

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 12, 2009

TO: Honorable Tommy Merritt, Chair, House Committee on Public Safety

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1245 by Carona (Relating to the regulation of the business of private security.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code as it relates to the business of private security. The bill would change the definitions of "security officer" and "personal protection officer" to include persons who perform certain acts while carrying a firearm and to specify when a personal protection officer must display or conceal the weapon. The bill would authorize the Texas Private Security Board to request certain additional criminal history information on certain applicants and permit the issuance of administrative subpoenas for production of documents and testimony of witnesses to persons licensed or regulated by the chapter. The bill would provide for sanctions on those who do not comply with a subpoena.

Section 22 of the bill would make it a deceptive trade practice under section 17.46 of the Business and Commerce Code to perform any of the activities regulated by Chapter 1702 of the Occupations Code without a license or proper authorization, and specifies that a public or private cause of action may be used to enforce the provision.

Section 24 of the bill would amend the Penal Code to provide that a person engaged in duties under Chapter 1702 of the Occupations Code is not unlawfully carrying or displaying a weapon if certain conditions are met.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: JOB, ESi, MWU