 (b) The board shall adopt rules necessary to comply with  
11 Chapter 53 ~~[does not apply to this chapter or to any licensing,~~  
12 ~~regulatory, or disciplinary determinations made under this~~  
13 ~~chapter]~~. In its rules under this section, the board shall list the  
14 specific offenses for each category of regulated persons for which  
15 a conviction would constitute grounds for the board to take action  
16 under Section 53.021.

17 SECTION 4.03. The heading to Subchapter B, Chapter 1702,  
18 Occupations Code, is amended to read as follows:

19 SUBCHAPTER B. TEXAS ~~[COMMISSION ON]~~ PRIVATE SECURITY BOARD

20 SECTION 4.04. Section 1702.021, Occupations Code, is  
21 amended to read as follows:

22 Sec. 1702.021. BOARD ~~[COMMISSION]~~ MEMBERSHIP. (a) The  
23 Texas Private Security Board consists of seven members appointed by  
24 the governor with the advice and consent of the senate as follows:

25 (1) four public members, each of whom is a citizen of  
26 the United States;

27 (2) one member who is licensed under this chapter as a

1 private investigator;

2 (3) one member who is licensed under this chapter as an  
3 alarm systems company; and

4 (4) one member who is licensed under this chapter as  
5 the owner or operator of a guard company.

6 (b) Appointments to the board [~~commission~~] shall be made  
7 without regard to the race, color, disability, sex, religion, age,  
8 or national origin of the appointee.

9 [~~(c) On presentation by a commission member of the  
10 constitutional oath taken by the member, together with the  
11 certificate of appointment, the secretary of state shall issue a  
12 commission to the member as evidence of the member's authority to  
13 act as a commission member.~~]

14 SECTION 4.05. Section 1702.023, Occupations Code, is  
15 amended to read as follows:

16 Sec. 1702.023. ELIGIBILITY OF PUBLIC MEMBERS. The board's  
17 [~~commission's~~] public members must be representatives of the  
18 general public. A person may not be a public member of the board  
19 [~~commission~~] if the person or the person's spouse:

20 (1) is registered, commissioned, certified, or  
21 licensed by a regulatory agency in the field of private  
22 investigations or private security;

23 (2) is employed by or participates in the management  
24 of a business entity or other organization regulated by or  
25 receiving money from the board [~~commission~~];

26 (3) owns or controls, directly or indirectly, more  
27 than a 10 percent interest in a business entity or other

1 organization regulated by or receiving money from the board  
2 [~~commission~~]; or

3 (4) uses or receives a substantial amount of tangible  
4 goods, services, or money from the board [~~commission~~] other than  
5 compensation or reimbursement authorized by law for board  
6 [~~commission~~] membership, attendance, or expenses.

7 SECTION 4.06. Sections 1702.024(b) and (c), Occupations  
8 Code, are amended to read as follows:

9 (b) A person may not be a board [~~commission~~] member, and may  
10 not be a department [~~commission~~] employee whose primary duties  
11 include private security regulation and who is employed in a "bona  
12 fide executive, administrative, or professional capacity," as that  
13 phrase is used for purposes of establishing an exemption to the  
14 overtime provisions of the federal Fair Labor Standards Act of 1938  
15 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

16 (1) the person is an officer, employee, or paid  
17 consultant of a Texas trade association in the field of private  
18 investigation or private security; or

19 (2) the person's spouse is an officer, manager, or paid  
20 consultant of a Texas trade association in the field of private  
21 investigation or private security.

22 (c) A person may not be a board [~~commission~~] member or act as  
23 general counsel to the board [~~commission~~] or agency if the person is  
24 required to register as a lobbyist under Chapter 305, Government  
25 Code, because of the person's activities for compensation on behalf  
26 of a profession related to the operation of the agency.

27 SECTION 4.07. Section 1702.027, Occupations Code, is



1 amended to read as follows:

2           Sec. 1702.027. GROUND FOR REMOVAL. (a) It is a ground for  
3 removal from the board [~~commission~~] that a member:

4           (1) does not have the qualifications required by  
5 Section 1702.021 at the time of taking office;

6           (2) does not maintain the qualifications required by  
7 Section 1702.021 during service on the board [~~commission~~];

8           (3) is ineligible for membership under Section  
9 1702.023 or 1702.024;

10           (4) cannot, because of illness or disability,  
11 discharge the member's duties for a substantial part of the member's  
12 term; or

13           (5) is absent from more than half of the regularly  
14 scheduled board [~~commission~~] meetings that the member is eligible  
15 to attend during a calendar year without an excuse approved by a  
16 majority vote of the board [~~commission~~].

17           (b) The validity of an action of the board [~~commission~~] is  
18 not affected by the fact that it is taken when a ground for removal  
19 of a board [~~commission~~] member exists.

20           (c) If the chief administrator [~~director~~] has knowledge  
21 that a potential ground for removal exists, the chief administrator  
22 [~~director~~] shall notify the presiding officer of the board  
23 [~~commission~~] of the potential ground. The presiding officer shall  
24 then notify the governor and the attorney general that a potential  
25 ground for removal exists. If the potential ground for removal  
26 involves the presiding officer, the chief administrator [~~director~~]  
27 shall notify the next highest ranking officer of the board

1 ~~[commission]~~, who shall then notify the governor and the attorney  
2 general that a potential ground for removal exists.

3 SECTION 4.08. Section 1702.028, Occupations Code, is  
4 amended to read as follows:

5 Sec. 1702.028. PER DIEM; REIMBURSEMENT. (a) A board  
6 ~~[commission]~~ member is entitled to a per diem as set by legislative  
7 appropriation for each day the member engages in the business of the  
8 board ~~[commission]~~.

9 (b) A member is entitled to reimbursement for travel  
10 ~~[transportation]~~ expenses incurred while conducting board  
11 business, including expenses for transportation, meals, and  
12 lodging, as prescribed by the General Appropriations Act. [~~A~~  
13 ~~member may not receive compensation for travel expenses, including~~  
14 ~~expenses for meals and lodging, other than transportation~~  
15 ~~expenses.~~]

16 SECTION 4.09. Section 1702.029, Occupations Code, is  
17 amended to read as follows:

18 Sec. 1702.029. MEETINGS. The board ~~[commission]~~ shall meet  
19 at regular intervals to be decided by the board ~~[commission]~~.

20 SECTION 4.10. Section 1702.030, Occupations Code, is  
21 amended to read as follows:

22 Sec. 1702.030. TRAINING. (a) A person who is appointed to  
23 and qualifies for office as a board ~~[commission]~~ member may not  
24 vote, deliberate, or be counted as a member in attendance at a board  
25 ~~[commission]~~ meeting until the person completes a training program  
26 that complies with this section.

27 (b) The training program must provide the person with

1 information regarding:

2 (1) this chapter;

3 (2) the programs operated by the board [~~commission~~];

4 (3) the role and functions of the board [~~commission~~];

5 (4) the rules of the board [~~commission~~], with an  
6 emphasis on the rules that relate to disciplinary and investigatory  
7 authority;

8 (5) the current budget for the board [~~commission~~];

9 (6) the results of the most recent formal audit of the  
10 board [~~commission~~];

11 (7) the requirements of:

12 (A) the open meetings law, Chapter 551,  
13 Government Code;

14 (B) the public information law, Chapter 552,  
15 Government Code;

16 (C) the administrative procedure law, Chapter  
17 2001, Government Code; and

18 (D) other laws relating to public officials,  
19 including conflict of interest laws; and

20 (8) any applicable ethics policies adopted by the  
21 board [~~commission~~] or the Texas Ethics Commission.

22 (c) A person appointed to the board [~~commission~~] is entitled  
23 to reimbursement, as provided by the General Appropriations Act,  
24 for the travel expenses incurred in attending the training program  
25 regardless of whether the attendance at the program occurs before  
26 or after the person qualifies for office.

27 SECTION 4.11. The heading to Subchapter C, Chapter 1702,

1 Occupations Code, is amended to read as follows:

2 SUBCHAPTER C. CHIEF ADMINISTRATOR [~~DIRECTOR~~] AND PERSONNEL

3 SECTION 4.12. Section 1702.041, Occupations Code, is  
4 amended to read as follows:

5 Sec. 1702.041. CHIEF ADMINISTRATOR [~~DIRECTOR~~]. (a) The  
6 [~~director is the~~] chief administrator is responsible for the  
7 administration of this chapter under the direction of the board  
8 [~~commission~~]. The chief administrator [~~director~~] shall perform  
9 duties as prescribed by the board and the department [~~commission~~].

10 (b) The chief administrator [~~director~~] is a full-time  
11 employee of the department [~~commission~~]. A board [~~commission~~]  
12 member may not serve as chief administrator [~~director~~].

13 SECTION 4.13. Section 1702.042, Occupations Code, is  
14 amended to read as follows:

15 Sec. 1702.042. PERSONNEL; CONFLICT OF INTEREST. An  
16 employee of the department whose primary duties include private  
17 security regulation [~~commission~~] may not:

18 (1) have a financial or business interest, contingent  
19 or otherwise, in a security services contractor or investigations  
20 company; or

21 (2) be licensed under this chapter.

22 SECTION 4.14. Section 1702.043, Occupations Code, is  
23 amended to read as follows:

24 Sec. 1702.043. DIVISION OF RESPONSIBILITIES. The board  
25 [~~commission~~] shall develop and implement policies that clearly  
26 separate the policy-making responsibilities of the board  
27 [~~commission~~] and the management responsibilities of the chief

1 administrator [~~director~~] and staff of the department [~~commission~~].

2 SECTION 4.15. Section 1702.044, Occupations Code, is  
3 amended to read as follows:

4 Sec. 1702.044. QUALIFICATIONS AND STANDARDS OF CONDUCT  
5 INFORMATION. The chief administrator [~~director~~] or the chief  
6 administrator's [~~director's~~] designee shall provide to board  
7 [~~commission~~] members and to agency employees, as often as  
8 necessary, information regarding the requirements for office or  
9 employment under this chapter, including information regarding a  
10 person's responsibilities under applicable laws relating to  
11 standards of conduct for state officers or employees.

12 SECTION 4.16. The heading to Subchapter D, Chapter 1702,  
13 Occupations Code, is amended to read as follows:

14 SUBCHAPTER D. POWERS AND DUTIES OF BOARD [~~COMMISSION~~]

15 SECTION 4.17. Section 1702.061, Occupations Code, is  
16 amended to read as follows:

17 Sec. 1702.061. GENERAL POWERS AND DUTIES OF BOARD  
18 [~~COMMISSION~~]. (a) The board [~~Texas Commission on Private~~  
19 ~~Security~~] shall perform the functions and duties provided by this  
20 chapter.

21 (b) The board [~~commission~~] shall adopt rules and general  
22 policies to guide the agency in the administration of this chapter.

23 (c) The rules and policies adopted by the board [~~commission~~]  
24 under Subsection (b) must be consistent with this chapter and other  
25 board [~~commission~~] rules adopted under this chapter and with any  
26 other applicable law, state rule, or federal regulation.

27 (d) The board [~~commission~~] has the powers and duties to:

1           (1) determine the qualifications of license holders,  
2 registrants, endorsement holders, and commissioned security  
3 officers;

4           (2) investigate alleged violations of this chapter and  
5 of board [~~commission~~] rules;

6           (3) adopt rules necessary to implement this chapter;  
7 and

8           (4) establish and enforce standards governing the  
9 safety and conduct of each person licensed, registered, or  
10 commissioned under this chapter.

11          (e) The board [~~commission~~] shall have a seal in the form  
12 prescribed by the board [~~commission~~].

13          [~~(f) The commission may commission investigators who are  
14 employed full-time by the commission as peace officers for the  
15 limited purpose of assisting the commission in investigating  
16 alleged violations of this chapter and of commission rules.~~]

17          SECTION 4.18. Subchapter D, Chapter 1702, Occupations Code,  
18 is amended by adding Section 1702.0612 to read as follows:

19          Sec. 1702.0612. NEGOTIATED RULEMAKING AND ALTERNATIVE  
20 DISPUTE RESOLUTION. (a) The board shall develop and implement a  
21 policy to encourage the use of:

22                 (1) negotiated rulemaking procedures under Chapter  
23 2008, Government Code, for the adoption of board rules; and

24                 (2) appropriate alternative dispute resolution  
25 procedures under Chapter 2009, Government Code, to assist in the  
26 resolution of internal and external disputes under the board's  
27 jurisdiction.

1        (b) The board's procedures relating to alternative dispute  
2 resolution must conform, to the extent possible, to any model  
3 guidelines issued by the State Office of Administrative Hearings  
4 for the use of alternative dispute resolution by state agencies.

5        (c) The board shall designate a trained person to:

6            (1) coordinate the implementation of the policy  
7 adopted under Subsection (a);

8            (2) serve as a resource for any training needed to  
9 implement the procedures for negotiated rulemaking or alternative  
10 dispute resolution; and

11           (3) collect data concerning the effectiveness of those  
12 procedures, as implemented by the board.

13        SECTION 4.19. Section 1702.062, Occupations Code, is  
14 amended to read as follows:

15        Sec. 1702.062. FEES. (a) The board [~~commission~~] by rule  
16 shall establish reasonable and necessary fees that produce  
17 sufficient revenue to administer this chapter. The fees may not  
18 produce unnecessary fund balances. [~~and may not exceed the~~  
19 ~~following amounts:~~

20	<del>[Class A license</del>	<del>_____</del>	<del>\$350 (original and renewal)</del>
21	<del>[Class B license</del>	<del>_____</del>	<del>\$400 (original and renewal)</del>
22	<del>[Class C license</del>	<del>_____</del>	<del>\$540 (original and renewal)</del>
23	<del>[Class D license</del>	<del>_____</del>	<del>\$400 (original and renewal)</del>
24	<del>[Reinstate suspended license</del>	<del>_____</del>	<del>\$150</del>
25	<del>[Assignment of license</del>	<del>_____</del>	<del>\$150</del>
26	<del>[Change name of license</del>	<del>_____</del>	<del>\$ 75</del>
27	<del>[Delinquency fee</del>	<del>_____</del>	<del>_____</del>

1	<del>[Branch office certificate and renewal</del>	<del>\$300</del>
2	<del>[Registration fee for private investigator, manager, branch</del>	
3	<del>office manager, locksmith, electronic access control device</del>	
4	<del>installer, and alarm systems installer \$ 30 (original and renewal)</del>	
5	<del>[Registration fee for noncommissioned security officer</del>	<del>\$ 30</del>
6	<del>(original and renewal)</del>	
7	<del>[Registration fee for security salesperson</del>	<del>\$ 30</del>
8	<del>[Registration fee for alarm systems monitor</del>	<del>\$ 30</del>
9	<del>[Registration fee for dog trainer</del>	<del>\$ 30</del>
10	<del>[Registration fee for owner, officer, partner, or</del>	
11	<del>shareholder of a license holder</del>	<del>\$ 50</del>
12	<del>[Registration fee for security consultant</del>	<del>\$300</del>
13	<del>[Registration fee for employee of license holder</del>	<del>\$ 30</del>
14	<del>[Security officer commission fee</del>	<del>\$ 50</del>
15	<del>(original and renewal)</del>	
16	<del>[School instructor fee</del>	<del>\$100</del>
17	<del>(original and renewal)</del>	
18	<del>[School approval fee</del>	<del>\$350</del>
19	<del>(original and renewal)</del>	
20	<del>[Letter of authority fee for private business and political</del>	
21	<del>subdivision</del>	<del>\$400</del>
22	<del>[Letter of authority renewal fee for private business and</del>	
23	<del>political subdivision</del>	<del>\$225</del>
24	<del>[Letter of authority fee for commissioned officer,</del>	
25	<del>noncommissioned officer, or personal protection officer for</del>	
26	<del>political subdivision</del>	<del>\$ 10</del>
27	<del>[FBI fingerprint check</del>	<del>\$ 25</del>



1	<del>[Duplicate pocket card</del>	<del>\$ 10</del>
2	<del>[Employee information update fee</del>	<del>\$ 15</del>
3	<del>[Burglar alarm sellers renewal fee</del>	<del>\$ 30</del>
4	<del>[Personal protection officer authorization</del>	<del>\$ 50]</del>

5 (b) The board ~~[In addition to other fees established under~~  
6 ~~this chapter, the commission]~~ may charge a fee each time the board  
7 ~~[commission]~~ requires a person regulated under this chapter to  
8 resubmit a set of fingerprints for processing by the board  
9 ~~[commission]~~ during the application process for a license,  
10 registration, endorsement, or commission. The board ~~[commission]~~  
11 shall set the fee in an amount that is reasonable and necessary to  
12 cover the ~~[commission's]~~ administrative expenses related to  
13 processing the fingerprints.

14 (c) A person whose pocket card has not expired is not  
15 eligible to receive from the board ~~[commission]~~ another pocket card  
16 in the same classification in which the pocket card is held.

17 SECTION 4.20. The heading to Section 1702.063, Occupations  
18 Code, is amended to read as follows:

19 Sec. 1702.063. BOARD ~~[COMMISSION]~~ USE OF FINES.

20 SECTION 4.21. Section 1702.0635, Occupations Code, is  
21 amended to read as follows:

22 Sec. 1702.0635. RESTRICTIONS ON CERTAIN RULES. The board  
23 ~~[commission]~~ may not adopt rules or establish unduly restrictive  
24 experience or education requirements that limit a person's ability  
25 to be licensed as an electronic access control device company or be  
26 registered as an electronic access control device installer.

27 SECTION 4.22. Section 1702.064, Occupations Code, is

1 amended to read as follows:

2           Sec. 1702.064. RULES       RESTRICTING       ADVERTISING       OR  
3 COMPETITIVE BIDDING. (a) The board [~~commission~~] may not adopt  
4 rules restricting advertising or competitive bidding by a person  
5 regulated by the board [~~commission~~] except to prohibit false,  
6 misleading, or deceptive practices by the person.

7           (b) The board [~~commission~~] may not include in its rules to  
8 prohibit false, misleading, or deceptive practices by a person  
9 regulated by the board [~~commission~~] a rule that:

10           (1) restricts the person's use of any medium for  
11 advertising;

12           (2) restricts the person's personal appearance or use  
13 of the person's personal voice in an advertisement;

14           (3) relates to the size or duration of an  
15 advertisement by the person; or

16           (4) restricts the person's advertisement under a trade  
17 name.

18           SECTION 4.23. Section 1702.0645, Occupations Code, is  
19 amended to read as follows:

20           Sec. 1702.0645. PAYMENT OF FEES AND FINES. (a) The board  
21 [~~commission~~] may adopt rules regarding the method of payment of a  
22 fee or a fine assessed under this chapter.

23           (b) Rules adopted under this section may:

24           (1) authorize the use of electronic funds transfer or  
25 a valid credit card issued by a financial institution chartered by a  
26 state or the federal government or by a nationally recognized  
27 credit organization approved by the board [~~commission~~]; and

1           (2) require the payment of a discount or a reasonable  
2 service charge for a credit card payment in addition to the fee or  
3 the fine.

4           SECTION 4.24. Section 1702.066, Occupations Code, is  
5 amended to read as follows:

6           Sec. 1702.066. SERVICE OF PROCESS; SERVICE OF DOCUMENTS ON  
7 BOARD [~~COMMISSION~~]. Legal process and documents required by law to  
8 be served on or filed with the board [~~commission~~] must be served on  
9 or filed with the chief administrator [~~director~~] at the designated  
10 office of the board [~~commission~~].

11          SECTION 4.25. Section 1702.067, Occupations Code, is  
12 amended to read as follows:

13          Sec. 1702.067. BOARD [~~COMMISSION~~] RECORDS; EVIDENCE. An  
14 official record of the board [~~commission~~] or an affidavit by the  
15 chief administrator [~~director~~] as to the content of the record is  
16 prima facie evidence of a matter required to be kept by the board  
17 [~~commission~~].

18          SECTION 4.26. Section 1702.068, Occupations Code, is  
19 amended to read as follows:

20          Sec. 1702.068. APPEAL BOND NOT REQUIRED. The board  
21 [~~commission~~] is not required to give an appeal bond in any cause  
22 arising under this chapter.

23          SECTION 4.27. Section 1702.081, Occupations Code, is  
24 amended to read as follows:

25          Sec. 1702.081. PUBLIC INTEREST INFORMATION. (a) The board  
26 [~~commission~~] shall prepare information of interest to consumers or  
27 recipients of services regulated under this chapter describing the

1 board's [~~commission's~~] regulatory functions and the procedures by  
2 which complaints are filed with and resolved by the board  
3 [~~commission~~].

4 (b) The board [~~commission~~] shall make the information  
5 available to the public and appropriate state agencies.

6 SECTION 4.28. Sections 1702.082(a), (b), (c), and (d),  
7 Occupations Code, are amended to read as follows:

8 (a) The board [~~commission by rule shall establish methods by~~  
9 ~~which consumers and service recipients are notified of the name,~~  
10 ~~mailing address, and telephone number of the commission for the~~  
11 ~~purpose of directing complaints to the commission. The commission~~  
12 ~~may provide for that notice.~~

13 [~~(1) on each registration form, application, or~~  
14 ~~written contract for services of a person regulated under this~~  
15 ~~chapter,~~

16 [~~(2) on a sign prominently displayed in the place of~~  
17 ~~business of each person regulated under this chapter, or~~

18 [~~(3) in a bill for services provided by a person~~  
19 ~~regulated under this chapter.~~

20 [(b) ~~The commission~~] shall maintain a system to promptly and  
21 efficiently act on complaints [~~file on each written complaint~~]  
22 filed with the board [~~commission~~]. The board shall maintain  
23 information about parties to the complaint, [~~file must include:~~

24 [~~(1) the name of the person who filed the complaint,~~

25 [~~(2) the date the complaint is received by the~~  
26 ~~commission,~~

27 [~~(3)~~] the subject matter of the complaint, [+]

1           ~~[(4) the name of each person contacted in relation to~~  
2 ~~the complaint,~~

3           ~~[(5)] a summary of the results of the review or~~  
4 investigation of the complaint, ~~[+]~~ and its disposition

5           ~~[(6) an explanation of the reason the file was closed,~~  
6 ~~if the agency closed the file without taking action other than to~~  
7 ~~investigate the complaint].~~

8           (b) [(c)] The board ~~[commission]~~ shall make information  
9 available describing its ~~[provide to the person filing the~~  
10 ~~complaint a copy of the commission's policies and]~~ procedures for  
11 ~~[relating to]~~ complaint investigation and resolution.

12           (c) The board shall periodically notify the complaint  
13 parties of the status of the complaint until final disposition.

14 ~~[(d) Unless it would jeopardize an undercover investigation, the~~  
15 ~~commission shall provide to each person who is a subject of the~~  
16 ~~complaint a copy of the commission's policies and procedures~~  
17 ~~relating to complaint investigation and resolution.]~~

18           SECTION 4.29. Section 1702.083, Occupations Code, is  
19 amended to read as follows:

20           Sec. 1702.083. PUBLIC PARTICIPATION.           The board  
21 ~~[commission]~~ shall develop and implement policies that provide the  
22 public with a reasonable opportunity to appear before the board  
23 ~~[commission]~~ and to speak on any issue under the board's  
24 ~~[commission's]~~ jurisdiction.

25           SECTION 4.30. Section 1702.084, Occupations Code, is  
26 amended to read as follows:

27           Sec. 1702.084. PUBLIC ACCESS TO CERTAIN RECORDS OF

1 DISCIPLINARY ACTIONS. (a) The board [~~commission~~] shall make  
2 available to the public through a toll-free telephone number,  
3 Internet website, or other easily accessible medium determined by  
4 the board [~~commission~~] the following information relating to a  
5 disciplinary action taken during the preceding three years  
6 regarding a person regulated by the board [~~commission~~]:

7 (1) the identity of the person;

8 (2) the nature of the complaint that was the basis of  
9 the disciplinary action taken against the person; and

10 (3) the disciplinary action taken by the board  
11 [~~commission~~].

12 (b) In providing the information, the board [~~commission~~]  
13 shall present the information in an impartial manner, use language  
14 that is commonly understood, and, if possible, avoid jargon  
15 specific to the security industry.

16 (c) The board [~~commission~~] shall update the information on a  
17 monthly basis.

18 (d) The board [~~commission~~] shall maintain the  
19 confidentiality of information regarding the identification of a  
20 complainant.

21 SECTION 4.31. Section 1702.103, Occupations Code, is  
22 amended to read as follows:

23 Sec. 1702.103. CLASSIFICATION AND LIMITATION OF LICENSES.

24 (a) The license classifications are:

25 (1) Class A: investigations company license, covering  
26 operations of an investigations company;

27 (2) Class B: security services contractor license,

1 covering operations of a security services contractor;

2 (3) Class C: covering the operations included within  
3 Class A and Class B; ~~and~~

4 (4) Class F: level III training school license;

5 (5) Class O: alarm level I training school license;

6 (6) Class P: private business letter of authority  
7 license;

8 (7) Class X: government letter of authority license;

9 and

10 (8) Class T: telematics license [~~Class D: electronic~~  
11 ~~access control device license, covering operations of an electronic~~  
12 ~~access control device company~~].

13 (b) A [~~Class A, B, C, or D~~] license described by this chapter  
14 does not authorize the license holder to perform a service for which  
15 the license holder has not qualified. A person may not engage in an  
16 operation outside the scope of that person's license. The board  
17 [~~commission~~] shall indicate on the license the services the license  
18 holder is authorized to perform. The license holder may not perform  
19 a service unless it is indicated on the license.

20 (c) A license is not assignable unless the assignment is  
21 approved in advance by the board [~~commission~~].

22 (d) The board [~~commission~~] shall prescribe by rule the  
23 procedure under which a license may be terminated.

24 (e) The board by rule may establish other license  
25 classifications for activities expressly regulated by this chapter  
26 and may establish qualifications and practice requirements  
27 consistent with this chapter for those license classifications.

1 SECTION 4.32. Section 1702.104, Occupations Code, is  
2 amended to read as follows:

3 Sec. 1702.104. INVESTIGATIONS COMPANY. (a) A person acts  
4 as an investigations company for the purposes of this chapter if the  
5 person:

6 (1) engages in the business of obtaining or  
7 furnishing, or accepts employment to obtain or furnish, information  
8 related to:

9 (A) crime or wrongs done or threatened against a  
10 person, state, or the United States;

11 (B) the identity, habits, business, occupation,  
12 knowledge, efficiency, loyalty, movement, location, affiliations,  
13 associations, transactions, acts, reputation, or character of a  
14 person;

15 (C) the location, disposition, or recovery of  
16 lost or stolen property; or

17 (D) the cause or responsibility for a fire,  
18 libel, loss, accident, damage, or injury to a person or to property;

19 (2) engages in the business of securing, or accepts  
20 employment to secure, evidence for use before a court, board,  
21 officer, or investigating committee;

22 (3) engages in the business of securing, or accepts  
23 employment to secure, the electronic tracking of the location of an  
24 individual or motor vehicle other than for criminal justice  
25 purposes by or on behalf of a governmental entity; or

26 (4) engages in the business of protecting, or accepts  
27 employment to protect, an individual from bodily harm through the



1 use of a personal protection officer.

2 (b) For purposes of Subsection (a)(1), obtaining or  
3 furnishing information includes information obtained or furnished  
4 through the review and analysis of, and the investigation into the  
5 content of, computer-based data not available to the public. The  
6 repair or maintenance of a computer does not constitute an  
7 investigation for purposes of this section and does not require  
8 licensing under this chapter if:

9 (1) the review or analysis of computer-based data is  
10 performed only to diagnose a computer or software problem;

11 (2) there is no intent to obtain or furnish  
12 information described by Subsection (a)(1); and

13 (3) the discovery of any information described by  
14 Subsection (a)(1) is inadvertent.

15 SECTION 4.33. Section 1702.111, Occupations Code, is  
16 amended to read as follows:

17 Sec. 1702.111. ISSUANCE OF BRANCH OFFICE LICENSE. (a) A  
18 license holder, in accordance with Section 1702.129, shall notify  
19 the board [~~commission~~] in writing of the establishment of a branch  
20 office and file in writing with the board [~~commission~~] the address  
21 of the branch office.

22 (b) On application by a license holder, the board  
23 [~~commission~~] shall issue a branch office license.

24 SECTION 4.34. Sections 1702.113(a) and (c), Occupations  
25 Code, are amended to read as follows:

26 (a) An applicant for a license, certificate of  
27 registration, endorsement, or security officer commission or the

1 applicant's manager must be at least 18 years of age and must not:

2           (1) ~~[have been convicted in any jurisdiction of two or~~  
3 ~~more felony offenses, unless full pardons have been granted for all~~  
4 ~~convictions for reasons relating to wrongful convictions;~~

5           ~~[(2) have been convicted in any jurisdiction of any of~~  
6 ~~the following:~~

7                     ~~[(A) a single felony or equivalent offense for~~  
8 ~~which the 20th anniversary of the date of conviction has not~~  
9 ~~occurred before the date of application, unless a full pardon has~~  
10 ~~been granted for reasons relating to a wrongful conviction; or~~

11                     ~~[(B) a Class A misdemeanor or equivalent offense~~  
12 ~~for which the 10th anniversary of the date of conviction has not~~  
13 ~~occurred before the date of application, unless a full pardon has~~  
14 ~~been granted for reasons relating to a wrongful conviction;~~

15           ~~[(3)]~~ at the time of application be charged with the  
16 commission of a Class A misdemeanor or felony offense, under an  
17 information or indictment;

18           ~~[(4) in the 10 years preceding the date of~~  
19 ~~application, have been adjudicated as having engaged in delinquent~~  
20 ~~conduct violating a penal law of the grade of felony;]~~

21           (2) ~~[(5)]~~ have been found by a court to be incompetent  
22 by reason of a mental defect or disease and not have been restored  
23 to competency;

24           (3) ~~[(6)]~~ have been dishonorably discharged from the  
25 United States armed services, discharged from the United States  
26 armed services under other conditions determined by the board to be  
27 prohibitive, or dismissed from the United States armed services if

1 a commissioned officer in the United States armed services; or

2 (4) [~~(7)~~] be required to register in this or any other  
3 state as a sex offender, unless the applicant is approved by the  
4 board under Section 1702.3615.

5 (c) For purposes of this section, an offense under the laws  
6 of this state, another state, or the United States is considered[+]

7 [~~(1) a felony if the offense:~~

8 [~~(A) at the time of conviction was designated by  
9 a law of this state as a felony, including a state jail felony;~~

10 [~~(B) contains all the elements of an offense  
11 designated by a law of this state as a felony, including a state  
12 jail felony; or~~

13 [~~(C) is punishable by confinement for one year or  
14 more in a penitentiary;~~

15 [~~(2) a Class A misdemeanor if the offense is not a  
16 felony and the offense:~~

17 [~~(A) at the time of conviction was designated by  
18 a law of this state as a Class A misdemeanor;~~

19 [~~(B) contains all the elements of an offense  
20 designated by a law of this state as a Class A misdemeanor; or~~

21 [~~(C) provides as a possible punishment  
22 confinement in a jail other than a state jail felony facility; or~~

23 [~~(3)~~] a Class B misdemeanor if the offense is not a  
24 felony or Class A misdemeanor and the offense:

25 (1) [~~(A)~~] at the time of conviction was designated by  
26 a law of this state as a Class B misdemeanor;

27 (2) [~~(B)~~] contains all the elements of an offense

1 designated by a law of this state as a Class B misdemeanor; or

2           (3) [~~C~~] provides as a possible punishment  
3 confinement in a jail other than a state jail felony facility.

4           SECTION 4.35. Section 1702.114, Occupations Code, is  
5 amended to read as follows:

6           Sec. 1702.114. ADDITIONAL QUALIFICATIONS FOR  
7 INVESTIGATIONS COMPANY LICENSE. (a) An applicant for a license to  
8 engage in the business of an investigations company or the  
9 applicant's manager must have, before the date of the application,  
10 three consecutive years' experience in the investigative field as  
11 an employee, manager, or owner of an investigations company or  
12 satisfy other requirements set by the board [~~commission~~].

13           (b) The applicant's experience must be:

14               (1) reviewed by the board [~~commission~~] or the chief  
15 administrator [~~director~~]; and

16               (2) determined to be adequate to qualify the applicant  
17 to engage in the business of an investigations company.

18           SECTION 4.36. Section 1702.115, Occupations Code, is  
19 amended to read as follows:

20           Sec. 1702.115. ADDITIONAL QUALIFICATIONS FOR SECURITY  
21 SERVICES CONTRACTOR LICENSE. (a) An applicant for a license to  
22 engage in the business of a security services contractor or the  
23 applicant's manager must have, before the date of the application,  
24 two consecutive years' experience in each security services field  
25 for which the person applies as an employee, manager, or owner of a  
26 security services contractor or satisfy other requirements set by  
27 the board [~~commission~~].

1 (b) The applicant's experience must have been obtained  
2 legally and must be:

3 (1) reviewed by the board [~~commission~~] or the chief  
4 administrator [~~director~~]; and

5 (2) determined to be adequate to qualify the applicant  
6 to engage in the business of a security services contractor.

7 SECTION 4.37. Section 1702.116, Occupations Code, is  
8 amended to read as follows:

9 Sec. 1702.116. QUALIFICATIONS FOR GUARD DOG COMPANY  
10 LICENSE; INSPECTIONS. (a) An applicant for a license to engage in  
11 the business of a guard dog company must:

12 (1) meet the requirements of Sections 1702.113 and  
13 1702.115; and

14 (2) present evidence satisfactory to the board  
15 [~~commission~~] that the applicant will comply with the rules adopted  
16 under this section.

17 (b) After consulting the [~~Texas~~] Department of State Health  
18 Services, the board [~~commission~~] shall adopt rules to ensure that  
19 the areas in which a guard dog company houses, exercises, or trains  
20 its animals are securely enclosed by a six-foot chain-link fence or  
21 made equally secure.

22 (c) The board [~~commission~~] shall conduct regular  
23 inspections to ensure compliance with the rules adopted under this  
24 section.

25 SECTION 4.38. Sections 1702.117(a), (c), and (d),  
26 Occupations Code, are amended to read as follows:

27 (a) The board [~~commission~~] shall require an applicant for a

1 license under this chapter or the applicant's manager to  
2 demonstrate qualifications in the person's license classification,  
3 including knowledge of applicable state laws and board [~~commission~~]  
4 rules, by taking an examination to be determined by the board  
5 [~~commission~~].

6 (c) The board [~~commission~~] shall set the reexamination fee  
7 in an amount not to exceed the amount of the renewal fee for the  
8 license classification for which application was made.

9 (d) The board [~~commission~~] shall develop and provide to a  
10 person who applies to take the examination under Subsection (a)  
11 material containing all applicable state laws and board  
12 [~~commission~~] rules.

13 SECTION 4.39. Section 1702.118, Occupations Code, is  
14 amended to read as follows:

15 Sec. 1702.118. EXAMINATION RESULTS. (a) Not later than the  
16 30th day after the date a person takes a licensing examination under  
17 this chapter, the board [~~commission~~] shall notify the person of the  
18 examination results.

19 (b) If an examination is graded or reviewed by a testing  
20 service:

21 (1) the board [~~commission~~] shall notify the person of  
22 the examination results not later than the 14th day after the date  
23 the board [~~commission~~] receives the results from the testing  
24 service; and

25 (2) if notice of the examination results will be  
26 delayed for longer than 90 days after the examination date, the  
27 board [~~commission~~] shall notify the person of the reason for the

1 delay before the 90th day.

2 (c) The board [~~commission~~] may require a testing service to  
3 notify a person of the results of the person's examination.

4 (d) If requested in writing by a person who fails a  
5 licensing examination administered under this chapter, the board  
6 [~~commission~~] shall furnish the person with an analysis of the  
7 person's performance on the examination.

8 SECTION 4.40. Section 1702.1183, Occupations Code, is  
9 amended to read as follows:

10 Sec. 1702.1183. RECIPROCAL LICENSE FOR CERTAIN FOREIGN  
11 APPLICANTS. (a) The board [~~commission~~] may waive any prerequisite  
12 to obtaining a license for an applicant who holds a license issued  
13 by another jurisdiction with which this state has a reciprocity  
14 agreement.

15 (b) The board [~~commission~~] may make an agreement, subject to  
16 the approval of the governor, with another state to allow for  
17 licensing by reciprocity.

18 SECTION 4.41. Section 1702.1186, Occupations Code, is  
19 amended to read as follows:

20 Sec. 1702.1186. PROVISIONAL LICENSE. (a) The board  
21 [~~commission~~] may issue a provisional license to an applicant  
22 currently licensed in another jurisdiction who seeks an equivalent  
23 license in this state and who:

24 (1) has been licensed in good standing as an  
25 investigations company or security services contractor for at least  
26 two years in another jurisdiction, including a foreign country,  
27 that has licensing requirements substantially equivalent to the

1 requirements of this chapter;

2 (2) has passed a national or other examination  
3 recognized by the board [~~commission~~] relating to the practice of  
4 private investigations or security services contracting; and

5 (3) is sponsored by a person licensed by the board  
6 [~~commission~~] under this chapter with whom the provisional license  
7 holder will practice during the time the person holds a provisional  
8 license.

9 (b) A provisional license is valid until the date the board  
10 [~~commission~~] approves or denies the provisional license holder's  
11 application for a license. The board [~~commission~~] shall issue a  
12 license under this chapter to the provisional license holder if:

13 (1) the provisional license holder is eligible to be  
14 licensed under Section 1702.1183; or

15 (2) the provisional license holder:

16 (A) passes the part of the examination under  
17 Section 1702.117(a) that relates to the applicant's knowledge and  
18 understanding of the laws and rules relating to the practice of an  
19 investigations company or security services contractor in this  
20 state;

21 (B) is verified by the board [~~commission~~] as  
22 meeting the academic and experience requirements for a license  
23 under this chapter; and

24 (C) satisfies any other licensing requirements  
25 under this chapter.

26 (c) The board [~~commission~~] must approve or deny a  
27 provisional license holder's application for a license not later



1 than the 180th day after the date the provisional license is issued.  
2 The board [~~commission~~] may extend the 180-day period if the results  
3 of an examination have not been received by the board [~~commission~~]  
4 before the end of that period.

5 (d) The board [~~commission~~] may establish a fee for  
6 provisional licenses in an amount reasonable and necessary to cover  
7 the cost of issuing the license.

8 SECTION 4.42. Section 1702.120(b), Occupations Code, is  
9 amended to read as follows:

10 (b) An individual may not apply to the board [~~commission~~] to  
11 serve as manager of an investigations company, guard company, alarm  
12 systems company, armored car company, courier company, or guard dog  
13 company without the intent to maintain that supervisory position on  
14 a daily basis for that company.

15 SECTION 4.43. Section 1702.122, Occupations Code, is  
16 amended to read as follows:

17 Sec. 1702.122. TEMPORARY CONTINUATION OF LICENSE HOLDER'S  
18 BUSINESS. Under the terms provided by board [~~commission~~] rule, a  
19 license holder's business may continue for a temporary period if  
20 the individual on the basis of whose qualifications a license under  
21 this chapter has been obtained ceases to be connected with the  
22 license holder.

23 SECTION 4.44. Section 1702.123, Occupations Code, is  
24 amended to read as follows:

25 Sec. 1702.123. INSURANCE; BOND. (a) A license holder shall  
26 maintain on file with the board [~~commission~~] at all times the surety  
27 bond and certificate of insurance required by this chapter.

1 (b) The board [~~commission~~] shall immediately suspend the  
2 license of a license holder who violates Subsection (a).

3 (c) The board [~~commission~~] may rescind the license  
4 suspension if the license holder provides proof to the board  
5 [~~commission~~] that the bond or the insurance coverage is still in  
6 effect. The license holder must provide the proof in a form  
7 satisfactory to the board [~~commission~~] not later than the 10th day  
8 after the date the license is suspended.

9 (d) After suspension of the license, the board [~~commission~~]  
10 may not reinstate the license until an application, in the form  
11 prescribed by the board [~~commission~~], is filed accompanied by a  
12 proper bond, insurance certificate, or both. The board  
13 [~~commission~~] may deny the application notwithstanding the  
14 applicant's compliance with this section:

15 (1) for a reason that would justify suspending,  
16 revoking, or denying a license; or

17 (2) if, during the suspension, the applicant performs  
18 a practice for which a license is required.

19 SECTION 4.45. Section 1702.125, Occupations Code, is  
20 amended to read as follows:

21 Sec. 1702.125. BOND REQUIREMENT. A bond executed and filed  
22 with the board [~~commission~~] under this chapter remains in effect  
23 until the surety terminates future liability by providing to the  
24 board [~~commission~~] at least 30 days' notice of the intent to  
25 terminate liability.

26 SECTION 4.46. Section 1702.129, Occupations Code, is  
27 amended to read as follows:

1           Sec. 1702.129. NOTICE OF CERTAIN CHANGES; BRANCH OFFICES.

2   (a) A license holder shall notify the board [~~commission~~] not later  
3 than the 14th day after the date of:

4           (1) a change of address for the license holder's  
5 principal place of business;

6           (2) a change of a name under which the license holder  
7 does business; or

8           (3) a change in the license holder's officers or  
9 partners.

10   (b) A license holder shall notify the board [~~commission~~] in  
11 writing not later than the 14th day after the date a branch office:

12           (1) is established;

13           (2) is closed; or

14           (3) changes address or location.

15           SECTION 4.47. Section 1702.131, Occupations Code, is  
16 amended to read as follows:

17           Sec. 1702.131. ADVERTISING. An advertisement by a license  
18 holder soliciting or advertising business must contain the license  
19 holder's company name and address as stated in board [~~commission~~]  
20 records.

21           SECTION 4.48. Section 1702.161(b), Occupations Code, is  
22 amended to read as follows:

23           (b) An individual employed as a security officer may not  
24 knowingly carry a firearm during the course of performing duties as  
25 a security officer unless the board [~~commission~~] has issued a  
26 security officer commission to the individual.

27           SECTION 4.49. Section 1702.162, Occupations Code, is

1 amended to read as follows:

2           Sec. 1702.162. EMPLOYER'S APPLICATION FOR SECURITY OFFICER  
3 COMMISSION. The employer of a security officer who applies for a  
4 security officer commission for the officer must submit an  
5 application to the board [~~commission~~] on a form provided by the  
6 board [~~commission~~].

7           SECTION 4.50. Section 1702.165, Occupations Code, is  
8 amended to read as follows:

9           Sec. 1702.165. ISSUANCE OF SECURITY OFFICER COMMISSION;  
10 POCKET CARD. (a) The board [~~commission~~], with the concurrence of  
11 the department [~~Texas Department of Public Safety~~]:

12                   (1) may issue a security officer commission to an  
13 individual employed as a uniformed security officer; and

14                   (2) shall issue a security officer commission to a  
15 qualified employee of an armored car company that is a carrier  
16 conducting the armored car business under a federal or state permit  
17 or certificate.

18           (b) A security officer commission issued under this section  
19 must be in the form of a pocket card designed by the board  
20 [~~commission~~] that identifies the security officer.

21           SECTION 4.51. Section 1702.167, Occupations Code, is  
22 amended to read as follows:

23           Sec. 1702.167. TERMINATION OF EMPLOYMENT AS COMMISSIONED  
24 SECURITY OFFICER; TRANSFER OF COMMISSION. The holder of a security  
25 officer commission who terminates employment with one employer may  
26 transfer the individual's commission to a new employer if, not  
27 later than the 14th day after the date the individual begins the new

1 employment, the new employer notifies the board [~~commission~~] of the  
2 transfer of employment on a form prescribed by the board  
3 [~~commission~~], accompanied by payment of the employee information  
4 update fee.

5 SECTION 4.52. Sections 1702.1675(a), (b), (c), (d), (e),  
6 (f), and (i), Occupations Code, are amended to read as follows:

7 (a) The board [~~commission~~] shall establish a basic training  
8 course for commissioned security officers. The course must  
9 include, at a minimum:

- 10 (1) general security officer training issues;
- 11 (2) classroom instruction on handgun proficiency; and
- 12 (3) range instruction on handgun proficiency.

13 (b) The course must be offered and taught by schools and  
14 instructors approved by the board [~~commission~~]. To receive board  
15 [~~commission~~] approval, a school or an instructor must submit an  
16 application to the board [~~commission~~] on a form provided by the  
17 board [~~commission~~].

18 (c) The basic training course approved by the board  
19 [~~commission~~] must consist of a minimum of 30 hours.

20 (d) The general security officer training portion of the  
21 course must include instruction on:

- 22 (1) board [~~commission~~] rules and applicable state  
23 laws;
- 24 (2) field note taking and report writing; and
- 25 (3) any other topics of security officer training  
26 curriculum the board [~~commission~~] considers necessary.

27 (e) The board [~~commission~~] shall develop a commissioned

1 security officer training manual that contains applicable state  
2 laws and board [~~commission~~] rules to be used in the instruction and  
3 training of commissioned security officers.

4 (f) The board [~~commission~~] shall adopt rules necessary to  
5 administer the provisions of this section concerning the training  
6 requirements of this chapter.

7 (i) The board [~~commission~~] by rule shall establish minimum  
8 standards for handgun proficiency that are at least as stringent as  
9 the standards for handgun proficiency developed by the public  
10 safety director under Section 411.188, Government Code.

11 SECTION 4.53. Section 1702.168, Occupations Code, is  
12 amended to read as follows:

13 Sec. 1702.168. FIREARM REQUIREMENTS. (a) In addition to  
14 the requirements of Section 1702.163(a), the board [~~commission~~] by  
15 rule shall establish other qualifications for individuals who are  
16 employed in positions requiring the carrying of firearms. The  
17 qualifications may include:

- 18 (1) physical and mental standards;  
19 (2) standards of good moral character; and  
20 (3) other requirements that relate to the competency  
21 and reliability of individuals to carry firearms.

22 (b) The board [~~commission~~] shall prescribe appropriate  
23 forms and adopt rules by which evidence is presented that the  
24 requirements are fulfilled.

25 SECTION 4.54. Sections 1702.1685(b) and (d), Occupations  
26 Code, are amended to read as follows:

27 (b) Only a board-approved [~~commission-approved~~] instructor

1 may administer the handgun proficiency examination.

2 (d) The school shall maintain the records of the required  
3 proficiency and make the records available for inspection by the  
4 board [~~commission~~].

5 SECTION 4.55. Section 1702.171, Occupations Code, is  
6 amended to read as follows:

7 Sec. 1702.171. SECURITY OFFICER COMMISSION RECORDS. The  
8 board [~~commission~~] shall adopt rules for the maintenance of records  
9 relating to an individual to whom the board [~~commission~~] has issued  
10 a security officer commission.

11 SECTION 4.56. Section 1702.183, Occupations Code, is  
12 amended to read as follows:

13 Sec. 1702.183. APPLICATION FOR LETTER OF AUTHORITY. A  
14 security department of a private business or of a political  
15 subdivision that applies for a security officer commission for an  
16 individual employed by the security department must submit an  
17 application to the board [~~commission~~] for a letter of authority on a  
18 form provided by the board [~~commission~~].

19 SECTION 4.57. The heading to Subchapter I, Chapter 1702,  
20 Occupations Code, is amended to read as follows:

21 SUBCHAPTER I. PERSONAL PROTECTION OFFICER ENDORSEMENT  
22 [~~AUTHORIZATION~~] REQUIREMENTS

23 SECTION 4.58. Section 1702.203, Occupations Code, is  
24 amended to read as follows:

25 Sec. 1702.203. APPLICATION FOR PERSONAL PROTECTION OFFICER  
26 ENDORSEMENT [~~AUTHORIZATION~~]. An applicant for a personal  
27 protection officer endorsement [~~authorization~~] must submit a

1 written application on a form prescribed by the board [~~commission~~].

2 SECTION 4.59. Section 1702.204, Occupations Code, is  
3 amended to read as follows:

4 Sec. 1702.204. PERSONAL PROTECTION OFFICER ENDORSEMENT  
5 [~~AUTHORIZATION~~]; QUALIFICATIONS. (a) An applicant for a personal  
6 protection officer endorsement [~~authorization~~] must be at least 21  
7 years of age and must provide:

8 (1) a certificate of completion of the basic security  
9 officer training course;

10 (2) proof that the applicant:

11 (A) has been issued a security officer  
12 commission;

13 (B) is employed at the time of application by an  
14 investigations company or guard company licensed by the board  
15 [~~commission~~]; and

16 (C) has completed the required training in  
17 nonlethal self-defense or defense of a third person; and

18 (3) proof of completion and the results of the  
19 Minnesota Multiphasic Personality Inventory psychological testing.

20 (b) The board [~~commission~~] by rule shall require an  
21 applicant for a personal protection officer endorsement  
22 [~~authorization~~] to complete the Minnesota Multiphasic Personality  
23 Inventory test. The board [~~commission~~] may use the results of the  
24 test to evaluate the applicant's psychological fitness.

25 SECTION 4.60. Section 1702.205(a), Occupations Code, is  
26 amended to read as follows:

27 (a) The board [~~commission~~] shall establish a 15-hour course



1 for a personal protection officer consisting of training in  
2 nonlethal self-defense or defense of a third person.

3 SECTION 4.61. Section 1702.221, Occupations Code, is  
4 amended to read as follows:

5 Sec. 1702.221. REGISTRATION AND ENDORSEMENT REQUIRED. (a)  
6 To perform any activity regulated by this chapter, the individual  
7 must:

8 (1) register in accordance with the requirements of  
9 this chapter and related administrative rules;

10 (2) obtain the proper endorsement under Subsection  
11 (b); and

12 (3) be employed by a company licensed under this  
13 chapter.

14 (b) An individual must obtain the appropriate endorsement  
15 [register] in accordance with the requirements of this chapter and  
16 related administrative rules if the individual:

17 (1) is employed as:

18 (A) an alarm instructor;

19 (B) an alarm systems installer;

20 (C) an [ ] alarm systems monitor;

21 (D) an [ ] electronic access control device  
22 installer;

23 (E) a level 3 classroom or firearm instructor;

24 (F) a [ ] locksmith;

25 (G) a [ ] dog trainer;

26 (H) a [ ] manager or branch office manager;

27 (I) a [ ] noncommissioned security officer;

1                   (J) a level 4 personal protection instructor;

2                   (K) a [7] private investigator;

3                   (L) a [7] private security consultant;

4                   (M) a [~~7~~] security salesperson; or

5                   (N) an individual whose duties include  
6 performing another activity for which an endorsement is required  
7 under Subsection (e); or

8                   (2) is an owner who oversees the security-related  
9 aspects of the business, officer, partner, or shareholder of a  
10 license holder.

11                  (c) [~~(b)~~] Registration and endorsement under this chapter  
12 does not preclude an individual from performing additional duties  
13 or services authorized by the individual's employer that are not  
14 regulated by this chapter. An individual who performs more than one  
15 of the services that require an endorsement under this section must  
16 obtain an endorsement for each service.

17                  (d) In addition to the services listed in Subsection (b), a  
18 person holding a security officer commission must also obtain an  
19 endorsement for personal protection if the individual performs the  
20 services described by Section 1702.202.

21                  (e) The board by rule may require a person to hold an  
22 endorsement for performing other activity expressly regulated by  
23 this chapter.

24                  SECTION 4.62. Section 1702.2226(b), Occupations Code, is  
25 amended to read as follows:

26                  (b) A person registered as an electronic access control  
27 device installer may not install alarm systems unless the person

1 holds an endorsement [~~is registered~~] under this chapter as an alarm  
2 systems installer.

3 SECTION 4.63. The heading to Subchapter J, Chapter 1702,  
4 Occupations Code, is amended to read as follows:

5 SUBCHAPTER J. REGISTRATION AND ENDORSEMENT REQUIREMENTS;  
6 [~~REGISTRANT~~] DUTIES OF REGISTRANT AND ENDORSEMENT HOLDER

7 SECTION 4.64. Section 1702.228, Occupations Code, is  
8 amended to read as follows:

9 Sec. 1702.228. EMPLOYEE OF LICENSE HOLDER; REGISTRATION  
10 PERMITTED. An employee of a license holder who is employed in a  
11 capacity that is not subject to mandatory registration under this  
12 subchapter may register with the board [~~commission~~].

13 SECTION 4.65. The heading to Section 1702.230, Occupations  
14 Code, is amended to read as follows:

15 Sec. 1702.230. APPLICATION FOR REGISTRATION OR  
16 ENDORSEMENT.

17 SECTION 4.66. Section 1702.230(a), Occupations Code, is  
18 amended to read as follows:

19 (a) An application for registration or endorsement must be  
20 verified and include:

21 (1) the applicant's full name, residence address,  
22 residence telephone number, date and place of birth, and social  
23 security number;

24 (2) a statement that:

25 (A) lists each name used by the applicant, other  
26 than the name by which the applicant is known at the time of  
27 application, and an explanation stating each place where each name

1 was used, the date of each use, and a full explanation of the  
2 reasons the name was used; or

3 (B) states that the applicant has never used a  
4 name other than the name by which the applicant is known at the time  
5 of application;

6 (3) the name and address of the applicant's employer  
7 and, if applicable, the applicant's consulting firm;

8 (4) the date the employment commenced;

9 (5) a letter from the license holder requesting that  
10 the applicant be registered or endorsed;

11 (6) the title of the position occupied by the  
12 applicant and a description of the applicant's duties; and

13 (7) any other information, evidence, statement, or  
14 document required by the board [~~commission~~].

15 SECTION 4.67. Section 1702.2305, Occupations Code, is  
16 amended to read as follows:

17 Sec. 1702.2305. PROVISIONAL REGISTRATION. (a) The board  
18 [~~commission~~] may issue a provisional registration to an applicant  
19 currently registered in another jurisdiction who seeks an  
20 equivalent registration in this state and who:

21 (1) has been registered in good standing in the field  
22 in which the registration is sought for at least two years in  
23 another jurisdiction, including a foreign country, that has  
24 registration requirements substantially equivalent to the  
25 requirements of this chapter;

26 (2) has passed a national or other examination  
27 recognized by the board [~~commission~~] relating to practice in the

1 field in which the registration is sought; and

2 (3) is employed by a person licensed by the board  
3 [~~commission~~] under this chapter with whom the provisional  
4 registration holder will practice during the time the person holds  
5 a provisional registration.

6 (b) A provisional registration is valid until the date the  
7 board [~~commission~~] approves or denies the provisional registration  
8 holder's application for a registration. The board [~~commission~~]  
9 shall issue a registration under this chapter to the provisional  
10 registration holder if the provisional registration holder is  
11 eligible to be registered under this chapter.

12 (c) The board [~~commission~~] must approve or deny a  
13 provisional registration holder's application for a registration  
14 not later than the 180th day after the date the provisional  
15 registration is issued. The board [~~commission~~] may extend the  
16 180-day period if the results of an examination have not been  
17 received by the board [~~commission~~] before the end of that period.

18 (d) The board [~~commission~~] may establish a fee for  
19 provisional registration in an amount reasonable and necessary to  
20 cover the cost of issuing the registration.

21 SECTION 4.68. Section 1702.232, Occupations Code, is  
22 amended to read as follows:

23 Sec. 1702.232. POCKET CARDS. (a) The board [~~commission~~]  
24 shall issue a pocket card for each registrant under this chapter. A  
25 pocket card for an owner, officer, partner, or shareholder of a  
26 license holder shall be issued to the license holder.

27 (b) The board [~~commission~~] shall determine the size,

1 design, and content of the pocket card.

2 (c) The pocket card must:

3 (1) state the name of the registrant;

4 (2) contain a color photograph, affixed to the pocket  
5 card by the board at the time the card is issued, and the signature  
6 of the registrant; ~~and~~

7 (3) state the date the card was issued and the card's  
8 expiration date; and

9 (4) state each endorsement held by the registrant and  
10 the date the endorsement expires.

11 SECTION 4.69. Section 1702.234, Occupations Code, is  
12 amended to read as follows:

13 Sec. 1702.234. REGISTRATION AND ENDORSEMENT TRANSFER. A  
14 registrant may transfer the registrant's registration and  
15 endorsements from one employer to another employer if, not later  
16 than the 14th day after the date the registrant begins the new  
17 employment, the new employer notifies the board ~~[commission]~~ of the  
18 transfer of employment on a form prescribed by the board  
19 ~~[commission]~~ accompanied by payment of the employee information  
20 update fee.

21 SECTION 4.70. Section 1702.235, Occupations Code, is  
22 amended to read as follows:

23 Sec. 1702.235. PREEMPLOYMENT CHECK FOR NONCOMMISSIONED  
24 SECURITY OFFICERS. A person may not hire a noncommissioned  
25 security officer unless the person conducts a preemployment check  
26 as required by board ~~[commission]~~ rule.

27 SECTION 4.71. Section 1702.236, Occupations Code, is

1 amended to read as follows:

2           Sec. 1702.236. EXAMINATION AND TRAINING REQUIREMENTS FOR  
3 ELECTRONIC ACCESS CONTROL DEVICE INSTALLERS. (a) The board  
4 [~~commission~~] shall require an individual who applies for an  
5 endorsement [~~registration~~] as an electronic access control device  
6 installer to pass an examination given by the board [~~commission~~] or  
7 a person approved by the board [~~commission~~]. The examination must  
8 cover material related to access control.

9           (b) [~~(c)~~] On and after September 1, 2005, the board  
10 [~~commission~~] by rule may allow an electronic access control device  
11 installer to obtain or renew an endorsement [~~a certificate of~~  
12 ~~registration~~] by fulfilling the requirements of a board-approved  
13 [~~commission-approved~~], industry-based educational training  
14 program.

15           SECTION 4.72. Sections 1702.239(a), (b), and (d),  
16 Occupations Code, are amended to read as follows:

17           (a) The board [~~commission~~] may require that an individual  
18 employed as an alarm systems installer or security salesperson hold  
19 a certification by a board-approved [~~commission-approved~~] training  
20 program to renew an endorsement [~~an initial registration~~]. The  
21 board [~~commission~~] may approve only nationally recognized training  
22 programs that consist of at least 16 hours of classroom study in the  
23 areas of work allowed by the endorsement [~~registration~~]. To be  
24 approved, a training program must offer at least two certification  
25 programs each year, sufficient to complete the requirements of this  
26 subsection, within 100 miles of each county in the state that has a  
27 population of more than 500,000.

1           (b) The board [~~commission~~] may require an individual who has  
2 completed a training program under Subsection (a) to pass an  
3 examination given by the board [~~commission~~] or by a person approved  
4 by the board [~~commission~~]. The board [~~commission~~] may approve  
5 examinations in conjunction with training programs approved under  
6 Subsection (a). The individual's performance on the examination  
7 must demonstrate the individual's qualifications to perform the  
8 duties allowed by the individual's endorsement [~~registration~~].

9           (d) If the board [~~commission~~] requires certification or  
10 examination under this section, the board [~~commission~~] shall  
11 implement rules to require that to renew an endorsement [~~a~~  
12 ~~registration~~], an individual who is employed as an alarm systems  
13 installer or a security salesperson and who has already once  
14 renewed the endorsement [~~registration~~] must obtain continuing  
15 education credits related to the line of work for which the  
16 individual is licensed. If the board [~~commission~~] requires the  
17 continuing education, the chief administrator [~~director~~] must  
18 approve classes offered by nationally recognized organizations,  
19 and participants in the classes must qualify according to board  
20 [~~commission~~] rules.

21           SECTION 4.73. Section 1702.240(b), Occupations Code, is  
22 amended to read as follows:

23           (b) An employee of a license holder who is employed  
24 exclusively as an undercover agent is not required to register with  
25 the board [~~commission~~].

26           SECTION 4.74. Subchapter J, Chapter 1702, Occupations Code,  
27 is amended by adding Section 1702.241 to read as follows:



1       Sec. 1702.241. JURISPRUDENCE EXAMINATION. (a) The board  
2 may develop and administer at least twice each calendar year a  
3 jurisprudence examination to determine the knowledge that an  
4 applicant for an endorsement has of this chapter, board rules, and  
5 any other applicable laws of this state affecting the applicant's  
6 activities regulated under this chapter.

7       (b) Before the board may administer a jurisprudence  
8 examination under this section, the board shall adopt rules to  
9 implement this section, including rules related to the development  
10 and administration of the examination, examination fees,  
11 guidelines for reexamination, grading the examination, and  
12 providing notice of examination results. The board may design  
13 different examinations for different types of endorsements.

14       SECTION 4.75. Sections 1702.282(c) and (e), Occupations  
15 Code, are amended to read as follows:

16       (c) A license, registration, security officer commission,  
17 letter of approval, permit, endorsement, or certification issued by  
18 the board is conditional on the board's receipt of criminal history  
19 record information.

20       (e) On receipt of notice that a check of the applicant's  
21 criminal record has uncovered an unresolved and potentially  
22 disqualifying arrest that occurred before the 10th anniversary of  
23 the date the application is filed, the applicant must provide a  
24 letter of reference from the county sheriff, prosecuting attorney,  
25 or judge of the county in which the applicant was arrested stating  
26 that a record of a disposition related to the arrest does not exist,  
27 and to the best of the county sheriff's, prosecuting attorney's, or

1 judge's knowledge the applicant is free of any disqualifying  
2 convictions. If the applicant fails to provide either the letter of  
3 reference or documentary proof of the final disposition of the  
4 arrest, the application is considered incomplete and the applicant  
5 may not be issued a license, commission, endorsement, or  
6 certificate of registration under this chapter.

7 SECTION 4.76. Section 1702.283, Occupations Code, is  
8 amended to read as follows:

9 Sec. 1702.283. CRUELTY TO ANIMALS. A person who has been  
10 convicted of cruelty to animals under Section 42.09 or 42.092,  
11 Penal Code:

12 (1) is ineligible for a license as a guard dog company  
13 or for endorsement [~~registration~~] as a dog trainer; and

14 (2) may not be employed to work with dogs as a security  
15 officer by a security services contractor or security department of  
16 a private business that uses dogs to protect individuals or  
17 property or to conduct investigations.

18 SECTION 4.77. Section 1702.285, Occupations Code, is  
19 amended to read as follows:

20 Sec. 1702.285. FALSE REPRESENTATION. A person may not  
21 represent falsely that the person:

22 (1) is employed by a license holder; or

23 (2) is licensed, registered, endorsed, or  
24 commissioned under this chapter.

25 SECTION 4.78. Sections 1702.301(c), (d), (e), (f), (g), and  
26 (h), Occupations Code, are amended to read as follows:

27 (c) A personal protection officer endorsement

1 [~~authorization~~] expires on the expiration date of the security  
2 officer commission under which the individual's endorsement  
3 [~~authorization~~] is issued.

4 (d) Endorsement [~~Registration~~] as a private investigator,  
5 manager, branch office manager, alarm systems installer, security  
6 consultant, security salesperson, alarm systems monitor, or dog  
7 trainer expires on the second anniversary of the date of  
8 endorsement [~~registration~~].

9 (e) Endorsement [~~Registration~~] as an owner, officer,  
10 partner, or shareholder of a license holder expires on the second  
11 anniversary of the date of endorsement [~~registration~~].

12 (f) Endorsement [~~Registration~~] as a noncommissioned  
13 security officer expires on the second anniversary of the date of  
14 endorsement [~~registration~~].

15 (g) A letter of authority, or a school approval or school  
16 instructor approval letter issued by the board [~~commission~~],  
17 expires on the first anniversary of the date of issuance.

18 (h) A license, ~~or~~ registration, or endorsement issued  
19 under this chapter, other than one specified in this section,  
20 expires on the date specified by this chapter or by board  
21 [~~commission~~] rule.

22 SECTION 4.79. Section 1702.302, Occupations Code, is  
23 amended to read as follows:

24 Sec. 1702.302. LICENSE RENEWAL. (a) A person who is  
25 otherwise eligible to renew a license may renew an unexpired  
26 license by paying the required renewal fee to the board  
27 [~~commission~~] before the expiration date of the license. A person

1 whose license has expired may not engage in activities that require  
2 a license until the license has been renewed.

3 (b) A person whose license has been expired for 90 days or  
4 less may renew the license by paying to the board [~~commission~~] a  
5 renewal fee that is equal to 1-1/2 times the normally required  
6 renewal fee.

7 (c) A person whose license has been expired for longer than  
8 90 days but less than one year may renew the license by paying to the  
9 board [~~commission~~] a renewal fee that is equal to two times the  
10 normally required renewal fee.

11 (d) A person whose license has been expired for one year or  
12 more may not renew the license. The person may obtain a new license  
13 by complying with the requirements and procedures, including the  
14 examination requirements, for obtaining an original license.

15 (e) Not later than the 30th day before the date a person's  
16 license is scheduled to expire, the board [~~commission~~] shall send  
17 written notice of the impending expiration to the person at the  
18 person's last known address according to the board's [~~commission's~~]  
19 records.

20 SECTION 4.80. Section 1702.303, Occupations Code, is  
21 amended to read as follows:

22 Sec. 1702.303. RENEWAL OF EXPIRED LICENSE BY OUT-OF-STATE  
23 PRACTITIONER. A person who was licensed in this state, moved to  
24 another state, and is currently licensed and has been in practice in  
25 the other state for the two years preceding the date the person  
26 applies for renewal may obtain a new license without reexamination.  
27 The person must pay to the board [~~commission~~] a fee that is equal to

1 two times the normally required renewal fee for the license.

2 SECTION 4.81. Section 1702.304, Occupations Code, is  
3 amended to read as follows:

4 Sec. 1702.304. STAGGERED RENEWAL; PRORATION OF LICENSE FEE.

5 The board [~~commission~~] by rule may adopt a system under which  
6 licenses expire on various dates during the year. For the year in  
7 which the expiration date of a license is changed, the board  
8 [~~commission~~] shall prorate license fees on a monthly basis so that  
9 each license holder pays only that portion of the license fee that  
10 is allocable to the number of months during which the license is  
11 valid. On renewal of the license on the new expiration date, the  
12 total license renewal fee is payable.

13 SECTION 4.82. Section 1702.307, Occupations Code, is  
14 amended to read as follows:

15 Sec. 1702.307. REGISTRATION RENEWAL. (a) An individual  
16 who is otherwise eligible to renew a registration may renew an  
17 unexpired registration by paying the required renewal fee to the  
18 board [~~commission~~] before the expiration date of the registration.  
19 An individual whose registration has expired may not engage in  
20 activities that require a registration until the registration has  
21 been renewed.

22 (b) An individual whose registration has been expired for 90  
23 days or less may renew the registration by paying to the board  
24 [~~commission~~] a renewal fee that is equal to 1-1/2 times the normally  
25 required renewal fee.

26 (c) An individual whose registration has been expired for  
27 more than 90 days but less than one year may renew the registration

1 by paying to the board [~~commission~~] a renewal fee that is equal to  
2 two times the normally required renewal fee.

3 (d) An individual whose registration has been expired for  
4 one year or more may not renew the registration. The individual may  
5 obtain a new registration by complying with the requirements and  
6 procedures, including any examination required by the board  
7 [~~commission~~], for obtaining an original registration.

8 (e) An individual who was registered in this state, moved to  
9 another state, and is currently registered and has been in practice  
10 in the other state for the two years preceding the date of  
11 application may obtain a new registration without reexamination.  
12 The individual must pay to the board [~~commission~~] a fee that is  
13 equal to two times the normally required renewal fee for the  
14 registration.

15 (f) Not later than the 30th day before the expiration date  
16 of an individual's registration, the board [~~commission~~] shall send  
17 written notice of the impending expiration to the individual at the  
18 individual's last known address according to board [~~commission~~]  
19 records.

20 SECTION 4.83. Sections 1702.308(b) and (c), Occupations  
21 Code, are amended to read as follows:

22 (b) The board [~~commission~~] shall recognize, prepare, or  
23 administer continuing education programs for license holders,  
24 commissioned security officers, and endorsement holders  
25 [~~registrants~~]. The board [~~commission~~] shall set the minimum number  
26 of hours that must be completed and the types of programs that may  
27 be offered.

1           (c) A license holder, commissioned security officer, or  
2 endorsement holder [~~registrant~~] must participate in the programs to  
3 the extent required by the board [~~commission~~] to keep the person's  
4 license, commission, or endorsement [~~registration~~]. A license  
5 holder, commissioned security officer, or endorsement holder  
6 [~~registrant~~] shall submit evidence of compliance with the board's  
7 [~~commission's~~] continuing education requirements in a manner  
8 prescribed by the board [~~commission~~].

9           SECTION 4.84. Section 1702.309(a), Occupations Code, is  
10 amended to read as follows:

11           (a) The board [~~commission~~] by rule shall develop a  
12 continuing education course required for renewal of a security  
13 officer commission. Only a board-approved [~~commission-approved~~]  
14 instructor may administer the continuing education course. The  
15 course must include at least six hours of instruction determined by  
16 the chief administrator [~~director~~] of the board [~~commission~~].

17           SECTION 4.85. Sections 1702.321(b), (c), and (e),  
18 Occupations Code, are amended to read as follows:

19           (b) The provisions of this chapter relating to security  
20 officer commissions apply to a person employed by a political  
21 subdivision whose duties include serving as a security guard,  
22 security watchman, or security patrolman on property owned or  
23 operated by the political subdivision if the governing body of the  
24 political subdivision files a written request with the board  
25 [~~commission~~] for the board [~~commission~~] to issue a commission to  
26 the political subdivision's employees with those duties.

27           (c) The board [~~commission~~] may not charge a fee for issuing

1 a commission to an officer under Subsection (b). The board  
2 [~~commission~~] shall issue to the officer a pocket card designating  
3 the political subdivision that employs the officer.

4 (e) The board [~~commission~~] may approve a security officer  
5 training program conducted by the political subdivision in  
6 accordance with Sections 1702.1675 and 1702.168.

7 SECTION 4.86. Section 1702.324(b), Occupations Code, is  
8 amended to read as follows:

9 (b) This chapter does not apply to:

10 (1) a manufacturer or a manufacturer's authorized  
11 distributor while selling equipment intended for resale;

12 (2) a person engaged exclusively in the business of  
13 obtaining and providing information to:

14 (A) determine creditworthiness;

15 (B) collect debts; or

16 (C) ascertain the reliability of information  
17 provided by an applicant for property, life, or disability  
18 insurance or an indemnity or surety bond;

19 (3) a person engaged exclusively in the business of  
20 repossessing property that is secured by a mortgage or other  
21 security interest;

22 (4) a person who is engaged in the business of  
23 psychological testing or other testing and interviewing services,  
24 including services to determine attitudes, honesty, intelligence,  
25 personality, and skills, for preemployment purposes;

26 (5) a person who:

27 (A) is engaged in obtaining information that is a



1 public record under Chapter 552, Government Code, regardless of  
2 whether the person receives compensation;

3 (B) is not a full-time employee, as defined by  
4 Section 61.001, Labor Code, of a person licensed under this  
5 chapter; and

6 (C) does not perform any other act that requires  
7 a license under this chapter;

8 (6) a licensed engineer practicing engineering or  
9 directly supervising engineering practice under Chapter 1001,  
10 including forensic analysis, burglar alarm system engineering, and  
11 necessary data collection;

12 (7) an employee of a cattle association who inspects  
13 livestock brands under the authority granted to the cattle  
14 association by the Grain Inspection, Packers and Stockyards  
15 Administration of the United States Department of Agriculture;

16 (8) a landman performing activities in the course and  
17 scope of the landman's business;

18 (9) an attorney while engaged in the practice of law;

19 (10) a person who obtains a document for use in  
20 litigation under an authorization or subpoena issued for a written  
21 or oral deposition;

22 (11) an admitted insurer, insurance adjuster, agent,  
23 or insurance broker licensed by the state, performing duties in  
24 connection with insurance transacted by that person;

25 (12) a person who on the person's own property or on  
26 property owned or managed by the person's employer:

27 (A) installs, changes, or repairs a mechanical

1 security device;

2 (B) repairs an electronic security device; or

3 (C) cuts or makes a key for a security device;

4 (13) security personnel, including security contract  
5 personnel, working at a commercial nuclear power plant licensed by  
6 the United States Nuclear Regulatory Commission;

7 (14) a person or firm licensed as an accountant or  
8 accounting firm under Chapter 901, an owner of an accounting firm,  
9 or an employee of an accountant or accounting firm while performing  
10 services regulated under Chapter 901; ~~or~~

11 (15) a retailer, wholesaler, or other person who sells  
12 mechanical security devices, including locks and deadbolts, but who  
13 does not:

14 (A) service mechanical security devices for the  
15 public outside of the person's premises; or

16 (B) claim to act as a locksmith; or

17 (16) an employee while performing investigative  
18 services that would otherwise be subject to this chapter for an  
19 entity regulated by the:

20 (A) Texas Department of Insurance;

21 (B) Office of Thrift Supervision;

22 (C) Securities and Exchange Commission;

23 (D) Federal Deposit Insurance Corporation;

24 (E) National Association of Securities Dealers;

25 or

26 (F) Financial Industry Regulatory Authority.

27 SECTION 4.87. Section 1702.361(b), Occupations Code, is

1 amended to read as follows:

2 (b) The department shall take disciplinary action described  
3 by Subsection (a) on proof:

4 (1) that the applicant, license holder, registrant,  
5 endorsement holder, or commissioned security officer has:

6 (A) violated this chapter or a rule adopted under  
7 this chapter;

8 (B) become ineligible for licensure, ~~[or]~~  
9 registration, or endorsement under Section 1702.113, or a  
10 commission under Section 1702.163, if applicable, other than an  
11 action for which the department has taken summary action under  
12 Section 1702.364;

13 (C) engaged in fraud, deceit, or  
14 misrepresentation;

15 (D) made a material misstatement in an  
16 application for or renewal of a license, registration, endorsement,  
17 or commission; ~~[or]~~

18 (E) failed to pay in full an administrative  
19 penalty assessed under Subchapter Q, for which the board has issued  
20 a final order; or

21 (F) performed any service for which an  
22 endorsement is required under this chapter and either:

23 (i) was not employed with a company  
24 licensed under this chapter at the time the service was performed;  
25 or

26 (ii) performed the service for a company  
27 licensed under this chapter that was not listed on the individual's

1 registration without informing the board of the individual's  
2 employment with the company within a reasonable period; or

3 (2) that the license holder of a registrant or  
4 commissioned security officer has submitted to the department  
5 sufficient evidence that the registrant or commissioned security  
6 officer:

7 (A) engaged in fraud or deceit while employed by  
8 the license holder; or

9 (B) committed theft while performing work as a  
10 registrant or commissioned security officer.

11 SECTION 4.88. Section 1702.362, Occupations Code, is  
12 amended to read as follows:

13 Sec. 1702.362. FAILURE TO FILE REQUIRED NOTICE. The board  
14 [~~commission~~] may suspend or revoke a license if the license holder  
15 fails to notify the board [~~commission~~] as required by Section  
16 1702.121 that a manager has ceased to be the manager of the license  
17 holder.

18 SECTION 4.89. Section 1702.363, Occupations Code, is  
19 amended to read as follows:

20 Sec. 1702.363. APPLICATION OF ADMINISTRATIVE PROCEDURE  
21 ACT. Except as provided by Sections 1702.3615(b) and 1702.364, a  
22 person regulated under this chapter against whom the board  
23 [~~commission~~] has taken action is entitled to a hearing before the  
24 State Office of Administrative Hearings. A proceeding under this  
25 section is a contested case that is governed by Chapter 2001,  
26 Government Code.

27 SECTION 4.90. Sections 1702.364(a), (d), (f), and (h),

1 Occupations Code, are amended to read as follows:

2 (a) On receiving written notice from a law enforcement  
3 agency that a person has been charged with or convicted of an  
4 offense that would make the person ineligible for a license,  
5 certificate of registration, endorsement, or security officer  
6 commission under Section 1702.113 or 1702.163, the department  
7 shall:

8 (1) summarily deny the person's application for a  
9 license, registration, endorsement, or security officer  
10 commission;

11 (2) in the event of pending charges, summarily suspend  
12 the person's license, certificate of registration, endorsement, or  
13 security officer commission; or

14 (3) in the event of a conviction, summarily revoke the  
15 person's license, certificate of registration, endorsement, or  
16 security officer commission.

17 (d) At a preliminary hearing, the person must show cause  
18 why:

19 (1) the application should not have been denied;

20 (2) the registration, license, endorsement, or  
21 security officer commission should not have been suspended; or

22 (3) the registration, license, endorsement, or  
23 commission should not have been revoked.

24 (f) The dismissal of a complaint, information, or  
25 indictment or an acquittal releases the person from automatic  
26 grounds for a summary denial of an application or summary  
27 suspension of a registration, endorsement, or security officer

1 commission under this section. A conviction for the offense giving  
2 rise to a summary suspension is automatic grounds for immediate,  
3 summary revocation.

4 (h) The administrative law judge shall make findings of fact  
5 and conclusions of law regarding the person's eligibility for a  
6 license, registration, or endorsement under this section and  
7 promptly issue to the board a proposal for a decision.

8 SECTION 4.91. Section 1702.365, Occupations Code, is  
9 amended to read as follows:

10 Sec. 1702.365. ABDUCTION OF CHILD. The board [~~commission~~]  
11 shall revoke a person's license, registration, endorsement, or  
12 security officer commission or deny a person's application for, or  
13 renewal of, a license, registration, endorsement, or security  
14 officer commission on proof that the person or an agent of the  
15 person has, after the date of application for a license,  
16 registration, endorsement, or security officer commission,  
17 abducted or attempted to abduct by force or the threat of force or  
18 by misrepresentation, stealth, or unlawful entry a child who at the  
19 time of the abduction or attempt is under the care and control of a  
20 person who:

21 (1) has custody or physical possession of the child  
22 under a court order; or

23 (2) is exercising the care and control with the  
24 consent of a person who has custody or physical possession of the  
25 child under a court order.

26 SECTION 4.92. Sections 1702.367(c), (d), and (e),  
27 Occupations Code, are amended to read as follows:

1 (c) A person required to testify or to produce a record or  
2 document on any matter properly under inquiry by the board  
3 [~~commission~~] who refuses to testify or to produce the record or  
4 document on the ground that the testimony or the production of the  
5 record or document would incriminate or tend to incriminate the  
6 person is nonetheless required to testify or to produce the record  
7 or document. A person who is required to testify or to produce a  
8 record or document under this subsection is not subject to  
9 indictment or prosecution for a transaction, matter, or thing  
10 concerning which the person truthfully testifies or produces  
11 evidence.

12 (d) If a witness refuses to obey a subpoena or to give  
13 evidence relevant to proper inquiry by the board [~~commission~~], the  
14 board [~~commission~~] may petition a district court of the county in  
15 which the hearing is held to compel the witness to obey the subpoena  
16 or to give the evidence. The court shall immediately issue process  
17 to the witness and shall hold a hearing on the petition as soon as  
18 possible.

19 (e) An investigator employed by the board [~~commission~~] may  
20 take statements under oath in an investigation of a matter covered  
21 by this chapter.

22 SECTION 4.93. Section 1702.368, Occupations Code, is  
23 amended to read as follows:

24 Sec. 1702.368. NOTIFICATION OF CONVICTION FOR CERTAIN  
25 OFFENSES. The department [~~Texas Department of Public Safety~~] shall  
26 notify the board [~~commission~~] and the police department of the  
27 municipality and the sheriff's department of the county in which a

1 person licensed, registered, or commissioned under this chapter  
2 resides of the conviction of the person for a Class B misdemeanor or  
3 equivalent offense or a greater offense.

4 SECTION 4.94. Subchapter O, Chapter 1702, Occupations Code,  
5 is amended by adding Section 1702.372 to read as follows:

6 Sec. 1702.372. RECUSAL OF BOARD MEMBER. (a) A board member  
7 who participated in the investigation of a complaint or in informal  
8 settlement negotiations regarding the complaint:

9 (1) may not vote on the matter at a board meeting  
10 related to the complaint; and

11 (2) shall state at the meeting the reason for which the  
12 member is prohibited from voting on the matter.

13 (b) A statement under Subsection (a)(2) shall be entered  
14 into the minutes of the meeting.

15 SECTION 4.95. Section 1702.381(b), Occupations Code, is  
16 amended to read as follows:

17 (b) A person who contracts with or employs a person who is  
18 required to hold a license, [~~certificate of~~] registration,  
19 endorsement, or security officer commission under this chapter  
20 knowing that the person does not hold the required license,  
21 registration, endorsement [~~certificate~~], or commission or who  
22 otherwise, at the time of contract or employment, is in violation of  
23 this chapter may be assessed a civil penalty to be paid to the state  
24 in an amount not to exceed \$10,000 for each violation.

25 SECTION 4.96. Section 1702.386(a), Occupations Code, is  
26 amended to read as follows:

27 (a) A person commits an offense if the person contracts with



1 or employs a person who is required to hold a license, registration,  
2 endorsement [~~certificate~~], or commission under this chapter  
3 knowing that the person does not hold the required license,  
4 registration, endorsement [~~certificate~~], or commission or who  
5 otherwise, at the time of contract or employment, is in violation of  
6 this chapter.

7 SECTION 4.97. Section 1702.3863(a), Occupations Code, is  
8 amended to read as follows:

9 (a) A person commits an offense if the person contracts with  
10 or is employed by a bail bond surety as defined by Chapter 1704 to  
11 secure the appearance of a person who has violated Section 38.10,  
12 Penal Code, unless the person is:

13 (1) a peace officer;

14 (2) an individual endorsed or licensed as a private  
15 investigator or the manager of a licensed investigations company;  
16 or

17 (3) a commissioned security officer employed by a  
18 licensed guard company.

19 SECTION 4.98. Section 1702.387(a), Occupations Code, is  
20 amended to read as follows:

21 (a) A person commits an offense if the person fails to  
22 surrender or immediately return to the board [~~commission~~] the  
23 person's registration, commission, pocket card, or other  
24 identification issued to the person by the board [~~commission~~] on  
25 notification of a summary suspension or summary denial under  
26 Section 1702.364.

27 SECTION 4.99. Section 1702.388(b), Occupations Code, is

1 amended to read as follows:

2 (b) An offense under this section is a Class A misdemeanor,  
3 except that the offense is a felony of the third degree if the  
4 person has previously been convicted under this chapter of failing  
5 to hold a license, registration, endorsement, certificate, or  
6 commission that the person is required to hold under this chapter.

7 SECTION 4.100. Section 1702.402, Occupations Code, is  
8 amended by amending Subsection (a) and adding Subsection (c) to  
9 read as follows:

10 (a) Each day a violation continues or occurs is a separate  
11 violation for purposes of imposing a penalty. The amount of each  
12 separate violation may not exceed \$5,000 [~~\$500~~].

13 (c) The board by rule shall develop a standardized penalty  
14 schedule based on the criteria listed in Subsection (b).

15 SECTION 4.101. Section 1702.406(b), Occupations Code, is  
16 amended to read as follows:

17 (b) The notice of the board's order given to the person must  
18 include a statement of the right of the person to judicial review of  
19 the order. Judicial review is under the substantial evidence rule  
20 as provided by Subchapter G, Chapter 2001, Government Code.

21 SECTION 4.102. The following provisions of the Occupations  
22 Code are repealed:

23 (1) Section 1702.002(4);

24 (2) Section 1702.003;

25 (3) Section 1702.045;

26 (4) Section 1702.046;

27 (5) Section 1702.065;

- 1           (6) Section 1702.069;
- 2           (7) Section 1702.113(e);
- 3           (8) Section 1702.364(j); and
- 4           (9) Subchapter K.

5           SECTION 4.103. (a) Not later than January 1, 2010, the  
6 Texas Private Security Board and the Department of Public Safety  
7 shall adopt the rules required by or under Section 1702.062,  
8 Occupations Code, as amended by this article. The fee schedule in  
9 effect under Section 1702.062, Occupations Code, before the  
10 effective date of this article is continued in effect until new fees  
11 are adopted under Section 1702.062, Occupations Code, as amended by  
12 this article.

13           (b) The requirement to pass a jurisprudence examination  
14 under Section 1702.241, Occupations Code, as added by this article,  
15 applies only to an individual who applies for a registration or  
16 endorsement under Chapter 1702, Occupations Code, on or after the  
17 date specified by the Texas Private Security Board in the event the  
18 board begins requiring applicants to pass a jurisprudence  
19 examination, but not earlier than September 1, 2010.

20           (c) The changes in law made by this article related to the  
21 filing, investigation, or resolution of a complaint under Chapter  
22 1702, Occupations Code, as amended by this article, apply only to a  
23 complaint filed with the Texas Private Security Board on or after  
24 the effective date of this article. A complaint filed before the  
25 effective date of this article is governed by the law as it existed  
26 immediately before that date, and the former law is continued in  
27 effect for that purpose.

1           (d) The changes in law made by this article governing the  
2 authority of the Texas Private Security Board and the Department of  
3 Public Safety to issue, renew, or revoke a license, registration,  
4 endorsement, or commission under Chapter 1702, Occupations Code,  
5 apply only to an application for an original or renewal license,  
6 registration, endorsement, or commission filed with the Texas  
7 Private Security Board under Chapter 1702, Occupations Code, as  
8 amended by this article, on or after the effective date of this  
9 article. An application filed before the effective date of this  
10 article is governed by the law in effect at the time the application  
11 was filed, and the former law is continued in effect for that  
12 purpose.

13           (e) The change in law made by this article with respect to  
14 conduct that is grounds for imposition of a disciplinary sanction  
15 applies only to conduct that occurs on or after the effective date  
16 of this article. Conduct that occurs before the effective date of  
17 this article is governed by the law in effect on the date the  
18 conduct occurred, and the former law is continued in effect for that  
19 purpose.

20           (f) Section 1702.372, Occupations Code, as added by this  
21 article, applies only to a hearing conducted on or after the  
22 effective date of this article, regardless of the date on which the  
23 complaint was filed. A complaint on which a hearing is conducted  
24 before the effective date of this article is governed by the law in  
25 effect on the date the hearing was conducted, and the former law is  
26 continued in effect for that purpose.

27           (g) The holder of a Class D license under Chapter 1702,

1 Occupations Code, as amended by this article, shall be considered  
2 to hold a Class B license on the effective date of this article. On  
3 the expiration of the Class D license, the license holder may renew  
4 the license as a Class B license.

5 SECTION 4.104. This article takes effect September 1, 2009.

6 ARTICLE 4A [Blank]

7 ARTICLE 4B. REGULATION OF THE BUSINESS OF PRIVATE SECURITY

8 SECTION 4B.01. Section 1702.002, Occupations Code, is  
9 amended by amending Subdivision (1-a) and adding Subdivisions  
10 (16-a) and (20-a) to read as follows:

11 (1-a) For purposes of Subdivision (1), the term "alarm  
12 system" does not include a telephone entry system, an operator for  
13 opening or closing a residential or commercial gate or door, or an  
14 accessory used only to activate a gate or door, if the system,  
15 operator, or accessory is not connected to a computer or data  
16 processor that records or archives the voice, visual image, or  
17 identifying information of the user [~~an alarm system~~].

18 (16-a) "Personal protection officer" means a person  
19 who performs the activities described by Section 1702.202.

20 (20-a) "Security officer" means a person who performs  
21 the activities described by Section 1702.222.

22 SECTION 4B.02. Section 1702.047, Occupations Code, is  
23 amended to read as follows:

24 Sec. 1702.047. ADMINISTRATIVE STAFF. The department shall  
25 designate a department employee who shall report directly to the  
26 board. The employee designated under this section shall provide  
27 administrative assistance to [~~assist~~] the board in the performance

1 ~~[administration]~~ of the board's duties. ~~[The salary for an~~  
2 ~~employee designated under this section may not exceed the salary~~  
3 ~~specified in the General Appropriations Act for an employee subject~~  
4 ~~to salary group A10.]~~

5 SECTION 4B.03. Subsection (e), Section 1702.082,  
6 Occupations Code, is amended to read as follows:

7 (e) On written request, the department ~~[The commission, at~~  
8 ~~least quarterly until final disposition of the complaint,]~~ shall  
9 inform ~~[notify]~~ the person filing the complaint and each person who  
10 is a subject of the complaint of the status of the investigation  
11 unless the information ~~[notice]~~ would jeopardize an ongoing  
12 ~~[undercover]~~ investigation.

13 SECTION 4B.04. Subchapter A, Chapter 1702, Occupations  
14 Code, is amended by adding Section 1702.006 to read as follows:

15 Sec. 1702.006. FOREIGN ENTITY REGISTRATION. Licensure  
16 under this chapter does not exempt a foreign entity from the  
17 registration requirements of Chapter 9, Business Organizations  
18 Code.

19 SECTION 4B.05. Subsection (a), Section 1702.1056,  
20 Occupations Code, is amended to read as follows:

21 (a) A person acts as a locksmith company for the purposes of  
22 this chapter if the person:

23 (1) sells, installs, services, or maintains, or offers  
24 to sell, install, service, or maintain, mechanical security  
25 devices, including deadbolts and locks;

26 (2) advertises services offered by the company using  
27 the term "locksmith"; or

1           (3) includes the term "locksmith" in the company's  
2 name.

3           SECTION 4B.06. Section 1702.110, Occupations Code, is  
4 amended to read as follows:

5           Sec. 1702.110. APPLICATION FOR LICENSE. (a)           An  
6 application for a license under this chapter must be in the form  
7 prescribed by the board [~~commission~~] and include:

8           (1) the full name and business address of the  
9 applicant;

10          (2) the name under which the applicant intends to do  
11 business;

12          (3) a statement as to the general nature of the  
13 business in which the applicant intends to engage;

14          (4) a statement as to the classification for which the  
15 applicant requests qualification;

16          (5) if the applicant is an entity other than an  
17 individual, the full name and residence address of each partner,  
18 officer who oversees the security-related aspects of the business,  
19 and director of the applicant, and of the applicant's manager;

20          (6) if the applicant is an individual, two  
21 classifiable sets of fingerprints of the applicant or, if the  
22 applicant is an entity other than an individual, of each officer who  
23 oversees the security-related aspects of the business and of each  
24 partner or shareholder who owns at least a 25 percent interest in  
25 the applicant;

26          (7) a verified statement of the applicant's experience  
27 qualifications in the particular classification in which the

1 applicant is applying;

2 (8) a report from the department [~~Texas Department of~~  
3 ~~Public Safety~~] stating the applicant's record of any convictions  
4 for a Class B misdemeanor or equivalent offense or a greater  
5 offense;

6 (9) the social security number of the individual  
7 making the application; and

8 (10) other information, evidence, statements, or  
9 documents required by the board [~~commission~~].

10 (b) An applicant for a license as a security services  
11 contractor shall maintain a physical address within this state and  
12 provide that address to the board. The board shall adopt rules to  
13 enable an out-of-state license holder to comply with this  
14 subsection.

15 SECTION 4B.07. Section 1702.112, Occupations Code, is  
16 amended to read as follows:

17 Sec. 1702.112. FORM OF LICENSE. The board [~~commission~~]  
18 shall prescribe the form of a license, including a branch office  
19 license. The license must include:

20 (1) the name of the license holder;

21 (2) the name under which the license holder is to  
22 operate; [~~and~~]

23 (3) the license number and the date the license was  
24 issued; and

25 (4) a photograph of the license holder, affixed to the  
26 license at the time the license is issued by the board.

27 SECTION 4B.08. Section 1702.121, Occupations Code, is



1 amended to read as follows:

2           Sec. 1702.121. TERMINATION OF MANAGER. (a) A license  
3 holder shall notify the board [~~commission~~] in writing not later  
4 than the 14th day after the date a manager ceases to be manager of  
5 the license holder's business. The license remains in effect for a  
6 reasonable period after notice is given as provided by board  
7 [~~commission~~] rule pending the board's [~~commission's~~] determination  
8 of the qualification of another manager under this subchapter.

9           (b) A manager shall be immediately terminated on the  
10 effective date of any summary action taken against the manager. Any  
11 period of temporary operation authorized under this section or  
12 Section 1702.122 starts on the date of termination.

13           SECTION 4B.09. Section 1702.127, Occupations Code, is  
14 amended by amending Subsections (b) and (c) and adding Subsection  
15 (d) to read as follows:

16           (b) A license holder shall maintain a record containing  
17 information related to the license holder's employees as required  
18 by the board [~~commission~~].

19           (c) A license holder shall maintain for [~~commission~~]  
20 inspection by the department at the license holder's principal  
21 place of business or branch office two recent color photographs, of  
22 a type required by the board [~~commission~~], of each applicant,  
23 registrant, commissioned security officer, and employee of the  
24 license holder.

25           (d) A license holder shall maintain records required under  
26 this chapter at a physical address within this state and provide  
27 that address to the board.

1 SECTION 4B.10. Section 1702.163, Occupations Code, is  
2 amended by adding Subsection (d-1) to read as follows:

3 (d-1) For the purposes of determining eligibility under  
4 Subsection (b)(2), the department may require the applicant to  
5 authorize the release to the department of any relevant medical  
6 records.

7 SECTION 4B.11. Section 1702.201, Occupations Code, is  
8 amended to read as follows:

9 Sec. 1702.201. PERSONAL PROTECTION OFFICER ENDORSEMENT  
10 ~~[AUTHORIZATION]~~ REQUIRED. An individual ~~[A commissioned security~~  
11 ~~officer]~~ may not act as a personal protection officer unless the  
12 individual ~~[officer]~~ holds a personal protection officer  
13 endorsement ~~[authorization]~~.

14 SECTION 4B.12. Section 1702.202, Occupations Code, is  
15 amended to read as follows:

16 Sec. 1702.202. PERSONAL PROTECTION OFFICER. An individual  
17 acts as a personal protection officer if the individual, while  
18 carrying a firearm, [+  
19

~~[(1) has been issued a security officer commission to~~  
20 ~~carry a concealed firearm, and~~

21 ~~[(2)]~~ provides to another ~~[an]~~ individual personal  
22 protection from bodily harm.

23 SECTION 4B.13. Section 1702.206, Occupations Code, is  
24 amended to read as follows:

25 Sec. 1702.206. LIMITED AUTHORITY TO CARRY ~~[CONCEALED]~~  
26 FIREARMS. (a) An individual acting as a personal protection  
27 officer may not carry a ~~[concealed]~~ firearm unless the officer:

1 (1) is either:

2 (A) engaged in the exclusive performance of the  
3 officer's duties as a personal protection officer for the employer  
4 under whom the officer's personal protection officer endorsement  
5 [~~authorization~~] is issued; or

6 (B) traveling to or from the officer's place of  
7 assignment; and

8 (2) carries the officer's security officer commission  
9 and personal protection officer endorsement [~~authorization~~] on the  
10 officer's person while performing the officer's duties or traveling  
11 as described by Subdivision (1) and presents the commission and  
12 endorsement [~~authorization~~] on request.

13 (b) An individual who is acting as a personal protection  
14 officer and is wearing the uniform of a security officer, including  
15 any uniform or apparel described by Section 1702.323(d), may not  
16 conceal any firearm the individual is carrying and shall carry the  
17 firearm in plain view. An individual who is acting as a personal  
18 protection officer and is not wearing the uniform of a security  
19 officer shall conceal the firearm.

20 SECTION 4B.14. Section 1702.230, Occupations Code, is  
21 amended by amending Subsection (b) and adding Subsection (c) to  
22 read as follows:

23 (b) The employer of the applicant shall make a reasonable  
24 attempt to verify the information required under Subsection (a)(1)  
25 before the earlier of:

26 (1) the date the application is submitted; or

27 (2) the date the applicant begins to perform the

1 duties of employment that require registration.

2 (c) An applicant must submit an application that  
3 substantially meets the requirements of this section before  
4 employment in a capacity for which registration is required.

5 SECTION 4B.15. Subsection (a), Section 1702.282,  
6 Occupations Code, is amended to read as follows:

7 (a) The board shall conduct a criminal history check,  
8 including a check of any criminal history record information  
9 maintained by the Federal Bureau of Investigation, in the manner  
10 provided by Subchapter F, Chapter 411, Government Code, on each  
11 applicant for a license, registration, security officer  
12 commission, letter of approval, permit, endorsement, or  
13 certification. As part of its criminal history check, the board may  
14 request that the applicant provide certified copies of relevant  
15 court documents or other records. The failure to provide the  
16 requested records within a reasonable time as determined by the  
17 board may result in the application being considered incomplete.

18 An applicant is not eligible for a license, registration,  
19 commission, letter of approval, permit, endorsement, or  
20 certification if the check reveals that the applicant has committed  
21 an act that constitutes grounds for the denial of the license,  
22 registration, commission, letter of approval, permit, endorsement,  
23 or certification. Except as provided by Subsection (d), each  
24 applicant shall include in the application two complete sets of  
25 fingerprints on forms prescribed by the board accompanied by the  
26 fee set by the board.

27 SECTION 4B.16. Section 1702.286, Occupations Code, as added

1 by Chapter 1102 (H.B. 2243), Acts of the 79th Legislature, Regular  
2 Session, 2005, is renumbered as Section 1702.2865, Occupations  
3 Code, to read as follows:

4 Sec. 1702.2865 [~~1702.286~~]. CUSTOMER AUTHORIZATION REQUIRED  
5 FOR CERTAIN LOCKSMITH SERVICES. (a) A locksmith company or  
6 locksmith may not perform services for a customer who seeks entry to  
7 a structure, motor vehicle, or other property unless the customer,  
8 in the course of the transaction:

9 (1) shows the locksmith company or locksmith a  
10 government-issued identification; and

11 (2) provides a signed authorization stating that the  
12 customer owns or is otherwise entitled to legal access to the  
13 structure, motor vehicle, or other property.

14 (b) A locksmith company or locksmith is exempt from  
15 Subsection (a) if the locksmith is requested to perform services in  
16 a case of imminent threat to a person or property.

17 SECTION 4B.17. Section 1702.322, Occupations Code, is  
18 amended to read as follows:

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

21 (1) a person who has full-time employment as a peace  
22 officer and who receives compensation for private employment on an  
23 individual or an independent contractor basis as a patrolman,  
24 guard, extra job coordinator, or watchman if the officer:

25 (A) is employed in an employee-employer  
26 relationship or employed on an individual contractual basis  
27 directly by the recipient of the services;

1 (B) is not in the employ of another peace  
2 officer;

3 (C) is not a reserve peace officer; and

4 (D) works as a peace officer on the average of at  
5 least 32 hours a week, is compensated by the state or a political  
6 subdivision of the state at least at the minimum wage, and is  
7 entitled to all employee benefits offered to a peace officer by the  
8 state or political subdivision;

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

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

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

19 SECTION 4B.18. Subsection (a), Section 1702.361,  
20 Occupations Code, is amended to read as follows:

21 (a) The [~~Subject to the board's final order under the~~  
22 ~~hearing provisions of this subchapter, the~~] department, for conduct  
23 described by Subsection (b), may:

24 (1) deny an application or revoke, suspend, or refuse  
25 to renew a license, registration, endorsement, or security officer  
26 commission;

27 (2) reprimand a license holder, registrant, or

1 commissioned security officer; or

2 (3) place on probation a person whose license,  
3 registration, endorsement, or security officer commission has been  
4 suspended.

5 SECTION 4B.19. Section 1702.367, Occupations Code, is  
6 amended by amending Subsection (a) and adding Subsections (f) and  
7 (g) to read as follows:

8 (a) For an investigation conducted under this chapter, if  
9 necessary to enforce this chapter or the board's rules, the  
10 department [commission] may issue an administrative [a] subpoena to  
11 any person in this state compelling:

12 (1) the production of information or documents; or  
13 (2) the attendance and testimony of a witness [compel  
14 ~~the attendance of a witness or the production of a pertinent record~~  
15 ~~or document. The hearings officer may administer oaths and require~~  
16 ~~testimony or evidence to be given under oath].~~

17 (f) A person licensed or otherwise regulated under this  
18 chapter who fails without good cause to comply with a subpoena  
19 issued under this section may be subject to suspension of a license  
20 under Section 1702.361.

21 (g) If a subpoena issued under this section relates to an  
22 ongoing criminal investigation by the department and the department  
23 determines that disclosure could significantly impede the  
24 investigation, the subpoena may provide that the person to whom the  
25 subpoena is directed may not:

26 (1) disclose that the subpoena has been issued;  
27 (2) identify or describe any records requested by the

1 subpoena; or

2 (3) disclose whether records have been furnished in  
3 response to the subpoena.

4 SECTION 4B.20. Subchapter P, Chapter 1702, Occupations  
5 Code, is amended by adding Section 1702.3835 to read as follows:

6 Sec. 1702.3835. DECEPTIVE TRADE PRACTICE. (a) A person who  
7 performs or offers to perform an activity regulated under this  
8 chapter, but who is not licensed or otherwise authorized under this  
9 chapter to perform the activity, commits a false, misleading, or  
10 deceptive act or practice within the meaning of Section 17.46,  
11 Business & Commerce Code.

12 (b) A public or private right or remedy under Chapter 17,  
13 Business & Commerce Code, may be used to enforce this chapter.

14 SECTION 4B.21. Subsection (d), Section 46.03, Penal Code,  
15 is amended to read as follows:

16 (d) It is a defense to prosecution under Subsection (a)(5)  
17 that the actor possessed a firearm or club while traveling to or  
18 from the actor's place of assignment or in the actual discharge of  
19 duties as:

20 (1) a member of the armed forces or national guard;

21 (2) a guard employed by a penal institution; or

22 (3) a security officer commissioned by the Texas  
23 ~~[Board of Private Investigators and]~~ Private Security Board  
24 ~~[Agencies]~~ if:

25 (A) the actor is wearing a distinctive uniform;

26 and

27 (B) the firearm or club is in plain view; or



1           (4) [(5)] a security officer who holds a personal  
2 protection authorization under Chapter 1702, Occupations Code,  
3 provided that the officer is either:

4                   (A) wearing the uniform of a security officer,  
5 including any uniform or apparel described by Section 1702.323(d),  
6 Occupations Code, and carrying the officer's firearm in plain view;  
7 or

8                   (B) not wearing the uniform of a security officer  
9 and carrying the officer's firearm in a concealed manner [~~the~~  
10 ~~Private Investigators and Private Security Agencies Act (Article~~  
11 ~~4413(29bb), Vernon's Texas Civil Statutes)]].~~

12           SECTION 4B.22. Subsection (b), Section 46.15, Penal Code,  
13 as amended by Chapters 647 (H.B. 964), 693 (H.B. 1815), and 1048  
14 (H.B. 2101), Acts of the 80th Legislature, Regular Session, 2007,  
15 is reenacted and amended to read as follows:

16           (b) Section 46.02 does not apply to a person who:

17                   (1) is in the actual discharge of official duties as a  
18 member of the armed forces or state military forces as defined by  
19 Section 431.001, Government Code, or as a guard employed by a penal  
20 institution;

21                   (2) is traveling;

22                   (3) is engaging in lawful hunting, fishing, or other  
23 sporting activity on the immediate premises where the activity is  
24 conducted, or is en route between the premises and the actor's  
25 residence or motor vehicle, if the weapon is a type commonly used in  
26 the activity;

27                   (4) holds a security officer commission issued by the

1 Texas Private Security Board, if the person~~+~~  
2 ~~[(A)]~~ is engaged in the performance of the  
3 person's duties as an officer commissioned under Chapter 1702,  
4 Occupations Code, or is traveling to or from the person's place of  
5 assignment~~+~~ and

6 ~~[(B)]~~ is ~~[either+~~  
7 ~~[(i)]~~ wearing the officer's uniform and  
8 carrying the officer's weapon in plain view; ~~[or]~~

9 (5) acts ~~[(ii) acting]~~ as a personal protection  
10 officer and carries ~~[carrying]~~ the person's security officer  
11 commission and personal protection officer authorization, if the  
12 person:

13 (A) is engaged in the performance of the person's  
14 duties as a personal protection officer under Chapter 1702,  
15 Occupations Code, or is traveling to or from the person's place of  
16 assignment; and

17 (B) is either:

18 (i) wearing the uniform of a security  
19 officer, including any uniform or apparel described by Section  
20 1702.323(d), Occupations Code, and carrying the officer's weapon in  
21 plain view; or

22 (ii) not wearing the uniform of a security  
23 officer and carrying the officer's weapon in a concealed manner;

24 (6) ~~[(5)]~~ is carrying a concealed handgun and a valid  
25 license issued under Subchapter H, Chapter 411, Government Code, to  
26 carry a concealed handgun of the same category as the handgun the  
27 person is carrying;

1           (7) [~~(6)~~] holds an alcoholic beverage permit or  
2 license or is an employee of a holder of an alcoholic beverage  
3 permit or license if the person is supervising the operation of the  
4 permitted or licensed premises; or

5           (8) [~~(7)~~] is a student in a law enforcement class  
6 engaging in an activity required as part of the class, if the weapon  
7 is a type commonly used in the activity and the person is:

8                   (A) on the immediate premises where the activity  
9 is conducted; or

10                   (B) en route between those premises and the  
11 person's residence and is carrying the weapon unloaded.

12           SECTION 4B.23. The changes in law made by this article to  
13 Section 1702.110 and Subsection (a), Section 1702.282, Occupations  
14 Code, and the change in law made by Article 4 of this Act to  
15 Subsection (a), Section 1702.221, Occupations Code, apply to an  
16 application under Chapter 1702, Occupations Code, submitted on or  
17 after the effective date of this article. An application submitted  
18 before the effective date of this article is governed by the law in  
19 effect on the date the application was submitted, and the former law  
20 is continued in effect for that purpose.

21           SECTION 4B.24. To the extent of any conflict, this article  
22 prevails over another Act of the 81st Legislature, Regular Session,  
23 2009, relating to nonsubstantive additions to and corrections in  
24 enacted codes.

25           SECTION 4B.25. This article takes effect September 1, 2009.

26                   ARTICLE 5. GENERAL PROVISIONS

27           SECTION 5.01. Section 411.002, Government Code, is amended

1 by amending Subsection (c) and adding Subsections (d) and (e) to  
2 read as follows:

3 (c) The Department of Public Safety of the State of Texas is  
4 subject to Chapter 325 (Texas Sunset Act). Unless continued in  
5 existence as provided by that chapter, the department is abolished  
6 and Subsections (a) and (b) expire September 1, 2015 [~~2009~~].

7 (d) Not later than December 1, 2010, the Sunset Advisory  
8 Commission shall review and prepare a written report for submission  
9 to the legislature on the department's implementation of:

10 (1) the recommendations in the 2008 audit of the  
11 department's information technology system; and

12 (2) a civilian business model for the operation of the  
13 driver's license division that focuses on improving customer  
14 service by:

15 (A) using best practices in call center  
16 technology and monitoring customer service calls;

17 (B) expanding operating hours at driver's  
18 license offices; and

19 (C) decreasing the time the department takes to  
20 send a replacement driver's license.

21 (e) The Sunset Advisory Commission shall submit the report  
22 required by Subsection (d) not later than February 15, 2011. This  
23 subsection and Subsection (d) expire August 31, 2011.

24 SECTION 5.02. Section 411.0035, Government Code, is amended  
25 to read as follows:

26 Sec. 411.0035. MEMBER AND GENERAL COUNSEL RESTRICTION. (a)  
27 In this section, "Texas trade association" means a cooperative and

1 voluntarily joined statewide association of business or  
2 professional competitors in this state designed to assist its  
3 members and its industry or profession in dealing with mutual  
4 business or professional problems and in promoting their common  
5 interest.

6 (b) A person may not be [~~serve as~~] a member of the commission  
7 and may not be a department employee employed in a "bona fide  
8 executive, administrative, or professional capacity," as that  
9 phrase is used for purposes of establishing an exemption to the  
10 overtime provisions of the federal Fair Labor Standards Act of 1938  
11 (29 U.S.C. Section 201 et seq.), if:

12 (1) the person is an officer, employee, or paid  
13 consultant of a Texas trade association in the field of law  
14 enforcement or private security; or

15 (2) the person's spouse is an officer, manager, or paid  
16 consultant of a Texas trade association in the field of law  
17 enforcement or private security.

18 (c) A person may not be a member of the commission or act as  
19 the general counsel to the commission if the person is required to  
20 register as a lobbyist under Chapter 305 because of the person's  
21 activities for compensation on behalf of a profession related to  
22 the operation of the commission.

23 SECTION 5.03. Subchapter A, Chapter 411, Government Code,  
24 is amended by adding Section 411.0042 to read as follows:

25 Sec. 411.0042. DIVISION OF RESPONSIBILITIES. The  
26 commission shall develop and implement policies that clearly  
27 separate the policymaking responsibilities of the commission and

1 the management responsibilities of the director and the staff of  
2 the department.

3 SECTION 5.04. Subchapter A, Chapter 411, Government Code,  
4 is amended by adding Section 411.0043 to read as follows:

5 Sec. 411.0043. TECHNOLOGY POLICY. The commission shall  
6 implement a policy requiring the department to use appropriate  
7 technological solutions to improve the department's ability to  
8 perform its functions. The policy must ensure that the public is  
9 able to interact with the department on the Internet.

10 SECTION 5.05. Subchapter A, Chapter 411, Government Code,  
11 is amended by adding Section 411.0044 to read as follows:

12 Sec. 411.0044. NEGOTIATED RULEMAKING AND ALTERNATIVE  
13 DISPUTE RESOLUTION. (a) The commission shall develop and  
14 implement a policy to encourage the use of:

15 (1) negotiated rulemaking procedures under Chapter  
16 2008 for the adoption of department rules; and

17 (2) appropriate alternative dispute resolution  
18 procedures under Chapter 2009 to assist in the resolution of  
19 internal and external disputes under the department's  
20 jurisdiction.

21 (b) The department's procedures relating to alternative  
22 dispute resolution must conform, to the extent possible, to any  
23 model guidelines issued by the State Office of Administrative  
24 Hearings for the use of alternative dispute resolution by state  
25 agencies.

26 (c) The commission shall designate a trained person to:

27 (1) coordinate the implementation of the policy

1 adopted under Subsection (a);

2 (2) serve as a resource for any training needed to  
3 implement the procedures for negotiated rulemaking or alternative  
4 dispute resolution; and

5 (3) collect data concerning the effectiveness of those  
6 procedures, as implemented by the department.

7 SECTION 5.06. The heading to Section 411.005, Government  
8 Code, is amended to read as follows:

9 Sec. 411.005. DIRECTOR, DEPUTY DIRECTORS, AND ASSISTANT  
10 DIRECTORS [~~DIRECTOR~~].

11 SECTION 5.07. Section 411.005, Government Code, is amended  
12 by amending Subsections (a), (b), and (c) to read as follows:

13 (a) The commission shall appoint a citizen of the United  
14 States [~~this state~~] as public safety director. The director serves  
15 until removed by the commission.

16 (b) The director may appoint, with the advice and consent of  
17 the commission, deputy directors and assistant directors who shall  
18 perform the duties that the director designates. Deputy directors  
19 and [~~An~~] assistant directors serve [~~director serves~~] until removed  
20 by the director.

21 (c) The commission shall select the director, and the  
22 director shall select deputy directors and assistant directors [~~an~~  
23 ~~assistant director~~], on the basis of the person's training,  
24 experience, and qualifications for the position. [~~The director and~~  
25 ~~an assistant director must have five years' experience, preferably~~  
26 ~~in police or public administration.~~] The director, [and an  
27 ~~assistant director] deputy directors, and assistant directors are~~

1 entitled to annual salaries as provided by the legislature.

2 SECTION 5.08. Section 411.015(b), Government Code, is  
3 amended to read as follows:

4 (b) ~~[The number of divisions may not exceed the number of~~  
5 ~~divisions existing on August 22, 1957.]~~ The division relating to  
6 the Texas Rangers may not be abolished.

7 SECTION 5.09. Sections 411.0195(a), (b), and (c),  
8 Government Code, are amended to read as follows:

9 (a) The department shall maintain a system to promptly and  
10 efficiently act on ~~[prepare information of public interest~~  
11 ~~describing the functions of the department and the department's~~  
12 ~~procedures by which]~~ complaints ~~[are]~~ filed with ~~[and resolved by]~~  
13 the department. The department shall maintain ~~[make the]~~  
14 information about parties to the complaint, the subject matter of  
15 the complaint, a summary of the results of the review or  
16 investigation of the complaint, and its disposition ~~[available to~~  
17 ~~the public and appropriate state agencies]~~.

18 (b) The department shall make information available  
19 describing its procedures for complaint investigation and  
20 resolution ~~[director by rule shall establish methods by which~~  
21 ~~consumers and service recipients are notified of the name, mailing~~  
22 ~~address, and telephone number of the department for the purpose of~~  
23 ~~directing complaints to the department]~~.

24 (c) The department shall periodically notify the complaint  
25 parties of the status of the complaint until final disposition  
26 ~~[maintain a file on each written complaint filed with the~~  
27 ~~department. The file must include:~~



1           ~~[(1) the name of the person who filed the complaint,~~  
2           ~~[(2) the date the complaint is received by the~~  
3 ~~department,~~  
4           ~~[(3) the subject matter of the complaint,~~  
5           ~~[(4) the name of each person contacted in relation to~~  
6 ~~the complaint,~~  
7           ~~[(5) a summary of the results of the review or~~  
8 ~~investigation of the complaint; and~~  
9           ~~[(6) an explanation of the reason the file was closed,~~  
10 ~~if the agency closed the file without taking action other than to~~  
11 ~~investigate the complaint].~~

12           SECTION 5.10. Section 411.188, Government Code, is amended  
13 by adding Subsection (j) to read as follows:

14           (j) The department may offer online, or allow a qualified  
15 handgun instructor to offer online, the continuing education  
16 instruction course and written section of the proficiency  
17 examination required to renew a license.

18           SECTION 5.11. Section 411.190, Government Code, is amended  
19 by adding Subsection (d-1) to read as follows:

20           (d-1) The department shall ensure that an applicant may  
21 renew certification under Subsection (d) from any county in this  
22 state by using an online format to complete the required retraining  
23 courses if:

24           (1) the applicant is renewing certification for the  
25 first time; or

26           (2) the applicant completed the required retraining  
27 courses in person the previous time the applicant renewed the

1 certificate.

2 SECTION 5.12. The heading to Section 411.244, Government  
3 Code, is amended to read as follows:

4 Sec. 411.244. OFFICE OF INSPECTOR GENERAL [~~INTERNAL~~  
5 ~~AFFAIRS~~].

6 SECTION 5.13. Section 411.244, Government Code is amended  
7 by amending Subsections (a), (b), (d), (e), and (f), and by adding  
8 Subsection (g) to read as follows:

9 (a) The commission [~~director~~] shall establish the office of  
10 inspector general, which is responsible for:

11 (1) acting to prevent and detect serious breaches of  
12 departmental policy, fraud, and abuse of office, including any acts  
13 of criminal conduct within the department; and

14 (2) independently and objectively reviewing,  
15 investigating, delegating an investigation, and overseeing the  
16 investigation of administrative and all other allegations of  
17 conduct referred to in (a)(1) above and the following:

18 (A) criminal activity occurring in all divisions  
19 of the department;

20 (B) allegations of wrongdoing by department  
21 employees;

22 (C) crimes committed on department property; and

23 (D) serious breaches of department policy  
24 [~~internal affairs~~].

25 (b) The office of inspector general [~~internal affairs~~] has  
26 [~~original~~] departmental jurisdiction for oversight and  
27 coordination over all investigations occurring on department

1 property or involving department employees. The office shall  
2 coordinate and provide oversight, but need not conduct, all  
3 investigations under this section. The inspector general shall  
4 delegate criminal allegations arising under this section to the  
5 Texas Ranger division or the Criminal Law Enforcement division of  
6 the department for investigation or referral back to the inspector  
7 general for further action. However the inspector general shall  
8 continually monitor referred matters and report to the commission  
9 along with any other division investigating a matter on its status  
10 while pending.

11 (d) The commission has direct oversight over the office of  
12 inspector general, including decisions regarding budget and  
13 staffing. The commission [~~director~~] shall appoint the inspector  
14 general [~~head of the office of internal affairs~~]. The inspector  
15 general [~~head of the office of internal affairs~~] serves until  
16 removed by the commission [~~director~~]. The commission shall  
17 establish policies to ensure that the commission continues to  
18 oversee the office of inspector general as required by this  
19 subsection and to ensure that the office of inspector general  
20 retains and exercises its original jurisdiction under Subsection  
21 (b).

22 (e) The inspector general [~~head of the office of internal~~  
23 ~~affairs~~] shall report directly to the commission [~~director~~]  
24 regarding performance of and activities related to investigations,  
25 report to the director for administrative purposes, and provide the  
26 director with information regarding investigations as appropriate.

27 (f) The inspector general [~~head of the office of internal~~

1 ~~affairs]~~ shall present at each regularly scheduled commission  
2 meeting and at other appropriate times:

3 (1) reports of investigations; and

4 (2) a summary of information relating to  
5 investigations conducted under this section that includes analysis  
6 of the number, type, and outcome of investigations, trends in the  
7 investigations, and recommendations to avoid future complaints.

8 (g) This chapter or other law related to the operation of  
9 the department's office of inspector general does not preempt the  
10 authority of the state auditor to conduct an audit or investigation  
11 under Chapter 321 or other law.

12 SECTION 5.14. Section 662.005(b), Government Code, is  
13 amended to read as follows:

14 (b) Except as provided by Section 662.010, and  
15 notwithstanding Section 659.015 or another law, a state employee  
16 who is a peace officer commissioned by a state officer or state  
17 agency listed under Article 2.12, Code of Criminal Procedure, or  
18 who is employed by the Department of Public Safety either to perform  
19 communications or dispatch services related to traffic law  
20 enforcement or as a public security officer, as that term is defined  
21 by Section 1701.001, Occupations Code, and who is required to work  
22 on a national or state holiday that falls on a Saturday or Sunday is  
23 entitled to compensatory time off at the rate of one hour for each  
24 hour worked on the holiday.

25 SECTION 5.15. Sections 411.0195(d) and (e), Government  
26 Code, are repealed.

27 SECTION 5.16. The changes in law made by this article by the

1 amendment of Section 411.0035, Government Code, apply only to a  
2 person first appointed to the Public Safety Commission or employed  
3 by the Department of Public Safety of the State of Texas on or after  
4 the effective date of this Act. A person first appointed or  
5 employed before the effective date of this Act is governed by the  
6 law in effect immediately before that date, and the former law is  
7 continued in effect for that purpose.

8 SECTION 5.17. The changes in law made by this article by the  
9 amendment of Section 411.0195, Government Code, apply only to a  
10 complaint filed on or after the effective date of this Act. A  
11 complaint filed before the effective date of this Act is governed by  
12 the law in effect when the complaint was filed, and the former law  
13 is continued in effect for that purpose.

14 SECTION 5.18. The Department of Public Safety of the State  
15 of Texas shall take action as necessary to ensure that an applicant  
16 may renew a qualified handgun instructor certification from any  
17 county in this state, as required by Section 411.190(d-1),  
18 Government Code, as added by this Act, not later than March 1, 2010.

19 SECTION 5.19. The Department of Public Safety shall develop  
20 customer service training requirements that at a minimum must be  
21 completed by the staff of the driver license division that interact  
22 with the public. Each new employee of the division that is required  
23 to complete this training, as a condition of employment, must do so  
24 by the end of the third month of employment. Thereafter, each  
25 employee that the training applies to shall participate annually in  
26 this training.

27 SECTION 5.20. The Department of Public Safety shall develop

1 cultural diversity training requirements to be completed by all  
2 staff of the drivers license division. Each new employee of the  
3 division, as a condition of employment, must complete the training  
4 by the end of the third month of employment. Thereafter, each  
5 employee in the division shall participate annually in the  
6 diversity training.

7 SECTION 5.21. The Department of Public Safety shall develop  
8 training requirements regarding proof of citizenship documents. At  
9 a minimum, this training must be completed by all staff in the  
10 drivers license division. Each new employee of this division, as a  
11 condition of employment, must complete the training by the end of  
12 the third month of employment. Thereafter, each employee of the  
13 division shall participate annually in this training.

14 ARTICLE 6. ADDITIONAL PROVISIONS

15 SECTION 6.01. Section 411.00755(b), Government Code, is  
16 amended to read as follows:

17 (b) The [~~Notwithstanding Chapter 552, the~~] personnel  
18 records of a commissioned officer of the department may not be  
19 disclosed or otherwise made available to the public, except the  
20 department shall release in accordance with Chapter 552:

21 (1) any letter, memorandum, or document relating to:  
22 (A) a commendation, congratulation, or honor  
23 bestowed on the officer for an action, duty, or activity that  
24 relates to the officer's official duties; and

25 (B) misconduct by the officer, if the letter,  
26 memorandum, or document resulted in disciplinary action;

27 (2) the state application for employment submitted by

- 1 the officer, but not including any attachments to the application;
- 2 (3) any reference letter submitted by the officer;
- 3 (4) any letter of recommendation for the officer;
- 4 (5) any employment contract with the officer;
- 5 (6) any periodic evaluation of the officer by a  
6 supervisor;
- 7 (7) any document recording a promotion or demotion of  
8 the officer;
- 9 (8) any request for leave by the officer;
- 10 (9) any request by the officer for transfers of shift  
11 or duty assignments;
- 12 (10) any documents presented to the commission in  
13 connection with a public hearing under Section 411.007(f);
- 14 (11) the officer's:
- 15 (A) name;
- 16 (B) age;
- 17 (C) dates of employment;
- 18 (D) positions held; and
- 19 (E) gross salary; and
- 20 (12) information about the location of the officer's  
21 department duty assignments.

22 SECTION 6.02. Subchapter A, Chapter 411, Government Code,  
23 is amended by adding Section 411.0161 to read as follows:

24 Sec. 411.0161. DONATION OF ACCRUED COMPENSATORY TIME OR  
25 ACCRUED ANNUAL LEAVE FOR LEGISLATIVE PURPOSES. (a) The director  
26 shall allow a department employee to voluntarily transfer to a  
27 legislative leave pool up to eight hours of compensatory time or

1 annual leave per year earned by the employee.

2 (b) The director or designee shall administer the  
3 legislative leave pool.

4 (c) The Public Safety Commission shall adopt rules and  
5 prescribe procedures relating to the operation of the legislative  
6 leave pool.

7 (d) The director or designee shall credit the legislative  
8 leave pool with the amount of time contributed by an employee and  
9 deduct a corresponding amount of time from the employee's earned  
10 compensatory time or annual leave as if the employee had used the  
11 time for personal purposes.

12 (e) An employee is entitled to use time contributed to the  
13 legislative leave pool if the employee uses the time for  
14 legislative leave on behalf of a law enforcement association of at  
15 least 1,000 active or retired members governed by a board of  
16 directors.

17 (f) The director of the pool administrator shall transfer  
18 time from the pool to the employee and credit the time to the  
19 employee.

20 (g) An employee may only withdraw time from the legislative  
21 leave pool in coordination and with the consent of the president or  
22 designee of the law enforcement association described in Subsection  
23 (e), and may not draw more than 80 hours of time from the pool in a  
24 160-hours work cycle with the maximum time taken not to exceed 480  
25 hours per fiscal year.

26 (h) In addition to Subsection (g), the use of any time from  
27 the legislative leave pool must also be in accordance with rules



1 adopted by the Public Safety Commission.

2 SECTION 6.03. Section 411.192, Government Code, is amended  
3 by amending Subsections (a) and (d) and adding Subsection (e) to  
4 read as follows:

5 (a) The department shall disclose to a criminal justice  
6 agency information contained in its files and records regarding  
7 whether a named individual or any individual named in a specified  
8 list is licensed under this subchapter. Information on an  
9 individual subject to disclosure under this section includes the  
10 individual's name, date of birth, gender, race, ~~and~~ zip code,  
11 telephone number, e-mail address, and Internet website address.  
12 Except as otherwise provided by this section and by Section  
13 411.193, all other records maintained under this subchapter are  
14 confidential and are not subject to mandatory disclosure under the  
15 open records law, Chapter 552.

16 (d) The ~~[This section does not prohibit the]~~ department  
17 shall make ~~[from making]~~ public and distribute ~~[distributing]~~ to  
18 the public at no cost lists of individuals who are certified as  
19 qualified handgun instructors by the department and who request to  
20 be included as provided by Subsection (e). The department shall  
21 include on the lists each individual's name, telephone number,  
22 e-mail address, and Internet website address. The department shall  
23 make the list available on the department's Internet website.

24 (e) An individual who is certified as a qualified handgun  
25 instructor may request in writing that the department disclose all  
26 or part of the information described by Subsection (d) regarding  
27 the individual. The department shall include all or part of the

1 individual's information on the list as requested.

2 SECTION 6.04. Section 614.151(2), Government Code, as added  
3 by Chapter 1159 (H.B. 12), Acts of the 80th Legislature, Regular  
4 Session, 2007, is amended to read as follows:

5 (2) "Law enforcement officer" means a person who ~~[+~~  
6 ~~[(A)]~~ is a commissioned peace officer ~~[+~~  
7 ~~[(B) is]~~ employed by a law enforcement agency ~~[+~~  
8 and

9 ~~[(C) is compensated according to:~~

10 ~~[(i) Schedule C of the position~~  
11 ~~classification salary schedule prescribed by the General~~  
12 ~~Appropriations Act if the person is employed by a law enforcement~~  
13 ~~agency other than the Parks and Wildlife Department; or~~

14 ~~[(ii) Schedule B or C of the position~~  
15 ~~classification salary schedule prescribed by the General~~  
16 ~~Appropriations Act if the person is employed by the Parks and~~  
17 ~~Wildlife Department].~~

18 SECTION 6.05. Section 614.152, Government Code, as added by  
19 Chapter 1159 (H.B. 12), Acts of the 80th Legislature, Regular  
20 Session, 2007, is amended by amending the section heading and  
21 Subsections (a) and (c) and by adding Subsections (a-1) and (a-2) to  
22 read as follows:

23 Sec. 614.152. PHYSICAL FITNESS PROGRAMS AND STANDARDS. (a)  
24 Each ~~[Out of appropriated funds, each]~~ law enforcement agency shall  
25 adopt physical fitness programs that a law enforcement officer must  
26 participate in and physical fitness standards that a law  
27 enforcement officer must meet ~~[to continue employment with the~~

1 ~~agency as a law enforcement officer~~]. The standards as applied to  
2 an officer must directly relate to the officer's job duties and  
3 shall include individual fitness goals specific to the officer's  
4 age and gender. A law enforcement agency shall use the services of  
5 a consultant to aid the agency in developing the standards.

6 (a-1) Each law enforcement agency shall adopt a reward  
7 policy that provides for reward incentives to officers who  
8 participate in the program and meet the standards adopted under  
9 Subsection (a). The reward incentives under the policy must be an  
10 amount of administrative leave of not more than four days per year.

11 (a-2) An agency may adopt physical readiness standards  
12 independent of other law enforcement agencies.

13 (c) A law enforcement agency may exempt a law enforcement  
14 officer from participating in a program or meeting a standard under  
15 Subsection (a) based on the facts and circumstances of the  
16 individual case, including whether an officer was injured in the  
17 line of duty.

18 SECTION 6.06. Section 411.171(4), Government Code, is  
19 amended to read as follows:

20 (4) "Convicted" means an adjudication of guilt or,  
21 except as provided in Section 411.1711, an order of deferred  
22 adjudication entered against a person by a court of competent  
23 jurisdiction whether or not the imposition of the sentence is  
24 subsequently probated and the person is discharged from community  
25 supervision. The term does not include an adjudication of guilt or  
26 an order of deferred adjudication that has been subsequently:

27 (A) expunged; ~~[or]~~

1 (B) pardoned under the authority of a state or  
2 federal official; or

3 (C) otherwise vacated, set aside, annulled,  
4 invalidated, voided, or sealed under any state or federal law.

5 SECTION 6.07. Subchapter C, Chapter 521, Transportation  
6 Code, is amended by adding Section 521.060 to read as follows:

7 Sec. 521.060. DRIVER RECORD MONITORING PILOT PROGRAM.

8 (a) The department by rule may establish a driver record  
9 monitoring pilot program. The term of the pilot program may not  
10 exceed one year.

11 (b) Under the pilot program, the department may enter into a  
12 contract with a person to provide driver record monitoring  
13 services, as described by Subsection (c), and certain information  
14 from the department's driver's license records to the person, if the  
15 person:

16 (1) is an employer, an insurer, an insurance support  
17 organization, an employer support organization, or an entity that  
18 self-insures its motor vehicles; and

19 (2) is eligible to receive the information under  
20 Chapter 730.

21 (c) A contract entered into by the department must require:

22 (1) the department, during the term of the contract,  
23 to:

24 (A) monitor the driver record of each holder of a  
25 driver's license issued by the department that is requested by the  
26 person with whom the department has contracted;

27 (B) identify any change in the status of a

1 driver's license or any conviction for a traffic offense reported  
2 to the department during the monitoring period; and

3 (C) periodically, as specified in the contract,  
4 provide reports of those individuals identified as having a change  
5 in status or convictions to the person with whom the department has  
6 contracted; and

7 (2) the person with whom the department has  
8 contracted:

9 (A) to purchase under Section 521.046 a copy of  
10 the driver record of each individual identified in a report  
11 provided under Subdivision (1)(C);

12 (B) to warrant that:

13 (i) the person will not directly or  
14 indirectly disclose information received from the department under  
15 the contract to a third party without the express written consent of  
16 the department, except as required by law or legal process; and

17 (ii) if a disclosure is required by law or  
18 legal process, the person will immediately notify the department so  
19 that the department may seek to oppose, limit, or restrict the  
20 required disclosure; and

21 (C) if the person is an insurance support  
22 organization, to warrant that the person will not seek to obtain  
23 information about a holder of a driver's license under the contract  
24 unless the license holder is insured by a client of the  
25 organization, and that the person will provide the department with  
26 the name of each client to whom the insurance support organization  
27 provides information received from the department under the

1 contract.

2 (d) The attorney general may file a suit against a person  
3 with whom the department has contracted under this section for:

4 (1) injunctive relief to prevent or restrain the  
5 person from violating a term of the contract or from directly or  
6 indirectly disclosing information received from the department  
7 under the contract in a manner that violates the terms of the  
8 contract; or

9 (2) a civil penalty in an amount not to exceed \$2,000  
10 for each disclosure in violation of those terms.

11 (e) If the attorney general brings an action against a  
12 person under Subsection (d) and an injunction is granted against  
13 the person or the person is found liable for a civil penalty, the  
14 attorney general may recover reasonable expenses, court costs,  
15 investigative costs, and attorney's fees. Each day a violation  
16 continues or occurs is a separate violation for purposes of  
17 imposing a penalty under Subsection (d).

18 (f) A violation of the terms of a contract entered into with  
19 the department by the person with whom the department has  
20 contracted is a false, misleading, or deceptive act or practice  
21 under Subchapter E, Chapter 17, Business & Commerce Code.

22 (g) A civil action brought under this section shall be filed  
23 in a district court:

24 (1) in Travis County; or

25 (2) in any county in which the violation occurred.

26 (h) A person with whom the department has contracted under  
27 this section commits an offense if the person directly or

1 indirectly discloses information received from the department  
2 under the contract in a manner that violates the terms of the  
3 contract. An offense under this subsection is a Class B  
4 misdemeanor. If conduct constituting an offense under this  
5 subsection also constitutes an offense under another law, the actor  
6 may be prosecuted under this subsection, the other law, or both.

7 (i) The department shall impose a fee on each person with  
8 whom the department contracts under this section for the services  
9 provided by the department under the contract. The fee must be  
10 reasonable and be not less than the amount necessary to allow the  
11 department to recover all reasonable costs to the department  
12 associated with entering into the contract and providing services  
13 to the person under the contract, including direct, indirect, and  
14 administrative costs and costs related to the development and  
15 deployment of the pilot program.

16 (j) The department may establish a reasonable deadline by  
17 which a person must apply to enter into a contract with the  
18 department under this section and may not enter into a contract with  
19 a person who fails to apply before that deadline.

20 (k) To the fullest extent practicable, the services of the  
21 department under a contract entered into under this section shall  
22 be provided by, through, or in conjunction with the interactive  
23 system established under Section 521.055.

24 (l) At the conclusion of the term of the pilot program, and  
25 on the recommendation of the department, the commission may  
26 authorize the department to implement the pilot program as a  
27 permanent program.

1       (m) Before the department recommends that the pilot program  
2 be implemented as a permanent program, the department shall submit  
3 to the lieutenant governor, the speaker of the house of  
4 representatives, and each member of the legislature a report that  
5 contains an analysis of the scope, effectiveness, and cost benefits  
6 of the pilot program. The report must include:

7           (1) a list of each insurance support organization with  
8 which the department has contracted under this section; and

9           (2) a list of each client to whom the insurance support  
10 organization has provided information received from the department  
11 under this section.

12       SECTION 6.08. Subchapter S, Chapter 521, Transportation  
13 Code, is amended by adding Section 521.4565 to read as follows:

14       Sec. 521.4565. CONSPIRING TO MANUFACTURE COUNTERFEIT  
15 LICENSE OR CERTIFICATE. (a) In this section:

16           (1) "Combination," "conspires to commit," "profits,"  
17 and "criminal street gang" have the meanings assigned by Section  
18 71.01, Penal Code.

19           (2) "Conspires to manufacture or produce" means that:

20                   (A) a person agrees with one or more other  
21 persons to engage in the manufacture or production of a forged or  
22 counterfeit instrument; and

23                   (B) the person and one or more of the other  
24 persons perform an overt act in pursuance of the agreement.

25           (3) "Instrument" means a driver's license, commercial  
26 driver's license, or personal identification certificate.

27           (4) "Public servant" has the meaning assigned by



1 Section 1.07, Penal Code.

2 (b) A person commits an offense if the person establishes,  
3 maintains, or participates in or conspires to establish, maintain,  
4 or participate in a combination or criminal street gang, or  
5 participates in the profits of a combination or criminal street  
6 gang, with the intent to manufacture or produce a forged or  
7 counterfeit instrument for the purpose of selling, distributing, or  
8 delivering the instrument. An agreement that constitutes  
9 conspiring to manufacture or produce may be inferred from the acts  
10 of the parties.

11 (c) An offense under this section is a state jail felony,  
12 except that an offense committed by a public servant is a felony of  
13 the third degree.

14 SECTION 6.09. Section 548.005, Transportation Code, is  
15 amended to read as follows:

16 Sec. 548.005. INSPECTION ONLY BY STATE-CERTIFIED AND  
17 SUPERVISED INSPECTION STATION. A compulsory inspection under this  
18 chapter may be made only by an inspection station, except that the  
19 department may:

20 (1) permit inspection to be made by an inspector under  
21 terms and conditions the department prescribes; ~~and~~

22 (2) authorize the acceptance in this state of a  
23 certificate of inspection and approval issued in another state  
24 having a similar inspection law; and

25 (3) authorize the acceptance in this state of a  
26 certificate of inspection and approval issued in compliance with 49  
27 C.F.R. Part 396 to a motor bus, as defined by Section 502.001, that

1 is registered in this state but is not domiciled in this state.

2 SECTION 6.10. Section 708.157(c), Transportation Code, is  
3 amended to read as follows:

4 (c) The department by rule shall [~~may~~] establish an  
5 indigency program for holders of a driver's license on which a  
6 surcharge has been assessed for certain offenses, as determined by  
7 the department.

8 SECTION 6.11. Section 22.0834, Education Code, is amended  
9 by adding Subsections (k), (l), (m), (n), (o), and (p) to read as  
10 follows:

11 (k) The requirements of this section apply to an entity that  
12 contracts directly with a school district, open-enrollment charter  
13 school, or shared services arrangement and any subcontractor of the  
14 entity.

15 (l) A contracting entity shall require that a  
16 subcontracting entity obtain all criminal history record  
17 information that relates to an employee to whom Subsection (a)  
18 applies. If a contracting or subcontracting entity determines that  
19 Subsection (a) does not apply to an employee, the contracting or  
20 subcontracting entity shall make a reasonable effort to ensure that  
21 the conditions or precautions that resulted in the determination  
22 that Subsection (a) did not apply to the employee continue to exist  
23 throughout the time that the contracted services are provided.

24 (m) A contracting entity complies with the requirements of  
25 this section if the contracting entity obtains a written statement  
26 from each subcontracting entity certifying that the subcontracting  
27 entity has obtained the required criminal history record

1 information for employees of the subcontracting entity and the  
2 subcontracting entity has obtained certification from each of the  
3 subcontracting entity's subcontractors.

4 (n) A subcontracting entity must certify to the school  
5 district, open-enrollment charter school, or shared services  
6 arrangement and the contracting entity that the subcontracting  
7 entity has obtained all criminal history record information that  
8 relates to an employee to whom Subsection (a) applies and has  
9 obtained similar written certifications from the subcontracting  
10 entity's subcontractors.

11 (o) A contracting or subcontracting entity may not permit an  
12 employee to whom Subsection (a) applies to provide services at a  
13 school if the employee has been convicted of a felony or misdemeanor  
14 offense that would prevent a person from obtaining certification as  
15 an educator under Section 21.060.

16 (p) In this section:

17 (1) "Contracting entity" means an entity that  
18 contracts directly with a school district, open-enrollment charter  
19 school, or shared services arrangement to provide services to the  
20 school district, open-enrollment charter school, or shared  
21 services arrangement.

22 (2) "Subcontracting entity" means an entity that  
23 contracts with another entity that is not a school district,  
24 open-enrollment charter school, or shared services arrangement to  
25 provide services to a school district, open-enrollment charter  
26 school, or shared services arrangement.

27 ARTICLE 7. TEXAS RANGERS' UNSOLVED CRIMES INVESTIGATION TEAM

1 SECTION 7.01. The heading to Subchapter J, Chapter 411,  
2 Government Code, is amended to read as follows:

3 SUBCHAPTER J. UNSOLVED CRIMES INVESTIGATION PROGRAM [~~TEAM~~]

4 SECTION 7.02. Section 411.262, Government Code, is amended  
5 to read as follows:

6 Sec. 411.262. UNSOLVED CRIMES INVESTIGATION PROGRAM  
7 [~~TEAM~~]. (a) The unsolved crimes investigation program [~~team~~] is  
8 an investigative program [~~investigatory unit~~] within the  
9 department.

10 (b) The program is a function [~~team will be located at the~~  
11 ~~headquarters~~] of the Texas Rangers [~~in Austin, Texas,~~] and will be  
12 commanded by the chief of the Texas Rangers.

13 (c) The director may employ commissioned peace officers and  
14 noncommissioned employees to perform duties required of the program  
15 [~~team~~].

16 (d) To be eligible for employment under this section, a  
17 peace officer must be a sergeant or higher-ranked officer of the  
18 Texas Rangers and must have [~~not less than four years of experience~~  
19 ~~as a peace officer and:~~

20 [~~(1) a degree from an accredited institution of higher~~  
21 ~~education in law, accounting, or computer science, or~~

22 [~~(2)~~] two or more years of experience in the  
23 investigation of homicides or other major felonies.

24 (e) To be eligible for employment under this section, a  
25 noncommissioned employee must meet the experience, training, and  
26 educational qualifications set by the director as requirements for  
27 investigating or assisting in the investigation of an unsolved

1 crime.

2 SECTION 7.03. Section 411.263, Government Code, is amended  
3 to read as follows:

4 Sec. 411.263. ASSISTANCE ON REQUEST. On the request of an  
5 attorney representing the state and with the approval of the  
6 director, employees of the unsolved crimes investigation program  
7 [~~team~~] of the department may assist local law enforcement in the  
8 investigation of crime.

9 SECTION 7.04. This article takes effect immediately if this  
10 Act receives a vote of two-thirds of all the members elected to each  
11 house, as provided by Section 39, Article III, Texas Constitution.  
12 If this Act does not receive the vote necessary for immediate  
13 effect, this article takes effect September 1, 2009.

14 ARTICLE 8. DISSEMINATION OF EMERGENCY PUBLIC SERVICE MESSAGES

15 SECTION 8.01. Section 418.047, Government Code, is amended  
16 by adding Subsection (a-1) to read as follows:

17 (a-1) The division shall coordinate with the Texas  
18 Department of Transportation to establish additional methods for  
19 disseminating emergency public service messages to motorists,  
20 including:

- 21 (1) severe weather advisories;  
22 (2) AMBER alerts under Subchapter L, Chapter 411; and  
23 (3) silver alerts under Subchapter M, Chapter 411.

24 ARTICLE 9. AUTHORITY OF DEPARTMENT TO OBTAIN AND USE CRIMINAL  
25 HISTORY RECORD INFORMATION FOR CERTAIN DEPARTMENTAL AUTHORIZATIONS

26 SECTION 9.01. Subchapter F, Chapter 411, Government Code,  
27 is amended by adding Section 411.0891 to read as follows:

1       Sec. 411.0891. DEPARTMENT ACCESS TO CRIMINAL HISTORY RECORD  
2 INFORMATION: CERTAIN DEPARTMENTAL AUTHORIZATIONS. (a) Subject to  
3 Section 411.087, the department is authorized to obtain and use  
4 criminal history record information maintained by the Federal  
5 Bureau of Investigation or the department that relates to a person  
6 who:

7           (1) is an applicant for or holds a registration issued  
8 by the director under Subchapter C, Chapter 481, Health and Safety  
9 Code, that authorizes the person to manufacture, distribute,  
10 analyze, or conduct research with a controlled substance;

11           (2) is an applicant for or holds a chemical precursor  
12 transfer permit issued by the director under Section 481.078,  
13 Health and Safety Code;

14           (3) is an applicant for or holds a chemical laboratory  
15 apparatus transfer permit issued by the director under Section  
16 481.081, Health and Safety Code;

17           (4) is an applicant for certification by the  
18 department as an inspection station or an inspector under  
19 Subchapter G, Chapter 548, Transportation Code, holds an inspection  
20 station or inspector certificate issued under that subchapter, or  
21 is the owner of an inspection station operating under that chapter;  
22 or

23           (5) is an applicant for approval or has been approved  
24 as a program sponsor by the department under Chapter 662,  
25 Transportation Code, is an applicant for certification by the  
26 department as an instructor under that chapter, or holds an  
27 instructor certificate issued under that chapter.

1           (b) The department may release or disclose criminal history  
2 record information obtained or used by the department for a purpose  
3 described by Subsection (a) to another person or agency only:

4                   (1) in a criminal proceeding;

5                   (2) in a hearing conducted by the department;

6                   (3) under an order from a court; or

7                   (4) with the consent of the person who is the subject  
8 of the criminal history record information.

9           (c) This section may not be construed to limit the authority  
10 of the department to disseminate criminal history record  
11 information as provided by Section 411.083.

12           SECTION 9.02. This article takes effect immediately if this  
13 Act receives a vote of two-thirds of all the members elected to each  
14 house, as provided by Section 39, Article III, Texas Constitution.  
15 If this Act does not receive the vote necessary for immediate  
16 effect, this article takes effect September 1, 2009.

17           ARTICLE 9A. DISCLOSURE OF CRIMINAL HISTORY RECORD INFORMATION  
18   REGARDING PUBLIC SCHOOL EMPLOYEES

19           SECTION 9A.01. Section 411.084, Government Code, is amended  
20 by amending Subsection (a) and adding Subsections (a-1) and (c) to  
21 read as follows:

22                   (a) Criminal history record information obtained from the  
23 department under this subchapter, including any identification  
24 information that could reveal the identity of a person about whom  
25 criminal history record information is requested and information  
26 that directly or indirectly indicates or implies involvement of a  
27 person in the criminal justice system:

1 (1) is for the exclusive use of the authorized  
2 recipient of the information; and

3 (2) may be disclosed or used by the recipient only if,  
4 and only to the extent that, disclosure or use is authorized or  
5 directed by:

6 (A) this subchapter;

7 (B) another statute;

8 (C) a rule adopted under a statute; or

9 (D) an order of a court of competent  
10 jurisdiction.

11 (a-1) The term "criminal history record" information under  
12 Subsection (a) does not refer to any specific document produced to  
13 comply with this subchapter but to the information contained,  
14 wholly or partly, in a document's original form or any subsequent  
15 form or use.

16 (c) An agency or individual may not confirm the existence or  
17 nonexistence of criminal history record information to any person  
18 that is not eligible to receive the information.

19 SECTION 9A.02. Sections 411.090(b) and (c), Government Code,  
20 are amended to read as follows:

21 (b) Criminal history record information obtained by the  
22 board in the original form or any subsequent form [~~under Subsection~~  
23 ~~(a)~~]:

24 (1) may be used only for a [~~any~~] purpose related to the  
25 issuance, denial, suspension, or cancellation of a certificate  
26 issued by the board;

27 (2) may not be released to any person except:



1                    (A) the person who is the subject of the  
2 information;

3                    (B) the Texas Education Agency;

4                    (C) a local or regional educational entity as  
5 provided by Section 411.097; or

6                    (D) by [en] court order [or with the consent of  
7 the applicant for a certificate]; [and]

8                    (3) is not subject to disclosure as provided by  
9 Chapter 552; and

10                    (4) shall be destroyed by the board after the  
11 information is used for the authorized purposes.

12                    (c) The department shall notify the State Board for Educator  
13 Certification of the arrest of any educator, as defined by Section  
14 5.001, Education Code, who has fingerprints on file with the  
15 department. Any record of the notification and any information  
16 contained in the notification is not subject to disclosure as  
17 provided by Chapter 552.

18                    SECTION 9A.03. Section 411.0901, Government Code, is  
19 amended to read as follows:

20                    Sec. 411.0901. ACCESS TO CRIMINAL HISTORY RECORD  
21 INFORMATION: TEXAS EDUCATION AGENCY. (a) The Texas Education  
22 Agency is entitled to obtain criminal history record information  
23 maintained by the department about a person who:

24                    (1) is employed or is an applicant for employment by a  
25 school district or open-enrollment charter school;

26                    (2) is employed or is an applicant for employment by a  
27 shared services arrangement, if the employee's or applicant's

1 duties are or will be performed on school property or at another  
2 location where students are regularly present; or

3 (3) is employed or is an applicant for employment by an  
4 entity that contracts with a school district, open-enrollment  
5 charter school, or shared services arrangement if:

6 (A) the employee or applicant has or will have  
7 continuing duties relating to the contracted services; and

8 (B) the employee or applicant has or will have  
9 direct contact with students.

10 (b) Criminal history record information obtained by the  
11 agency in the original form or any subsequent form:

12 (1) may be used only for a purpose authorized by the  
13 Education Code;

14 (2) may not be released to any person except:

15 (A) the person who is the subject of the  
16 information;

17 (B) the State Board for Educator Certification;

18 (C) a local or regional educational entity as  
19 provided by Section 411.097; or

20 (D) by court order;

21 (3) is not subject to disclosure as provided by  
22 Chapter 552; and

23 (4) shall be destroyed by the agency after the  
24 information is used for the authorized purposes.

25 SECTION 9A.04. Section 411.097, Government Code, is amended  
26 by amending Subsection (d) and adding Subsection (f) to read as  
27 follows:

1 (d) Criminal history record information obtained by a  
2 school district, charter school, private school, service center,  
3 commercial transportation company, or shared services arrangement  
4 in the original form or any subsequent form:

5 (1) [~~under Subsection (a), (b), or (c)~~] may not be  
6 released [~~or disclosed~~] to any person except:

7 (A) [~~other than~~] the individual who is the  
8 subject of the information;

9 (B) [] the Texas Education Agency;

10 (C) [] the State Board for Educator  
11 Certification;

12 (D) [~~or~~] the chief personnel officer of the  
13 transportation company, if the information is obtained under  
14 Subsection (a)(2); or

15 (E) by court order;

16 (2) is not subject to disclosure as provided by  
17 Chapter 552; and

18 (3) shall be destroyed by the school district, charter  
19 school, private school, service center, commercial transportation  
20 company, or shared services arrangement on the earlier of:

21 (A) the first anniversary of the date the  
22 information was originally obtained; or

23 (B) the date the information is used for the  
24 authorized purpose.

25 (f) An employee of a school district, charter school,  
26 private school, regional education service center, commercial  
27 transportation company, or education shared services arrangement

1 or an entity that contracts to provide services to a school  
2 district, charter school, or shared services arrangement may  
3 request from the employer a copy of any criminal history record  
4 information relating to that employee that the employer has  
5 obtained as provided by Subchapter C, Chapter 22, Education Code.  
6 The employer may charge a fee to an employee requesting a copy of  
7 the information in an amount not to exceed the actual cost of  
8 copying the requested criminal history record information.

9 SECTION 9A.05. Subchapter C, Chapter 22, Education Code, is  
10 amended by adding Section 22.08391 to read as follows:

11 Sec. 22.08391. CONFIDENTIALITY OF INFORMATION. (a)  
12 Information collected about a person to comply with this  
13 subchapter, including the person's name, address, phone number,  
14 social security number, driver's license number, other  
15 identification number, and fingerprint records:

16 (1) may not be released except:  
17 (A) to comply with this subchapter;  
18 (B) by court order; or  
19 (C) with the consent of the person who is the  
20 subject of the information;

21 (2) is not subject to disclosure as provided by  
22 Chapter 552, Government Code; and

23 (3) shall be destroyed by the requestor or any  
24 subsequent holder of the information not later than the first  
25 anniversary of the date the information is received.

26 (b) Any criminal history record information received by the  
27 State Board for Educator Certification as provided by this

1 subchapter is subject to Section 411.090(b), Government Code.

2 (c) Any criminal history record information received by the  
3 agency as provided by this subchapter is subject to Section  
4 411.0901(b), Government Code.

5 (d) Any criminal history record information received by a  
6 school district, charter school, private school, regional  
7 education service center, commercial transportation company, or  
8 education shared services arrangement or an entity that contracts  
9 to provide services to a school district, charter school, or shared  
10 services arrangement as provided by this subchapter is subject to  
11 Section 411.097(d), Government Code.

12 SECTION 9A.06. The change in law made by this article  
13 applies to information collected, assembled, or maintained before,  
14 on, or after the effective date of this article.

15 ARTICLE 10. COLLECTION, MAINTENANCE, AND TRANSFER AND OTHER  
16 DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION AND JUVENILE

17 JUSTICE INFORMATION

18 SECTION 10.01. Section 411.042(b), Government Code, as  
19 amended by Chapters 70 (H.B. 76), 1306 (S.B. 839), and 1372 (S.B.  
20 9), Acts of the 80th Legislature, Regular Session, 2007, is  
21 reenacted and amended to read as follows:

22 (b) The bureau of identification and records shall:

23 (1) procure and file for record photographs, pictures,  
24 descriptions, fingerprints, measurements, and other pertinent  
25 information of all persons arrested for or charged with a criminal  
26 offense or convicted of a criminal offense, regardless of whether  
27 the conviction is probated;

1           (2) collect information concerning the number and  
2 nature of offenses reported or known to have been committed in the  
3 state and the legal steps taken in connection with the offenses, and  
4 other information useful in the study of crime and the  
5 administration of justice, including information that enables the  
6 bureau to create a statistical breakdown of offenses in which  
7 family violence was involved and a statistical breakdown of  
8 offenses under Sections 22.011 and 22.021, Penal Code;

9           (3) make ballistic tests of bullets and firearms and  
10 chemical analyses of bloodstains, cloth, materials, and other  
11 substances for law enforcement officers of the state;

12           (4) cooperate with identification and crime records  
13 bureaus in other states and the United States Department of  
14 Justice;

15           (5) maintain a list of all previous background checks  
16 for applicants for any position regulated under Chapter 1702,  
17 Occupations Code, who have undergone a criminal history background  
18 check under Section 411.119, if the check indicates a Class B  
19 misdemeanor or equivalent offense or a greater offense;

20           (6) collect information concerning the number and  
21 nature of protective orders and all other pertinent information  
22 about all persons on active protective orders. Information in the  
23 law enforcement information system relating to an active protective  
24 order shall include:

25           (A) the name, sex, race, date of birth, personal  
26 descriptors, address, and county of residence of the person to whom  
27 the order is directed;

1 (B) any known identifying number of the person to  
2 whom the order is directed, including the person's social security  
3 number or driver's license number;

4 (C) the name and county of residence of the  
5 person protected by the order;

6 (D) the residence address and place of employment  
7 or business of the person protected by the order, unless that  
8 information is excluded from the order under Section 85.007, Family  
9 Code;

10 (E) the child-care facility or school where a  
11 child protected by the order normally resides or which the child  
12 normally attends, unless that information is excluded from the  
13 order under Section 85.007, Family Code;

14 (F) the relationship or former relationship  
15 between the person who is protected by the order and the person to  
16 whom the order is directed; and

17 (G) the date the order expires; ~~and~~

18 (7) grant access to criminal history record  
19 information in the manner authorized under Subchapter F;

20 (8) [~~7~~] collect and disseminate information  
21 regarding offenders with mental impairments in compliance with  
22 Chapter 614, Health and Safety Code; and

23 (9) record data and maintain a state database for a  
24 computerized criminal history record system and computerized  
25 juvenile justice information system that serves:

26 (A) as the record creation point for criminal  
27 history record information and juvenile justice information

1 maintained by the state; and

2 (B) as the control terminal for the entry of  
3 records, in accordance with federal law and regulations, federal  
4 executive orders, and federal policy, into the federal database  
5 maintained by the Federal Bureau of Investigation.

6 SECTION 10.02. Section 411.083(b), Government Code, is  
7 amended to read as follows:

8 (b) The department shall grant access to criminal history  
9 record information to:

10 (1) criminal justice agencies;

11 (2) noncriminal justice agencies authorized by  
12 federal statute or executive order or by state statute to receive  
13 criminal history record information;

14 (3) the person who is the subject of the criminal  
15 history record information;

16 (4) a person working on a research or statistical  
17 project that:

18 (A) is funded in whole or in part by state funds;

19 or

20 (B) meets the requirements of Part 22, Title 28,  
21 Code of Federal Regulations, and is approved by the department;

22 (5) an individual or an agency that has a specific  
23 agreement with a criminal justice agency to provide services  
24 required for the administration of criminal justice under that  
25 agreement, if the agreement:

26 (A) specifically authorizes access to  
27 information;



1 (B) limits the use of information to the purposes  
2 for which it is given;

3 (C) ensures the security and confidentiality of  
4 the information; ~~and~~

5 (D) provides for sanctions if a requirement  
6 imposed under Paragraph (A), (B), or (C) is violated; and

7 (E) requires the individual or agency to perform  
8 the applicable services in a manner prescribed by the department;

9 (6) an individual or an agency that has a specific  
10 agreement with a noncriminal justice agency to provide services  
11 related to the use of criminal history record information  
12 disseminated under this subchapter, if the agreement:

13 (A) specifically authorizes access to  
14 information;

15 (B) limits the use of information to the purposes  
16 for which it is given;

17 (C) ensures the security and confidentiality of  
18 the information; ~~and~~

19 (D) provides for sanctions if a requirement  
20 imposed under Paragraph (A), (B), or (C) is violated; and

21 (E) requires the individual or agency to perform  
22 the applicable services in a manner prescribed by the department;

23 (7) a county or district clerk's office; and

24 (8) the Office of Court Administration of the Texas  
25 Judicial System.

26 SECTION 10.03. Section 411.084(b), Government Code, is  
27 amended to read as follows:

1 (b) Notwithstanding Subsection (a) or any other provision  
2 in this subchapter, criminal history record information obtained  
3 from the Federal Bureau of Investigation may be released or  
4 disclosed only to a governmental entity or as authorized by federal  
5 law and regulations [~~statute, federal rule~~], [~~or~~] federal executive  
6 orders, and federal policy [~~order~~].

7 SECTION 10.04. Sections 411.0845(e), (i), and (k),  
8 Government Code, are amended to read as follows:

9 (e) A person entitled to receive criminal history record  
10 information under this section must provide the department with the  
11 following information regarding the person who is the subject of  
12 the criminal history record information requested:

13 (1) the person's full name, date of birth, sex, [~~Texas~~  
14 ~~driver's license number or personal identification certificate~~  
15 ~~number,~~] and social security number, and the number assigned to any  
16 form of unexpired identification card issued by this state or  
17 another state, the District of Columbia, or a territory of the  
18 United States that includes the person's photograph;

19 (2) a recent electronic digital image photograph of  
20 the person and a complete set of the person's fingerprints as  
21 required by the department; and

22 (3) any other information required by the department.

23 (i) The release under this section of any criminal history  
24 record information maintained by the Federal Bureau of  
25 Investigation, including the computerized information submitted to  
26 the federal database maintained by the Federal Bureau of  
27 Investigation as described by Section 411.042(b)(9)(B), is subject

1 to federal law and regulations, federal executive orders, and  
2 federal policy.

3 (k) A governmental agency may coordinate with the  
4 department regarding the use of the fingerprinting fee collection  
5 process to collect [~~collection of~~] a fee for the criminal history  
6 record information and any other fees associated with obtaining a  
7 person's fingerprints as required by the department [~~through the~~  
8 ~~fingerprinting fee collection process~~].

9 SECTION 10.05. Section 411.085(a), Government Code, is  
10 amended to read as follows:

11 (a) A person commits an offense if the person knowingly or  
12 intentionally:

13 (1) obtains criminal history record information in an  
14 unauthorized manner, uses the information for an unauthorized  
15 purpose, or discloses the information to a person who is not  
16 entitled to the information;

17 [~~(2) provides a person with a copy of the person's~~  
18 ~~criminal history record information obtained from the department,~~]

19 or

20 (2) [~~(3)~~] violates a rule of the department adopted  
21 under this subchapter.

22 SECTION 10.06. Section 411.094(d), Government Code, is  
23 amended to read as follows:

24 (d) Criminal history record information received by an  
25 institution of higher education under Subsection (b) may not be  
26 released or disclosed to any person except on court order or with  
27 the consent of the person who is the subject of the criminal history

1 record information.

2 SECTION 10.07. Section 411.0985(c), Government Code, is  
3 amended to read as follows:

4 (c) The Texas Commission for the Blind may not release or  
5 disclose information obtained under Subsection (a) except on court  
6 order or with the consent of the person who is the subject of the  
7 criminal history record information.

8 SECTION 10.08. Section 411.1005(b), Government Code, is  
9 amended to read as follows:

10 (b) Information received by the state bar is confidential  
11 and may be disseminated only:

12 (1) in a disciplinary action or proceeding conducted  
13 by the state bar, the Board of Disciplinary Appeals, or any court;  
14 or

15 (2) with the consent of the person who is the subject  
16 of the criminal history record information.

17 SECTION 10.09. Section 411.1131(c), Government Code, is  
18 amended to read as follows:

19 (c) The Texas Commission for the Deaf and Hard of Hearing  
20 may not release or disclose information obtained under Subsection  
21 (a), except on court order or with the consent of the person who is  
22 the subject of the criminal history record information, and shall  
23 destroy all criminal history record information obtained under  
24 Subsection (a) after the information is used for its authorized  
25 purpose.

26 SECTION 10.10. Section 411.1182(c), Government Code, is  
27 amended to read as follows:

1 (c) Criminal history information obtained from the  
2 department may not be released or disclosed except:

3 (1) as needed in protecting the security of a  
4 commercial nuclear power plant;

5 (2) ~~or~~ as authorized by the United States Nuclear  
6 Regulatory Commission, a court order, or a federal or state law or  
7 order; or

8 (3) with the consent of the person who is the subject  
9 of the criminal history record information.

10 SECTION 10.11. Section 411.120(b), Government Code, is  
11 amended to read as follows:

12 (b) Criminal history record information obtained by a  
13 county judge under Subsection (a) may not be released or disclosed  
14 to any person except in a hearing held under Chapter 25 or 69,  
15 Alcoholic Beverage Code, or with the consent of the person who is  
16 the subject of the criminal history record information.

17 SECTION 10.12. Section 411.1236(b), Government Code, is  
18 amended to read as follows:

19 (b) Criminal history record information obtained by the  
20 Texas Commission on Fire Protection under Subsection (a) may not be  
21 released to any person or agency except on court order or with the  
22 consent of the person who is the subject of the criminal history  
23 record information, or if ~~unless~~ the information is entered into  
24 evidence by the board in an administrative, civil, or criminal  
25 hearing under Chapter 419.

26 SECTION 10.13. Section 411.136(e), Government Code, is  
27 amended to read as follows:

1           (e) All criminal history record information received by a  
2 public or nonprofit hospital or hospital district under this  
3 section is privileged, confidential, and intended for the exclusive  
4 use of the entity that obtained the information. The hospital or  
5 district may not release or disclose criminal history record  
6 information to any person or agency except in a criminal  
7 proceeding, in a hearing conducted by the hospital or district, to  
8 another governmental entity as required by law, ~~or~~ as required by  
9 court order, or with the consent of the person who is the subject of  
10 the criminal history record information.

11           SECTION 10.14. Section 411.139(b), Government Code, is  
12 amended to read as follows:

13           (b) Criminal history record information obtained by the  
14 securities commissioner under this section may not be released by  
15 any person or agency except on court order or with the consent of  
16 the person who is the subject of the criminal history record  
17 information, unless the information is entered into evidence by the  
18 State Securities Board or a court at an administrative proceeding  
19 or a civil or criminal action under The Securities Act (Article  
20 581-1 et seq., Vernon's Texas Civil Statutes).

21           SECTION 10.15. Section 411.140(b), Government Code, is  
22 amended to read as follows:

23           (b) Information received by the State Commission on  
24 Judicial Conduct is confidential and may be disseminated only in an  
25 investigation or proceeding conducted by the commission or with the  
26 consent of the person who is the subject of the criminal history  
27 record information.

1 SECTION 10.16. Section 411.1402(c), Government Code, is  
2 amended to read as follows:

3 (c) The Employees Retirement System of Texas may not release  
4 or disclose information obtained under Subsection (a) except on  
5 court order or with the consent of the person who is the subject of  
6 the criminal history record information.

7 SECTION 10.17. Section 411.1406(d), Government Code, as  
8 added by Chapter 406 (S.B. 885), Acts of the 80th Legislature,  
9 Regular Session, 2007, is amended to read as follows:

10 (d) The court may not release or disclose information  
11 obtained under Subsection (b) except on order of a district court or  
12 with the consent of the person who is the subject of the criminal  
13 history record information.

14 SECTION 10.18. To the extent of any conflict, this article  
15 prevails over another Act of the 81st Legislature, Regular Session,  
16 2009, relating to nonsubstantive additions to and corrections in  
17 enacted codes.

18 SECTION 10.19. This article takes effect immediately if  
19 this Act receives a vote of two-thirds of all the members elected to  
20 each house, as provided by Section 39, Article III, Texas  
21 Constitution. If this Act does not receive the vote necessary for  
22 immediate effect, this article takes effect September 1, 2009.

23 ARTICLE 11. ADMINISTRATION OF CERTAIN PROVISIONS AFFECTING THE  
24 LICENSING OF PERSONS TO CARRY A CONCEALED HANDGUN

25 SECTION 11.01. Section 411.1711, Government Code, is  
26 amended to read as follows:

27 Sec. 411.1711. CERTAIN EXEMPTIONS FROM CONVICTIONS. A

1 person is not convicted, as that term is defined by Section 411.171,  
2 if an order of deferred adjudication was entered against the person  
3 on a date not less than 10 years preceding the date of the person's  
4 application for a license under this subchapter unless the order of  
5 deferred adjudication was entered against the person for:

6 (1) a felony [~~an~~] offense under:

7 (A) Title 5, Penal Code;

8 (B) [~~or~~] Chapter 29, Penal Code;

9 (C) Section 25.07, Penal Code; or

10 (D) Section 30.02, Penal Code, if the offense is  
11 punishable under Subsection (c)(2) or (d) of that section; or

12 (2) an offense under the laws of another state if the  
13 offense contains elements that are substantially similar to the  
14 elements of an offense listed in Subdivision (1).

15 SECTION 11.02. Section 411.171(4), Government Code, is  
16 amended to read as follows:

17 (4) "Convicted" means an adjudication of guilt or,  
18 except as provided in Section 411.1711, an order of deferred  
19 adjudication entered against a person by a court of competent  
20 jurisdiction whether or not the imposition of the sentence is  
21 subsequently probated and the person is discharged from community  
22 supervision. The term does not include an adjudication of guilt or  
23 an order of deferred adjudication that has been subsequently:

24 (A) expunged; [~~or~~]

25 (B) pardoned under the authority of a state or  
26 federal official; or

27 (C) otherwise vacated, set aside, annulled,



1 invalidated, voided, or sealed under any state or federal law.

2 SECTION 11.03. Section 411.172, Government Code, is amended  
3 by amending Subsections (a), (b), (d), and (e) and adding  
4 Subsection (b-1) to read as follows:

5 (a) A person is eligible for a license to carry a concealed  
6 handgun if the person:

7 (1) is a legal resident of this state for the six-month  
8 period preceding the date of application under this subchapter or  
9 is otherwise eligible for a license under Section 411.173(a);

10 (2) is at least 21 years of age;

11 (3) has not been convicted of a felony;

12 (4) is not charged with the commission of a Class A or  
13 Class B misdemeanor or equivalent offense, or of an offense under  
14 Section 42.01, Penal Code, or equivalent offense, or of a felony  
15 under an information or indictment;

16 (5) is not a fugitive from justice for a felony or a  
17 Class A or Class B misdemeanor or equivalent offense;

18 (6) is not a chemically dependent person;

19 (7) is not incapable of exercising sound judgment with  
20 respect to the proper use and storage of a handgun;

21 (8) has not, in the five years preceding the date of  
22 application, been convicted of a Class A or Class B misdemeanor or  
23 equivalent offense or of an offense under Section 42.01, Penal  
24 Code, or equivalent offense;

25 (9) is fully qualified under applicable federal and  
26 state law to purchase a handgun;

27 (10) has not been finally determined to be delinquent

1 in making a child support payment administered or collected by the  
2 attorney general;

3 (11) has not been finally determined to be delinquent  
4 in the payment of a tax or other money collected by the comptroller,  
5 the tax collector of a political subdivision of the state, or any  
6 agency or subdivision of the state;

7 (12) ~~[has not been finally determined to be in default~~  
8 ~~on a loan made under Chapter 57, Education Code;~~

9 ~~[(13)]~~ is not currently restricted under a court  
10 protective order or subject to a restraining order affecting the  
11 spousal relationship, other than a restraining order solely  
12 affecting property interests;

13 (13) ~~[(14)]~~ has not, in the 10 years preceding the  
14 date of application, been adjudicated as having engaged in  
15 delinquent conduct violating a penal law of the grade of felony; and

16 (14) ~~[(15)]~~ has not made any material  
17 misrepresentation, or failed to disclose any material fact, in an  
18 application submitted pursuant to Section 411.174 ~~[or in a request~~  
19 ~~for application submitted pursuant to Section 411.175].~~

20 (b) For the purposes of this section, an offense under the  
21 laws of this state, another state, or the United States is:

22 (1) except as provided by Subsection (b-1), a felony  
23 if the offense, at the time the offense is committed ~~[of a person's~~  
24 ~~application for a license to carry a concealed handgun]~~:

25 (A) is designated by a law of this state as a  
26 felony;

27 (B) contains all the elements of an offense

1 designated by a law of this state as a felony; or

2 (C) is punishable by confinement for one year or  
3 more in a penitentiary; and

4 (2) a Class A misdemeanor if the offense is not a  
5 felony and confinement in a jail other than a state jail felony  
6 facility is affixed as a possible punishment.

7 (b-1) An offense is not considered a felony for purposes of  
8 Subsection (b) if, at the time of a person's application for a  
9 license to carry a concealed handgun, the offense:

10 (1) is not designated by a law of this state as a  
11 felony; and

12 (2) does not contain all the elements of any offense  
13 designated by a law of this state as a felony.

14 (d) For purposes of Subsection (a)(7), a person is incapable  
15 of exercising sound judgment with respect to the proper use and  
16 storage of a handgun if the person:

17 (1) has been diagnosed by a licensed physician as  
18 suffering from a psychiatric disorder or condition that causes or  
19 is likely to cause substantial impairment in judgment, mood,  
20 perception, impulse control, or intellectual ability;

21 (2) suffers from a psychiatric disorder or condition  
22 described by Subdivision (1) that:

23 (A) is in remission but is reasonably likely to  
24 redevelop at a future time; or

25 (B) requires continuous medical treatment to  
26 avoid redevelopment;

27 (3) has been diagnosed by a licensed physician,

1 determined by a review board or similar authority, or declared by a  
2 court to be incompetent to manage the person's own affairs; or

3 (4) has entered in a criminal proceeding a plea of not  
4 guilty by reason of insanity.

5 (e) The following constitutes evidence that a person has a  
6 psychiatric disorder or condition described by Subsection (d)(1):

7 (1) involuntary psychiatric hospitalization [~~in the~~  
8 ~~preceding five-year period~~];

9 (2) psychiatric hospitalization [~~in the preceding~~  
10 ~~two-year period~~];

11 (3) inpatient or residential substance abuse  
12 treatment in the preceding five-year period;

13 (4) diagnosis in the preceding five-year period by a  
14 licensed physician that the person is dependent on alcohol, a  
15 controlled substance, or a similar substance; or

16 (5) diagnosis at any time by a licensed physician that  
17 the person suffers or has suffered from a psychiatric disorder or  
18 condition consisting of or relating to:

19 (A) schizophrenia or delusional disorder;

20 (B) bipolar disorder;

21 (C) chronic dementia, whether caused by illness,  
22 brain defect, or brain injury;

23 (D) dissociative identity disorder;

24 (E) intermittent explosive disorder; or

25 (F) antisocial personality disorder.

26 SECTION 11.04. Sections 411.174(a) and (b), Government  
27 Code, are amended to read as follows:

1 (a) An applicant for a license to carry a concealed handgun  
2 must submit to the director's designee described by Section  
3 411.176:

4 (1) a completed application on a form provided by the  
5 department that requires only the information listed in Subsection  
6 (b);

7 (2) one or more [~~two recent color passport~~]  
8 photographs of the applicant that meet the requirements of the  
9 department [~~, except that an applicant who is younger than 21 years~~  
10 ~~of age must submit two recent color passport photographs in profile~~  
11 ~~of the applicant~~];

12 (3) a certified copy of the applicant's birth  
13 certificate or certified proof of age;

14 (4) proof of residency in this state;

15 (5) two complete sets of legible and classifiable  
16 fingerprints of the applicant taken by a person appropriately  
17 trained in recording fingerprints who is employed by a law  
18 enforcement agency or by a private entity designated by a law  
19 enforcement agency as an entity qualified to take fingerprints of  
20 an applicant for a license under this subchapter;

21 (6) a nonrefundable application and license fee of  
22 \$140 paid to the department;

23 (7) evidence of [a] handgun proficiency, in the form  
24 and manner required by the department [~~certificate described by~~  
25 ~~Section 411.189~~];

26 (8) an affidavit signed by the applicant stating that  
27 the applicant:

1           (A) has read and understands each provision of  
2 this subchapter that creates an offense under the laws of this state  
3 and each provision of the laws of this state related to use of  
4 deadly force; and

5           (B) fulfills all the eligibility requirements  
6 listed under Section 411.172; and

7           (9) a form executed by the applicant that authorizes  
8 the director to make an inquiry into any noncriminal history  
9 records that are necessary to determine the applicant's eligibility  
10 for a license under Section 411.172(a).

11           (b) An applicant must provide on the application a statement  
12 of the applicant's:

13           (1) full name and place and date of birth;

14           (2) race and sex;

15           (3) residence and business addresses for the preceding  
16 five years;

17           (4) hair and eye color;

18           (5) height and weight;

19           (6) driver's license number or identification  
20 certificate number issued by the department;

21           (7) criminal history record information of the type  
22 maintained by the department under this chapter, including a list  
23 of offenses for which the applicant was arrested, charged, or under  
24 an information or indictment and the disposition of the offenses;  
25 and

26           (8) history [~~during the preceding five years~~], if any,  
27 of treatment received by, commitment to, or residence in:

1 (A) a drug or alcohol treatment center licensed  
2 to provide drug or alcohol treatment under the laws of this state or  
3 another state, but only if the treatment, commitment, or residence  
4 occurred during the preceding five years; or

5 (B) a psychiatric hospital.

6 SECTION 11.05. Section 411.176, Government Code, is amended  
7 to read as follows:

8 Sec. 411.176. REVIEW OF APPLICATION MATERIALS. (a) On  
9 receipt of [~~the~~] application materials by the department at its  
10 Austin headquarters, the department shall conduct the appropriate  
11 criminal history record check of the applicant through its  
12 computerized criminal history system. Not later than the 30th day  
13 after the date the department receives the application materials,  
14 the department shall forward the materials to the director's  
15 designee in the geographical area of the applicant's residence so  
16 that the designee may conduct the investigation described by  
17 Subsection (b). For purposes of this section, the director's  
18 designee may be a noncommissioned employee of the department.

19 (b) The director's designee as needed shall conduct an  
20 additional criminal history record check of the applicant and an  
21 investigation of the applicant's local official records to verify  
22 the accuracy of the application materials. The director's designee  
23 may access any records necessary for purposes of this subsection.

24 The scope of the record check and the investigation are at the sole  
25 discretion of the department, except that the director's designee  
26 shall complete the record check and investigation not later than  
27 the 60th day after the date the department receives the application

1 materials. The department shall send a fingerprint card to the  
2 Federal Bureau of Investigation for a national criminal history  
3 check of the applicant. On completion of the investigation, the  
4 director's designee shall return all materials and the result of  
5 the investigation to the appropriate division of the department at  
6 its Austin headquarters.

7 (c) The director's designee may submit to the appropriate  
8 division of the department, at the department's Austin  
9 headquarters, along with the application materials a written  
10 recommendation for disapproval of the application, accompanied by  
11 an affidavit stating personal knowledge or naming persons with  
12 personal knowledge of a ground for denial under Section 411.172.  
13 The director's designee [~~in the appropriate geographical area~~] may  
14 also submit the application and the recommendation that the license  
15 be issued.

16 (d) On receipt at the department's Austin headquarters of  
17 the application materials and the result of the investigation by  
18 the director's designee, the department shall conduct any further  
19 record check or investigation the department determines is  
20 necessary if a question exists with respect to the accuracy of the  
21 application materials or the eligibility of the applicant, except  
22 that the department shall complete the record check and  
23 investigation not later than the 180th day after the date the  
24 department receives the application materials from the applicant.

25 SECTION 11.06. Sections 411.177(a) and (b), Government  
26 Code, are amended to read as follows:

27 (a) The department shall issue a license to carry a



1 concealed handgun to an applicant if the applicant meets all the  
2 eligibility requirements and submits all the application  
3 materials. The department may issue a license to carry handguns  
4 only of the categories for which the applicant has demonstrated  
5 proficiency in the form and manner required by the department  
6 ~~[indicated on the applicant's certificate of proficiency issued~~  
7 ~~under Section 411.189]~~. The department shall administer the  
8 licensing procedures in good faith so that any applicant who meets  
9 all the eligibility requirements and submits all the application  
10 materials shall receive a license. The department may not deny an  
11 application on the basis of a capricious or arbitrary decision by  
12 the department.

13 (b) The department shall, not later than the 60th day after  
14 the date of the receipt by the director's designee of the completed  
15 application materials:

16 (1) issue the license;

17 (2) notify the applicant in writing that the  
18 application was denied:

19 (A) on the grounds that the applicant failed to  
20 qualify under the criteria listed in Section 411.172;

21 (B) based on the affidavit of the director's  
22 designee submitted to the department under Section 411.176(c)  
23 ~~[411.176(b)]~~; or

24 (C) based on the affidavit of the qualified  
25 handgun instructor submitted to the department under Section  
26 411.188(k) ~~[411.189(c)]~~; or

27 (3) notify the applicant in writing that the

1 department is unable to make a determination regarding the issuance  
2 or denial of a license to the applicant within the 60-day period  
3 prescribed by this subsection and include in that notification an  
4 explanation of the reason for the inability and an estimation of the  
5 amount of time the department will need to make the determination.

6 SECTION 11.07. Section 411.179(c), Government Code, as  
7 added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature,  
8 Regular Session, 2007, is amended to read as follows:

9 (c) In adopting the form of the license under Subsection  
10 (a), the department shall establish a procedure for the license of a  
11 qualified handgun instructor or of a judge, justice, prosecuting  
12 attorney, or assistant prosecuting attorney, as described by  
13 Section 46.15(a)(4) or (6), Penal Code, to indicate on the license  
14 the license holder's status as a qualified handgun instructor or as  
15 a judge, justice, district attorney, criminal district attorney, or  
16 county attorney. In establishing the procedure, the department  
17 shall require sufficient documentary evidence to establish the  
18 license holder's status under this subsection.

19 SECTION 11.08. Sections 411.181(a) and (b), Government  
20 Code, as amended by Chapters 594 (H.B. 41) and 1222 (H.B. 2300),  
21 Acts of the 80th Legislature, Regular Session, 2007, are reenacted  
22 and amended to read as follows:

23 (a) If a person who is a current license holder moves from  
24 any residence [~~the~~] address stated on the license [~~to a new~~  
25 ~~residence address~~], if the name of the person is changed by marriage  
26 or otherwise, or if the person's status [~~as a judge, justice,~~  
27 ~~district attorney, prosecuting attorney, or assistant prosecuting~~

1 ~~attorney, as a federal judge, a state judge, or the spouse of a~~  
2 ~~federal judge or state judge,~~] becomes inapplicable for purposes of  
3 the information required to be displayed on the license under  
4 Section 411.179 [~~411.179(c)~~], the person shall, not later than the  
5 30th day after the date of the address, name, or status change,  
6 notify the department and provide the department with the number of  
7 the person's license and, as applicable, the person's:

8 (1) former and new addresses; [~~or~~]

9 (2) former and new names; or

10 (3) former and new status.

11 (b) If the name of the license holder is changed by marriage  
12 or otherwise, or if the person's status [~~as a federal judge or state~~  
13 ~~judge, or the spouse of a federal judge or state judge~~] becomes  
14 inapplicable as described by Subsection (a), the person shall apply  
15 for a duplicate license. The duplicate license must reflect  
16 [~~include~~] the person's current name, residence address, and status.

17 SECTION 11.09. Section 411.184(a), Government Code, is  
18 amended to read as follows:

19 (a) To modify a license to allow a license holder to carry a  
20 handgun of a different category than the license indicates, the  
21 license holder must:

22 (1) complete a proficiency examination as provided by  
23 Section 411.188(e);

24 [~~(2) obtain a handgun proficiency certificate under~~  
25 ~~Section 411.189 not more than six months before the date of~~  
26 ~~application for a modified license,~~] and

27 (2) [~~(3)~~] submit to the department:

1 (A) an application for a modified license on a  
2 form provided by the department;

3 (B) evidence of [~~a copy of the~~] handgun  
4 proficiency, in the form and manner required by the department  
5 [~~certificate~~];

6 (C) payment of a modified license fee of \$25; and

7 (D) one or more [~~two recent color passport~~]  
8 photographs of the license holder that meet the requirements of the  
9 department [~~, except that an applicant who is younger than 21 years~~  
10 ~~of age must submit two recent color passport photographs in profile~~  
11 ~~of the applicant)].~~

12 SECTION 11.10. Section 411.185(a), Government Code, is  
13 amended to read as follows:

14 (a) To renew a license, a license holder must:

15 (1) complete a continuing education course in handgun  
16 proficiency under Section 411.188(c) within the six-month period  
17 preceding:

18 (A) the date of application for renewal, for a  
19 first or second renewal; and

20 (B) the date of application for renewal or the  
21 date of application for the preceding renewal, for a third or  
22 subsequent renewal, to ensure that the license holder is not  
23 required to complete the course more than once in any 10-year  
24 period;

25 [~~(2) obtain a handgun proficiency certificate under~~  
26 ~~Section 411.189 within the six-month period preceding.~~

27 [~~(A) the date of application for renewal, for a~~

1 ~~first or second renewal, and~~

2 [~~(B) the date of application for renewal or the~~  
3 ~~date of application for the preceding renewal, for a third or~~  
4 ~~subsequent renewal, to ensure that the license holder is not~~  
5 ~~required to obtain the certificate more than once in any 10-year~~  
6 ~~period,] and~~

7 (2) ~~[(3)]~~ submit to the department:

8 (A) an application for renewal on a form provided  
9 by the department;

10 (B) evidence of [~~a copy of the~~] handgun  
11 proficiency, in the form and manner required by the department  
12 [~~certificate~~];

13 (C) payment of a nonrefundable renewal fee as set  
14 by the department; and

15 (D) one or more [~~two recent color passport~~]  
16 photographs of the applicant that meet the requirements of the  
17 department.

18 SECTION 11.11. Section 411.186(a), Government Code, is  
19 amended to read as follows:

20 (a) The department shall revoke a [A] license [~~may be~~  
21 ~~revoked~~] under this section if the license holder:

22 (1) was not entitled to the license at the time it was  
23 issued;

24 (2) made a material misrepresentation or failed to  
25 disclose a material fact in an application submitted under this  
26 subchapter [~~gave false information on the application~~];

27 (3) subsequently becomes ineligible for a license

1 under Section 411.172, unless the sole basis for the ineligibility  
2 is that the license holder is charged with the commission of a Class  
3 A or Class B misdemeanor or equivalent offense, or of an offense  
4 under Section 42.01, Penal Code, or equivalent offense, or of a  
5 felony under an information or indictment;

6 (4) is convicted of an offense under Section 46.035,  
7 Penal Code;

8 (5) is determined by the department to have engaged in  
9 conduct constituting a reason to suspend a license listed in  
10 Section 411.187(a) after the person's license has been previously  
11 suspended twice for the same reason; or

12 (6) submits an application fee that is dishonored or  
13 reversed if the applicant fails to submit a cashier's check or money  
14 order made payable to the "Department of Public Safety of the State  
15 of Texas" in the amount of the dishonored or reversed fee, plus \$25,  
16 within 30 days of being notified by the department that the fee was  
17 dishonored or reversed.

18 SECTION 11.12. Sections 411.187(a) and (c), Government  
19 Code, are amended to read as follows:

20 (a) The department shall suspend a [A] license [~~may be~~  
21 ~~suspended~~] under this section if the license holder:

22 (1) is charged with the commission of a Class A or  
23 Class B misdemeanor or equivalent offense, or of an offense under  
24 Section 42.01, Penal Code, or equivalent offense, or of a felony  
25 under an information or indictment;

26 (2) fails to display a license as required by Section  
27 411.205;

1 (3) fails to notify the department of a change of  
2 address, ~~[or]~~ name, or status as required by Section 411.181;

3 (4) carries a concealed handgun under the authority of  
4 this subchapter of a different category than the license holder is  
5 licensed to carry;

6 (5) fails to return a previously issued license after  
7 a license is modified as required by Section 411.184(d);

8 (6) commits an act of family violence and is the  
9 subject of an active protective order rendered under Title 4,  
10 Family Code; or

11 (7) is arrested for an offense involving family  
12 violence or an offense under Section 42.072, Penal Code, and is the  
13 subject of an order for emergency protection issued under Article  
14 17.292, Code of Criminal Procedure.

15 (c) The department shall suspend a [A] license ~~[may be~~  
16 ~~suspended]~~ under this section:

17 (1) for 30 days, if the person's license is subject to  
18 suspension for a reason listed in Subsection (a)(3), (4), or (5),  
19 except as provided by Subdivision (3);

20 (2) for 90 days, if the person's license is subject to  
21 suspension for a reason listed in Subsection (a)(2), except as  
22 provided by Subdivision (3);

23 (3) for not less than one year and not more than three  
24 years, if the person's license:

25 (A) is subject to suspension for a reason listed  
26 in Subsection (a), other than the reason listed in Subsection  
27 (a)(1); ~~[7]~~ and

1                    (B) [~~the person's license~~] has been previously  
2 suspended for the same reason;

3                    (4) until dismissal of the charges, if the person's  
4 license is subject to suspension for the reason listed in  
5 Subsection (a)(1); or

6                    (5) for the duration of or the period specified by:

7                    (A) the protective order issued under Title 4,  
8 Family Code, if the person's license is subject to suspension for  
9 the reason listed in Subsection (a)(6); or

10                    (B) the order for emergency protection issued  
11 under Article 17.292, Code of Criminal Procedure, if the person's  
12 license is subject to suspension for the reason listed in  
13 Subsection (a)(7).

14                    SECTION 11.13. Section 411.188, Government Code, is amended  
15 by amending Subsections (a), (g), (h), and (i) and adding  
16 Subsection (k) to read as follows:

17                    (a) The director by rule shall establish minimum standards  
18 for handgun proficiency and shall develop a course to teach handgun  
19 proficiency and examinations to measure handgun proficiency. The  
20 course to teach handgun proficiency must contain training sessions  
21 divided into two parts. One part of the course must be classroom  
22 instruction and the other part must be range instruction and an  
23 actual demonstration by the applicant of the applicant's ability to  
24 safely and proficiently use the applicable category of handgun [~~for~~  
25 ~~which the applicant seeks certification~~]. An applicant must be  
26 able to demonstrate [~~may not be certified unless the applicant~~  
27 ~~demonstrates~~], at a minimum, the degree of proficiency that is



1 required to effectively operate a handgun of .32 caliber or above.  
2 The department shall distribute the standards, course  
3 requirements, and examinations on request to any qualified handgun  
4 instructor.

5 (g) A person who wishes to obtain or renew a license to carry  
6 a concealed handgun must apply in person to a qualified handgun  
7 instructor to take the appropriate course in handgun proficiency  
8 and [7] demonstrate handgun proficiency as required by the  
9 department~~[, and obtain a handgun proficiency certificate as~~  
10 ~~described by Section 411.189]~~.

11 (h) A license holder who wishes to modify a license to allow  
12 the license holder to carry a handgun of a different category than  
13 the license indicates must apply in person to a qualified handgun  
14 instructor to demonstrate the required knowledge and proficiency  
15 ~~[to obtain a handgun proficiency certificate]~~ in that category ~~[as~~  
16 ~~described by Section 411.189]~~.

17 (i) A certified firearms instructor of the department may  
18 monitor any class or training presented by a qualified handgun  
19 instructor. A qualified handgun instructor shall cooperate with  
20 the department in the department's efforts to monitor the  
21 presentation of training by the qualified handgun instructor. A  
22 qualified handgun instructor shall make available for inspection to  
23 the department any and all records maintained by a qualified  
24 handgun instructor under this subchapter. The qualified handgun  
25 instructor shall keep a record of all ~~[certificates of handgun~~  
26 ~~proficiency issued by the qualified handgun instructor and other]~~  
27 information required by department rule.

1       (k) A qualified handgun instructor may submit to the  
2 department a written recommendation for disapproval of the  
3 application for a license, renewal, or modification of a license,  
4 accompanied by an affidavit stating personal knowledge or naming  
5 persons with personal knowledge of facts that lead the instructor  
6 to believe that an applicant does not possess the required handgun  
7 proficiency. The department may use a written recommendation  
8 submitted under this subsection as the basis for denial of a license  
9 only if the department determines that the recommendation is made  
10 in good faith and is supported by a preponderance of the evidence.  
11 The department shall make a determination under this subsection not  
12 later than the 45th day after the date the department receives the  
13 written recommendation. The 60-day period in which the department  
14 must take action under Section 411.177(b) is extended one day for  
15 each day a determination is pending under this subsection.

16       SECTION 11.14. Section 411.1882, Government Code, is  
17 amended to read as follows:

18       Sec. 411.1882. EVIDENCE OF [EXEMPTION FROM] HANDGUN  
19 PROFICIENCY [CERTIFICATE REQUIREMENT] FOR CERTAIN PERSONS. (a) A  
20 person who is serving in this state as a judge or justice of a  
21 federal court, as an active judicial officer, as defined by Section  
22 411.201, or as a district attorney, assistant district attorney,  
23 criminal district attorney, assistant criminal district attorney,  
24 county attorney, or assistant county attorney may establish handgun  
25 proficiency for the purposes of this subchapter by obtaining from a  
26 handgun proficiency instructor approved by the Commission on Law  
27 Enforcement Officer Standards and Education for purposes of Section

1 1702.1675, Occupations Code, a sworn statement that:

2 (1) indicates that the person, during the 12-month  
3 period preceding the date of the person's application to the  
4 department, demonstrated to the instructor proficiency in the use  
5 of handguns; and

6 (2) designates the categories of handguns with respect  
7 to which the person demonstrated proficiency [~~Notwithstanding any~~  
8 ~~other provision of this subchapter, a person may not be required to~~  
9 ~~submit to the department a handgun proficiency certificate to~~  
10 ~~obtain or renew a concealed handgun license issued under this~~  
11 ~~subchapter if:~~

12 [~~(1) the person is currently serving in this state as:~~

13 [~~(A) a judge or justice of a federal court,~~

14 [~~(B) an active judicial officer, as defined by~~  
15 ~~Section 411.201, Government Code; or~~

16 [~~(C) a district attorney, assistant district~~  
17 ~~attorney, criminal district attorney, assistant criminal district~~  
18 ~~attorney, county attorney, or assistant county attorney; and~~

19 [~~(2) a handgun proficiency instructor approved by the~~  
20 ~~Commission on Law Enforcement Officer Standards and Education for~~  
21 ~~purposes of Section 1702.1675, Occupations Code, makes a sworn~~  
22 ~~statement indicating that the person demonstrated proficiency to~~  
23 ~~the instructor in the use of handguns during the 12-month period~~  
24 ~~preceding the date of the person's application to the department~~  
25 ~~and designating the types of handguns with which the person~~  
26 ~~demonstrated proficiency].~~

27 (b) The director by rule shall adopt a procedure by which a

1 person described [~~who is exempt~~] under Subsection (a) [~~from the~~  
2 ~~handgun proficiency certificate requirement~~] may submit a form  
3 demonstrating the person's qualification for an exemption under  
4 that subsection. The form must provide sufficient information to  
5 allow the department to verify whether the person qualifies for the  
6 exemption.

7 (c) A license issued under this section automatically  
8 expires on the six-month anniversary of the date the person's  
9 status under Subsection (a) becomes inapplicable. A license that  
10 expires under this subsection may be renewed under Section 411.185.

11 SECTION 11.15. Section 411.190, Government Code, is amended  
12 by adding Subsection (d-1) to read as follows:

13 (d-1) The department shall ensure that an applicant may  
14 renew certification under Subsection (d) from any county in this  
15 state by using an online format to complete the required retraining  
16 courses if:

17 (1) the applicant is renewing certification for the  
18 first time; or

19 (2) the applicant completed the required retraining  
20 courses in person the previous time the applicant renewed  
21 certification.

22 SECTION 11.16. Sections 411.199(a) and (e), Government  
23 Code, are amended to read as follows:

24 (a) A person who is licensed as a peace officer under  
25 Chapter 1701, Occupations Code, [415] and who has been employed  
26 full-time as a peace officer by a law enforcement agency may apply  
27 for a license under this subchapter at any time after retirement.

1           (e) A retired peace officer who obtains a license under this  
2 subchapter must maintain, for the category of weapon licensed, the  
3 proficiency required for a peace officer under Section 1701.355,  
4 Occupations Code [~~415.035~~]. The department or a local law  
5 enforcement agency shall allow a retired peace officer of the  
6 department or agency an opportunity to annually demonstrate the  
7 required proficiency. The proficiency shall be reported to the  
8 department on application and renewal.

9           SECTION 11.17. Section 411.1991(a), Government Code, is  
10 amended to read as follows:

11           (a) A person who is licensed as a peace officer under  
12 Chapter 1701, Occupations Code, [~~415~~] and is employed full-time as  
13 a peace officer by a law enforcement agency may apply for a license  
14 under this subchapter. The person shall submit to the department  
15 two complete sets of legible and classifiable fingerprints and a  
16 sworn statement of the head of the law enforcement agency employing  
17 the applicant. A head of a law enforcement agency may not refuse to  
18 issue a statement under this subsection. If the applicant alleges  
19 that the statement is untrue, the department shall investigate the  
20 validity of the statement. The statement must include:

- 21                   (1) the name and rank of the applicant;
- 22                   (2) whether the applicant has been accused of  
23 misconduct at any time during the applicant's period of employment  
24 with the agency and the disposition of that accusation;
- 25                   (3) a description of the physical and mental condition  
26 of the applicant;
- 27                   (4) a list of the types of weapons the applicant has

1 demonstrated proficiency with during the preceding year; and

2 (5) a recommendation from the agency head that a  
3 license be issued to the person under this subchapter.

4 SECTION 11.18. Sections 411.201(c) and (d), Government  
5 Code, are amended to read as follows:

6 (c) An active judicial officer is eligible for a license to  
7 carry a concealed handgun under the authority of this subchapter. A  
8 retired judicial officer is eligible for a license to carry a  
9 concealed handgun under the authority of this subchapter if the  
10 officer:

11 (1) has not been convicted of a felony;

12 (2) has not, in the five years preceding the date of  
13 application, been convicted of a Class A or Class B misdemeanor or  
14 equivalent offense;

15 (3) is not charged with the commission of a Class A or  
16 Class B misdemeanor or equivalent offense or of a felony under an  
17 information or indictment;

18 (4) is not a chemically dependent person; and

19 (5) is not a person of unsound mind.

20 (d) An applicant for a license who is an active or retired  
21 judicial officer must submit to the department:

22 (1) a completed application, including all required  
23 affidavits, on a form prescribed by the department;

24 (2) one or more [~~two recent color passport~~]  
25 photographs of the applicant that meet the requirements of the  
26 department;

27 (3) two complete sets of legible and classifiable

1 fingerprints of the applicant, including one set taken by a person  
2 employed by a law enforcement agency who is appropriately trained  
3 in recording fingerprints;

4 (4) evidence of [a] handgun proficiency, in the form  
5 and manner required by the department for an applicant under this  
6 section [~~certificate issued to the applicant as evidence that the~~  
7 applicant successfully completed the proficiency requirements of  
8 this subchapter];

9 (5) [~~(4)~~] a nonrefundable application and license fee  
10 set by the department in an amount reasonably designed to cover the  
11 administrative costs associated with issuance of a license to carry  
12 a concealed handgun under this subchapter; and

13 (6) [~~(5)~~] if the applicant is a retired judicial  
14 officer, [+

15 [~~(A) two complete sets of legible and~~  
16 ~~classifiable fingerprints of the applicant taken by a person~~  
17 ~~employed by a law enforcement agency who is appropriately trained~~  
18 ~~in recording fingerprints; and~~

19 [~~(B)~~] a form executed by the applicant that  
20 authorizes the department to make an inquiry into any noncriminal  
21 history records that are necessary to determine the applicant's  
22 eligibility for a license under this subchapter.

23 SECTION 11.19. Section 411.208, Government Code, is amended  
24 by adding Subsection (e) to read as follows:

25 (e) The immunities granted under Subsection (a) to a  
26 qualified handgun instructor do not apply to a cause of action for  
27 fraud or a deceptive trade practice.

1 SECTION 11.20. Article 17.292(1), Code of Criminal  
2 Procedure, is amended to read as follows:

3 (1) In the order for emergency protection, the magistrate  
4 shall [~~may~~] suspend a license to carry a concealed handgun issued  
5 under Subchapter H, Chapter 411 [~~Section 411.177~~], Government Code,  
6 that is held by the defendant.

7 SECTION 11.21. Section 85.022(d), Family Code, is amended  
8 to read as follows:

9 (d) In a protective order, the court shall [~~may~~] suspend a  
10 license to carry a concealed handgun issued under Subchapter H,  
11 Chapter 411 [~~Section 411.177~~], Government Code, that is held by a  
12 person found to have committed family violence.

13 SECTION 11.22. Section 12.095(e), Health and Safety Code,  
14 is amended to read as follows:

15 (e) The panel may require the applicant or license holder to  
16 undergo a medical or other examination at the applicant's or  
17 holder's expense. A person who conducts an examination under this  
18 subsection may be compelled to testify before the panel and in any  
19 subsequent proceedings under Subchapter H, Chapter 411, Government  
20 Code, or Subchapter N, Chapter 521, Transportation Code, as  
21 applicable, concerning the person's observations and findings.

22 SECTION 11.23. Section 12.097(b), Health and Safety Code,  
23 is amended to read as follows:

24 (b) In a subsequent proceeding under Subchapter H, Chapter  
25 411, Government Code, or Subchapter N, Chapter 521, Transportation  
26 Code, the medical standards division may provide a copy of the  
27 report of the medical advisory board or panel and a medical record



1 or report relating to an applicant or license holder to:

2 (1) the Department of Public Safety of the State of  
3 Texas;

4 (2) the applicant or license holder; and

5 (3) the officer who presides at the hearing.

6 SECTION 11.24. Section 46.04, Penal Code, is amended by  
7 adding Subsections (f) and (g) to read as follows:

8 (f) For the purposes of this section , an offense under the  
9 laws of this state, another state, or the United States is, except  
10 as provided by Subsection (g), a felony if, at the time it is  
11 committed, the offense:

12 (1) is designated by a law of this state as a felony;

13 (2) contains all the elements of an offense designated  
14 by a law of this state as a felony; or

15 (3) is punishable by confinement for one year or more  
16 in a penitentiary.

17 (g) An offense is not considered a felony for purposes of  
18 Subsection (f) if, at the time the person possesses a firearm, the  
19 offense:

20 (1) is not designated by a law of this state as a  
21 felony; and

22 (2) does not contain all the elements of any offense  
23 designated by a law of this state as a felony.

24 SECTION 11.25. Sections 411.175 and 411.189, Government  
25 Code, are repealed.

26 SECTION 11.26. The changes in law made by Sections 411.171,  
27 411.1711, 411.172, and 411.201(c), Government Code, as amended by

1 this article, apply only to the eligibility of a person for the  
2 issuance, modification, or renewal of a license, the application  
3 for which is made on or after the effective date of this article. A  
4 holder of a license that was issued, modified, or renewed before the  
5 effective date of this article is not disqualified from holding  
6 that license solely by reason of this article.

7 SECTION 11.27. The changes in law made by Sections 411.174,  
8 411.176, 411.177, 411.184, 411.185, 411.188, 411.1882, and  
9 411.201(d), Government Code, as amended by this article, and by the  
10 repeal of Sections 411.175 and 411.189, Government Code, apply only  
11 to an application for the issuance, modification, or renewal of a  
12 license that is submitted to the Department of Public Safety on or  
13 after the effective date of this article. An application submitted  
14 before the effective date of this article is governed by the law in  
15 effect when the application was submitted, and the former law is  
16 continued in effect for that purpose.

17 SECTION 11.28. The changes in law made by this article to  
18 Sections 411.186 and 411.187, Government Code, Article 17.292, Code  
19 of Criminal Procedure, and Section 85.022, Family Code, apply only  
20 to an administrative or judicial determination concerning the  
21 revocation or suspension of a license to carry a concealed handgun  
22 that is made on or after the effective date of this article. An  
23 administrative or judicial determination made before the effective  
24 date of this article is covered by the law in effect when the  
25 determination was made, and the former law is continued in effect  
26 for that purpose.

27 SECTION 11.29. The change in law made by Section 411.208,

1 Government Code, as amended by this article, applies only to a cause  
2 of action that accrues on or after the effective date of this  
3 article. A cause of action that accrued before the effective date  
4 of this article is governed by the law in effect immediately before  
5 the effective date of this article, and the former law is continued  
6 in effect for that purpose.

7 SECTION 11.30. The change in law made by this Act in  
8 amending Section 46.04, Penal Code, applies only to an offense  
9 committed on or after the effective date of this Act. An offense  
10 committed before the effective date of this Act is covered by the  
11 law in effect when the offense was committed, and the former law is  
12 continued in effect for that purpose. For purposes of this section,  
13 an offense was committed before the effective date of this Act if  
14 any element of the offense occurred before that date.

15 SECTION 11.31. This article takes effect September 1, 2009.

16 ARTICLE 12. DRIVER EDUCATION AND DRIVER'S LICENSING REQUIREMENTS  
17 FOR MINORS

18 SECTION 12.01. This article shall be known as the Less Tears  
19 More Years Act.

20 SECTION 12.02. Section 29.902, Education Code, is amended  
21 by adding Subsection (c) to read as follows:

22 (c) A school district shall consider offering a driver  
23 education and traffic safety course during each school year. If the  
24 district offers the course, the district may:

25 (1) conduct the course and charge a fee for the course  
26 in the amount determined by the agency to be comparable to the fee  
27 charged by a driver education school that holds a license under

1 Chapter 1001; or

2 (2) contract with a driver education school that holds  
3 a license under Chapter 1001 to conduct the course.

4 SECTION 12.03. Section 1001.101, Education Code, is amended  
5 to read as follows:

6 Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND  
7 TEXTBOOKS. (a) The commissioner by rule shall establish or approve  
8 the curriculum and designate the textbooks to be used in a driver  
9 education course, including a driver education course conducted by  
10 a school district, driver education school, or parent or other  
11 individual under Section 521.205, Transportation Code.

12 (b) A driver education course must require the student to  
13 complete:

14 (1) 7 hours of behind-the-wheel instruction in the  
15 presence of a person who holds a driver education instructor  
16 license or who meets the requirements imposed under Section  
17 521.205, Transportation Code;

18 (2) 7 hours of observation instruction in the presence  
19 of a person who holds a driver education instructor license or who  
20 meets the requirements imposed under Section 521.205,  
21 Transportation Code; and

22 (3) 20 hours of behind-the-wheel instruction,  
23 including at least 10 hours of instruction that takes place at  
24 night, in the presence of an adult who meets the requirements of  
25 Section 521.222(d)(2), Transportation Code.

26 SECTION 12.04. Subchapter F, Chapter 1001, Education Code,  
27 is amended by adding Section 1001.257 to read as follows:

1       Sec. 1001.257. DENIAL OF LICENSE. The commissioner may not  
2 issue or renew a driver education instructor license, including a  
3 temporary license, to a person who has six or more points assigned  
4 to the person's driver's license under Subchapter B, Chapter 708,  
5 Transportation Code.

6       SECTION 12.05. Section 521.165, Transportation Code, is  
7 amended by amending Subsection (c) and adding Subsection (d) to  
8 read as follows:

9       (c) Except as provided by Subsection (d), in [In] issuing a  
10 driver's license for certain types of vehicles, the director may  
11 waive a driving test for an applicant who has successfully  
12 completed and passed the training and testing conducted by a person  
13 certified under Subsection (a).

14       (d) The director may not waive the driving test required by  
15 Section 521.161 for an applicant who is under 18 years of age.

16       SECTION 12.06. Section 521.204(a), Transportation Code, is  
17 amended to read as follows:

18       (a) The department may issue a Class C driver's license to  
19 an applicant under 18 years of age only if the applicant:

20           (1) is 16 years of age or older;

21           (2) has submitted to the department a driver education  
22 certificate issued under Section 9A, Texas Driver and Traffic  
23 Safety Education Act (Article 4413(29c), Vernon's Texas Civil  
24 Statutes), that states that the person has completed and passed a  
25 driver education course approved by the department under Section  
26 521.205 or by the Texas Education Agency;

27           (3) has obtained a high school diploma or its

1 equivalent or is a student:

2 (A) enrolled in a public school, home school, or  
3 private school who attended school for at least 80 days in the fall  
4 or spring semester preceding the date of the driver's license  
5 application; or

6 (B) who has been enrolled for at least 45 days,  
7 and is enrolled as of the date of the application, in a program to  
8 prepare persons to pass the high school equivalency exam; ~~and~~

9 (4) has submitted to the department written parental  
10 or guardian permission for the department to access the applicant's  
11 school enrollment records maintained by the Texas Education Agency;  
12 and

13 (5) has passed the examination required by Section  
14 521.161.

15 SECTION 12.07. Section 521.205(a), Transportation Code, is  
16 amended to read as follows:

17 (a) The department by rule shall provide for approval of a  
18 driver education course conducted by the parent, stepparent, foster  
19 parent, legal guardian, step-grandparent, or grandparent of a  
20 person who is required to complete a driver education course to  
21 obtain a Class C license. The rules must provide that:

22 (1) the person conducting the course possess a valid  
23 license for the preceding three years that ~~[and the license]~~ has not  
24 been suspended, revoked, or forfeited in the past three years for an  
25 offense that involves the operation of a motor vehicle ~~[traffic~~  
26 ~~related violations]~~;

27 (2) the student driver spend a minimum number of hours

1 in:

2 (A) classroom instruction; and

3 (B) behind-the-wheel instruction;

4 (3) the person conducting the course not be convicted  
5 of:

6 (A) criminally negligent homicide; or

7 (B) driving while intoxicated; ~~and~~

8 (4) the person conducting the course not be disabled  
9 because of mental illness; and

10 (5) the person conducting the course not have six or  
11 more points assigned to the person's driver's license under  
12 Subchapter B, Chapter 708, at the time the person begins conducting  
13 the course.

14 SECTION 12.08. Subchapter J, Chapter 521, Transportation  
15 Code, is amended by adding Section 521.206 to read as follows:

16 Sec. 521.206. COLLISION RATE STATISTICS PUBLICATION. (a)  
17 The department shall collect data regarding collisions of students  
18 taught by public schools, driver education schools licensed under  
19 Chapter 1001, Education Code, and other entities that offer driver  
20 education courses to students for which a uniform certificate of  
21 course completion is issued. The collision rate is computed by  
22 determining the number of an entity's students who complete a  
23 driver education course during a state fiscal year, dividing that  
24 number by the number of collisions that involved students who  
25 completed such a course and that occurred in the 12-month period  
26 following their licensure, and expressing the quotient as a  
27 percentage.

1       (b) The department shall collect data regarding the  
2 collision rate of students taught by course instructors approved  
3 under Section 521.205. The collision rate is computed by  
4 determining the number of students who completed a course approved  
5 under Section 521.205 during a state fiscal year, dividing that  
6 number by the number of collisions that involved students who  
7 completed such a course and that occurred in the 12-month period  
8 following their licensure, and expressing the quotient as a  
9 percentage.

10       (c) Not later than October 1 of each year, the department  
11 shall issue a publication listing the collision rate for students  
12 taught by each driver education entity and the collision rate for  
13 students taught by a course instructor approved under Section  
14 521.205, noting the severity of collisions involving students of  
15 each entity and each type of course.

16       SECTION 12.09. Section 521.271, Transportation Code, is  
17 amended by amending Subsection (a) and adding Subsection (a-1) to  
18 read as follows:

19       (a) Each original driver's license and provisional license  
20 expires as follows:

21           (1) except as provided by Section 521.2711, a driver's  
22 license expires on the first birthday of the license holder  
23 occurring after the sixth anniversary of the date of the  
24 application;

25           (2) a provisional license expires on [~~the earlier of:~~  
26           [~~(A)~~] the 18th birthday of the license holder[~~+~~

27 ~~or~~



1                    [~~(B) the first birthday of the license holder~~  
2 ~~occurring after the date of the application~~];

3                    (3) an instruction permit expires on the 18th birthday  
4 of the license holder [~~second birthday of the license holder~~  
5 ~~occurring after the date of the application~~]; and

6                    (4) an occupational license expires on the first  
7 anniversary of the court order granting the license.

8                    (a-1) The department and the Texas Education Agency shall  
9 enter into a memorandum of understanding under which the department  
10 may access the agency's electronic enrollment records to verify a  
11 student's enrollment in a public school. The memorandum of  
12 understanding must specify that the department may only access  
13 information necessary to verify the identity and enrollment status  
14 of a license renewal applicant and only if a parent or guardian of  
15 the applicant has provided written permission for the department to  
16 access that information. Nothing in this subsection may be  
17 construed to allow the release of information in violation of the  
18 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.  
19 Section 1232g).

20                    SECTION 12.10. Section 521.421(c), Transportation Code, is  
21 amended to read as follows:

22                    (c) The fee for issuance [~~or renewal~~] of a provisional  
23 license or instruction permit is \$15 [~~\$5~~].

24                    SECTION 12.11. Section 545.424, Transportation Code, is  
25 amended by amending Subsections (a), (b), and (c) and adding  
26 Subsection (f) to read as follows:

27                    (a) A person under 18 years of age [~~during the six-month~~

1 ~~period following issuance of an original Class A, B, or C driver's~~  
2 ~~license to the person,~~] may not operate a motor vehicle:

3 (1) during the 12-month period following issuance of  
4 an original Class A, B, or C driver's license to the person:

5 (A) after midnight and before 5 a.m. unless the  
6 operation of the vehicle is necessary for the operator to attend or  
7 participate in employment or a school-related activity or because  
8 of a medical emergency; or

9 (B) [~~(2)~~] with more than one passenger in the  
10 vehicle under 21 years of age who is not a family member; or

11 (2) [~~(3)~~] while using a wireless communications  
12 device, except in case of emergency.

13 (b) A person under 17 years of age who holds a restricted  
14 motorcycle license or moped license, during the 12-month  
15 [~~six-month~~] period following the issuance of an original motorcycle  
16 license or moped license to the person, may not operate a motorcycle  
17 or moped:

18 (1) after midnight and before 5 a.m. unless:

19 (A) the person is in sight of the person's parent  
20 or guardian; or

21 (B) the operation of the vehicle is necessary for  
22 the operator to attend or participate in employment or a  
23 school-related activity or because of a medical emergency; or

24 (2) while using a wireless communications device,  
25 except in case of emergency.

26 (c) This section does not apply to:

27 (1) the holder of a hardship license; [~~or~~]

1           (2) a person operating a motor vehicle while  
2 accompanied in the manner required by Section 521.222(d)(2) for the  
3 holder of an instruction permit; or

4           (3) a person licensed by the Federal Communications  
5 Commission to operate a wireless communication device or a radio  
6 frequency device.

7           (f) In this section, "wireless communication device" means  
8 a handheld or hands-free device that uses commercial mobile  
9 service, as defined by 47 U.S.C. Section 332.

10           SECTION 12.12. (a) For the purpose of compiling data for  
11 the publication required by Section 521.206, Transportation Code,  
12 as added by this article, the Texas Department of Public Safety  
13 shall determine the number of minor students taught by each driver  
14 education entity and the total number of minor students taught by  
15 courses approved under Section 521.205, Transportation Code, who  
16 become licensed during the state fiscal year beginning September 1,  
17 2009, and ending August 31, 2010.

18           (b) The first publication of collision rate data compiled  
19 under Section 521.206, Transportation Code, as added by this  
20 article, shall be issued not later than October 1, 2011.

21           SECTION 12.13. Not later than November 30, 2009, the Texas  
22 Department of Public Safety shall appoint a task force to review and  
23 make recommendations regarding the effectiveness of the materials  
24 provided by the Texas Education Agency for use in courses licensed  
25 under Chapter 1001, Education Code, or authorized by Section  
26 521.205, Transportation Code. The task force shall consist of the  
27 following members:

- 1           (1) a representative of the Texas Department of Public  
2 Safety;
- 3           (2) a representative of the Texas Education Agency;
- 4           (3) a commercial provider of driver education courses;
- 5           (4) a member of an interested group or association, as  
6 determined by the department; and
- 7           (5) other appropriate members, as determined by the  
8 department.

9           SECTION 12.14. (a) Section 29.902(c), Education Code, as  
10 added by this article, applies beginning with the 2010-2011 school  
11 year.

12           (b) Not later than January 1, 2010, the commissioner of  
13 education shall adopt rules as required by Section 1001.101,  
14 Education Code, as amended by this article.

15           (c) Each driver education and training program approved by  
16 the Texas Education Agency under Chapter 1001, Education Code, must  
17 comply with the curriculum requirements of Section 1001.101,  
18 Education Code, as amended by this article, not later than May 1,  
19 2010.

20           (d) Section 521.165, Transportation Code, as amended by  
21 this article, applies only to an application for a driver's license  
22 submitted on or after the effective date of this article. An  
23 application for a driver's license submitted before the effective  
24 date of this article is subject to the law in effect on the date the  
25 application was submitted, and that law is continued in effect for  
26 that purpose.

27           (e) The changes in law made by this article to Section

1 521.205, Transportation Code, apply to a course approved under that  
2 section that begins on or after the effective date of this article.  
3 A course beginning before the effective date of this article is  
4 governed by the law in effect on the date the course was commenced,  
5 and that law is continued in effect for that purpose.

6 (f) The changes in law made by this article to Sections  
7 521.271, 521.421, and 545.424, Transportation Code, apply only to a  
8 person issued a driver's license on or after the effective date of  
9 this article. A person issued a driver's license before the  
10 effective date of this article is governed by the law in effect on  
11 the date the license was issued, and that law is continued in effect  
12 for that purpose.

13 SECTION 12.15. This article takes effect September 1, 2009.

14 ARTICLE 12A. DISPLAY OF LICENSE TO  
15 CARRY A CONCEALED HANDGUN

16 SECTION 12A.01. Sections 411.187(a) and (c), Government  
17 Code, are amended to read as follows:

18 (a) A license may be suspended under this section if the  
19 license holder:

20 (1) is charged with the commission of a Class A or  
21 Class B misdemeanor or an offense under Section 42.01, Penal Code,  
22 or of a felony under an information or indictment;

23 (2) ~~[fails to display a license as required by Section~~  
24 ~~411.205,~~

25 [~~3~~] fails to notify the department of a change of  
26 address or name as required by Section 411.181;

27 (3) [~~4~~] carries a concealed handgun under the

1 authority of this subchapter of a different category than the  
2 license holder is licensed to carry;

3 (4) [~~(5)~~] fails to return a previously issued license  
4 after a license is modified as required by Section 411.184(d);

5 (5) [~~(6)~~] commits an act of family violence and is the  
6 subject of an active protective order rendered under Title 4,  
7 Family Code; or

8 (6) [~~(7)~~] is arrested for an offense involving family  
9 violence or an offense under Section 42.072, Penal Code, and is the  
10 subject of an order for emergency protection issued under Article  
11 17.292, Code of Criminal Procedure.

12 (c) A license may be suspended under this section:

13 (1) for 30 days, if the person's license is subject to  
14 suspension for a reason listed in Subsection (a)(2), (3) [~~(a)(3)~~],  
15 or (4), [~~or (5)~~], except as provided by Subdivision (2) [~~(3)~~];

16 (2) [~~for 90 days, if the person's license is subject to~~  
17 ~~suspension for a reason listed in Subsection (a)(2), except as~~  
18 ~~provided by Subdivision (3)~~];

19 [~~(3)~~] for not less than one year and not more than three  
20 years if the person's license is subject to suspension for a reason  
21 listed in Subsection (a), other than the reason listed in  
22 Subsection (a)(1), and the person's license has been previously  
23 suspended for the same reason;

24 (3) [~~(4)~~] until dismissal of the charges if the  
25 person's license is subject to suspension for the reason listed in  
26 Subsection (a)(1); or

27 (4) [~~(5)~~] for the duration of or the period specified

1 by:

2 (A) the protective order issued under Title 4,  
3 Family Code, if the person's license is subject to suspension for  
4 the reason listed in Subsection (a)(5) [~~(a)(6)~~]; or

5 (B) the order for emergency protection issued  
6 under Article 17.292, Code of Criminal Procedure, if the person's  
7 license is subject to suspension for the reason listed in  
8 Subsection (a)(6) [~~(a)(7)~~].

9 SECTION 12A.02. Section 411.205, Government Code, is  
10 amended to read as follows:

11 Sec. 411.205. REQUIREMENT TO DISPLAY [~~DISPLAYING~~]  
12 LICENSE [~~, PENALTY~~]. [~~(a)~~] If a license holder is carrying a  
13 handgun on or about the license holder's person when a magistrate or  
14 a peace officer demands that the license holder display  
15 identification, the license holder shall display both the license  
16 holder's driver's license or identification certificate issued by  
17 the department and the license holder's handgun license. [~~A person~~  
18 ~~who fails or refuses to display the license and identification as~~  
19 ~~required by this subsection is subject to suspension of the~~  
20 ~~person's license as provided by Section 411.187.~~

21 [~~(b) A person commits an offense if the person fails or~~  
22 ~~refuses to display the license and identification as required by~~  
23 ~~Subsection (a) after previously having had the person's license~~  
24 ~~suspended for a violation of that subsection. An offense under this~~  
25 ~~subsection is a Class B misdemeanor.]~~

26 SECTION 12A.03. An offense under Section 411.205,  
27 Government Code, may not be prosecuted after the effective date of

1 this article. If, on the effective date of this article, a criminal  
2 action is pending for an offense under Section 411.205, the action  
3 is dismissed on that date. However, a final conviction for an  
4 offense under Section 411.205 that exists on the effective date of  
5 this article is unaffected by this article.

6 SECTION 12A.04. This article takes effect September 1,  
7 2009.

8 ARTICLE 13. REGULATION OF DRIVER'S LICENSES AND PERSONAL  
9 IDENTIFICATION CERTIFICATES BY DEPARTMENT

10 SECTION 13.01. Section 521.029, Transportation Code, is  
11 amended to read as follows:

12 Sec. 521.029. OPERATION OF MOTOR VEHICLE BY NEW STATE  
13 RESIDENTS. (a) A person who enters this state as a new resident  
14 may operate a motor vehicle in this state for no more than 90 [~~30~~]  
15 days after the date on which the person enters this state if the  
16 person:

17 (1) is 16 years of age or older; and

18 (2) has in the person's possession a driver's license  
19 issued to the person by the person's state or country of previous  
20 residence.

21 (b) If a person subject to this section is prosecuted for  
22 operating a motor vehicle without a driver's license, the  
23 prosecution alleges that the person has resided in this state for  
24 more than 90 [~~30~~] days, and the person claims to have been covered  
25 by Subsection (a), the person must prove by the preponderance of the  
26 evidence that the person has not resided in this state for more than  
27 90 [~~30~~] days.



1 SECTION 13.02. Subchapter C, Chapter 521, Transportation  
2 Code, is amended by adding Section 521.060 to read as follows:

3 Sec. 521.060. INTERNAL VERIFICATION SYSTEM. (a) The  
4 department by rule shall establish a system for identifying unique  
5 addresses that are submitted in license or certificate applications  
6 under this chapter or Chapter 522 in a frequency or number that, in  
7 the department's determination, casts doubt on whether the  
8 addresses are the actual addresses where the applicants reside.

9 (b) The department may contract with a third-party personal  
10 data verification service to assist the department in implementing  
11 this section.

12 (c) The department shall investigate the validity of  
13 addresses identified under Subsection (a).

14 (d) The department may disclose the results of an  
15 investigation under Subsection (c) to a criminal justice agency for  
16 the purposes of enforcing Section 521.4565 or other provisions of  
17 this chapter or Chapter 522.

18 (e) In this section, "criminal justice agency" has the  
19 meaning assigned by Article 60.01, Code of Criminal Procedure.

20 SECTION 13.03. Section 521.101, Transportation Code, is  
21 amended by adding Subsection (j) to read as follows:

22 (j) The department may not issue a personal identification  
23 certificate to a person who has not established a domicile in this  
24 state.

25 SECTION 13.04. Subchapter G, Chapter 521, Transportation  
26 Code, is amended by adding Sections 521.1426 and 521.1427 to read as  
27 follows:

1       Sec. 521.1426. DOMICILE REQUIREMENT; VERIFICATION.

2       (a) The department may not issue a driver's license or a personal  
3 identification certificate to a person who has not established a  
4 domicile in this state.

5       (b) The department shall adopt rules for determining  
6 whether a domicile has been established, including rules  
7 prescribing the types of documentation the department may require  
8 from the applicant to verify the validity of the claimed domicile.

9       (c) The department may contract with a third-party personal  
10 data verification service to assist the department in verifying a  
11 claim of domicile, including whether the physical address provided  
12 by the applicant is the applicant's actual residence.

13       Sec. 521.1427. POST OFFICE BOX NOT VALID AS ADDRESS.

14       (a) In this section, "post office box address" means a United  
15 States Postal Service post office box address or a private mailbox  
16 address.

17       (b) Unless an exception exists under state or federal law,  
18 an applicant may receive delivery of a license or a personal  
19 identification certificate at a post office box address only if the  
20 applicant has provided the department the physical address where  
21 the applicant resides.

22       (c) The department may require the applicant to provide  
23 documentation that the department determines necessary to verify  
24 the validity of the physical address provided under Subsection (b).

25       (d) The department may contract with a third-party personal  
26 data verification service to assist the department in verifying  
27 whether the physical address provided by the applicant is the

1 applicant's actual residence.

2 SECTION 13.05. Subchapter C, Chapter 522, Transportation  
3 Code, is amended by adding Sections 522.0225 and 522.0226 to read as  
4 follows:

5 Sec. 522.0225. VERIFICATION OF DOMICILE. (a) The  
6 department shall adopt rules for determining whether a domicile has  
7 been established under Section 522.022, including rules  
8 prescribing the types of documentation the department may require  
9 from the applicant to determine the validity of the claimed  
10 domicile.

11 (b) The department may contract with a third-party personal  
12 data verification service to assist the department in verifying a  
13 claim of domicile, including whether the physical address provided  
14 by the applicant is the applicant's actual residence.

15 Sec. 522.0226. POST OFFICE BOX NOT VALID AS ADDRESS.  
16 (a) In this section, "post office box address" means a United  
17 States Postal Service post office box address or a private mailbox  
18 address.

19 (b) Unless an exception exists under state or federal law,  
20 an applicant may receive delivery of a commercial driver's license  
21 at a post office box address only if the applicant has provided the  
22 department the physical address where the applicant resides.

23 (c) The department may require the applicant to provide  
24 documentation that the department determines necessary to verify  
25 the validity of the physical address provided under Subsection (b).

26 (d) The department may contract with a third-party personal  
27 data verification service to assist the department in verifying

1 whether the physical address provided by the applicant is the  
2 applicant's actual residence.

3 SECTION 13.06. Subchapter S, Chapter 521, Transportation  
4 Code, is amended by adding Section 521.4565 to read as follows:

5 Sec. 521.4565. CONSPIRING TO MANUFACTURE COUNTERFEIT  
6 LICENSE OR CERTIFICATE. (a) In this section:

7 (1) "Combination," "conspires to commit," "profits,"  
8 and "criminal street gang" have the meanings assigned by Section  
9 71.01, Penal Code.

10 (2) "Conspires to manufacture or produce" means that:

11 (A) a person agrees with one or more other  
12 persons to engage in the manufacture or production of a forged or  
13 counterfeit instrument; and

14 (B) the person and one or more of the other  
15 persons perform an overt act in pursuance of the agreement.

16 (3) "Instrument" means a driver's license, commercial  
17 driver's license, or personal identification certificate.

18 (4) "Public servant" has the meaning assigned by  
19 Section 1.07, Penal Code.

20 (b) A person commits an offense if the person establishes,  
21 maintains, or participates in or conspires to establish, maintain,  
22 or participate in a combination or criminal street gang, or  
23 participates in the profits of a combination or criminal street  
24 gang, with the intent to manufacture or produce a forged or  
25 counterfeit instrument for the purpose of selling, distributing, or  
26 delivering such instrument. An agreement constituting conspiring  
27 to manufacture or produce may be inferred from the acts of the

1 parties.

2 (c) An offense under this section is a state jail felony,  
3 except that an offense committed by a public servant is a felony of  
4 the third degree.

5 SECTION 13.07. The Department of Public Safety of the State  
6 of Texas shall adopt rules required by the amendments of this  
7 article to Chapters 521 and 522, Transportation Code, as soon as  
8 practicable after the effective date of this article.

9 SECTION 13.08. This article takes effect immediately if  
10 this Act receives a vote of two-thirds of all the members elected to  
11 each house, as provided by Section 39, Article III, Texas  
12 Constitution. If this Act does not receive the vote necessary for  
13 immediate effect, this article takes effect September 1, 2009.

14 ARTICLE 13A. DRIVER'S LICENSE ISSUED TO CERTAIN FEDERAL AND  
15 STATE JUDGES AND SPOUSES

16 SECTION 13A.01. Section 521.001, Transportation Code, is  
17 amended by adding Subdivisions (3-a) and (8-a) to read as follows:

18 (3-a) "Federal judge" means:  
19 (A) a judge of a United States court of appeals;  
20 (B) a judge of a United States district court;  
21 (C) a judge of a United States bankruptcy court;

22 or

23 (D) a magistrate judge of a United States  
24 district court.

25 (8-a) "State judge" means:

26 (A) the judge of an appellate court, a district  
27 court, or a county court at law of this state; or

1                    (B) an associate judge appointed under Chapter  
2 201, Family Code.

3            SECTION 13A.02. Sections            521.054(a)            and            (b),  
4 Transportation Code, are amended to read as follows:

5            (a) This section applies to a person who:

6                    (1) after applying for or being issued a ~~[the]~~ license  
7 or certificate moves to a new residence ~~[from the]~~ address ~~[stated~~  
8 ~~in the person's application for a license or certificate]~~;

9                    (2) has used the procedure under Section 521.121(d)  
10 and whose status as a federal judge, a state judge, or the spouse of  
11 a federal or state judge becomes inapplicable ~~[moves from the~~  
12 ~~address shown on the license or certificate held by the person]~~; or

13                    (3) changes the person's name by marriage or  
14 otherwise.

15            (b) A person subject to this section shall notify the  
16 department of the change not later than the 30th day after the date  
17 on which the change takes effect and apply for a duplicate license  
18 or certificate as provided by Section 521.146. The duplicate  
19 license must include the person's current residence address.

20            SECTION 13A.03. Section 521.121, Transportation Code, is  
21 amended by amending Subsection (a) and adding Subsection (d) to  
22 read as follows:

23            (a) The driver's license must include:

24                    (1) a distinguishing number assigned by the department  
25 to the license holder;

26                    (2) a color photograph of the entire face of the  
27 holder;

1           (3) the full name and[~~7~~] date of birth[~~, and residence~~  
2 ~~address~~] of the holder; [~~and~~]

3           (4) a brief description of the holder; and

4           (5) the license holder's residence address or, for a  
5 license holder using the procedure under Subsection (d), the street  
6 address of the courthouse in which the license holder or license  
7 holder's spouse serves as a federal judge or state judge.

8           (d) The department shall establish a procedure for a federal  
9 judge, a state judge, or the spouse of a federal or state judge to  
10 omit the license holder's residence address on the license and to  
11 include, in lieu of that address, the street address of the  
12 courthouse in which the license holder or license holder's spouse  
13 serves as a federal judge or state judge. In establishing the  
14 procedure, the department shall require sufficient documentary  
15 evidence to establish the license holder's status as a federal  
16 judge, state judge, or the spouse of a federal or state judge.

17           SECTION 13A.04. Section 521.142(c), Transportation Code,  
18 is amended to read as follows:

19           (c) The application must state:

20           (1) the sex of the applicant;

21           (2) the residence address of the applicant, or if the  
22 applicant is a federal judge, a state judge, or the spouse of a  
23 federal or state judge using the procedure developed under Section  
24 521.121(d), the street address of the courthouse in which the  
25 applicant or the applicant's spouse serves as a federal judge or a  
26 state judge;

27           (3) whether the applicant has been licensed to drive a

1 motor vehicle before;

2 (4) if previously licensed, when and by what state or  
3 country;

4 (5) whether that license has been suspended or revoked  
5 or a license application denied;

6 (6) the date and reason for the suspension,  
7 revocation, or denial;

8 (7) whether the applicant is a citizen of the United  
9 States; and

10 (8) the county of residence of the applicant.

11 ARTICLE 14. USE OF AN OFFENDER IDENTIFICATION CARD OR SIMILAR FORM  
12 OF IDENTIFICATION AS PROOF OF IDENTITY FOR AN APPLICANT FOR A  
13 DRIVER'S LICENSE OR COMMERCIAL DRIVER'S LICENSE

14 SECTION 14.01. Subsection (a), Section 521.142,  
15 Transportation Code, is amended to read as follows:

16 (a) An application for an original license must state the  
17 applicant's full name and place and date of birth. This information  
18 must be verified by presentation of proof of identity satisfactory  
19 to the department. The department must accept as satisfactory  
20 proof of identity under this subsection an offender identification  
21 card or similar form of identification issued to an inmate by the  
22 Texas Department of Criminal Justice if the applicant also provides  
23 supplemental verifiable records or documents that aid in  
24 establishing identity.

25 SECTION 14.02. Subchapter G, Chapter 521, Transportation  
26 Code, is amended by adding Section 521.1421 to read as follows:

27 Sec. 521.1421. INMATE IDENTIFICATION VERIFICATION PILOT



1 PROGRAM. (a) The department shall participate in an inmate  
2 identification verification pilot program for the purpose of  
3 issuing driver's licenses and personal identification certificates  
4 to inmates of the Texas Department of Criminal Justice.

5 (b) Under the pilot program, the department may:

6 (1) enter into a contract with the Texas Department of  
7 Criminal Justice and the Department of State Health Services to  
8 establish an identification verification process for inmates of the  
9 Texas Department of Criminal Justice; and

10 (2) issue a driver's license or a personal  
11 identification certificate to an inmate whose identity has been  
12 confirmed through the verification process and who otherwise meets  
13 the requirements for the issuance of the driver's license or  
14 personal identification certificate.

15 (c) At the conclusion of the pilot program the governing  
16 bodies of the participating agencies may agree to continue the  
17 pilot program on a permanent basis.

18 (d) Not later than December 1, 2010, the department and the  
19 Texas Department of Criminal Justice shall jointly issue a report  
20 to the standing committees of the legislature with jurisdiction  
21 over issues related to criminal justice and homeland security  
22 addressing:

23 (1) the status of the pilot program;

24 (2) the effectiveness of the pilot program; and

25 (3) an analysis of the feasibility of implementing a  
26 statewide program based on the pilot program.

27 SECTION 14.03. Subsection (c-1), Section 522.021,

1 Transportation Code, is amended to read as follows:

2 (c-1) If the department requires proof of an applicant's  
3 identity as part of an application under this section, the  
4 department must accept as satisfactory proof of identity an  
5 offender identification card or similar form of identification  
6 issued to an inmate by the Texas Department of Criminal Justice if  
7 the applicant also provides supplemental verifiable records or  
8 documents that aid in establishing identity.

9 SECTION 14.04. The changes in law made by this article apply  
10 only to an application for a driver's license, commercial driver's  
11 license, or personal identification certificate submitted on or  
12 after the effective date of this article. An application for a  
13 driver's license, commercial driver's license, or personal  
14 identification certificate submitted before the effective date of  
15 this article is subject to the law in effect on the date the  
16 application was submitted, and that law is continued in effect for  
17 that purpose.

18 SECTION 14.05. This article takes effect September 1, 2009.

19 ARTICLE 15. DRIVER RESPONSIBILITY PROGRAM

20 SECTION 15.01. Section 708.151, Transportation Code, is  
21 amended to read as follows:

22 Sec. 708.151. NOTICE OF SURCHARGE. (a) The department  
23 shall send notices as required by Subsection (b) to ~~[notify]~~ the  
24 holder of a driver's license when ~~[of the assessment of]~~ a surcharge  
25 is assessed on that license. Each notice must:

26 (1) be sent by first class mail ~~[sent]~~ to the person's  
27 most recent address as shown on the records of the department or to

1 the person's most recent forwarding address on record with the  
2 United States Postal Service if it is different;

3 (2) [~~The notice must~~] specify the date by which the  
4 surcharge must be paid;

5 (3) state the total dollar amount of the surcharge  
6 that must be paid, the number of monthly payments required under an  
7 installment payment plan, and the minimum monthly payment required  
8 for a person to enter and maintain an installment payment plan with  
9 the department; and

10 (4) state the consequences of a failure to pay the  
11 surcharge.

12 (b) The department shall send a first notice not later than  
13 the fifth day after the date the surcharge is assessed.

14 (c) If on or before the 45th day after the date the first  
15 notice was sent the person fails to pay the amount of the surcharge  
16 or fails to enter into an installment payment agreement with the  
17 department, the department shall send a second notice. If on or  
18 before the 60th day after the date the second notice was sent the  
19 person fails to pay the amount of the surcharge or fails to enter  
20 into an installment payment agreement with the department, the  
21 department shall send a third notice that advises the person that  
22 the person's driving privileges are suspended.

23 SECTION 15.02. Section 708.152(a), Transportation Code, is  
24 amended to read as follows:

25 (a) If on [~~before~~] the 60th [~~30th~~] day after the date the  
26 department sends a second notice under Section 708.151 the person  
27 fails to pay the amount of a surcharge on the person's license or

1 fails to enter into an installment payment agreement with the  
2 department, the license of the person is automatically suspended.  
3 A person's license may not be suspended under this section before  
4 the 105th day after the date the surcharge was assessed by the  
5 department.

6 SECTION 15.03. Section 708.153(b), Transportation Code, is  
7 amended to read as follows:

8 (b) A rule under this section:

9 (1) may not require [~~permit~~] a person to:

10 (A) pay surcharges that total \$500 or more [~~a~~  
11 ~~surcharge~~] over a period of less [~~more~~] than 36 consecutive months;

12 (B) pay surcharges that total more than \$250 but  
13 not more than \$499 over a period of less than 24 consecutive months;  
14 or

15 (C) pay surcharges that total \$249 or less over a  
16 period of less than 12 consecutive months; and

17 (2) may provide that if the person fails to make any  
18 [~~a~~] required monthly installment payment, the department may  
19 reestablish the installment plan on receipt of a payment in the  
20 amount equal to at least a required monthly installment payment [~~or~~  
21 ~~declare the amount of the unpaid surcharge immediately due and~~  
22 ~~payable~~].

23 SECTION 15.04. Subchapter D, Chapter 708, Transportation  
24 Code, is amended by adding Section 708.158 to read as follows:

25 Sec. 708.158. INDIGENT STATUS AND REDUCTION OF SURCHARGES.

26 (a) The department shall waive all surcharges assessed under this  
27 chapter for a person who is indigent. For the purposes of this

1 section, a person is considered to be indigent if the person  
2 provides the evidence described by Subsection (b) to the court.

3 (b) A person must provide information to the court in which  
4 the person is convicted of the offense that is the basis for the  
5 surcharge to establish that the person is indigent. The following  
6 documentation may be used as proof:

7 (1) a copy of the person's most recent federal income  
8 tax return that shows that the person's income or the person's  
9 household income does not exceed 125 percent of the applicable  
10 income level established by the federal poverty guidelines;

11 (2) a copy of the person's most recent statement of  
12 wages that shows that the person's income or the person's household  
13 income does not exceed 125 percent of the applicable income level  
14 established by the federal poverty guidelines; or

15 (3) documentation from a federal agency, state agency,  
16 or school district that indicates that the person or, if the person  
17 is a dependent as defined by Section 152, Internal Revenue Code of  
18 1986, the taxpayer claiming the person as a dependent, receives  
19 assistance from:

20 (A) the food stamp program or the financial  
21 assistance program established under Chapter 31, Human Resources  
22 Code;

23 (B) the federal special supplemental nutrition  
24 program for women, infants, and children authorized by 42 U.S.C.  
25 Section 1786;

26 (C) the medical assistance program under Chapter  
27 32, Human Resources Code;

1                    (D) the child health plan program under Chapter  
2 62, Health and Safety Code; or

3                    (E) the national free or reduced-price lunch  
4 program established under 42 U.S.C. Section 1751 et seq.

5            SECTION 15.05. Section 708.157(c), Transportation Code, is  
6 amended to read as follows:

7            (c) The department by rule shall [~~may~~] establish an  
8 indigency program for holders of a driver's license on which a  
9 surcharge has been assessed for certain offenses, as determined by  
10 the department.

11           SECTION 15.06. Subchapter B, Chapter 708, Transportation  
12 Code, is amended by adding Section 708.056 to read as follows:

13           Sec. 708.056. DEDUCTION OF POINTS. The department by rule  
14 shall establish a procedure to provide for the deduction of one  
15 point accumulated by a person under this subchapter to account for  
16 each year that the person has not accumulated points under this  
17 subchapter.

18           SECTION 15.07. The changes in law made by this article apply  
19 only to a surcharge that is assessed under Chapter 708,  
20 Transportation Code, on or after the effective date of this  
21 article. A surcharge that was assessed under that chapter before  
22 the effective date of this article is subject to the law in effect  
23 on the date the surcharge was assessed, and that law is continued in  
24 effect for that purpose.

25           SECTION 15.08. This article takes effect September 1, 2011.

26            ARTICLE 15A. MOTOR VEHICLE SAFETY RESPONSIBILITY

27           SECTION 15A.01. Section 601.053, Transportation Code, is

1 amended by amending Subsection (b) and adding Subsection (c) to  
2 read as follows:

3 (b) Except as provided by Subsection (c), an [An] operator  
4 who does not exhibit evidence of financial responsibility under  
5 Subsection (a) is presumed to have operated the vehicle in  
6 violation of Section 601.051.

7 (c) Subsection (b) does not apply if the peace officer  
8 determines through use of the verification program established  
9 under Subchapter N that financial responsibility has been  
10 established for the vehicle.

11 SECTION 15A.02. Subchapter N, Chapter 601, Transportation  
12 Code, as added by Chapter 1325 (H.B. 3588), Acts of the 78th  
13 Legislature, Regular Session, 2003, is repealed.

14 ARTICLE 16. SUSPENSION OF A DRIVER'S LICENSE BY DEPARTMENT

15 SECTION 16.01. Section 521.341, Transportation Code, is  
16 amended to read as follows:

17 Sec. 521.341. REQUIREMENTS FOR AUTOMATIC LICENSE  
18 SUSPENSION. Except as provided by Sections 521.344(d)-(i), a  
19 license is automatically suspended on final conviction of the  
20 license holder of:

21 (1) an offense under Section 19.05, Penal Code,  
22 committed as a result of the holder's criminally negligent  
23 operation of a motor vehicle;

24 (2) an offense under Section 38.04, Penal Code, if the  
25 holder used a motor vehicle in the commission of the offense;

26 (3) an offense under Section 49.04, 49.045, or 49.08,  
27 Penal Code;

1           (4) an offense under Section 49.07, Penal Code, if the  
2 holder used a motor vehicle in the commission of the offense;

3           (5) an offense punishable as a felony under the motor  
4 vehicle laws of this state;

5           (6) an offense under Section 550.021;

6           (7) an offense under Section 521.451 or 521.453; or

7           (8) an offense under Section 19.04, Penal Code, if the  
8 holder used a motor vehicle in the commission of the offense.

9           SECTION 16.02. Sections 521.342(a) and (b), Transportation  
10 Code, are amended to read as follows:

11           (a) Except as provided by Section 521.344, the license of a  
12 person who was under 21 years of age at the time of the offense,  
13 other than an offense classified as a misdemeanor punishable by  
14 fine only, is automatically suspended on conviction of:

15           (1) an offense under Section 49.04, 49.045, or 49.07,  
16 Penal Code, committed as a result of the introduction of alcohol  
17 into the body;

18           (2) an offense under the Alcoholic Beverage Code,  
19 other than an offense to which Section 106.071 of that code applies,  
20 involving the manufacture, delivery, possession, transportation,  
21 or use of an alcoholic beverage;

22           (3) a misdemeanor offense under Chapter 481, Health  
23 and Safety Code, for which Subchapter P does not require the  
24 automatic suspension of the license;

25           (4) an offense under Chapter 483, Health and Safety  
26 Code, involving the manufacture, delivery, possession,  
27 transportation, or use of a dangerous drug; or



1           (5) an offense under Chapter 485, Health and Safety  
2 Code, involving the manufacture, delivery, possession,  
3 transportation, or use of an abusable volatile chemical.

4           (b) The department shall suspend for one year the license of  
5 a person who is under 21 years of age and is convicted of an offense  
6 under Section 49.04, 49.045, 49.07, or 49.08, Penal Code,  
7 regardless of whether the person is required to attend an  
8 educational program under Section 13(h), Article 42.12, Code of  
9 Criminal Procedure, that is designed to rehabilitate persons who  
10 have operated motor vehicles while intoxicated, unless the person  
11 is placed under community supervision under that article and is  
12 required as a condition of the community supervision to not operate  
13 a motor vehicle unless the vehicle is equipped with the device  
14 described by Section 13(i) of that article. If the person is  
15 required to attend such a program and does not complete the program  
16 before the end of the person's suspension, the department shall  
17 suspend the person's license or continue the suspension, as  
18 appropriate, until the department receives proof that the person  
19 has successfully completed the program. On the person's successful  
20 completion of the program, the person's instructor shall give  
21 notice to the department and to the community supervision and  
22 corrections department in the manner provided by Section 13(h),  
23 Article 42.12, Code of Criminal Procedure.

24           SECTION 16.03. Sections 521.344(a), (c), and (i),  
25 Transportation Code, are amended to read as follows:

26           (a) Except as provided by Sections 521.342(b) and 521.345,  
27 and by Subsections (d)-(i), if a person is convicted of an offense

1 under Section 49.04, 49.045, or 49.07, Penal Code, the license  
2 suspension:

3 (1) begins on a date set by the court that is not  
4 earlier than the date of the conviction or later than the 30th day  
5 after the date of the conviction, as determined by the court; and

6 (2) continues for a period set by the court according  
7 to the following schedule:

8 (A) not less than 90 days or more than one year,  
9 if the person is punished under Section 49.04, 49.045, or 49.07,  
10 Penal Code, except that if the person's license is suspended for a  
11 second or subsequent offense under Section 49.07 committed within  
12 five years of the date on which the most recent preceding offense  
13 was committed, the suspension continues for a period of one year;

14 (B) not less than 180 days or more than two years,  
15 if the person is punished under Section 49.09(a) or (b), Penal Code;  
16 or

17 (C) not less than one year or more than two years,  
18 if the person is punished under Section 49.09(a) or (b), Penal Code,  
19 and is subject to Section 49.09(h) of that code.

20 (c) The court shall credit toward the period of suspension a  
21 suspension imposed on the person for refusal to give a specimen  
22 under Chapter 724 if the refusal followed an arrest for the same  
23 offense for which the court is suspending the person's license  
24 under this chapter. The court may not extend the credit to a  
25 person:

26 (1) who has been previously convicted of an offense  
27 under Section 49.04, 49.045, 49.07, or 49.08, Penal Code; or

1           (2) whose period of suspension is governed by Section  
2 521.342(b).

3           (i) On the date that a suspension order under Section  
4 521.343(c) is to expire, the period of suspension or the  
5 corresponding period in which the department is prohibited from  
6 issuing a license is automatically increased to two years unless  
7 the department receives notice of successful completion of the  
8 educational program as required by Section 13, Article 42.12, Code  
9 of Criminal Procedure. At the time a person is convicted of an  
10 offense under Section 49.04 or 49.045, Penal Code, the court shall  
11 warn the person of the effect of this subsection. On the person's  
12 successful completion of the program, the person's instructor shall  
13 give notice to the department and to the community supervision and  
14 corrections department in the manner required by Section 13,  
15 Article 42.12, Code of Criminal Procedure. If the department  
16 receives proof of completion after a period has been extended under  
17 this subsection, the department shall immediately end the  
18 suspension or prohibition.

19           SECTION 16.04. Sections 13(h) and (n), Article 42.12, Code  
20 of Criminal Procedure, are amended to read as follows:

21           (h) If a person convicted of an offense under Sections  
22 49.04-49.08, Penal Code, is placed on community supervision, the  
23 judge shall require, as a condition of the community supervision,  
24 that the defendant attend and successfully complete before the  
25 181st day after the day community supervision is granted an  
26 educational program jointly approved by the Texas Commission on  
27 Alcohol and Drug Abuse, the Department of Public Safety, the

1 Traffic Safety Section of the Texas Department of Transportation,  
2 and the community justice assistance division of the Texas  
3 Department of Criminal Justice designed to rehabilitate persons who  
4 have driven while intoxicated. The Texas Commission on Alcohol and  
5 Drug Abuse shall publish the jointly approved rules and shall  
6 monitor, coordinate, and provide training to persons providing the  
7 educational programs. The Texas Commission on Alcohol and Drug  
8 Abuse is responsible for the administration of the certification of  
9 approved educational programs and may charge a nonrefundable  
10 application fee for the initial certification of approval and for  
11 renewal of a certificate. The judge may waive the educational  
12 program requirement or may grant an extension of time to  
13 successfully complete the program that expires not later than one  
14 year after the beginning date of the person's community  
15 supervision, however, if the defendant by a motion in writing shows  
16 good cause. In determining good cause, the judge may consider but  
17 is not limited to: the defendant's school and work schedule, the  
18 defendant's health, the distance that the defendant must travel to  
19 attend an educational program, and the fact that the defendant  
20 resides out of state, has no valid driver's license, or does not  
21 have access to transportation. The judge shall set out the finding  
22 of good cause for waiver in the judgment. If a defendant is  
23 required, as a condition of community supervision, to attend an  
24 educational program or if the court waives the educational program  
25 requirement, the court clerk shall immediately report that fact to  
26 the Department of Public Safety, on a form prescribed by the  
27 department, for inclusion in the person's driving record. If the

1 court grants an extension of time in which the person may complete  
2 the program, the court clerk shall immediately report that fact to  
3 the Department of Public Safety on a form prescribed by the  
4 department. The report must include the beginning date of the  
5 person's community supervision. Upon the person's successful  
6 completion of the educational program, the person's instructor  
7 shall give notice to the Department of Public Safety for inclusion  
8 in the person's driving record and to the community supervision and  
9 corrections department. The community supervision and corrections  
10 department shall then forward the notice to the court clerk for  
11 filing. If the Department of Public Safety does not receive notice  
12 that a defendant required to complete an educational program has  
13 successfully completed the program within the period required by  
14 this section, as shown on department records, the department shall  
15 revoke the defendant's driver's license, permit, or privilege or  
16 prohibit the person from obtaining a license or permit, as provided  
17 by Sections 521.344(e) and (f), Transportation Code. The  
18 Department of Public Safety may not reinstate a license suspended  
19 under this subsection unless the person whose license was suspended  
20 makes application to the department for reinstatement of the  
21 person's license and pays to the department a reinstatement fee of  
22 \$100 [~~\$50~~]. The Department of Public Safety shall remit all fees  
23 collected under this subsection to the comptroller for deposit in  
24 the general revenue fund. This subsection does not apply to a  
25 defendant if a jury recommends community supervision for the  
26 defendant and also recommends that the defendant's driver's license  
27 not be suspended.

1 (n) Notwithstanding any other provision of this section or  
2 other law, the judge who places on community supervision a  
3 defendant who was [~~is~~] younger than 21 years of age at the time of  
4 the offense and was convicted for an offense under Sections  
5 49.04-49.08, Penal Code, shall:

6 (1) order that the defendant's driver's license be  
7 suspended for 90 days beginning on the date that the person is  
8 placed on community supervision; and

9 (2) require as a condition of community supervision  
10 that the defendant not operate a motor vehicle unless the vehicle is  
11 equipped with the device described by Subsection (i) of this  
12 section.

13 SECTION 16.05. The changes in law made by this article to  
14 Sections 521.341, 521.342, and 521.344, Transportation Code, and  
15 Section 13, Article 42.12, Code of Criminal Procedure, apply only  
16 to an offense committed on or after the effective date of this  
17 article. For purposes of this section, an offense was committed  
18 before the effective date of this article if any element of the  
19 offense occurred before the effective date of this article.

20 SECTION 16.06. This article takes effect September 1, 2009.

21 ARTICLE 17. SUBMISSION OF REPORTS ON CERTAIN CONVICTIONS OR  
22 ADJUDICATIONS RELATING TO THE OPERATION OF MOTOR VEHICLES TO THE  
23 DEPARTMENT

24 SECTION 17.01. Subsections (a) and (b), Section 522.061,  
25 Transportation Code, are amended to read as follows:

26 (a) A person who holds or is required to hold a commercial  
27 driver's license under this chapter and who is convicted in another

1 state of violating a state law or local ordinance relating to motor  
2 vehicle traffic control shall notify the department in the manner  
3 specified by the department not later than the seventh [~~30th~~] day  
4 after the date of conviction.

5 (b) A person who holds or is required to hold a commercial  
6 driver's license under this chapter and who is convicted in this  
7 state or another state of violating a state law or local ordinance  
8 relating to motor vehicle traffic control, including a law  
9 regulating the operation of vehicles on highways, shall notify the  
10 person's employer in writing of the conviction not later than the  
11 seventh [~~30th~~] day after the date of conviction.

12 SECTION 17.02. Section 543.203, Transportation Code, is  
13 amended to read as follows:

14 Sec. 543.203. SUBMITTING RECORD TO DEPARTMENT. Not later  
15 than the seventh [~~30th~~] day after the date of conviction or  
16 forfeiture of bail of a person on a charge of violating a law  
17 regulating the operation of a vehicle on a highway or conviction of  
18 a person of negligent homicide or a felony in the commission of  
19 which a vehicle was used, the magistrate, judge, or clerk of the  
20 court in which the conviction was had or bail was forfeited shall  
21 immediately submit to the department a written record of the case  
22 containing the information required by Section 543.202.

23 SECTION 17.03. Subsection (a), Section 543.204,  
24 Transportation Code, is amended to read as follows:

25 (a) A justice of the peace or municipal judge who defers  
26 further proceedings, suspends all or part of the imposition of the  
27 fine, and places a defendant on probation under Article 45.051,

1 Code of Criminal Procedure, or a county court judge who follows that  
2 procedure under Article 42.111, Code of Criminal Procedure, may not  
3 submit a written record to the department, except that if the  
4 justice or judge subsequently adjudicates the defendant's guilt,  
5 the justice or judge shall submit the record not later than the  
6 seventh [~~30th~~] day after the date on which the justice or judge  
7 adjudicates guilt.

8 SECTION 17.04. The change in law made by this article  
9 applies only to a conviction, forfeiture of bail, or adjudication  
10 of guilt that occurs on or after the effective date of this article.

11 SECTION 17.05. This article takes effect September 1, 2009.

12 ARTICLE 18. CIVIL CONSEQUENCES OF CERTAIN CONVICTIONS ON A PERSON  
13 WHO HOLDS A COMMERCIAL DRIVER'S LICENSE AND OF CERTAIN  
14 ADJUDICATIONS ON THE DRIVER'S LICENSE OR PERMIT OF A CHILD

15 SECTION 18.01. Section 522.081(d), Transportation Code, is  
16 amended to read as follows:

17 (d) A person is disqualified from driving a commercial motor  
18 vehicle for life:

19 (1) if the person is convicted two or more times of an  
20 offense specified by Subsection (b)(2), or a combination of those  
21 offenses, arising from two or more separate incidents;

22 (2) if the person uses a motor vehicle in the  
23 commission of a felony involving:

24 (A) the manufacture, distribution, or dispensing  
25 of a controlled substance; or

26 (B) possession with intent to manufacture,  
27 distribute, or dispense a controlled substance; [~~or~~]



1           (3) for any combination of two or more of the  
2 following, arising from two or more separate incidents:

3           (A) a conviction of the person for an offense  
4 described by Subsection (b)(2);

5           (B) a refusal by the person described by  
6 Subsection (b)(3); and

7           (C) an analysis of the person's blood, breath, or  
8 urine described by Subsection (b)(4); or

9           (4) if the person uses a motor vehicle in the  
10 commission of an offense under 8 U.S.C. Section 1324 that involves  
11 the transportation, concealment, or harboring of an alien.

12           SECTION 18.02. Section 54.042(a), Family Code, is amended  
13 to read as follows:

14           (a) A juvenile court, in a disposition hearing under Section  
15 54.04, shall:

16           (1) order the Department of Public Safety to suspend a  
17 child's driver's license or permit, or if the child does not have a  
18 license or permit, to deny the issuance of a license or permit to  
19 the child if the court finds that the child has engaged in conduct  
20 that:

21           (A) violates a law of this state enumerated in  
22 Section 521.342(a), Transportation Code; or

23           (B) violates a penal law of this state or the  
24 United States, an element or elements of which involve a severe form  
25 of trafficking in persons, as defined by 22 U.S.C. Section 7102; or

26           (2) notify the Department of Public Safety of the  
27 adjudication, if the court finds that the child has engaged in

1 conduct that violates a law of this state enumerated in Section  
2 521.372(a), Transportation Code.

3 SECTION 18.03. (a) The change in law made by this article  
4 to Section 522.081, Transportation Code, applies only in connection  
5 with a conviction that becomes final on or after the effective date  
6 of this article. A conviction that became final before the  
7 effective date of this article is covered by Section 522.081,  
8 Transportation Code, as that section existed on the date the  
9 conviction became final, and the former law is continued in effect  
10 for that purpose.

11 (b) The change in law made by this article in amending  
12 Section 54.042, Family Code, applies only to conduct that occurs on  
13 or after the effective date of this article. Conduct that occurred  
14 before the effective date of this article is covered by the law in  
15 effect at the time the conduct occurred, and the former law is  
16 continued in effect for that purpose.

17 SECTION 18.04. This article takes effect September 1, 2009.

18 ARTICLE 19. [blank]

19 ARTICLE 20. ADMINISTRATIVE FINE AND LATE PAYMENT FEE FOR A  
20 VIOLATION OF A PARKING RULE APPLICABLE TO THE CAPITOL COMPLEX

21 SECTION 20.01. Subsections (a), (b), and (d), Section  
22 411.067, Government Code, are amended to read as follows:

23 (a) The department may [~~shall have authority to~~] adopt rules  
24 for the assessment of an administrative fine of \$25 [~~\$10~~] for  
25 violations of the parking rules adopted under Section 411.063.  
26 Notwithstanding the provisions of Sections 411.065 and 411.066, the  
27 department may [~~in its discretion~~] issue an administrative citation

1 for a parking violation.

2 (b) Rules adopted under this section shall:

3 (1) establish a system for enforcement of  
4 administrative citations, including ~~[but not limited to]~~  
5 assessment of a late fee not to exceed \$5 ~~[\$2]~~ and towing,  
6 impoundment, or immobilization of vehicles; and

7 (2) provide ~~[for]~~ a procedure of administrative review  
8 within the highway patrol district that includes the Capitol  
9 Complex ~~[capitol police district]~~ and, on request of the person  
10 assessed an administrative fine, further judicial review by the  
11 department filing the appropriate citation or complaint in a court  
12 ~~[of competent jurisdiction]~~, as provided in Section 411.066.

13 (d) The department shall remit to the comptroller for  
14 deposit in the general revenue fund each ~~[any]~~ administrative fine  
15 and late fee collected ~~[received]~~ under this section. The money  
16 deposited ~~[Such revenues]~~ may be appropriated only to the  
17 department for ~~[capitol police]~~ security and parking in the highway  
18 patrol district that includes the Capitol Complex.

19 SECTION 20.02. This article takes effect September 1, 2009.

20 ARTICLE 21. CRIMINAL HISTORY REPORTING

21 SECTION 21.001. Chapter 60, Code of Criminal Procedure, is  
22 amended by adding Article 60.10 to read as follows:

23 Art. 60.10. DATA REPORTING IMPROVEMENT PLAN. (a) In this  
24 article, "disposition completeness percentage" has the meaning  
25 assigned by Article 60.21(c).

26 (b) This article applies only to a county that has an  
27 average disposition completeness percentage, including both

1 juvenile and adult dispositions, of less than 90 percent, as  
2 reflected in the first report the Department of Public Safety  
3 submits under Article 60.21(b)(2) on or after January 1, 2009.

4 (c) The commissioners court of a county described by  
5 Subsection (b) shall establish a local data advisory board as  
6 described by Article 60.09 not later than November 1, 2009. A local  
7 data advisory board established under this article may include any  
8 person described by Article 60.09(b) and must include:

9 (1) the sheriff of the county, or the sheriff's  
10 designee;

11 (2) an attorney who represents the state in the  
12 district courts of the county;

13 (3) an attorney who represents the state in the county  
14 courts of the county;

15 (4) the clerk for the district courts of the county, or  
16 the clerk's designee;

17 (5) the clerk for the county courts of the county, or  
18 the clerk's designee;

19 (6) the police chief of the municipality with the  
20 greatest population located in the county, or the chief's designee;

21 (7) a representative of the county's automated data  
22 processing services, if the county performs those services; and

23 (8) a representative of an entity with whom the county  
24 contracts for automated data processing services, if the county  
25 contracts for those services.

26 (d) In addition to the duties described by Article 60.09(a),  
27 a local data advisory board established under this article must

1 prepare a data reporting improvement plan. The data reporting  
2 improvement plan must:

3 (1) describe the manner in which the county intends to  
4 improve the county's disposition completeness percentage;

5 (2) ensure that the county takes the steps necessary  
6 for the county's average disposition completeness percentage to be  
7 equal to or greater than 90 percent in the first report the  
8 Department of Public Safety submits under Article 60.21(b)(2) on or  
9 after January 1, 2013; and

10 (3) include a comprehensive strategy by which the  
11 county will permanently maintain the county's disposition  
12 completeness percentage at or above 90 percent.

13 (e) Not later than June 1, 2010, a local data advisory board  
14 established under this article shall submit to the Department of  
15 Public Safety the data reporting improvement plan prepared for the  
16 county. On receipt of a data reporting improvement plan under this  
17 article, the department shall post the plan on the Internet website  
18 maintained by the department.

19 (f) The public safety director of the Department of Public  
20 Safety may adopt rules concerning the contents and form of a data  
21 reporting improvement plan prepared under this article.

22 (g) This article expires September 1, 2013.

23 SECTION 21.002. Article 60.21, Code of Criminal Procedure,  
24 is amended by amending Subsection (b) and adding Subsection (c) to  
25 read as follows:

26 (b) The Department of Public Safety shall:

27 (1) monitor the submission of arrest and disposition

1 information by local jurisdictions;

2 (2) annually submit to the Legislative Budget Board,  
3 the governor, the lieutenant governor, the state auditor, and the  
4 standing committees in the senate and house of representatives that  
5 have primary jurisdiction over criminal justice and the Department  
6 of Public Safety [~~council~~] a report regarding the level of  
7 reporting by local jurisdictions;

8 (3) identify local jurisdictions that do not report  
9 arrest or disposition information or that partially report  
10 information; and

11 (4) for use in determining the status of outstanding  
12 dispositions, publish monthly on the Department of Public Safety's  
13 Internet website or on another electronic publication a report  
14 listing each arrest by local jurisdiction for which there is no  
15 corresponding final court disposition.

16 (c) The report described by Subsection (b)(2) must contain a  
17 disposition completeness percentage for each county in this state.  
18 For purposes of this subsection, "disposition completeness  
19 percentage" means the percentage of arrest charges a county reports  
20 to the Department of Public Safety to be entered in the computerized  
21 criminal history system under this chapter that were brought  
22 against a person in the county for which a disposition has been  
23 subsequently reported and entered into the computerized criminal  
24 history system.

25 ARTICLE 22. TRANSFER OF REGULATORY PROGRAMS RELATING TO DISPENSING  
26 CONTROLLED SUBSTANCES BY PRESCRIPTION

27 SECTION 22.01. (a) The director of the Department of

1 Public Safety or the director's designee, the executive director of  
2 the Texas State Board of Pharmacy or the executive director's  
3 designee, and the executive director of the Texas Medical Board or  
4 the executive director's designee shall meet as an interagency  
5 council to develop a transition plan for the orderly transfer from  
6 the Department of Public Safety to the Texas State Board of Pharmacy  
7 of certain records and regulatory functions relating to dispensing  
8 controlled substances by prescription under Chapter 481, Health and  
9 Safety Code.

10 (b) In developing the transition plan, the council shall:

11 (1) consult with the Health and Human Services  
12 Commission, the Department of State Health Services, and other  
13 health and human services agencies that contract with a third party  
14 for data collection;

15 (2) specify the records and regulatory functions to be  
16 transferred;

17 (3) create a time frame within which the specified  
18 records and functions will be transferred;

19 (4) ensure the Department of Public Safety's continued  
20 access for law enforcement purposes to prescription drug  
21 information obtained under Chapter 481, Health and Safety Code;

22 (5) develop a plan for the transfer of relevant  
23 database information;

24 (6) make recommendations for improvements to data  
25 transmission, including examining the feasibility of implementing  
26 an electronic data transmission system for use by registrants and  
27 the Department of Public Safety or the Texas State Board of

1 Pharmacy;

2           (7) estimate the fiscal impact of the transfer,  
3 including an estimate of the costs associated with any necessary  
4 staff increase;

5           (8) minimize disruptions to the professions affected  
6 by the transfer;

7           (9) identify any obstacles to the transfer and make  
8 recommendations to address those obstacles; and

9           (10) address any other consideration the council  
10 determines is appropriate.

11           (c) Not later than January 1, 2011, the council shall submit  
12 its recommendations to the legislature on the transition plan  
13 developed by the council.

14           (d) The Department of Public Safety may not enter into any  
15 contract or otherwise take any action that would prevent, delay, or  
16 hinder a potential transfer to the Texas State Board of Pharmacy  
17 occurring on or after September 1, 2011, of certain records and  
18 regulatory functions relating to dispensing controlled substances  
19 by prescription.

20           (e) This section expires September 1, 2011.

21                                   ARTICLE 23. EFFECTIVE DATE

22           SECTION 23.01. Except as otherwise provided by this Act,  
23 this Act takes effect September 1, 2009.



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President of the Senate

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Speaker of the House

I certify that H.B. No. 2730 was passed by the House on May 14, 2009, by the following vote: Yeas 145, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2730 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; that the House adopted the conference committee report on H.B. No. 2730 on May 31, 2009, by the following vote: Yeas 140, Nays 0, 1 present, not voting; and that the House adopted H.C.R. No. 293 authorizing certain corrections in H.B. No. 2730 on June 1, 2009, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

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Chief Clerk of the House

H.B. No. 2730

I certify that H.B. No. 2730 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; that the Senate adopted the conference committee report on H.B. No. 2730 on May 31, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate adopted H.C.R. No. 293 authorizing certain corrections in H.B. No. 2730 on June 1, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor