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ARTICLE 1. CHANGES TO VEHICLE INSPECTION PROGRAM

Same as House version.

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~~].

No equivalent provision.

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 distribution of those practices to the regional offices;

(5) setting goals for the entire program, in consultation with the public safety director or the public safety director's designee, and setting goals for each regional

SECTION 1.01. Same as House version.

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office in consultation with the regional managers;
(6) monitoring the progress toward the goals set in
Subdivision (5) and evaluating the program based on that
progress; and
(7) coordination with the Texas Highway Patrol to
enforce provisions related to vehicle inspection.
(d) The regional offices shall make reports as requested
by the program director.

SECTION 1.03. Section 548.501, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Sections 548.503 and 548.504, the fee for inspection of a motor vehicle other than a moped is \$14 [~~\$12.50~~]. The fee for inspection of a moped is \$6.75 [~~\$5.75~~]. The fee for a verification form issued as required by Section 548.256 is \$2 [~~\$1~~].

(c) An inspection station may collect the applicable inspection fee at the time of the original inspection of a vehicle, regardless of whether an inspection certificate is issued at that time. An inspection fee may be included with charges for other products or services but must be shown on a work order for the products or services as a separate item. An inspection fee may be advertised in conjunction with other products or services.

No equivalent provision.

ARTICLE 2. DIVISION OF EMERGENCY MANAGEMENT

Same as House version.

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PART A. ORGANIZATION OF DIVISION

Same as House version.

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

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

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

Same as House version.

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

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

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

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

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

(b) The division is managed by a chief ~~[director]~~ appointed by the public safety director of the department, with the approval of the governor. The chief ~~[director]~~ serves at the pleasure of the public safety director ~~[governor]~~.

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

- (1) a representative of the department;
- (2) a representative of the division;
- (3) a representative of the governor's office of homeland security;
- (4) the presiding officer of the Homeland Security Council; and
- (5) a state agency representative from the emergency management council, selected by the chair of the emergency management council. [The director shall appoint a state coordinator.]

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

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

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

SECTION 2A.04. Section 418.074(b), Government

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

- (1) a representative of the department;
- (2) a representative of the division;
- (3) a representative of the governor's office of homeland security;
- (4) the presiding officer of the Homeland Security Council; and
- (5) a state agency representative from the emergency management council, selected by the chair of the emergency management council. [The director shall appoint a state coordinator.]

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Code, is amended to read as follows:

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

SECTION 2A.05. Section 431.082, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A member of the Texas State Guard called to state active duty in response to a state emergency is a temporary employee of the state while on state active duty.

No equivalent provision.

PART B. OTHER AMENDMENTS, INCLUDING CONFORMING AMENDMENTS REFLECTING DIVISION'S NAME CHANGE

No equivalent provision.

No equivalent provision.

PART B. CONFORMING AMENDMENTS
REFLECTING DIVISION'S NAME CHANGE

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

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

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

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

(d) Notwithstanding Section 412.0123, Labor Code, as added by Chapter 1098, Acts of the 75th Legislature, Regular Session, 1997, the Texas Division of Emergency Management [~~governor's division of emergency management~~] shall reimburse the State Office of Risk

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Management for the actual medical and indemnity benefits paid on behalf of a covered member of Texas Task Force 1 at the beginning of the next state fiscal year occurring after the date the benefits are paid.

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

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

Same as House version.

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

SUBCHAPTER C. TEXAS DIVISION OF EMERGENCY MANAGEMENT

Same as House version.

SECTION 2B.05. Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.050 to read as follows:

Sec. 418.050. REENTRY CREDENTIALING PILOT PROGRAM. (a) The division shall consider implementing a pilot program for a reentry credentialing

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process for reentry into areas previously evacuated because of a disaster or threat of disaster.

(b) If the division implements a pilot project under this section, the reentry credentials issued under the project must:

(1) be uniform and commonly constructed;

(2) have common card holder information; and

(3) have security features equivalent to the security features of a Texas driver's license.

(c) The division may not require residents of an evacuated area to participate in or comply with a reentry credentialing process under this section.

SECTION 2B.06. Section 418.073(d), Government Code, is amended to read as follows:

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

SECTION 2B.07. Section 421.021(a), Government Code, is amended to read as follows:

(a) The Homeland Security Council is composed of the

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SECTION 2B.05. Same as House version.

SECTION 2B.06. Same as House version.

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governor or the governor's designee, ~~the speaker of the house of representatives or the speaker's designee, the lieutenant governor or the lieutenant governor's designee,~~ and one representative of each of the following entities, appointed by the single statewide elected or appointed governing officer, administrative head, or chair, as appropriate, of the entity:

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

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- (21) Texas Commission on Law Enforcement Officer Standards and Education;
- (22) state fire marshal's office;
- (23) Texas Education Agency;
- (24) Texas Commission on Fire Protection;
- (25) Parks and Wildlife Department;
- (26) Texas Forest Service; and
- (27) Texas Water Development Board.

SECTION 2B.08. Section 661.907(b), Government Code, is amended to read as follows:

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

SECTION 2B.09. Section 661.919(b), Government Code, is amended to read as follows:

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

SECTION 2B.07. Same as House version.

SECTION 2B.08. Same as House version.

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SECTION 2B.10. Section 501.001(5), Labor Code, is amended to read as follows:

(5) "Employee" means a person who is:

(A) in the service of the state pursuant to an election, appointment, or express oral or written contract of hire;

(B) paid from state funds but whose duties require that the person work and frequently receive supervision in a political subdivision of the state;

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

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

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

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

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

SECTION 2B.11. Sections 16.055(a) and (b), Water Code, are amended to read as follows:

(a) The chief [~~coordinator~~] of the Texas Division of

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

(5) "Employee" means a person who is:

(A) in the service of the state pursuant to an election, appointment, or express oral or written contract of hire;

(B) paid from state funds but whose duties require that the person work and frequently receive supervision in a political subdivision of the state;

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

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

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

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

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

SECTION 2B.10. Same as House version.

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Emergency Management [~~division of emergency management of the office of the governor~~] is the state drought manager. The state drought manager is responsible for managing and coordinating the drought response component of the state water plan.

(b) The drought preparedness council is created and shall meet as necessary to carry out the provisions of this section. The council is composed of one representative from each of the following entities, appointed by the administrative head of that entity:

(1) the Texas Division of Emergency Management [~~division of emergency management of the office of the governor~~];

(2) the board;

(3) the commission;

(4) the Parks and Wildlife Department;

(5) the Department of Agriculture;

(6) the Texas AgriLife [~~Agricultural~~] Extension Service;

(7) the State Soil and Water Conservation Board;

(8) the Texas Department of Housing and Community Affairs;

(9) the Texas Forest Service;

(10) the Texas Department of Transportation;

(11) the Texas Department of Economic Development;
and

(12) a representative of groundwater management interests who is appointed by the governor.

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SECTION 2B.12. Section 1(3), Chapter 350 (S.B.

SECTION 2B.11. Same as House version.

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1101), Acts of the 71st Legislature, Regular Session, 1989 (Article 6419c, Vernon's Texas Civil Statutes), is amended to read as follows:

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

SECTION 2B.13. A reference in law or a rule to the "governor's division of emergency management" or the "division of emergency management in the office of the governor" means the Texas Division of Emergency Management in the Department of Public Safety of the State of Texas.

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

SECTION 3.01. Section 524.038, Transportation Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) An affidavit from an expert witness [~~a person~~] whose presence is timely requested under this section is inadmissible if the expert witness [~~person~~] fails to appear at a hearing without a showing of good cause. Otherwise, an affidavit under this section may be submitted in lieu of an appearance at the hearing by the

SECTION 2B.12. Same as House version.

No equivalent provision.

No equivalent provision.

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~~[breath test operator, breath test technical supervisor, or]~~
expert witness.

(e) An affidavit from a breath test operator or breath test technical supervisor is admissible unless the judge determines that justice requires the breath test operator or breath test technical supervisor to be present.

SECTION 3.02. Section 524.039, Transportation Code, is amended to read as follows:

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

(b) The department may reschedule a hearing once not less than 48 hours before the hearing if a ~~[the]~~ person subpoenaed ~~[requested to attend]~~ under Subsection (a) is

No equivalent provision.

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unavailable. The department may also reschedule the hearing on showing good cause that a ~~the~~ person subpoenaed ~~requested~~ under Subsection (a) is not available at the time of the hearing.

SECTION 3.03. The changes in law made by this article by the amendment of Sections 524.038 and 524.039, Transportation Code, apply only to a hearing conducted on or after September 1, 2009. A hearing conducted before September 1, 2009, is covered by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

No equivalent provision.

SECTION 3.04. This article takes effect September 1, 2009.

ARTICLE 4. CHANGES TO PRIVATE SECURITY ACT

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

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No equivalent provision.

ARTICLE 3 [blank]

SECTION 4.102. Same as House version.

Same as House version.

SECTION 4.01. Section 1702.002, Occupations Code, is amended by amending Subdivisions (1), (2), (3), (5), (11), (12), (13), (17), (19), (20), and (21) and adding Subdivisions (3-a) and (6-b) to read as follows:

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- (2) "Branch office" means an office that is:
- (A) identified to the public as a place from which business is conducted, solicited, or advertised; and
 - (B) at a place other than the principal place of business as shown in board [commission] records.
- (3) "Branch office license" means a permit issued by the board [commission] that entitles a person to operate at a branch office as a security services contractor or investigations company.

- (1) "Alarm system" means:
- (A) electronic equipment and devices designed to detect or signal:
 - (i) an unauthorized entry or attempted entry of a person or object into a residence, business, or area monitored by the system; or
 - (ii) the occurrence of a robbery or other emergency; or
 - (B) electronic equipment and devices using a computer or data processor designed to control the access of a person, vehicle, or object through a door, gate, or entrance into the controlled area of a residence or business[; ~~or~~
 - ~~[(C) a television camera or still camera system that:~~
 - ~~[(i) records or archives images of property or individuals in a public or private area of a residence or business; or~~
 - ~~[(ii) is monitored by security personnel or services].~~
- (2) "Branch office" means an office that is:
- (A) identified to the public as a place from which business is conducted, solicited, or advertised; and
 - (B) at a place other than the principal place of business as shown in board [commission] records.
- (3) "Branch office license" means a permit issued by the board [commission] that entitles a person to operate at a branch office as a security services contractor or investigations company.
- (3-a) "Camera system" means a device or system used to capture still or moving images that are in a format that permits viewing, recording, or archiving, that are monitored by a person covered by this chapter on-site or off-site, and that are used in a public or private place to

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obtain evidence of possible civil or criminal law violations. The term does not include a device or system used to capture still or moving images that is used exclusively to:

- (A) monitor traffic conditions on public roads;
- (B) detect motor vehicle violations on public roads;
- (C) detect evidence of criminal activity, if the device or system is monitored by a law enforcement agency;
- (D) facilitate videoconferencing;
- (E) monitor a manufacturing process;
- (F) perform medical procedures; or
- (G) record or archive testimony or a deposition, if the device or system is used by a court reporter.

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

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

(11) "Letter of authority" means a permit issued by the board [commission] that entitles the security department of a private business or a political subdivision to employ a commissioned security officer.

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

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

(17) "Personal protection officer endorsement

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

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

(11) "Letter of authority" means a permit issued by the board [commission] that entitles the security department of a private business or a political subdivision to employ a commissioned security officer.

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

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

(17) "Personal protection officer endorsement

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~~[authorization]~~" means a permit issued by the board ~~[commission]~~ that entitles an individual to act as a personal protection officer.

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

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

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

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

Sec. 1702.004. GENERAL SCOPE OF REGULATION.

(a) The board, in addition to performing duties required by other law or exercising powers granted by other law:

(1) licenses investigations companies and security services contractors;

(2) issues commissions to certain security officers;

(3) issues endorsements ~~[authorizations]~~ to certain security officers engaged in the personal protection of individuals;

(4) registers and endorses:

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

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

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~~[authorization]~~" means a permit issued by the board ~~[commission]~~ that entitles an individual to act as a personal protection officer.

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

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

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

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(5) regulates license holders, security officers, ~~and~~ registrants, and endorsement holders under this chapter.
(b) The board shall adopt rules necessary to comply with Chapter 53 [does not apply to this chapter or to any licensing, regulatory, or disciplinary determinations made under this chapter]. In its rules under this section, the board shall list the specific offenses for each category of regulated persons for which a conviction would constitute grounds for the board to take action under Section 53.021.

SECTION 4.03. The heading to Subchapter B, Chapter 1702, Occupations Code, is amended to read as follows:
SUBCHAPTER B. TEXAS [~~COMMISSION ON~~]
PRIVATE SECURITY BOARD

Same as House version.

SECTION 4.04. Section 1702.021, Occupations Code, is amended to read as follows:
Sec. 1702.021. BOARD [~~COMMISSION~~]
MEMBERSHIP. (a) The Texas Private Security Board consists of seven members appointed by the governor with the advice and consent of the senate as follows:
(1) four public members, each of whom is a citizen of the United States;
(2) one member who is licensed under this chapter as a private investigator;
(3) one member who is licensed under this chapter as an alarm systems company; and

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

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

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

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

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

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

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

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the board [~~commission~~]; or

(4) uses or receives a substantial amount of tangible

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goods, services, or money from the board [~~commission~~] other than compensation or reimbursement authorized by law for board [~~commission~~] membership, attendance, or expenses.

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

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

- (1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of private investigation or private security; or
- (2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of private investigation or private security.

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

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SECTION 4.07. Section 1702.027, Occupations Code, is amended to read as follows:

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

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

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

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

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

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

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

(c) If the chief administrator [~~director~~] has knowledge that a potential ground for removal exists, the chief administrator [~~director~~] shall notify the presiding officer of the board [~~commission~~] of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the

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presiding officer, the chief administrator ~~[director]~~ shall notify the next highest ranking officer of the board ~~[commission]~~, who shall then notify the governor and the attorney general that a potential ground for removal exists.

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

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

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

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

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

Same as House version.

Same as House version.

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

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

(b) The training program must provide the person with information regarding:

- (1) this chapter;
- (2) the programs operated by the board [~~commission~~];
- (3) the role and functions of the board [~~commission~~];
- (4) the rules of the board [~~commission~~], with an emphasis on the rules that relate to disciplinary and investigatory authority;
- (5) the current budget for the board [~~commission~~];
- (6) the results of the most recent formal audit of the board [~~commission~~];
- (7) the requirements of:
 - (A) the open meetings law, Chapter 551, Government Code;
 - (B) the public information law, Chapter 552, Government Code;
 - (C) the administrative procedure law, Chapter 2001, Government Code; and
 - (D) other laws relating to public officials, including conflict of interest laws; and
- (8) any applicable ethics policies adopted by the board [~~commission~~] or the Texas Ethics Commission.

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

SECTION 4.11. The heading to Subchapter C, Chapter 1702, Occupations Code, is amended to read as follows:
SUBCHAPTER C. CHIEF ADMINISTRATOR
[~~DIRECTOR~~] AND PERSONNEL

Same as House version.

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

Same as House version.

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

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

SECTION 4.13. Section 1702.042, Occupations Code, is

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amended to read as follows:

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

- (1) have a financial or business interest, contingent or otherwise, in a security services contractor or investigations company; or
- (2) be licensed under this chapter.

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

Sec. 1702.043. DIVISION OF RESPONSIBILITIES. The board [~~commission~~] shall develop and implement policies that clearly separate the policy-making responsibilities of the board [~~commission~~] and the management responsibilities of the chief administrator [~~director~~] and staff of the department [~~commission~~].

Same as House version.

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

Sec. 1702.044. QUALIFICATIONS AND STANDARDS OF CONDUCT INFORMATION. The chief administrator [~~director~~] or the chief administrator's [~~director's~~] designee shall provide to board [~~commission~~] members and to agency employees, as often as necessary, information regarding the requirements for office or employment under this chapter, including

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information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

SECTION 4.16. The heading to Subchapter D, Chapter 1702, Occupations Code, is amended to read as follows:
SUBCHAPTER D. POWERS AND DUTIES OF BOARD [~~COMMISSION~~]

Same as House version.

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

Same as House version.

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

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

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

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

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

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- (2) investigate alleged violations of this chapter and of board ~~[commission]~~ rules;
- (3) adopt rules necessary to implement this chapter; and
- (4) establish and enforce standards governing the safety and conduct of each person licensed, registered, or commissioned under this chapter.
- (e) The board ~~[commission]~~ shall have a seal in the form prescribed by the board ~~[commission]~~.
- ~~[(f) The commission may commission investigators who are employed full time by the commission as peace officers for the limited purpose of assisting the commission in investigating alleged violations of this chapter and of commission rules.]~~

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

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

- (1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of board rules;
- and
- (2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the board's jurisdiction.

(b) The board's procedures relating to alternative dispute

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resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

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

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

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

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

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

Sec. 1702.062. FEES. (a) The board [~~commission~~] by rule shall establish reasonable and necessary fees that produce sufficient revenue to administer this chapter.

The fees may not produce unnecessary fund balances.

~~[and may not exceed the following amounts:~~

~~[Class A license\$350 (original and renewal)~~

~~[Class B license\$400 (original and renewal)~~

~~[Class C license\$540 (original and renewal)~~

~~[Class D license\$400 (original and renewal)~~

~~[Reinstate suspended license\$150~~

~~[Assignment of license\$150~~

~~[Change name of license\$ 75~~

~~[Delinquency fee__~~

~~[Branch office certificate and renewal\$300~~

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~~[Registration fee for private investigator, manager, branch office manager, locksmith, electronic access control device installer, and alarm systems installer\$ 30 (original and renewal)~~
~~[Registration fee for noncommissioned security officer\$ 30 (original and renewal)~~
~~[Registration fee for security salesperson\$ 30~~
~~[Registration fee for alarm systems monitor\$ 30~~
~~[Registration fee for dog trainer\$ 30~~
~~[Registration fee for owner, officer, partner, or shareholder of a license holder\$ 50~~
~~[Registration fee for security consultant\$300~~
~~[Registration fee for employee of license holder\$ 30~~
~~[Security officer commission fee\$ 50 (original and renewal)~~
~~[School instructor fee\$100 (original and renewal)~~
~~[School approval fee\$350 (original and renewal)~~
~~[Letter of authority fee for private business and political subdivision\$400~~
~~[Letter of authority renewal fee for private business and political subdivision\$225~~
~~[Letter of authority fee for commissioned officer, noncommissioned officer, or personal protection officer for political subdivision\$ 10~~
~~[FBI fingerprint check\$ 25~~
~~[Duplicate pocket card\$ 10~~
~~[Employee information update fee\$ 15~~

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~~[Burglar alarm sellers renewal fee\$ 30~~

~~[Personal protection officer authorization\$ 50]~~

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

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

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

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

Same as House version.

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

Sec. 1702.0635. RESTRICTIONS ON CERTAIN RULES. The board ~~[commission]~~ may not adopt rules or establish unduly restrictive experience or education requirements that limit a person's ability to be licensed as

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an electronic access control device company or be registered as an electronic access control device installer.

SECTION 4.22. Section 1702.064, Occupations Code, is amended to read as follows:

Sec. 1702.064. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) The board [~~commission~~] may not adopt rules restricting advertising or competitive bidding by a person regulated by the board [~~commission~~] except to prohibit false, misleading, or deceptive practices by the person. (b) The board [~~commission~~] may not include in its rules to prohibit false, misleading, or deceptive practices by a person regulated by the board [~~commission~~] a rule that: (1) restricts the person's use of any medium for advertising; (2) restricts the person's personal appearance or use of the person's personal voice in an advertisement; (3) relates to the size or duration of an advertisement by the person; or (4) restricts the person's advertisement under a trade name.

Same as House version.

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

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

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this chapter.

(b) Rules adopted under this section may:

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

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

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

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

Same as House version.

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

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

Same as House version.

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

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

Same as House version.

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

Sec. 1702.081. PUBLIC INTEREST INFORMATION.
(a) The board [~~commission~~] shall prepare information of interest to consumers or recipients of services regulated under this chapter describing the board's [~~commission's~~] regulatory functions and the procedures by which complaints are filed with and resolved by the board [~~commission~~].
(b) The board [~~commission~~] shall make the information available to the public and appropriate state agencies.

Same as House version.

SECTION 4.28. Section 1702.082, Occupations Code, is amended to read as follows:

Sec. 1702.082. COMPLAINTS. (a) The board [~~commission by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the commission for the purpose of directing complaints to the commission. The commission may provide for that~~

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

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

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notice:

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

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

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

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

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

~~[(2) the date the complaint is received by the commission;~~

~~[(3) the subject matter of the complaint, [;~~

~~[(4) the name of each person contacted in relation to the complaint;~~

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

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

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

~~[(d) Unless it would~~

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

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

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

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

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

~~[(2) the date the complaint is received by the commission;~~

~~[(3) the subject matter of the complaint, [;~~

~~[(4) the name of each person contacted in relation to the complaint;~~

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

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

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

~~[(d) The board shall periodically notify the complaint parties of the status of the complaint until final~~

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~~jeopardize an undercover investigation, the commission shall provide to each person who is a subject of the complaint a copy of the commission's policies and procedures relating to complaint investigation and resolution.~~

~~[(e) The commission, at least quarterly until final disposition of the complaint, shall] notify the [person filing the] complaint parties [and each person who is a subject of the complaint] of the status of the complaint until final disposition [investigation unless the notice would jeopardize an undercover investigation].~~

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

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

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

Sec. 1702.084. PUBLIC ACCESS TO CERTAIN RECORDS OF DISCIPLINARY ACTIONS. (a) The board [~~commission~~] shall make available to the public through a toll-free telephone number, Internet website, or other easily accessible medium determined by the board [~~commission~~] the following information relating to a

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

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disciplinary action taken during the preceding three years regarding a person regulated by the board [~~commission~~]:

- (1) the identity of the person;
- (2) the nature of the complaint that was the basis of the disciplinary action taken against the person; and
- (3) the disciplinary action taken by the board [~~commission~~].

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

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

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

No equivalent provision.

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SECTION __. Section 1702.102(a), Occupations Code, is amended to read as follows:

(a) Unless the person holds a license as a security services contractor, a person may not:

- (1) act as an alarm systems company, armored car company, camera systems company, courier company, guard company, guard dog company, locksmith company, or private security consultant company;
- (2) offer to perform the services of a company in Subdivision (1); or
- (3) engage in business activity for which a license is

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required under this chapter.

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

Sec. 1702.103. CLASSIFICATION AND LIMITATION OF LICENSES. (a) The license classifications are:

- (1) Class A: investigations company license, covering operations of an investigations company;
 - (2) Class B: security services contractor license, covering operations of a security services contractor;
 - (3) Class C: covering the operations included within Class A and Class B; ~~and~~
 - (4) Class F: level III training school license;
 - (5) Class O: alarm level I training school license;
 - (6) Class P: private business letter of authority license;
 - (7) Class X: government letter of authority license; and
 - (8) Class T: telematics license ~~[Class D: electronic access control device license, covering operations of an electronic access control device company].~~
- (b) A ~~[Class A, B, C, or D]~~ license described by this chapter does not authorize the license holder to perform a service for which the license holder has not qualified. A person may not engage in an operation outside the scope of that person's license. The board ~~[commission]~~ shall indicate on the license the services the license holder is authorized to perform. The license holder may not perform a service unless it is indicated on the license.
- (c) A license is not assignable unless the assignment is

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approved in advance by the board [~~commission~~].

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

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

No equivalent provision.

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SECTION 4.____. Section 1702.104, Occupations Code, is amended to read as follows:

Sec. 1702.104. INVESTIGATIONS COMPANY. (a)

A person acts as an investigations company for the purposes of this chapter if the person:

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

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

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

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

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

(2) engages in the business of securing, or accepts employment to secure, evidence for use before a court,

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board, officer, or investigating committee;
(3) engages in the business of securing, or accepts employment to secure, the electronic tracking of the location of an individual or motor vehicle other than for criminal justice purposes by or on behalf of a governmental entity; or
(4) engages in the business of protecting, or accepts employment to protect, an individual from bodily harm through the use of a personal protection officer.
(b) For purposes of Subsection (a)(1), obtaining or furnishing information includes information obtained or furnished through the review and analysis of, and the investigation into the content of, computer-based data not available to the public. The repair or maintenance of a computer does not constitute an investigation for purposes of this section and does not require licensing under this chapter if:
(1) the review or analysis of computer-based data is performed only to diagnose a computer or software problem;
(2) there is no intent to obtain or furnish information described by Subsection (a)(1); and
(3) the discovery of any information described by Subsection (a)(1) is inadvertent.

No equivalent provision.

SECTION __. Subchapter F, Chapter 1702, Occupations Code, is amended by adding Section 1702.1057 to read as follows:
Sec. 1702.1057. CAMERA SYSTEMS COMPANY. A

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person acts as a camera systems company for the purposes of this chapter if the person sells, installs, services, or monitors a camera system.

SECTION 4.32. Section 1702.110, Occupations Code, is amended to read as follows:

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

- (1) the full name and business address of the applicant;
- (2) the name under which the applicant intends to do business;
- (3) a statement as to the general nature of the business in which the applicant intends to engage;
- (4) a statement as to the classification for which the applicant requests qualification;
- (5) if the applicant is an entity other than an individual, the full name and residence address of each partner, officer, and director of the applicant, and of the applicant's manager;
- (6) if the applicant is an individual, two classifiable sets of fingerprints of the applicant or, if the applicant is an entity other than an individual, of each officer and of each partner or shareholder who owns at least a 25 percent interest in the applicant;
- (7) a verified statement of the applicant's experience qualifications in the particular classification in which the

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

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

- (1) the full name and business address of the applicant;
- (2) the name under which the applicant intends to do business;
- (3) a statement as to the general nature of the business in which the applicant intends to engage;
- (4) a statement as to the classification for which the applicant requests qualification;
- (5) if the applicant is an entity other than an individual, the full name and residence address of each partner, officer who oversees the security-related aspects of the business, and director of the applicant, and of the applicant's manager;
- (6) if the applicant is an individual, two classifiable sets of fingerprints of the applicant or, if the applicant is an entity other than an individual, of each officer who oversees the security-related aspects of the business and of each partner or shareholder who owns at least a 25 percent interest in the applicant;
- (7) a verified statement of the applicant's experience qualifications in the particular classification in which the

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applicant is applying;

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

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

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

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

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

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

SECTION 4.34. Section 1702.112, Occupations Code, is amended to read as follows:

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applicant is applying;

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

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

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

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

SECTION 4.32. Same as House version.

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

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

- (1) the name of the license holder;
- (2) the name under which the license holder is to operate; and
- (3) the license number and the date the license was issued.

SECTION 4.35. Sections 1702.113(a) and (c), Occupations Code, are amended to read as follows:

(a) An applicant for a license, certificate of registration, endorsement, or security officer commission or the applicant's manager must be at least 18 years of age and must not:

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

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

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

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

- (1) the name of the license holder;
- (2) the name under which the license holder is to operate; [~~and~~]
- (3) the license number and the date the license was issued; and

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

SECTION 4.33. Same as House version.

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

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

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

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

~~(3) [(6)] have been dishonorably discharged from the United States armed services, discharged from the United States armed services under other conditions determined by the board to be prohibitive, or dismissed from the United States armed services if a commissioned officer in the United States armed services; or~~

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

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

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

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

~~[(B) contains all the elements of an offense designated~~

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~~by a law of this state as a felony, including a state jail felony; or~~

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

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

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

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

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

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

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

~~(2) [(B)] contains all the elements of an offense designated by a law of this state as a Class B misdemeanor; or~~

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

SECTION 4.36. Section 1702.114, Occupations Code, is amended to read as follows:

Sec. 1702.114. **ADDITIONAL QUALIFICATIONS FOR INVESTIGATIONS COMPANY LICENSE.** (a) An applicant for a license to engage in the business of an investigations company or the applicant's manager must have, before the date of the application, three

SECTION 4.34. Same as House version.

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consecutive years' experience in the investigative field as an employee, manager, or owner of an investigations company or satisfy other requirements set by the board [~~commission~~].

(b) The applicant's experience must be:

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

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

SECTION 4.37. Section 1702.115, Occupations Code, is amended to read as follows:

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

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

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

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

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SECTION 4.35. Same as House version.

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SECTION 4.38. Section 1702.116, Occupations Code, is amended to read as follows:

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

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

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

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

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

SECTION 4.39. Sections 1702.117(a), (c), and (d), Occupations Code, are amended to read as follows:

(a) The board [~~commission~~] shall require an applicant for a commission, license, registration, or endorsement under this chapter or the applicant's manager to demonstrate qualifications in the person's license classification, including knowledge of applicable state laws and board [~~commission~~] rules, by taking an

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SECTION 4.36. Same as House version.

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SECTION 4.37. Sections 1702.117(a), (c), and (d), Occupations Code, are amended to read as follows:

(a) The board [~~commission~~] shall require an applicant for a license under this chapter or the applicant's manager to demonstrate qualifications in the person's license classification, including knowledge of applicable state laws and board [~~commission~~] rules, by taking an examination to be determined by the board

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examination to be determined by the board [~~commission~~].

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

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

SECTION 4.40. Section 1702.118, Occupations Code, is amended to read as follows:

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

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

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

(2) if notice of the examination results will be delayed for longer than 90 days after the examination date, the board [~~commission~~] shall notify the person of the reason for the delay before the 90th day.

(c) The board [~~commission~~] may require a testing

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[~~commission~~].

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

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

SECTION 4.38. Same as House version.

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service to notify a person of the results of the person's examination.

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

SECTION 4.41. Section 1702.1183, Occupations Code, is amended to read as follows:

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

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

SECTION 4.42. Section 1702.1186, Occupations Code, is amended to read as follows:

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

(1) has been licensed in good standing as an investigations company or security services contractor for at least two years in another jurisdiction, including a

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SECTION 4.39. Same as House version.

SECTION 4.40. Same as House version.

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foreign country, that has licensing requirements substantially equivalent to the requirements of this chapter;

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

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

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

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

(2) the provisional license holder:

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

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

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

(c) The board [~~commission~~] must approve or deny a

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provisional license holder's application for a license not later than the 180th day after the date the provisional license is issued. The board [~~commission~~] may extend the 180-day period if the results of an examination have not been received by the board [~~commission~~] before the end of that period.

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

SECTION 4.43. Section 1702.120(b), Occupations Code, is amended to read as follows:

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

SECTION 4.44. Section 1702.121, Occupations Code, is amended to read as follows:

Sec. 1702.121. TERMINATION OF MANAGER. A license holder shall notify the board [~~commission~~] in writing not later than the 14th day after the date a manager ceases to be manager of the license holder's business. The license remains in effect for a reasonable period after notice is given as provided by board [~~commission~~] rule pending the board's [~~commission's~~]

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SECTION 4.41. Same as House version.

SECTION 4B.08. Section 1702.121, Occupations Code, is amended to read as follows:

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

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determination of the qualification of another manager under this subchapter.

SECTION 4.45. Section 1702.122, Occupations Code, is amended to read as follows:

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

SECTION 4.46. Section 1702.123, Occupations Code, is amended to read as follows:

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

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

(c) The board [~~commission~~] may rescind the license

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determination of the qualification of another manager under this subchapter.

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

SECTION 4.42. Same as House version.

SECTION 4.43. Same as House version.

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suspension if the license holder provides proof to the board [~~commission~~] that the bond or the insurance coverage is still in effect. The license holder must provide the proof in a form satisfactory to the board [~~commission~~] not later than the 10th day after the date the license is suspended.

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

- (1) for a reason that would justify suspending, revoking, or denying a license; or
- (2) if, during the suspension, the applicant performs a practice for which a license is required.

SECTION 4.47. Section 1702.125, Occupations Code, is amended to read as follows:

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

SECTION 4.48. Sections 1702.127(b) and (c), Occupations Code, are amended to read as follows:

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SECTION 4.44. Same as House version.

SECTION 4B.09. Section 1702.127, Occupations Code, is amended by amending Subsections (b) and (c) and

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

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

SECTION 4.49. Section 1702.129, Occupations Code, is amended to read as follows:

Sec. 1702.129. NOTICE OF CERTAIN CHANGES; BRANCH OFFICES. (a) A license holder shall notify the board [~~commission~~] not later than the 14th day after the date of:

- (1) a change of address for the license holder's principal place of business;
- (2) a change of a name under which the license holder does business; or
- (3) a change in the license holder's officers or partners.

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

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adding Subsection (d) to read as follows:

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

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

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

SECTION 4.45. Same as House version.

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- (1) is established;
- (2) is closed; or
- (3) changes address or location.

SECTION 4.50. Section 1702.131, Occupations Code, is amended to read as follows:

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

SECTION 4.51. Section 1702.161(b), Occupations Code, is amended to read as follows:

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

SECTION 4.52. Section 1702.162, Occupations Code, is amended to read as follows:

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

SECTION 4.46. Same as House version.

SECTION 4.47. Same as House version.

SECTION 4.48. Same as House version.

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SECTION 4.53. Section 1702.165, Occupations Code, is amended to read as follows:

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

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

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

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

SECTION 4.54. Section 1702.167, Occupations Code, is amended to read as follows:

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

SECTION 4.49. Same as House version.

SECTION 4.50. Same as House version.

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[~~commission~~] of the transfer of employment on a form prescribed by the board [~~commission~~], accompanied by payment of the employee information update fee.

SECTION 4.55. Sections 1702.1675(a), (b), (c), (d), (e), (f), and (i), Occupations Code, are amended to read as follows:

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

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

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

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

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

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

(e) The board [~~commission~~] shall develop a commissioned security officer training manual that

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contains applicable state laws and board [~~commission~~] rules to be used in the instruction and training of commissioned security officers.

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

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

SECTION 4.56. Section 1702.168, Occupations Code, is amended to read as follows:

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

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

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

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SECTION 4.52. Same as House version.

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SECTION 4.57. Sections 1702.1685(b) and (d), Occupations Code, are amended to read as follows:

(b) Only a board-approved [~~commission-approved~~] instructor may administer the handgun proficiency examination.

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

SECTION 4.58. Section 1702.171, Occupations Code, is amended to read as follows:

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

SECTION 4.59. Section 1702.183, Occupations Code, is amended to read as follows:

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

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SECTION 4.53. Same as House version.

SECTION 4.54. Same as House version.

SECTION 4.55. Same as House version.

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SECTION 4.60. The heading to Subchapter I, Chapter 1702, Occupations Code, is amended to read as follows:
SUBCHAPTER I. PERSONAL PROTECTION OFFICER ENDORSEMENT ~~[AUTHORIZATION]~~ REQUIREMENTS

SECTION 4.61. Section 1702.201, Occupations Code, is amended to read as follows:
Sec. 1702.201. PERSONAL PROTECTION OFFICER ENDORSEMENT ~~[AUTHORIZATION]~~ REQUIRED.
A commissioned security officer may not act as a personal protection officer unless the officer holds a personal protection officer endorsement ~~[authorization]~~.

SECTION 4.62. Section 1702.203, Occupations Code, is amended to read as follows:
Sec. 1702.203. APPLICATION FOR PERSONAL PROTECTION OFFICER ENDORSEMENT ~~[AUTHORIZATION]~~. An applicant for a personal protection officer endorsement ~~[authorization]~~ must submit a written application on a form prescribed by the board ~~[commission]~~.

SECTION 4.63. Section 1702.204, Occupations Code, is amended to read as follows:
Sec. 1702.204. PERSONAL PROTECTION OFFICER

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SECTION 4.56. Same as House version.

SECTION 4B.11. Section 1702.201, Occupations Code, is amended to read as follows:
Sec. 1702.201. PERSONAL PROTECTION OFFICER ENDORSEMENT ~~[AUTHORIZATION]~~ REQUIRED.
An individual ~~[A commissioned security officer]~~ may not act as a personal protection officer unless the individual ~~[officer]~~ holds a personal protection officer endorsement ~~[authorization]~~.

SECTION 4.57. Same as House version.

SECTION 4.58. Same as House version.

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ENDORSEMENT ~~[AUTHORIZATION]~~;
QUALIFICATIONS. (a) An applicant for a personal protection officer endorsement ~~[authorization]~~ must be at least 21 years of age and must provide:

- (1) a certificate of completion of the basic security officer training course;
- (2) proof that the applicant:
 - (A) has been issued a security officer commission;
 - (B) is employed at the time of application by an investigations company or guard company licensed by the board ~~[commission]~~; and
 - (C) has completed the required training in nonlethal self-defense or defense of a third person; and
- (3) proof of completion and the results of the Minnesota Multiphasic Personality Inventory psychological testing.

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

SECTION 4.64. Section 1702.205(a), Occupations Code, is amended to read as follows:

(a) The board ~~[commission]~~ shall establish a 15-hour course for a personal protection officer consisting of training in nonlethal self-defense or defense of a third person.

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SECTION 4.59. Same as House version.

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SECTION 4.65. Section 1702.206, Occupations Code, is amended to read as follows:

Sec. 1702.206. **CONCEALED** FIREARMS. An individual acting as a personal protection officer may not carry a **concealed** firearm unless the officer:

(1) is either:

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

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

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

SECTION 4.66. Section 1702.221, Occupations Code, is

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

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

(1) is either:

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

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

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

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

SECTION 4.60. Section 1702.221, Occupations Code, is

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amended to read as follows:

Sec. 1702.221. **REGISTRATION AND ENDORSEMENT REQUIRED.** (a) To perform any activity regulated by this chapter, the individual must:
(1) register in accordance with the requirements of this chapter and related administrative rules;
(2) obtain the proper endorsement under Subsection (b); and
(3) be employed by a company licensed under this chapter.
(b) An individual must obtain the appropriate endorsement [~~register~~] in accordance with the requirements of this chapter and related administrative rules if the individual:
(1) is employed as;
(A) an alarm instructor;
(B) an alarm systems installer;
(C) an [;] alarm systems monitor;

(D) an [;] electronic access control device installer;
(E) a level 3 classroom or firearm instructor;
(F) a [;] locksmith;
(G) a [;] dog trainer;
(H) a [;] manager or branch office manager;
(I) a [;] noncommissioned security officer;
(J) a level 4 personal protection instructor;
(K) a [;] private investigator;
(L) a [;] private security consultant;
(M) a [;-Ø] security salesperson; or
(N) an individual whose duties include performing

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amended to read as follows:

Sec. 1702.221. **REGISTRATION AND ENDORSEMENT REQUIRED.** (a) To perform any activity regulated by this chapter, the individual must:
(1) register in accordance with the requirements of this chapter and related administrative rules;
(2) obtain the proper endorsement under Subsection (b); and
(3) be employed by a company licensed under this chapter.
(b) An individual must obtain the appropriate endorsement [~~register~~] in accordance with the requirements of this chapter and related administrative rules if the individual:
(1) is employed as;
(A) an alarm instructor;
(B) an alarm systems installer;
(C) an [;] alarm systems monitor;
(D) a camera systems installer;
(E) an [;] electronic access control device installer;
(F) a level 3 classroom or firearm instructor;
(G) a [;] locksmith;
(H) a [;] dog trainer;
(I) a [;] manager or branch office manager;
(J) a [;] noncommissioned security officer;
(K) a level 4 personal protection instructor;
(L) a [;] private investigator;
(M) a [;] private security consultant;
(N) a [;-Ø] security salesperson; or
(O) an individual whose duties include performing

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another activity for which an endorsement is required under Subsection (e); or

(2) is an owner, officer, partner, or shareholder of a license holder.

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

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

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

SECTION 4.67. Section 1702.2226(b), Occupations Code, is amended to read as follows:

(b) A person registered as an electronic access control device installer may not install alarm systems unless the person holds an endorsement [~~is registered~~] under this chapter as an alarm systems installer.

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another activity for which an endorsement is required under Subsection (e); or

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

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

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

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

SECTION 4.61. Same as House version.

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No equivalent provision.

SECTION 4.68. The heading to Subchapter J, Chapter 1702, Occupations Code, is amended to read as follows:
SUBCHAPTER J. REGISTRATION AND ENDORSEMENT REQUIREMENTS; [REGISTRANT] DUTIES OF REGISTRANT AND ENDORSEMENT HOLDER

SECTION 4.69. Section 1702.228, Occupations Code, is amended to read as follows:
Sec. 1702.228. EMPLOYEE OF LICENSE HOLDER; REGISTRATION PERMITTED. An employee of a license holder who is employed in a capacity that is not subject to mandatory registration under this subchapter may register with the board [~~commission~~].

No equivalent provision.

SECTION __. Subchapter J, Chapter 1702, Occupations Code, is amended by adding Section 1702.2245 to read as follows:

Sec. 1702.2245. CAMERA SYSTEMS INSTALLER. An individual acts as a camera systems installer for purposes of this chapter if the individual installs, maintains, or repairs a camera system.

SECTION 4.62. Same as House version.

SECTION 4.63. Same as House version.

SECTION 4.64. The heading to Section 1702.230, Occupations Code, is amended to read as follows:
Sec. 1702.230. APPLICATION FOR REGISTRATION OR ENDORSEMENT.

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SECTION 4.70. Section 1702.230, Occupations Code, is amended to read as follows:

Sec. 1702.230. APPLICATION FOR REGISTRATION OR ENDORSEMENT.

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

- (1) the applicant's full name, residence address, residence telephone number, date and place of birth, and social security number;
- (2) a statement that:
 - (A) lists each name used by the applicant, other than the name by which the applicant is known at the time of application, and an explanation stating each place where each name was used, the date of each use, and a full explanation of the reasons the name was used; or
 - (B) states that the applicant has never used a name other than the name by which the applicant is known at the time of application;
- (3) the name and address of the applicant's employer and, if applicable, the applicant's consulting firm;
- (4) the date the employment commenced;
- (5) a letter from the license holder requesting that the applicant be registered or endorsed;
- (6) the title of the position occupied by the applicant and a description of the applicant's duties; and
- (7) any other information, evidence, statement, or document required by the board [~~commission~~].

(b) The employer of the applicant shall make a

SECTION 4.65. Substantially the same as House version.

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reasonable attempt to verify the information required under Subsection (a)(1).

SECTION 4.71. Section 1702.2305, Occupations Code, is amended to read as follows:

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

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

(2) has passed a national or other examination recognized by the board [~~commission~~] relating to practice in the field in which the registration is sought; and

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

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

SECTION 4.66. Same as House version.

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under this chapter.

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

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

SECTION 4.72. Section 1702.232, Occupations Code, is amended to read as follows:

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

(b) The board [~~commission~~] shall determine the size, design, and content of the pocket card.

(c) The pocket card must:

- (1) state the name of the registrant;
- (2) contain a color photograph and the signature of the registrant; [~~and~~]

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

(4) state each endorsement held by the registrant and the

SECTION 4.67. Section 1702.232, Occupations Code, is amended to read as follows:

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

(b) The board [~~commission~~] shall determine the size, design, and content of the pocket card.

(c) The pocket card must:

- (1) state the name of the registrant;
- (2) contain a color photograph, affixed to the pocket card by the board at the time the card is issued, and the signature of the registrant; [~~and~~]

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

(4) state each endorsement held by the registrant and the

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date the endorsement expires.

SECTION 4.73. Section 1702.234, Occupations Code, is amended to read as follows:

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

SECTION 4.74. Section 1702.235, Occupations Code, is amended to read as follows:

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

SECTION 4.75. Section 1702.236, Occupations Code, is amended to read as follows:

Sec. 1702.236. **EXAMINATION AND TRAINING REQUIREMENTS FOR ELECTRONIC ACCESS CONTROL DEVICE INSTALLERS.** (a) The board

date the endorsement expires.

SECTION 4.68. Same as House version.

SECTION 4.69. Same as House version.

SECTION 4.70. Same as House version.

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~~[commission]~~ shall require an individual who applies for an endorsement ~~[registration]~~ as an electronic access control device installer to pass an examination given by the board ~~[commission]~~ or a person approved by the board ~~[commission]~~. The examination must cover material related to access control.

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

SECTION 4.76. Sections 1702.239(a), (b), and (d), Occupations Code, are amended to read as follows:

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

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SECTION 4.71. Same as House version.

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

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

SECTION 4.77. Section 1702.240(b), Occupations Code, is amended to read as follows:

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

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SECTION 4.72. Same as House version.

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SECTION 4.78. Subchapter J, Chapter 1702, Occupations Code, is amended by adding Section 1702.241 to read as follows:

Sec. 1702.241. JURISPRUDENCE EXAMINATION.

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

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

SECTION 4.79. Sections 1702.282(a), (c), and (e), Occupations Code, are amended to read as follows:

(a) The board shall conduct a criminal history check, including a check of any criminal history record information maintained by the Federal Bureau of Investigation, in the manner provided by Subchapter F, Chapter 411, Government Code, on each applicant for a license, registration, security officer commission, letter

SECTION 4.73. Same as House version.

SECTION 4.74. Sections 1702.282(c) and (e), Occupations Code, are amended to read as follows:

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

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

(e) On receipt of notice that a check of the applicant's criminal record has uncovered an unresolved and potentially disqualifying arrest that occurred before the 10th anniversary of the date the application is filed, the applicant must provide a letter of reference from the county sheriff, prosecuting attorney, or judge of the county in which the applicant was arrested stating that a record of a disposition related to the arrest does not exist, and to the best of the county sheriff's, prosecuting attorney's, or judge's knowledge the applicant is free of any disqualifying convictions. If the applicant fails to provide either the letter of reference or documentary proof of the final disposition of the arrest, the application is considered incomplete and the applicant may not be issued a license, commission, endorsement, or certificate

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

(e) On receipt of notice that a check of the applicant's criminal record has uncovered an unresolved and potentially disqualifying arrest that occurred before the 10th anniversary of the date the application is filed, the applicant must provide a letter of reference from the county sheriff, prosecuting attorney, or judge of the county in which the applicant was arrested stating that a record of a disposition related to the arrest does not exist, and to the best of the county sheriff's, prosecuting attorney's, or judge's knowledge the applicant is free of any disqualifying convictions. If the applicant fails to provide either the letter of reference or documentary proof of the final disposition of the arrest, the application is considered incomplete and the applicant may not be issued a license, commission, endorsement, or certificate

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of registration under this chapter.

SECTION 4.80. Section 1702.283, Occupations Code, is amended to read as follows:

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

- (1) is ineligible for a license as a guard dog company or for endorsement [~~registration~~] as a dog trainer; and
- (2) may not be employed to work with dogs as a security officer by a security services contractor or security department of a private business that uses dogs to protect individuals or property or to conduct investigations.

SECTION 4.81. Section 1702.285, Occupations Code, is amended to read as follows:

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

- (1) is employed by a license holder; or
- (2) is licensed, registered, endorsed, or commissioned under this chapter.

SECTION 4.82. Sections 1702.301(c), (d), (e), (f), (g), and (h), Occupations Code, are amended to read as follows:

- (c) A personal protection officer endorsement [~~authorization~~] expires on the expiration date of the

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of registration under this chapter.

SECTION 4.75. Same as House version.

SECTION 4.76. Same as House version.

SECTION 4.77. Same as House version.

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security officer commission under which the individual's endorsement [~~authorization~~] is issued.

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

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

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

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

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

SECTION 4.83. Section 1702.302, Occupations Code, is amended to read as follows:

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

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SECTION 4.78. Same as House version.

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

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

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

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

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

SECTION 4.84. Section 1702.303, Occupations Code, is amended to read as follows:

Sec. 1702.303. RENEWAL OF EXPIRED LICENSE BY OUT-OF-STATE PRACTITIONER. A person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other

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state for the two years preceding the date the person applies for renewal may obtain a new license without reexamination. The person must pay to the board [~~commission~~] a fee that is equal to two times the normally required renewal fee for the license.

SECTION 4.85. Section 1702.304, Occupations Code, is amended to read as follows:

Sec. 1702.304. STAGGERED RENEWAL; PRORATION OF LICENSE FEE. The board [~~commission~~] by rule may adopt a system under which licenses expire on various dates during the year. For the year in which the expiration date of a license is changed, the board [~~commission~~] shall prorate license fees on a monthly basis so that each license holder pays only that portion of the license fee that is allocable to the number of months during which the license is valid. On renewal of the license on the new expiration date, the total license renewal fee is payable.

SECTION 4.86. Section 1702.307, Occupations Code, is amended to read as follows:

Sec. 1702.307. REGISTRATION RENEWAL. (a) An individual who is otherwise eligible to renew a registration may renew an unexpired registration by paying the required renewal fee to the board [~~commission~~] before the expiration date of the registration. An individual whose registration has

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SECTION 4.80. Same as House version.

SECTION 4.81. Same as House version.

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expired may not engage in activities that require a registration until the registration has been renewed.

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

(c) An individual whose registration has been expired for more than 90 days but less than one year may renew the registration by paying to the board [~~commission~~] a renewal fee that is equal to two times the normally required renewal fee.

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

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

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

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SECTION 4.87. Sections 1702.308(b) and (c), Occupations Code, are amended to read as follows:

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

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

SECTION 4.88. Section 1702.309(a), Occupations Code, is amended to read as follows:

(a) The board [~~commission~~] by rule shall develop a continuing education course required for renewal of a security officer commission. Only a board-approved [~~commission-approved~~] instructor may administer the continuing education course. The course must include at

SECTION 4.82. Same as House version.

SECTION 4.83. Same as House version.

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least six hours of instruction determined by the chief administrator [~~director~~] of the board [~~commission~~].

SECTION 4.89. Sections 1702.321(b), (c), and (e), Occupations Code, are amended to read as follows:

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

(c) The board [~~commission~~] may not charge a fee for issuing a commission to an officer under Subsection (b). The board [~~commission~~] shall issue to the officer a pocket card designating the political subdivision that employs the officer.

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

No equivalent provision.

SECTION 4.84. Same as House version.

SECTION 4.____. Section 1702.324(b), Occupations Code, is amended to read as follows:

(b) This chapter does not apply to:

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- (1) a manufacturer or a manufacturer's authorized distributor while selling equipment intended for resale;
- (2) a person engaged exclusively in the business of obtaining and providing information to:
 - (A) determine creditworthiness;
 - (B) collect debts; or
 - (C) ascertain the reliability of information provided by an applicant for property, life, or disability insurance or an indemnity or surety bond;
- (3) a person engaged exclusively in the business of repossessing property that is secured by a mortgage or other security interest;
- (4) a person who is engaged in the business of psychological testing or other testing and interviewing services, including services to determine attitudes, honesty, intelligence, personality, and skills, for preemployment purposes;
- (5) a person who:
 - (A) is engaged in obtaining information that is a public record under Chapter 552, Government Code, regardless of whether the person receives compensation;
 - (B) is not a full-time employee, as defined by Section 61.001, Labor Code, of a person licensed under this chapter; and
 - (C) does not perform any other act that requires a license under this chapter;
- (6) a licensed engineer practicing engineering or directly supervising engineering practice under Chapter 1001, including forensic analysis, burglar alarm system engineering, and necessary data collection;

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- (7) an employee of a cattle association who inspects livestock brands under the authority granted to the cattle association by the Grain Inspection, Packers and Stockyards Administration of the United States Department of Agriculture;
- (8) a landman performing activities in the course and scope of the landman's business;
- (9) an attorney while engaged in the practice of law;
- (10) a person who obtains a document for use in litigation under an authorization or subpoena issued for a written or oral deposition;
- (11) an admitted insurer, insurance adjuster, agent, or insurance broker licensed by the state, performing duties in connection with insurance transacted by that person;
- (12) a person who on the person's own property or on property owned or managed by the person's employer:
 - (A) installs, changes, or repairs a mechanical security device;
 - (B) repairs an electronic security device; or
 - (C) cuts or makes a key for a security device;
- (13) security personnel, including security contract personnel, working at a commercial nuclear power plant licensed by the United States Nuclear Regulatory Commission;
- (14) a person or firm licensed as an accountant or accounting firm under Chapter 901, an owner of an accounting firm, or an employee of an accountant or accounting firm while performing services regulated under Chapter 901; ~~[ø]~~
- (15) a retailer, wholesaler, or other person who sells

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mechanical security devices, including locks and deadbolts, but who does not:

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

(B) claim to act as a locksmith; or

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

(A) Texas Department of Insurance;

(B) Office of Thrift Supervision;

(C) Securities and Exchange Commission;

(D) Federal Deposit Insurance Corporation;

(E) National Association of Securities Dealers; or

(F) Financial Industry Regulatory Authority.

No equivalent provision.

SECTION __. Section 1702.328, Occupations Code, is amended to read as follows:

Sec. 1702.328. SECURITY SYSTEMS SALES AND INSTALLATION. This chapter does not apply to:

(1) a person who owns and installs a burglar detection or alarm device, electronic access control device, lock, or camera system on the person's own property or [~~if the person does not charge for the device or the installation,~~] installs the device for the protection of the person's personal property located on another person's property and does not, as a normal business practice, install the devices on the property of another, and who does not perform any other act that requires a license or registration under this chapter;

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(2) a person in the business of building construction that installs electrical wiring and devices that may include in part the installation of a burglar alarm, electronic access control device, lock, camera system, or detection device if:

(A) the person is a party to a contract that provides that:

(i) the installation will be performed [~~under the direct supervision of,~~] and inspected and certified by[,] a person licensed to install and certify the alarm or detection device, electronic access control device, lock, or camera system; and

(ii) the license holder assumes full responsibility for the installation of the alarm or detection device; and

(B) the person does not service or maintain alarm systems, electronic access control devices, locks, camera systems, [~~or~~] detection devices, or any other device or service that requires a license or registration under this chapter;

(3) a person who sells or installs automobile burglar alarm devices and who does not perform any other act that requires a license under this chapter; or

(4) a person who sells exclusively by e-commerce, over the counter transactions, or mail order, alarm systems, electronic access control devices, locks, or detection devices, and who does not perform any other act that requires a license or registration under this chapter.

SECTION 4.90. Sections 1702.361(a) and (b), Occupations Code, are amended to read as follows:

SECTION 4.85. Section 1702.361(b), Occupations Code, is amended to read as follows:

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(a) Subject to the board's final order under the hearing provisions of this subchapter, the department, for conduct described by Subsection (b), may:

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

(2) reprimand a license holder, registrant, or commissioned security officer; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) performed the service for a company licensed under this chapter that was not listed on the individual's registration without informing the board of the individual's employment with the company within a reasonable period; or

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

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

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

SECTION 4.91. Section 1702.362, Occupations Code, is amended to read as follows:

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

SECTION 4.92. Section 1702.363, Occupations Code, is

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

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

(ii) performed the service for a company licensed under this chapter that was not listed on the individual's registration without informing the board of the individual's employment with the company within a reasonable period; or

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

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

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

SECTION 4.86. Same as House version.

SECTION 4.87. Same as House version.

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amended to read as follows:

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

SECTION 4.93. Sections 1702.364(a), (d), (f), and (h), Occupations Code, are amended to read as follows:

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

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

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

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

(d) At a preliminary hearing, the person must show

SECTION 4.88. Same as House version.

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cause why:

- (1) the application should not have been denied;
 - (2) the registration, license, endorsement, or security officer commission should not have been suspended; or
 - (3) the registration, license, endorsement, or commission should not have been revoked.
- (f) The dismissal of a complaint, information, or indictment or an acquittal releases the person from automatic grounds for a summary denial of an application or summary suspension of a registration, endorsement, or security officer commission under this section. A conviction for the offense giving rise to a summary suspension is automatic grounds for immediate, summary revocation.
- (h) The administrative law judge shall make findings of fact and conclusions of law regarding the person's eligibility for a license, registration, or endorsement under this section and promptly issue to the board a proposal for a decision.

SECTION 4.94. Section 1702.365, Occupations Code, is amended to read as follows:

Sec. 1702.365. ABDUCTION OF CHILD. The board [~~commission~~] shall revoke a person's license, registration, endorsement, or security officer commission or deny a person's application for, or renewal of, a license, registration, endorsement, or security officer commission on proof that the person or an agent of the person has, after the date of application for a license,

SECTION 4.89. Same as House version.

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registration, endorsement, or security officer commission, abducted or attempted to abduct by force or the threat of force or by misrepresentation, stealth, or unlawful entry a child who at the time of the abduction or attempt is under the care and control of a person who:

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

SECTION 4.95. Sections 1702.367(a), (c), (d), and (e), Occupations Code, are amended to read as follows:

(a) For an investigation conducted under this chapter, the board [~~commission~~] may issue a subpoena to compel the attendance of a witness or the production of a pertinent record or document. The hearings officer may administer oaths and require testimony or evidence to be given under oath.

(c) A person required to testify or to produce a record or document on any matter properly under inquiry by the board [~~commission~~] who refuses to testify or to produce the record or document on the ground that the testimony or the production of the record or document would incriminate or tend to incriminate the person is nonetheless required to testify or to produce the record or document. A person who is required to testify or to produce a record or document under this subsection is not subject to indictment or prosecution for a transaction,

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SECTION 4.90. Sections 1702.367(c), (d), and (e), Occupations Code, are amended to read as follows:

(c) A person required to testify or to produce a record or document on any matter properly under inquiry by the board [~~commission~~] who refuses to testify or to produce the record or document on the ground that the testimony or the production of the record or document would incriminate or tend to incriminate the person is nonetheless required to testify or to produce the record or document. A person who is required to testify or to produce a record or document under this subsection is not subject to indictment or prosecution for a transaction,

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matter, or thing concerning which the person truthfully testifies or produces evidence.

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

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

SECTION 4.96. Section 1702.368, Occupations Code, is amended to read as follows:

Sec. 1702.368. NOTIFICATION OF CONVICTION FOR CERTAIN OFFENSES. The department [~~Texas Department of Public Safety~~] shall notify the board [~~commission~~] and the police department of the municipality and the sheriff's department of the county in which a person licensed, registered, or commissioned under this chapter resides of the conviction of the person for a Class B misdemeanor or equivalent offense or a greater offense.

SECTION 4.97. Subchapter O, Chapter 1702, Occupations Code, is amended by adding Section

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matter, or thing concerning which the person truthfully testifies or produces evidence.

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

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

SECTION 4.91. Same as House version.

SECTION 4.92. Same as House version.

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1702.372 to read as follows:

Sec. 1702.372. RECUSAL OF BOARD MEMBER. (a)

A board member who participated in the investigation of a complaint or in informal settlement negotiations regarding the complaint:

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

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

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

SECTION 4.98. Section 1702.381(b), Occupations Code, is amended to read as follows:

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

SECTION 4.93. Same as House version.

SECTION 4.99. Section 1702.386(a), Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person contracts with or employs a person who is required to hold a

SECTION 4.94. Same as House version.

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license, registration, endorsement [~~certificate~~], or commission under this chapter knowing that the person does not hold the required license, registration, endorsement [~~certificate~~], or commission or who otherwise, at the time of contract or employment, is in violation of this chapter.

SECTION 4.100. Section 1702.3863(a), Occupations Code, is amended to read as follows:

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

- (1) a peace officer;
- (2) an individual endorsed or licensed as a private investigator or the manager of a licensed investigations company; or
- (3) a commissioned security officer employed by a licensed guard company.

SECTION 4.101. Section 1702.387(a), Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person fails to surrender or immediately return to the board [~~commission~~] the person's registration, commission, pocket card, or other identification issued to the person by the board [~~commission~~] on notification of a summary

SECTION 4.95. Same as House version.

SECTION 4.96. Same as House version.

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suspension or summary denial under Section 1702.364.

SECTION 4.102. Section 1702.388(b), Occupations Code, is amended to read as follows:

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

SECTION 4.103. Section 1702.402, Occupations Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

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

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

SECTION 4.104. Section 1702.406(b), Occupations Code, is amended to read as follows:

(b) The notice of the board's order given to the person must include a statement of the right of the person to judicial review of the order. Judicial review is under the

SECTION 4.97. Same as House version.

SECTION 4.98. Same as House version.

SECTION 4.99. Same as House version.

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substantial evidence rule as provided by Subchapter G, Chapter 2001, Government Code.

SECTION 4.105. The following provisions of the Occupations Code are repealed:

- (1) Section 1702.002(4);
- (2) Section 1702.003;
- (3) Section 1702.045;
- (4) Section 1702.046;
- (5) Section 1702.047;
- (6) Section 1702.065;
- (7) Section 1702.069;
- (8) Section 1702.113(e);
- (9) Section 1702.364(j); and
- (10) Subchapter K.

SECTION 4.106. (a) Not later than January 1, 2010, the Texas Private Security Board and the Department of Public Safety shall adopt the rules required by or under Section 1702.062, Occupations Code, as amended by this article. The fee schedule in effect under Section 1702.062, Occupations Code, before the effective date of this article is continued in effect until new fees are adopted under Section 1702.062, Occupations Code, as amended by this article.

(b) The requirement to pass a jurisprudence examination under Section 1702.241, Occupations Code, as added by this article, applies only to an individual who applies for

SECTION 4.100. The following provisions of the Occupations Code are repealed:

- (1) Section 1702.002(4);
- (2) Section 1702.003;
- (3) Section 1702.045;
- (4) Section 1702.046;
- (5) Section 1702.065;
- (6) Section 1702.069;
- (7) Section 1702.113(e);
- (8) Section 1702.364(j); and
- (9) Subchapter K.

SECTION 4.101. Same as House version.

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a registration or endorsement under Chapter 1702, Occupations Code, on or after the date specified by the Texas Private Security Board in the event the board begins requiring applicants to pass a jurisprudence examination, but not earlier than September 1, 2010.

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

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

(e) The change in law made by this article with respect to conduct that is grounds for imposition of a disciplinary sanction applies only to conduct that occurs on or after

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the effective date of this article. Conduct that occurs before the effective date of this article is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

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

(g) The holder of a Class D license under Chapter 1702, Occupations Code, as amended by this article, shall be considered to hold a Class B license on the effective date of this article. On the expiration of the Class D license, the license holder may renew the license as a Class B license.

No equivalent provision.

No equivalent provision.

No equivalent provision.

ARTICLE 4A [Blank]

ARTICLE 4B. REGULATION OF THE BUSINESS OF PRIVATE SECURITY

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

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

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

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

No equivalent provision.

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

Sec. 1702.047. ADMINISTRATIVE STAFF. The department shall designate a department employee who shall report directly to the board. The employee designated under this section shall provide administrative assistance to [~~assist~~] the board in the performance [~~administration~~] of the board's duties. [~~The salary for an employee designated under this section may not exceed the salary specified in the General Appropriations Act for an employee subject to salary group A10.~~]

No equivalent provision.

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

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

No equivalent provision.

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

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

No equivalent provision.

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

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

- (1) sells, installs, services, or maintains, or offers to sell, install, service, or maintain, mechanical security devices, including deadbolts and locks;
- (2) advertises services offered by the company using the term "locksmith"; or
- (3) includes the term "locksmith" in the company's name.

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No equivalent provision.

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

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

No equivalent provision.

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

Sec. 1702.202. PERSONAL PROTECTION OFFICER. An individual acts as a personal protection officer if the individual, while carrying a firearm, [:
~~[(1) has been issued a security officer commission to carry a concealed firearm; and~~
[(2)] provides to another [an] individual personal protection from bodily harm.

No equivalent provision.

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

(b) The employer of the applicant shall make a reasonable attempt to verify the information required under Subsection (a)(1) before the earlier of:
(1) the date the application is submitted; or
(2) the date the applicant begins to perform the duties of employment that require registration.
(c) An applicant must submit an application that

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substantially meets the requirements of this section before employment in a capacity for which registration is required.

No equivalent provision.

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

(a) The board shall conduct a criminal history check, including a check of any criminal history record information maintained by the Federal Bureau of Investigation, in the manner provided by Subchapter F, Chapter 411, Government Code, on each applicant for a license, registration, security officer commission, letter of approval, permit, endorsement, or certification. As part of its criminal history check, the board may request that the applicant provide certified copies of relevant court documents or other records. The failure to provide the requested records within a reasonable time as determined by the board may result in the application being considered incomplete. An applicant is not eligible for a license, registration, commission, letter of approval, permit, endorsement, or certification if the check reveals that the applicant has committed an act that constitutes grounds for the denial of the license, registration, commission, letter of approval, permit, endorsement, or certification. Except as provided by Subsection (d), each applicant shall include in the application two complete sets of fingerprints on forms prescribed by the board accompanied by the fee set by the board.

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No equivalent provision.

SECTION 4B.16. Section 1702.286, Occupations Code, as added by Chapter 1102 (H.B. 2243), Acts of the 79th Legislature, Regular Session, 2005, is renumbered as Section 1702.2865, Occupations Code, to read as follows:

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

- (1) shows the locksmith company or locksmith a government-issued identification; and
 - (2) provides a signed authorization stating that the customer owns or is otherwise entitled to legal access to the structure, motor vehicle, or other property.
- (b) A locksmith company or locksmith is exempt from Subsection (a) if the locksmith is requested to perform services in a case of imminent threat to a person or property.

No equivalent provision.

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

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

- (1) a person who has full-time employment as a peace

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officer and who receives compensation for private employment on an individual or an independent contractor basis as a patrolman, guard, extra job coordinator, or watchman if the officer:

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

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

(C) is not a reserve peace officer; and

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

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

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

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

No equivalent provision.

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

(a) ~~The [Subject to the board's final order under the~~

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~~hearing provisions of this subchapter, the]~~ department,
for conduct described by Subsection (b), may:

- (1) deny an application or revoke, suspend, or refuse to renew a license, registration, endorsement, or security officer commission;
- (2) reprimand a license holder, registrant, or commissioned security officer; or
- (3) place on probation a person whose license, registration, endorsement, or security officer commission has been suspended.

No equivalent provision.

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

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

- (1) the production of information or documents; or
- (2) the attendance and testimony of a witness [eompel the attendance of a witness or the production of a pertinent record or document. The hearings officer may administer oaths and require testimony or evidence to be given under oath].

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

(g) If a subpoena issued under this section relates to an

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ongoing criminal investigation by the department and the department determines that disclosure could significantly impede the investigation, the subpoena may provide that the person to whom the subpoena is directed may not:
(1) disclose that the subpoena has been issued;
(2) identify or describe any records requested by the subpoena; or
(3) disclose whether records have been furnished in response to the subpoena.

No equivalent provision.

SECTION 4B.20. Subchapter P, Chapter 1702, Occupations Code, is amended by adding Section 1702.3835 to read as follows:
Sec. 1702.3835. DECEPTIVE TRADE PRACTICE. (a) A person who performs or offers to perform an activity regulated under this chapter, but who is not licensed or otherwise authorized under this chapter to perform the activity, commits a false, misleading, or deceptive act or practice within the meaning of Section 17.46, Business & Commerce Code.
(b) A public or private right or remedy under Chapter 17, Business & Commerce Code, may be used to enforce this chapter.

No equivalent provision.

SECTION 4B.21. Subsection (d), Section 46.03, Penal Code, is amended to read as follows:
(d) It is a defense to prosecution under Subsection (a)(5) that the actor possessed a firearm or club while traveling

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to or from the actor's place of assignment or in the actual discharge of duties as:

- (1) a member of the armed forces or national guard;
- (2) a guard employed by a penal institution; or
- (3) a security officer commissioned by the Texas ~~[Board of Private Investigators and]~~ Private Security Board ~~[Agencies]~~ if:
 - (A) the actor is wearing a distinctive uniform; and
 - (B) the firearm or club is in plain view; or
- (4) [(5)] a security officer who holds a personal protection authorization under Chapter 1702, Occupations Code, provided that the officer is either:
 - (A) wearing the uniform of a security officer, including any uniform or apparel described by Section 1702.323(d), Occupations Code, and carrying the officer's firearm in plain view; or
 - (B) not wearing the uniform of a security officer and carrying the officer's firearm in a concealed manner [the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes)].

No equivalent provision.

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

- (b) Section 46.02 does not apply to a person who:
 - (1) is in the actual discharge of official duties as a member of the armed forces or state military forces as

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defined by Section 431.001, Government Code, or as a guard employed by a penal institution;

(2) is traveling;

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

(4) holds a security officer commission issued by the Texas Private Security Board, if the person:

~~[(A)]~~ is engaged in the performance of the person's duties as an officer commissioned under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment[;] and

~~[(B)]~~ is ~~either:~~

~~[(i)]~~ wearing the officer's uniform and carrying the officer's weapon in plain view; ~~[(ii)]~~

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

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

(B) is either:

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

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(ii) not wearing the uniform of a security officer and carrying the officer's weapon in a concealed manner;
(6) [(5)] is carrying a concealed handgun and a valid license issued under Subchapter H, Chapter 411, Government Code, to carry a concealed handgun of the same category as the handgun the person is carrying;
(7) [(6)] holds an alcoholic beverage permit or license or is an employee of a holder of an alcoholic beverage permit or license if the person is supervising the operation of the permitted or licensed premises; or
(8) [(7)] is a student in a law enforcement class engaging in an activity required as part of the class, if the weapon is a type commonly used in the activity and the person is:
(A) on the immediate premises where the activity is conducted; or
(B) en route between those premises and the person's residence and is carrying the weapon unloaded.

No equivalent provision.

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

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No equivalent provision.

SECTION 4.107. This article takes effect September 1, 2009.

ARTICLE 5. GENERAL PROVISIONS

SECTION 5.01. Section 411.002, Government Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

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

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

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

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

SECTION 4B.25. Same as House version.

Same as House version.

SECTION 5.01. Section 411.002, Government Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) The Department of Public Safety of the State of Texas is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and Subsections (a) and (b) expire September 1, 2021 [2009].

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

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

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

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

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

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

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

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

Sec. 411.0035. MEMBER AND GENERAL COUNSEL RESTRICTION. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be [serve as] a member of the commission and may not be a department employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime

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

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

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

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

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

Same as House version.

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provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

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

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

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

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

Sec. 411.0042. DIVISION OF RESPONSIBILITIES. The commission shall develop and implement policies that clearly separate the policymaking responsibilities of the commission and the management responsibilities of the director and the staff of the department.

Same as House version.

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

Sec. 411.0043. TECHNOLOGY POLICY. The

Same as House version.

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commission shall implement a policy requiring the department to use appropriate technological solutions to improve the department's ability to perform its functions. The policy must ensure that the public is able to interact with the department on the Internet.

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

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

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

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

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

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

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

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

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

SECTION 5.06. Section 411.005, Government Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

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

(c) The commission shall select the director, and the director shall select an assistant director, on the basis of the person's training, experience, and qualifications for the position. The director and each ~~[an]~~ assistant director must, during the six-year period before appointment to the department as the director or as an assistant director, have been serving for a period of not less than five consecutive years as:

(1) a full-time peace officer commissioned by a state, federal, local, or tribal law enforcement agency; and

(2) the head of or a senior manager in a state, federal, local, or tribal law enforcement agency ~~[five years]~~

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SECTION __. Subchapter A, Chapter 411, Government Code, is amended by amending Section 411.005 to read as follows:

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

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

(c) The commission shall select the director, and the director shall select ~~[an assistant director]~~ deputy directors and assistant directors, on the basis of the person's training, experience, and qualifications for the position. ~~[The director and an assistant director must have five years' experience, preferably in police or public administration.]~~ The director, ~~[an assistant director]~~ deputy directors, and assistant directors are entitled to annual salaries as provided by the legislature.

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experience, preferably in police or public administration].

(d) The director and an assistant director are entitled to annual salaries as provided by the legislature.

SECTION 5.07. Section 411.015(b), Government Code, is amended to read as follows:

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

SECTION 5.08. Sections 411.0195(a), (b), and (c), Government Code, are amended to read as follows:

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

(b) The department shall make information available describing its procedures for complaint investigation and resolution ~~[director by rule shall establish methods by which consumers and service recipients are notified of~~

SECTION 5.06. Same as House version.

SECTION 5.07. Same as House version.

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~~the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department].~~

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

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

~~[(2) the date the complaint is received by the department;~~

~~[(3) the subject matter of the complaint;~~

~~[(4) the name of each person contacted in relation to the complaint;~~

~~[(5) a summary of the results of the review or investigation of the complaint; and~~

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

SECTION 5.09. Section 411.188, Government Code, is amended by adding Subsection (j) to read as follows:

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

SECTION 5.10. Section 411.190, Government Code, is amended by adding Subsection (d-1) to read as follows:

SECTION 5.08. Same as House version.

SECTION __. Same as House version.

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

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

(2) the applicant completed the required retraining courses in person the previous time the applicant renewed the certificate.

SECTION 5.11. The heading to Section 411.244, Government Code, is amended to read as follows:
Sec. 411.244. OFFICE OF INSPECTOR GENERAL
~~[INTERNAL AFFAIRS].~~

SECTION 5.12. Sections 411.244(a), (b), (d), (e), and (f), Government Code, are amended to read as follows:

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

(1) acting to prevent and detect criminal conduct within the department; and

(2) independently and objectively investigating:

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SECTION 5.09. Same as House version.

SECTION 5.10. Section 411.244, Government Code, is amended by amending Subsections (a), (b), (d), (e), and (f), and by adding Subsection (g) to read as follows:

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

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

(2) independently and objectively reviewing, investigating, delegating an investigation, and overseeing the investigation of administrative and all other allegations of conduct referred to in (a)(1) above and the following:

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(A) criminal activity occurring in all divisions of the department;

(B) allegations of wrongdoing by department employees;

(C) crimes committed on department property; and

(D) serious breaches of department policy [~~internal affairs~~].

(b) The office of inspector general [~~internal affairs~~] has **original** departmental jurisdiction over all investigations occurring on department property or involving department employees. The office shall coordinate, but need not conduct, all investigations under this section.

(d) The commission has direct oversight over the office of inspector general, including decisions regarding budget and staffing. The commission [~~director~~] shall appoint the inspector general [head of the office of internal affairs]. The inspector general [head of the office of internal affairs] serves until removed by the commission [~~director~~]. The commission shall establish policies to ensure that the commission continues to

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(A) criminal activity occurring in all divisions of the department;

(B) allegations of wrongdoing by department employees;

(C) crimes committed on department property; and

(D) serious breaches of department policy [~~internal affairs~~].

(b) The office of inspector general [~~internal affairs~~] has **original** departmental jurisdiction for oversight and coordination over all investigations occurring on department property or involving department employees. The office shall coordinate and provide oversight, but need not conduct, all investigations under this section.

The inspector general shall delegate criminal allegations arising under this section to the Texas Ranger division or the Criminal Law Enforcement division of the department for investigation or referral back to the inspector general for further action. However the inspector general shall continually monitor referred matters and report to the commission along with any other division investigating a matter on its status while pending.

(d) The commission has direct oversight over the office of inspector general, including decisions regarding budget and staffing. The commission [~~director~~] shall appoint the inspector general [head of the office of internal affairs]. The inspector general [head of the office of internal affairs] serves until removed by the commission [~~director~~]. The commission shall establish policies to ensure that the commission continues to

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oversee the office of inspector general as required by this subsection and to ensure that the office of inspector general retains and exercises its original jurisdiction under Subsection (b).

(e) The inspector general [~~head of the office of internal affairs~~] shall report directly to the commission [~~director~~] regarding performance of and activities related to investigations, report to the director for administrative purposes, and provide the director with information regarding investigations as appropriate.

(f) The inspector general [~~head of the office of internal affairs~~] shall present at each regularly scheduled commission meeting and at other appropriate times:

(1) reports of investigations; and

(2) a summary of information relating to investigations conducted under this section that includes analysis of the number, type, and outcome of investigations, trends in the investigations, and recommendations to avoid future complaints.

SECTION 5.13. Sections 411.0195(d) and (e), Government Code, are repealed.

SECTION 5.14. The changes in law made by this article

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oversee the office of inspector general as required by this subsection and to ensure that the office of inspector general retains and exercises its original jurisdiction under Subsection (b).

(e) The inspector general [~~head of the office of internal affairs~~] shall report directly to the commission [~~director~~] regarding performance of and activities related to investigations, report to the director for administrative purposes, and provide the director with information regarding investigations as appropriate.

(f) The inspector general [~~head of the office of internal affairs~~] shall present at each regularly scheduled commission meeting and at other appropriate times:

(1) reports of investigations; and

(2) a summary of information relating to investigations conducted under this section that includes analysis of the number, type, and outcome of investigations, trends in the investigations, and recommendations to avoid future complaints.

(g) This chapter or other law related to the operation of the department's office of inspector general does not preempt the authority of the state auditor to conduct an audit or investigation under Chapter 321 or other law.

SECTION 5.11. Same as House version.

SECTION 5.12. Same as House version.

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by the amendment of Section 411.0035, Government Code, apply only to a person first appointed to the Public Safety Commission or employed by the Department of Public Safety of the State of Texas on or after the effective date of this Act. A person first appointed or employed before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 5.15. The changes in law made by this article by the amendment of Section 411.0195, Government Code, apply only to a complaint filed on or after the effective date of this Act. A complaint filed before the effective date of this Act is governed by the law in effect when the complaint was filed, and the former law is continued in effect for that purpose.

SECTION 5.16. The Department of Public Safety of the State of Texas shall take action as necessary to ensure that an applicant may renew a qualified handgun instructor certification from any county in this state, as required by Section 411.190(d-1), Government Code, as added by this Act, not later than March 1, 2010.

SECTION 5.17. The Department of Public Safety shall develop customer service training requirements that at a

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SECTION 5.13. Same as House version.

No equivalent provision.

No equivalent provision.

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minimum must be completed by the staff of the driver license division that interact with the public. Each new employee of the division that is required to complete this training, as a condition of employment, must do so by the end of the third month of employment. Thereafter, each employee that the training applies to shall participate annually in this training.

SECTION 5.18. The Department of Public Safety shall develop cultural diversity training requirements to be completed by all staff of the drivers license division. Each new employee of the division, as a condition of employment, must complete the training by the end of the third month of employment. Thereafter, each employee in the division shall participate annually in the diversity training.

No equivalent provision.

SECTION 5.19. The Department of Public Safety shall develop training requirements regarding proof of citizenship documents. At a minimum, this training must be completed by all staff in the drivers license division. Each new employee of this division, as a condition of employment, must complete the training by the end of the third month of employment. Thereafter, each employee of the division shall participate annually in this training.

No equivalent provision.

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ARTICLE 6. **ADDITIONAL PROVISIONS**

SECTION 6.01. Section 411.00755(b), Government Code, is amended to read as follows:

(b) The ~~[Notwithstanding Chapter 552, the]~~ personnel records of a commissioned officer of the department may not be disclosed or otherwise made available to the public, except the department shall release in accordance with Chapter 552:

- (1) any letter, memorandum, or document relating to:
 - (A) a commendation, congratulation, or honor bestowed on the officer for an action, duty, or activity that relates to the officer's official duties; and
 - (B) misconduct by the officer, if the letter, memorandum, or document resulted in disciplinary action;
- (2) the state application for employment submitted by the officer, but not including any attachments to the application;
- (3) any reference letter submitted by the officer;
- (4) any letter of recommendation for the officer;
- (5) any employment contract with the officer;
- (6) any periodic evaluation of the officer by a supervisor;
- (7) any document recording a promotion or demotion of the officer;
- (8) any request for leave by the officer;
- (9) any request by the officer for transfers of shift or duty assignments;

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ARTICLE 6. **PERSONNEL RECORDS**

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- (10) any documents presented to the commission in connection with a public hearing under Section 411.007(f);
- (11) the officer's:
 - (A) name;
 - (B) age;
 - (C) dates of employment;
 - (D) positions held; and
 - (E) gross salary; and
- (12) information about the location of the officer's department duty assignments.

SECTION 6.02. Section 411.192, Government Code, is amended by amending Subsections (a) and (d) and adding Subsection (e) to read as follows:

(a) The department shall disclose to a criminal justice agency information contained in its files and records regarding whether a named individual or any individual named in a specified list is licensed under this subchapter. Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, ~~and~~ zip code, telephone number, e-mail address, and Internet website address. Except as otherwise provided by this section and by Section 411.193, all other records maintained under this subchapter are confidential and are not subject to mandatory disclosure under the open records law, Chapter 552.

(d) Except as provided by Subsection (e), ~~[This section~~

No equivalent provision.

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~~does not prohibit~~ the department shall make ~~[from making]~~ public and distribute ~~[distributing]~~ to the public at no cost lists of individuals who are certified as qualified handgun instructors by the department. The department shall include on the lists each individual's name, telephone number, e-mail address, and Internet website address. The department shall make the list available on the department's Internet website.

(e) An individual who is certified as a qualified handgun instructor may request in writing that the department not disclose all or part of the information described by Subsection (d) regarding the individual. The department shall remove all or part of the individual's information from the list as requested.

SECTION 6.03. The heading to Section 418.005, Government Code, is amended to read as follows:
Sec. 418.005. EMERGENCY MANAGEMENT TRAINING FOR APPOINTED OFFICERS.

No equivalent provision.

SECTION 6.04. Subchapter A, Chapter 418, Government Code, is amended by adding Section 418.0051 to read as follows:
Sec. 418.0051. EMERGENCY MANAGEMENT TRAINING FOR ELECTED PUBLIC OFFICERS. An elected public officer of the state or of a political subdivision whose duties include emergency management responsibilities or who plays a role in

No equivalent provision.

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emergency preparedness, response, or recovery may attend the training provided under Section 418.005 appropriate to the individual's position.

SECTION 6.05. Section 614.151(2), Government Code, as added by Chapter 1159 (H.B. 12), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(2) "Law enforcement officer" means a person who[
[~~(A)~~] is a commissioned peace officer[;
[~~(B)~~ is] employed by a law enforcement agency[; and
[~~(C)~~ is compensated according to:
[~~(i)~~ Schedule C of the position classification salary schedule prescribed by the General Appropriations Act if the person is employed by a law enforcement agency other than the Parks and Wildlife Department; or
[~~(ii)~~ Schedule B or C of the position classification salary schedule prescribed by the General Appropriations Act if the person is employed by the Parks and Wildlife Department].

SECTION 6.06. Section 614.152, Government Code, as added by Chapter 1159 (H.B. 12), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

Sec. 614.152. PHYSICAL FITNESS PROGRAMS AND STANDARDS. (a) Each [~~Out of appropriated funds, each~~] law enforcement agency shall adopt

No equivalent provision.

No equivalent provision.

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physical fitness programs that a law enforcement officer must participate in and physical fitness standards that a law enforcement officer must meet ~~[to continue employment with the agency as a law enforcement officer]~~. The standards as applied to an officer must directly relate to the officer's job duties and shall include individual fitness goals specific to the officer's age, weight, and gender. A law enforcement agency shall use the services of a consultant to aid the agency in developing the standards.

(a-1) Each law enforcement agency shall adopt a reward policy that provides for reward incentives to officers who participate in the program and meet the standards adopted under Subsection (a). The reward incentives under the policy must be an amount of administrative leave of not more than four days per year.

(a-2) An agency may adopt physical readiness standards independent of other law enforcement agencies.

(b) Except as provided by Subsection (c), the inability of an officer to participate in a program or meet ~~[a violation of]~~ a standard adopted under Subsection (a) is just cause to ~~[discharge an officer or:~~

~~[(1)]~~ transfer an officer to a position that is not compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act~~;~~ ~~or~~

~~[(2)]~~ for a law enforcement officer employed by the Parks and Wildlife Department and compensated according to Schedule B of the position classification salary schedule prescribed by the General Appropriations

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~~Act, transfer the officer to a position that does not require the employee to be a commissioned peace officer].~~

(c) A law enforcement agency may exempt a law enforcement officer from participating in a program or meeting a standard under Subsection (a) based on the facts and circumstances of the individual case, including whether an officer was injured in the line of duty.

No equivalent provision.

ARTICLE 7. TEXAS RANGERS' UNSOLVED
CRIMES INVESTIGATION TEAM

No equivalent provision.

SECTION 7.01. The heading to Subchapter J, Chapter 411, Government Code, is amended to read as follows:
SUBCHAPTER J. UNSOLVED CRIMES
INVESTIGATION PROGRAM [~~TEAM~~]

No equivalent provision.

SECTION 7.02. Section 411.262, Government Code, is amended to read as follows:
Sec. 411.262. UNSOLVED CRIMES
INVESTIGATION PROGRAM [~~TEAM~~]. (a) The unsolved crimes investigation program [~~team~~] is an investigative program [~~investigatory unit~~] within the department.
(b) The program is a function [~~team will be located at the headquarters~~] of the Texas Rangers [~~in Austin, Texas,~~] and will be commanded by the chief of the Texas Rangers.

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(c) The director may employ commissioned peace officers and noncommissioned employees to perform duties required of the program ~~[team]~~.

(d) To be eligible for employment under this section, a peace officer must be a sergeant or higher-ranked officer of the Texas Rangers and must have ~~[not less than four years of experience as a peace officer and:~~

~~[(1) a degree from an accredited institution of higher education in law, accounting, or computer science; or~~

~~[(2) two or more years of experience in the investigation of homicides or other major felonies.~~

(e) To be eligible for employment under this section, a noncommissioned employee must meet the experience, training, and educational qualifications set by the director as requirements for investigating or assisting in the investigation of an unsolved crime.

No equivalent provision.

SECTION 7.03. Section 411.263, Government Code, is amended to read as follows:

Sec. 411.263. ASSISTANCE ON REQUEST. On the request of an attorney representing the state and with the approval of the director, employees of the unsolved crimes investigation program ~~[team]~~ of the department may assist local law enforcement in the investigation of crime.

No equivalent provision.

SECTION 7.04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members

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elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2009.

No equivalent provision.

ARTICLE 8. DISSEMINATION OF EMERGENCY PUBLIC SERVICE MESSAGES

No equivalent provision.

SECTION 8.01. Section 418.047, Government Code, is amended by adding Subsection (a-1) to read as follows:
(a-1) The division shall coordinate with the Texas Department of Transportation to establish additional methods for disseminating emergency public service messages to motorists, including:
(1) severe weather advisories;
(2) AMBER alerts under Subchapter L, Chapter 411;
(3) silver alerts under Subchapter M, Chapter 411; and
(4) information regarding the availability of fuel, food, lodging, and pharmacy services during an evacuation order under this chapter or a disaster declared under this chapter.

No equivalent provision.

ARTICLE 9. AUTHORITY OF DEPARTMENT TO OBTAIN AND USE CRIMINAL HISTORY RECORD INFORMATION FOR CERTAIN DEPARTMENTAL AUTHORIZATIONS

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No equivalent provision.

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SECTION 9.01. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.0891 to read as follows:

Sec. 411.0891. DEPARTMENT ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CERTAIN DEPARTMENTAL AUTHORIZATIONS.

(a) Subject to Section 411.087, the department is authorized to obtain and use criminal history record information maintained by the Federal Bureau of Investigation or the department that relates to a person who:

(1) is an applicant for or holds a registration issued by the director under Subchapter C, Chapter 481, Health and Safety Code, that authorizes the person to manufacture, distribute, analyze, or conduct research with a controlled substance;

(2) is an applicant for or holds a chemical precursor transfer permit issued by the director under Section 481.078, Health and Safety Code;

(3) is an applicant for or holds a chemical laboratory apparatus transfer permit issued by the director under Section 481.081, Health and Safety Code;

(4) is an applicant for certification by the department as an inspection station or an inspector under Subchapter G, Chapter 548, Transportation Code, holds an inspection station or inspector certificate issued under that subchapter, or is the owner of an inspection station operating under that chapter; or

(5) is an applicant for approval or has been approved as a program sponsor by the department under Chapter 662.

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Transportation Code, is an applicant for certification by the department as an instructor under that chapter, or holds an instructor certificate issued under that chapter.

(b) The department may release or disclose criminal history record information obtained or used by the department for a purpose described by Subsection (a) to another person or agency only:

(1) in a criminal proceeding;

(2) in a hearing conducted by the department;

(3) under an order from a court; or

(4) with the consent of the person who is the subject of the criminal history record information.

(c) This section may not be construed to limit the authority of the department to disseminate criminal history record information as provided by Section 411.083.

No equivalent provision.

SECTION 9.02. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2009.

No equivalent provision.

ARTICLE 10. COLLECTION, MAINTENANCE, AND TRANSFER AND OTHER DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION AND JUVENILE JUSTICE INFORMATION

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No equivalent provision.

SECTION 10.01. Section 411.042(b), Government Code, as amended by Chapters 70 (H.B. 76), 1306 (S.B. 839), and 1372 (S.B. 9), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

(b) The bureau of identification and records shall:

(1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;

(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of offenses in which family violence was involved and a statistical breakdown of offenses under Sections 22.011 and 22.021, Penal Code;

(3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4) cooperate with identification and crime records bureaus in other states and the United States Department

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of Justice;

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

(6) collect information concerning the number and nature of protective orders and all other pertinent information about all persons on active protective orders. Information in the law enforcement information system relating to an active protective order shall include:

(A) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed;

(B) any known identifying number of the person to whom the order is directed, including the person's social security number or driver's license number;

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order, unless that information is excluded from the order under Section 85.007, Family Code;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends, unless that information is excluded from the order under Section 85.007, Family Code;

(F) the relationship or former relationship between the

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person who is protected by the order and the person to whom the order is directed; and

(G) the date the order expires; ~~and~~

(7) grant access to criminal history record information in the manner authorized under Subchapter F;

(8) ~~(7)~~ collect and disseminate information regarding offenders with mental impairments in compliance with Chapter 614, Health and Safety Code; and

(9) record data and maintain a state database for a computerized criminal history record system and computerized juvenile justice information system that serves:

(A) as the record creation point for criminal history record information and juvenile justice information maintained by the state; and

(B) as the control terminal for the entry of records, in accordance with federal law and regulations, federal executive orders, and federal policy, into the federal database maintained by the Federal Bureau of Investigation.

No equivalent provision.

SECTION 10.02. Section 411.083(b), Government Code, is amended to read as follows:

(b) The department shall grant access to criminal history record information to:

(1) criminal justice agencies;

(2) noncriminal justice agencies authorized by federal statute or executive order or by state statute to receive criminal history record information;

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- (3) the person who is the subject of the criminal history record information;
- (4) a person working on a research or statistical project that:
 - (A) is funded in whole or in part by state funds; or
 - (B) meets the requirements of Part 22, Title 28, Code of Federal Regulations, and is approved by the department;
- (5) an individual or an agency that has a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice under that agreement, if the agreement:
 - (A) specifically authorizes access to information;
 - (B) limits the use of information to the purposes for which it is given;
 - (C) ensures the security and confidentiality of the information; ~~and~~
 - (D) provides for sanctions if a requirement imposed under Paragraph (A), (B), or (C) is violated; and
 - (E) requires the individual or agency to perform the applicable services in a manner prescribed by the department;
- (6) an individual or an agency that has a specific agreement with a noncriminal justice agency to provide services related to the use of criminal history record information disseminated under this subchapter, if the agreement:
 - (A) specifically authorizes access to information;
 - (B) limits the use of information to the purposes for which it is given;
 - (C) ensures the security and confidentiality of the

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information; ~~and~~
(D) provides for sanctions if a requirement imposed under Paragraph (A), (B), or (C) is violated; and
(E) requires the individual or agency to perform the applicable services in a manner prescribed by the department;
(7) a county or district clerk's office; and
(8) the Office of Court Administration of the Texas Judicial System.

No equivalent provision.

SECTION 10.03. Section 411.084(b), Government Code, is amended to read as follows:
(b) Notwithstanding Subsection (a) or any other provision in this subchapter, criminal history record information obtained from the Federal Bureau of Investigation may be released or disclosed only to a governmental entity or as authorized by federal law and regulations ~~[statute, federal rule]~~, ~~[or]~~ federal executive orders, and federal policy ~~[order]~~.

No equivalent provision.

SECTION 10.04. Sections 411.0845(e), (i), and (k), Government Code, are amended to read as follows:
(e) A person entitled to receive criminal history record information under this section must provide the department with the following information regarding the person who is the subject of the criminal history record information requested:
(1) the person's full name, date of birth, sex, ~~[Texas~~

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~~driver's license number or personal identification certificate number,] and social security number, and the number assigned to any form of unexpired identification card issued by this state or another state, the District of Columbia, or a territory of the United States that includes the person's photograph;~~

(2) a recent electronic digital image photograph of the person and a complete set of the person's fingerprints as required by the department; and

(3) any other information required by the department.

(i) The release under this section of any criminal history record information maintained by the Federal Bureau of Investigation, including the computerized information submitted to the federal database maintained by the Federal Bureau of Investigation as described by Section 411.042(b)(9)(B), is subject to federal law and regulations, federal executive orders, and federal policy.

(k) A governmental agency may coordinate with the department regarding the use of the fingerprinting fee collection process to collect [collection of] a fee for the criminal history record information and any other fees associated with obtaining a person's fingerprints as required by the department [through the fingerprinting fee collection process].

SECTION 10.05. Section 411.085(a), Government Code, is amended to read as follows:

(a) A person commits an offense if the person knowingly or intentionally:

No equivalent provision.

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(1) obtains criminal history record information in an unauthorized manner, uses the information for an unauthorized purpose, or discloses the information to a person who is not entitled to the information;
~~[(2) provides a person with a copy of the person's criminal history record information obtained from the department;] or~~
(2) [(3)] violates a rule of the department adopted under this subchapter.

No equivalent provision.

SECTION 10.06. Section 411.094(d), Government Code, is amended to read as follows:
(d) Criminal history record information received by an institution of higher education under Subsection (b) may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

No equivalent provision.

SECTION 10.07. Section 411.0985(c), Government Code, is amended to read as follows:
(c) The Texas Commission for the Blind may not release or disclose information obtained under Subsection (a) except on court order or with the consent of the person who is the subject of the criminal history record information.

No equivalent provision.

SECTION 10.08. Section 411.1005(b), Government

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Code, is amended to read as follows:

(b) Information received by the state bar is confidential and may be disseminated only:

(1) in a disciplinary action or proceeding conducted by the state bar, the Board of Disciplinary Appeals, or any court; or

(2) with the consent of the person who is the subject of the criminal history record information.

No equivalent provision.

SECTION 10.09. Section 411.1131(c), Government Code, is amended to read as follows:

(c) The Texas Commission for the Deaf and Hard of Hearing may not release or disclose information obtained under Subsection (a), except on court order or with the consent of the person who is the subject of the criminal history record information, and shall destroy all criminal history record information obtained under Subsection (a) after the information is used for its authorized purpose.

No equivalent provision.

SECTION 10.10. Section 411.1182(c), Government Code, is amended to read as follows:

(c) Criminal history information obtained from the department may not be released or disclosed except:

(1) as needed in protecting the security of a commercial nuclear power plant;

(2) [Ø] as authorized by the United States Nuclear Regulatory Commission, a court order, or a federal or state law or order; or

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(3) with the consent of the person who is the subject of the criminal history record information.

No equivalent provision.

SECTION 10.11. Section 411.120(b), Government Code, is amended to read as follows:

(b) Criminal history record information obtained by a county judge under Subsection (a) may not be released or disclosed to any person except in a hearing held under Chapter 25 or 69, Alcoholic Beverage Code, or with the consent of the person who is the subject of the criminal history record information.

No equivalent provision.

SECTION 10.12. Section 411.1236(b), Government Code, is amended to read as follows:

(b) Criminal history record information obtained by the Texas Commission on Fire Protection under Subsection (a) may not be released to any person or agency except on court order or with the consent of the person who is the subject of the criminal history record information, or if [unless] the information is entered into evidence by the board in an administrative, civil, or criminal hearing under Chapter 419.

No equivalent provision.

SECTION 10.13. Section 411.136(e), Government Code, is amended to read as follows:

(e) All criminal history record information received by a public or nonprofit hospital or hospital district under this

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section is privileged, confidential, and intended for the exclusive use of the entity that obtained the information. The hospital or district may not release or disclose criminal history record information to any person or agency except in a criminal proceeding, in a hearing conducted by the hospital or district, to another governmental entity as required by law, ~~[or]~~ as required by court order, or with the consent of the person who is the subject of the criminal history record information.

No equivalent provision.

SECTION 10.14. Section 411.139(b), Government Code, is amended to read as follows:

(b) Criminal history record information obtained by the securities commissioner under this section may not be released by any person or agency except on court order or with the consent of the person who is the subject of the criminal history record information, unless the information is entered into evidence by the State Securities Board or a court at an administrative proceeding or a civil or criminal action under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes).

No equivalent provision.

SECTION 10.15. Section 411.140(b), Government Code, is amended to read as follows:

(b) Information received by the State Commission on Judicial Conduct is confidential and may be disseminated only in an investigation or proceeding conducted by the

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commission or with the consent of the person who is the subject of the criminal history record information.

No equivalent provision.

SECTION 10.16. Section 411.1402(c), Government Code, is amended to read as follows:

(c) The Employees Retirement System of Texas may not release or disclose information obtained under Subsection (a) except on court order or with the consent of the person who is the subject of the criminal history record information.

No equivalent provision.

SECTION 10.17. Section 411.1406(d), Government Code, as added by Chapter 406 (S.B. 885), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(d) The court may not release or disclose information obtained under Subsection (b) except on order of a district court or with the consent of the person who is the subject of the criminal history record information.

No equivalent provision.

SECTION 10.18. To the extent of any conflict, this article prevails over another Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes.

No equivalent provision.

SECTION 10.19. This article takes effect immediately if

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this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2009.

No equivalent provision.

ARTICLE 11. ADMINISTRATION OF CERTAIN PROVISIONS AFFECTING THE LICENSING OF PERSONS TO CARRY A CONCEALED HANDGUN

SECTION 6.07. Section 411.171(4), Government Code, is amended to read as follows:

(4) "Convicted" means an adjudication of guilt or, except as provided in Section 411.1711, an order of deferred adjudication entered against a person by a court of competent jurisdiction whether or not the imposition of the sentence is subsequently probated and the person is discharged from community supervision. The term does not include an adjudication of guilt or an order of deferred adjudication that has been subsequently:

(A) expunged; [ø]

(B) pardoned under the authority of a state or federal official; or

(C) otherwise vacated, set aside, annulled, invalidated, voided, or sealed under any state or federal law.

SECTION __. Same as House version.

SECTION 6.08. Section 521.005, Transportation Code,

No equivalent provision.

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is amended to read as follows:

Sec. 521.005. RULEMAKING AUTHORITY. (a) The department may adopt rules necessary to administer this chapter.

(b) The department may not adopt or implement a new rule or directive that is consistent with the REAL ID Act of 2005 (49 U.S.C. Section 30301 et seq.), unless otherwise authorized by this chapter.

SECTION 6.09. Subchapter C, Chapter 522, Transportation Code, is amended by adding Section 522.034 to read as follows:

Sec. 522.034. HEALTH MANAGEMENT AND WELLNESS PROGRAM. (a) The department shall establish a health management and wellness program to educate each applicant for a commercial driver's license or commercial driver learner's permit on health risks that may increase the risk that an operator may cause an accident while driving a commercial motor vehicle. At a minimum, the program must include information on:

- (1) high blood pressure;
- (2) high cholesterol; and
- (3) diabetes.

(b) The department shall make the health management and wellness information required by Subsection (a) available to each applicant:

- (1) in person, at the time the applicant submits an application for a commercial driver's license or commercial driver learner's permit; and

No equivalent provision.

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(2) on the department's Internet website.

No equivalent provision.

SECTION 11.01. Section 411.1711, Government Code, is amended to read as follows:

Sec. 411.1711. CERTAIN EXEMPTIONS FROM CONVICTIONS. A person is not convicted, as that term is defined by Section 411.171, if an order of deferred adjudication was entered against the person on a date not less than 10 years preceding the date of the person's application for a license under this subchapter unless the order of deferred adjudication was entered against the person for:

(1) a felony ~~an~~ offense under:

(A) Title 5, Penal Code;

(B) ~~7-07~~ Chapter 29, Penal Code;

(C) Section 25.07, Penal Code; or

(D) Section 30.02, Penal Code, if the offense is punishable under Subsection (c)(2) or (d) of that section;

or

(2) an offense under the laws of another state if the offense contains elements that are substantially similar to the elements of an offense listed in Subdivision (1).

No equivalent provision.

SECTION 11.03. Sections 411.174(a) and (b), Government Code, are amended to read as follows:

(a) An applicant for a license to carry a concealed handgun must submit to the director's designee described by Section 411.176:

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- (1) a completed application on a form provided by the department that requires only the information listed in Subsection (b);
- (2) one or more [~~two recent color passport~~] photographs of the applicant that meet the requirements of the department [~~except that an applicant who is younger than 21 years of age must submit two recent color passport photographs in profile of the applicant~~];
- (3) a certified copy of the applicant's birth certificate or certified proof of age;
- (4) proof of residency in this state;
- (5) two complete sets of legible and classifiable fingerprints of the applicant taken by a person appropriately trained in recording fingerprints who is employed by a law enforcement agency or by a private entity designated by a law enforcement agency as an entity qualified to take fingerprints of an applicant for a license under this subchapter;
- (6) a nonrefundable application and license fee of \$140 paid to the department;
- (7) evidence of [a] handgun proficiency, in the form and manner required by the department [~~certificate described by Section 411.189~~];
- (8) an affidavit signed by the applicant stating that the applicant:
 - (A) has read and understands each provision of this subchapter that creates an offense under the laws of this state and each provision of the laws of this state related to use of deadly force; and
 - (B) fulfills all the eligibility requirements listed under

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Section 411.172; and

(9) a form executed by the applicant that authorizes the director to make an inquiry into any noncriminal history records that are necessary to determine the applicant's eligibility for a license under Section 411.172(a).

(b) An applicant must provide on the application a statement of the applicant's:

(1) full name and place and date of birth;

(2) race and sex;

(3) residence and business addresses for the preceding five years;

(4) hair and eye color;

(5) height and weight;

(6) driver's license number or identification certificate number issued by the department;

(7) criminal history record information of the type maintained by the department under this chapter, including a list of offenses for which the applicant was arrested, charged, or under an information or indictment and the disposition of the offenses; and

(8) history [~~during the preceding five years~~], if any, of treatment received by, commitment to, or residence in:

(A) a drug or alcohol treatment center licensed to provide drug or alcohol treatment under the laws of this state or another state, but only if the treatment, commitment, or residence occurred during the preceding five years; or

(B) a psychiatric hospital.

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SECTION 6.10. Subchapter S, Chapter 521, Transportation Code, is amended by adding Section 521.4565 to read as follows:

Sec. 521.4565. CONSPIRING TO MANUFACTURE COUNTERFEIT LICENSE OR CERTIFICATE. (a) In this section:

(1) "Combination," "conspires to commit," "profits," and "criminal street gang" have the meanings assigned by Section 71.01, Penal Code.

(2) "Conspires to manufacture or produce" means that:

(A) a person agrees with one or more other persons to engage in the manufacture or production of a forged or counterfeit instrument; and

(B) the person and one or more of the other persons perform an overt act in pursuance of the agreement.

(3) "Instrument" means a driver's license, commercial driver's license, or personal identification certificate.

(4) "Public servant" has the meaning assigned by Section 1.07, Penal Code.

(b) A person commits an offense if the person establishes, maintains, or participates in or conspires to establish, maintain, or participate in a combination or criminal street gang, or participates in the profits of a combination or criminal street gang, with the intent to manufacture or produce a forged or counterfeit instrument for the purpose of selling, distributing, or delivering the instrument. An agreement that constitutes conspiring to manufacture or produce may be inferred from the acts of the parties.

(c) An offense under this section is a state jail felony.

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SECTION 13.06. Substantially the same as House version.

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except that an offense committed by a public servant is a felony of the third degree.

SECTION 6.11. Section 708.151, Transportation Code, is amended to read as follows:

Sec. 708.151. NOTICE OF SURCHARGE. (a) The department shall send notices as required by Subsection (b) to [notify] the holder of a driver's license when [of the assessment of] a surcharge is assessed on that license. Each notice must:

(1) be sent by first class mail [sent] to the person's most recent address as shown on the records of the department or to the person's most recent forwarding address on record with the United States Postal Service if it is different;

(2) [~~The notice must~~] specify the date by which the surcharge must be paid;

(3) state the total dollar amount of the surcharge **which** must be paid, the number of monthly payments required under an installment payment plan, and the minimum monthly payment required for a person to enter and maintain an installment payment plan with the department; and

(4) state the consequences of a failure to pay the surcharge.

(b) The department shall send a first notice not later than the fifth day after the date the surcharge is assessed. **Any notice under this section shall also include a conspicuous notice regarding the ability of a person to qualify as**

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SECTION 15.01. Section 708.151, Transportation Code, is amended to read as follows:

Sec. 708.151. NOTICE OF SURCHARGE. (a) The department shall send notices as required by Subsection (b) to [notify] the holder of a driver's license when [of the assessment of] a surcharge is assessed on that license. Each notice must:

(1) be sent by first class mail [sent] to the person's most recent address as shown on the records of the department or to the person's most recent forwarding address on record with the United States Postal Service if it is different;

(2) [~~The notice must~~] specify the date by which the surcharge must be paid;

(3) state the total dollar amount of the surcharge **that** must be paid, the number of monthly payments required under an installment payment plan, and the minimum monthly payment required for a person to enter and maintain an installment payment plan with the department; and

(4) state the consequences of a failure to pay the surcharge.

(b) The department shall send a first notice not later than the fifth day after the date the surcharge is assessed.

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indigent under Section 708.158 and the procedures to establish with the department their indigent status so that they may qualify for the reduced surcharges as set forth in Section 708.158.

(c) Once a person is recognized as an indigent under Section 708.158, the department shall send a new notification to that person which accurately reflects the reduced surcharges owed.

(d) If on or before the 45th day after the date the first notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a second notice. If on or before the 60th day after the date the second notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a third notice which advises the person that his/her driving privileges are suspended.

SECTION 6.12. Section 708.152(a), Transportation Code, is amended to read as follows:

(a) If on [~~before~~] the 60th [~~30th~~] day after the date the department sends a second notice under Section 708.151 the person fails to pay the amount of a surcharge on the person's license or fails to enter into an installment payment agreement with the department, the license of the person is automatically suspended. The person's license may not be suspended under this section before the 105th day after the surcharge was assessed by the

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(c) If on or before the 45th day after the date the first notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a second notice. If on or before the 60th day after the date the second notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a third notice that advises the person that the person's driving privileges are suspended.

SECTION 15.02. Substantially the same as House version.

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department.

SECTION 6.13. Section 708.153(b), Transportation Code, is amended to read as follows:

(b) A rule under this section:

(1) may not require [~~permit~~] a person to pay a surcharge over a period of less [~~more~~] than 36 consecutive months for surcharges in the amount of \$500 or more; may not require a person to pay a surcharge over a period of less than 24 consecutive months for surcharges of \$250 to \$499; and may not require a person to pay a surcharge over a period of less than 12 consecutive months for surcharges of \$249 or less; and

(2) may provide that if the person fails to make any [~~a~~] required monthly installment payment, the department may reestablish the installment plan upon receipt of a payment in the amount at least equal to a required monthly installment payment [~~or declare the amount of the unpaid surcharge immediately due and payable~~].

SECTION 6.14. Section 708.157(c), Transportation Code, is amended to read as follows:

(c) The department by rule shall [~~may~~] establish an indigency program for holders of a driver's license on which a surcharge has been assessed for certain offenses, as determined by the department.

SECTION 15.03. Substantially the same as House version.

SECTION __. Same as House version.

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SECTION 6.15. Subchapter D, Chapter 708, Transportation Code, is amended by adding Section 708.158 to read as follows:

Sec. 708.158. INDIGENT STATUS AND REDUCTION OF SURCHARGES. (a) The department shall waive 75 percent of all surcharges assessed under Chapter 708 for a person meeting the criteria set forth in Subsections (b) and (c) hereof.

(b) The department shall waive 80 percent of all surcharges against a person who is indigent. For the purposes of this subsection, a person is indigent if the person provides evidence described by Subsection (c) to the department.

(c) A person must provide the following information to the department that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines, and the following documentation may be used as such proof:

(1) a copy of the person's most recent federal income tax return;

(2) a copy of the person's most recent statement of wages; or

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SECTION 15.04. Subchapter D, Chapter 708, Transportation Code, is amended by adding Section 708.158 to read as follows:

Sec. 708.158. INDIGENT STATUS AND REDUCTION OF SURCHARGES.

(a) The department shall waive all surcharges assessed under this chapter for a person who is indigent. For the purposes of this section, a person is considered to be indigent if the person provides the evidence described by Subsection (b) to the court.

(b) A person must provide information to the court in which the person is convicted of the offense that is the basis for the surcharge to establish that the person is indigent. The following documentation may be used as proof:

(1) a copy of the person's most recent federal income tax return that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines;

(2) a copy of the person's most recent statement of wages that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines; or

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(3) documentation from a federal agency, state agency, or school district that indicates that the person or, if the person is a dependent as defined by Section 152 of the Internal Revenue Code, the taxpayer claiming the person as a dependent, receives assistance from:

(A) the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;

(B) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;

(C) the medical assistance program under Chapter 32, Human Resources Code;

(D) the child health plan program under Chapter 62, Health and Safety Code; or

(E) the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.

SECTION 6.16. Article 2.131, Code of Criminal Procedure, is amended to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. (a) A peace officer may not engage in racial profiling.

(b) A civilian employee of the Department of Public Safety assigned to a driver's license facility of that department may not engage in racial profiling in issuing an original, renewal, or duplicate driver's license, commercial driver's license, or personal identification certificate.

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(3) documentation from a federal agency, state agency, or school district that indicates that the person or, if the person is a dependent as defined by Section 152, Internal Revenue Code of 1986, the taxpayer claiming the person as a dependent, receives assistance from:

(A) the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;

(B) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;

(C) the medical assistance program under Chapter 32, Human Resources Code;

(D) the child health plan program under Chapter 62, Health and Safety Code; or

(E) the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.

No equivalent provision.

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SECTION 6.17. Article 2.132, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) To the extent that they can be made applicable, the provisions of Subsections (b)(1), (2), (3), (4), and (5) also apply to civilian employees of the Department of Public Safety who are assigned to the driver's license facilities of the department.

SECTION 6.18. Section 22.0834, Education Code, is amended by adding Subsection (k) to read as follows:

(k) The requirements of this section apply to an entity that contracts directly with a school district, open-enrollment charter school, or shared services arrangement and any subcontractor of the entity. For purposes of this subsection, "subcontractor" means an entity that contracts with another entity that is not a school district, open-enrollment charter school, or shared services arrangement to provide services to a school district, open-enrollment charter school, or shared services arrangement.

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No equivalent provision.

SECTION __. Section 22.0834, Education Code, is amended by adding Subsections (k), (l), (m), (n), (o), and (p) to read as follows:

(k) The requirements of this section apply to an entity that contracts directly with a school district, open-enrollment charter school, or shared services arrangement and any subcontractor of the entity.

(l) A contracting entity shall require that a subcontracting entity obtain all criminal history record information that relates to an employee to whom Subsection (a) applies. If a contracting or subcontracting entity determines that Subsection (a) does not apply to an employee, the contracting or subcontracting entity shall make a reasonable effort to ensure that the conditions or

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precautions that resulted in the determination that Subsection (a) did not apply to the employee continue to exist throughout the time that the contracted services are provided.

(m) A contracting entity complies with the requirements of this section if the contracting entity obtains a written statement from each subcontracting entity certifying that the subcontracting entity has obtained the required criminal history record information for employees of the subcontracting entity and the subcontracting entity has obtained certification from each of the subcontracting entity's subcontractors.

(n) A subcontracting entity must certify to the school district, open-enrollment charter school, or shared services arrangement and the contracting entity that the subcontracting entity has obtained all criminal history record information that relates to an employee to whom Subsection (a) applies and has obtained similar written certifications from the subcontracting entity's subcontractors.

(o) A contracting or subcontracting entity may not permit an employee to whom Subsection (a) applies to provide services at a school if the employee has been convicted of a felony or misdemeanor offense that would prevent a person from obtaining certification as an educator under Section 21.060.

(p) In this section:

(1) "Contracting entity" means an entity that contracts directly with a school district, open-enrollment charter school, or shared services arrangement to provide

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services to the school district, open-enrollment charter school, or shared services arrangement.

(2) "Subcontracting entity" means an entity that contracts with another entity that is not a school district, open-enrollment charter school, or shared services arrangement to provide services to a school district, open-enrollment charter school, or shared services arrangement.

No equivalent provision.

SECTION 6.19. (a) In this section:

(1) "Authorized employee" means an officer of the Texas Highway Patrol or other law enforcement officer commissioned by the director of the department.

(2) "Department" means the Department of Public Safety.

(3) "Pilot program" means the pilot fingerprint identification program established under this section.

(b) If sufficient funds are available, the department shall develop and implement a program in one or more counties of this state to pilot the use by authorized employees of a mobile fingerprint identification system to perform fingerprint checks in the field as an aid to law enforcement.

(c) In implementing the pilot program, the department shall use a portable, lightweight mobile fingerprint scanner developed for law enforcement that is secure, uses encrypted data transmissions for protection of the public, and does not require the authorized employee to carry additional equipment for the scanner to receive the

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data. The department shall make its existing automated fingerprint identification system available for use during the period of the pilot program.

(d) The department shall comply with all state procurement requirements in implementing the pilot program.

(e) The department may work with and enter into memorandums of understanding with municipalities to implement the pilot program.

(f) Under the pilot program, an authorized employee may not check the fingerprint of a person without the verbal consent of that person.

(g) The department may extend the pilot program to additional counties if the department determines that the expansion would be cost-effective.

(h) The department shall begin implementation of the pilot program not later than January 1, 2010, and shall conduct the pilot program for at least 12 months.

(i) Not later than February 1, 2011, the department shall report to the governor, the lieutenant governor, the speaker of the house of representatives, and the Sunset Advisory Commission regarding the pilot program. The report must include the department's recommendations for continuation or expansion of the pilot program and an evaluation of the department's use of the mobile fingerprint identification system, including:

(1) the appropriateness of conducting remote fingerprint checks;

(2) the value of remote fingerprint checking in combating crime and enforcing department rules and

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other laws of this state;

(3) the impact of using remote fingerprint checks on the efficiency of authorized employees;

(4) the impact of using remote fingerprint checks on the safety of authorized employees; and

(5) any reduction in inconvenience to a person who is not carrying a required license.

SECTION 6.20. Subject to the availability of funds, all department employees charged with processing applications for and issuing driver's licenses and/or identification cards shall receive a one-time pay raise in the amount of \$3,000 per year upon meeting the following qualifications:

(1) completion of all training requirements;

(2) a minimum of six months consecutive employment with the department in the same position; and

(3) a satisfactory job review by the employee's immediate supervisor.

No equivalent provision.

ARTICLE 7. CERTAIN AGENCY ACCESS TO DATABASES

No equivalent provision.

SECTION 7.01 Subchapter C, Chapter 481, Health and Safety Code, is amended by adding Section 481.0762 to read as follows:

Sec. 481.0762. CERTAIN AGENCY ACCESS TO

No equivalent provision.

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DATABASES. Notwithstanding any other provision of law, the director shall when it becomes technologically feasible permit the Texas State Board of Pharmacy and the Texas Medical Board to have independent direct access to any information submitted to the director or the department for their respective applicants or licensees relating to controlled substance prescriptions, including information submitted by electronic transfer of prescriptions for controlled substances created under Subchapter C, Chapter 481, including any information received, collected, maintained, or compiled under Section 481.076 or 481.0761.

ARTICLE 8. GRANTS FOR HOMELAND SECURITY AND BORDER SECURITY PURPOSES

No equivalent provision.

SECTION 8.01. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0133 to read as follows:

No equivalent provision.

Sec. 411.0133. HOMELAND SECURITY AND BORDER SECURITY GRANTS. (a) Notwithstanding any other law, including Section 772.006, the department is the only entity of state government that may select the recipient of state or federal funds granted by the state for homeland security or border security purposes. (b) Another state entity with state or federal funds to be granted for homeland security or border security purposes shall:

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(1) remit the funds to the department, which shall administer the grant; or

(2) notify the department and award the grant to the person selected by the department.

(c) The department by rule shall adopt a formula for selecting the recipients of grants for homeland security and border security purposes. The formula must fully consider the needs of the communities or entities applying for the grants and must give emphasis to:

(1) the quality of homeland security or border security information collected by applicants;

(2) the number of suspects with authority in a criminal enterprise apprehended by the applicants; and

(3) the amount of illegal substances, contraband currency, and ammunition and number of firearms and stolen vehicles seized by the applicants.

(d) The department may not award a grant using a method other than the formula under Subsection (c).

(e) Not later than December 1 of each year, the department shall submit a report to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature regarding the department's activities under this section during the preceding state fiscal year.

SECTION 8.02. Sections 421.0025(b) and (c), Government Code, are amended to read as follows:

(b) The Border Security Council shall develop and recommend to the Department of Public Safety of the

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No equivalent provision.

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State of Texas [~~office of the governor~~] performance standards, reporting requirements, audit methods, and other procedures to ensure that funds allocated by the department [~~office of the governor~~] for purposes related to security at or near this state's international border are used properly and that the recipients of the funds are accountable for the proper use of the funds.

(c) The Border Security Council shall advise the Department of Public Safety of the State of Texas [~~office of the governor~~] regarding the allocation of funds by the department [~~office~~] for purposes related to security at or near this state's international border. Recommendations relating to the allocation of those funds must be made by a majority of the members of the council.

SECTION 8.03. The heading to Subchapter D, Chapter 421, Government Code, is amended to read as follows:
SUBCHAPTER D. COOPERATION AND ASSISTANCE[~~;- FUNDING~~]

No equivalent provision.

SECTION 8.04. Section 421.072, Government Code, is repealed.

No equivalent provision.

SECTION 8.05. This article takes effect September 1, 2009.

SECTION 11.26. Same as House version.

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ARTICLE 9. SAFE SCHOOLS UNIT

No equivalent provision.

SECTION 9.01. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0203 to read as follows:

No equivalent provision.

Sec. 411.0203. SAFE SCHOOLS UNIT. (a) The commission shall establish a safe schools unit pilot program in the department for the 2010-2011 school year to provide school districts in counties that participate in the program with information and other assistance concerning the issues of juvenile delinquency, juvenile substance abuse, and other law enforcement issues that affect school districts.

(b) Not later than February 1, 2010, the director shall select five counties to participate in the pilot program. The director may select only a county that has a population of less than 500,000. At least one of the counties the director selects must have a population of more than 190,000, be located along the southern portion of the border between this state and Mexico, and contain a municipality with a population of more than 175,000. Each school district in a participating county shall participate in the pilot program.

(c) The director shall administer the pilot program and adopt rules to implement and administer the program. In adopting rules, the director shall ensure that the pilot program addresses law enforcement issues that affect school districts, including the prevention of and intervention in juvenile delinquency and substance

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abuse.

(d) This section expires August 31, 2011.

SECTION 9.02. As soon as practicable after the effective date of this Act, the public safety director shall adopt rules as necessary to implement Section 411.0203, Government Code, as added by this Act.

ARTICLE 9A. DISCLOSURE OF CRIMINAL HISTORY RECORD INFORMATION REGARDING PUBLIC SCHOOL EMPLOYEES

SECTION 9A.01. Section 411.084, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (c) to read as follows:

(a) Criminal history record information obtained from the department under this subchapter, including any identification information that could reveal the identity of a person about whom criminal history record information is requested and information that directly or indirectly indicates or implies involvement of a person in the criminal justice system:

- (1) is for the exclusive use of the authorized recipient of the information; and
- (2) may be disclosed or used by the recipient only if, and only to the extent that, disclosure or use is authorized or directed by:

No equivalent provision.

ARTICLE __. Same as House version.

SECTION __. Substantially the same as House version.

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- (A) this subchapter;
- (B) another statute;
- (C) a rule adopted under a statute; or
- (D) an order of a court of competent jurisdiction.

(a-1) The term "criminal history record" information under Subsection (a) does not refer to any specific document produced to comply with this subchapter but to the information contained, wholly or partly, in a document's original form or any subsequent form or use.

(c) An agency or individual may not confirm the existence or nonexistence of criminal history record information to any person that is not eligible to receive the information.

SECTION 9A.02. Sections 411.090(b) and (c), Government Code, are amended to read as follows:

(b) Criminal history record information obtained by the board in the original form or any subsequent form ~~under Subsection (a)~~:

(1) may be used only for a ~~any~~ purpose related to the issuance, denial, suspension, or cancellation of a certificate issued by the board;

(2) may not be released to any person except:

(A) the person who is the subject of the information;

(B) the Texas Education Agency;

(C) a local or regional educational entity as provided by Section 411.097; or

(D) by ~~an~~ court order ~~[or with the consent of the applicant for a certificate];~~ ~~and]~~

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(3) is not subject to disclosure as provided by Chapter 552; and

(4) shall be destroyed by the board after the information is used for the authorized purposes.

(c) The department shall notify the State Board for Educator Certification of the arrest of any educator, as defined by Section 5.001, Education Code, who has fingerprints on file with the department. Any record of the notification and any information contained in the notification is not subject to disclosure as provided by Chapter 552.

SECTION 9A.03. Section 411.0901, Government Code, is amended to read as follows:

Sec. 411.0901. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS EDUCATION AGENCY. (a) The Texas Education Agency is entitled to obtain criminal history record information maintained by the department about a person who:

(1) is employed or is an applicant for employment by a school district or open-enrollment charter school;

(2) is employed or is an applicant for employment by a shared services arrangement, if the employee's or applicant's duties are or will be performed on school property or at another location where students are regularly present; or

(3) is employed or is an applicant for employment by an entity that contracts with a school district, open-enrollment charter school, or shared services

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arrangement if:

- (A) the employee or applicant has or will have continuing duties relating to the contracted services; and
- (B) the employee or applicant has or will have direct contact with students.

(b) Criminal history record information obtained by the agency in the original form or any subsequent form:

(1) may be used only for a purpose authorized by the Education Code;

(2) may not be released to any person except:

(A) the person who is the subject of the information;

(B) the State Board for Educator Certification;

(C) a local or regional educational entity as provided by Section 411.097; or

(D) by court order;

(3) is not subject to disclosure as provided by Chapter 552; and

(4) shall be destroyed by the agency after the information is used for the authorized purposes.

SECTION 9A.04. Section 411.097, Government Code, is amended by amending Subsection (d) and adding Subsection (f) to read as follows:

(d) Criminal history record information obtained by a school district, charter school, private school, service center, commercial transportation company, or shared services arrangement in the original form or any subsequent form:

(1) [~~under Subsection (a), (b), or (c)]~~ may not be

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released ~~[or disclosed]~~ to any person except:

(A) ~~[-other than]~~ the individual who is the subject of the information;

(B) [;] the Texas Education Agency;

(C) [;] the State Board for Educator Certification;

(D) ~~[-or]~~ the chief personnel officer of the transportation company, if the information is obtained under Subsection (a)(2); or

(E) by court order;

(2) is not subject to disclosure as provided by Chapter 552; and

(3) shall be destroyed by the school district, charter school, private school, service center, commercial transportation company, or shared services arrangement on the earlier of:

(A) the first anniversary of the date the information was originally obtained; or

(B) the date the information is used for the authorized purpose.

(f) An employee of a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement or an entity that contracts to provide services to a school district, charter school, or shared services arrangement may request from the employer a copy of any criminal history record information relating to that employee that the employer has obtained as provided by Subchapter C, Chapter 22, Education Code. The employer may charge a fee to an employee requesting a copy of the information in an

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amount not to exceed the actual cost of copying the requested criminal history record information.

SECTION 9A.05. Subchapter C, Chapter 22, Education Code, is amended by adding Section 22.08391 to read as follows:

Sec. 22.08391. CONFIDENTIALITY OF INFORMATION. (a) Information collected about a person to comply with this subchapter, including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records:

(1) may not be released except:

(A) to comply with this subchapter;

(B) by court order; or

(C) with the consent of the person who is the subject of the information;

(2) is not subject to disclosure as provided by Chapter 552, Government Code; and

(3) shall be destroyed by the requestor or any subsequent holder of the information not later than the first anniversary of the date the information is received.

(b) Any criminal history record information received by the State Board for Educator Certification as provided by this subchapter is subject to Section 411.090(b), Government Code.

(c) Any criminal history record information received by the agency as provided by this subchapter is subject to Section 411.0901(b), Government Code.

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(d) Any criminal history record information received by a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement or an entity that contracts to provide services to a school district, charter school, or shared services arrangement as provided by this subchapter is subject to Section 411.097(d), Government Code.

SECTION 9A.06. The change in law made by this article applies to information collected, assembled, or maintained before, on, or after the effective date of this article.

ARTICLE 10. CRIMINAL HISTORY RECORD INFORMATION CONCERNING CERTAIN INTOXICATION OFFENSES

SECTION 10.01. Section 411.135(a), Government Code, is amended to read as follows:

(a) Any person is entitled to obtain from the department:
(1) any information described as public information under Chapter 62, Code of Criminal Procedure, [~~as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997,~~] including, to the extent available, a recent photograph of each person subject to

SECTION __. Same as House version.

No equivalent provision.

No equivalent provision.

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registration under that chapter; ~~and~~

(2) criminal history record information maintained by the department that relates to the conviction of or a grant of deferred adjudication to a person for any criminal offense, including arrest information that relates to the conviction or grant of deferred adjudication; ~~and~~

(3) any information described as public information under Section 411.1355(a).

SECTION 10.02. Subchapter F, Chapter 411, Government Code, is amended by adding Sections 411.1355 and 411.1356 to read as follows:

Sec. 411.1355. PUBLIC ACCESS TO CRIMINAL HISTORY RECORD INFORMATION CONCERNING CERTAIN INTOXICATION OFFENSES. (a) Criminal history record information that concerns a person's conviction for an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code, is public information if the person has been previously convicted of an offense under one of those sections.

(b) The department shall design and implement an Internet website to allow any person, free of charge, to electronically search for and receive information described by Subsection (a) by entering specific search criteria into the website, including a zip code, city, county, or name of a person. The search results:

(1) must include:

(A) the municipality in which the last known address of the person convicted is located; and

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(B) a recent photograph of the person convicted taken attendant to the person's arrest; and

(2) may not include:

(A) any information regarding the convicted person's social security number, driver's license number, or telephone number;

(B) any information that would identify a victim of the offense; or

(C) any information regarding a person if 15 years have elapsed since the date the person committed the most recent offense for which the person was convicted under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

Sec. 411.1356. CRIMINAL HISTORY RECORD INFORMATION CONCERNING CERTAIN INTOXICATION OFFENSES PROVIDED TO PEACE OFFICER ON REQUEST. The department shall establish a procedure by which a peace officer or employee of a law enforcement agency who provides the department with a driver's license number, personal identification certificate number, or license plate number is automatically provided information as to whether the department has criminal history record information concerning an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code, about the person to whom the driver's license, personal identification certificate, or license plate is issued. The procedure must allow a peace officer to request the information from the location of a motor vehicle stop and to receive a response to the request during the duration of

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a reasonable motor vehicle stop.

SECTION 10.03. Not later than May 1, 2010, the Department of Public Safety shall make criminal history record information available to a requesting person as required by Sections 411.1355 and 411.1356, Government Code, as added by this Act.

No equivalent provision.

ARTICLE 11. APPLICATION FOR LICENSE TO CARRY A CONCEALED HANDGUN

No equivalent provision.

SECTION 11.01. Section 411.175, Government Code, is repealed.

SECTION 11.21. Sections 411.175 and 411.189, Government Code, are repealed.

SECTION 11.02. Section 411.172(a), Government Code, is amended to read as follows:

SECTION 11.02. Section 411.172, Government Code, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsection (b-1) to read as follows:

- (a) A person is eligible for a license to carry a concealed handgun if the person:
- (1) is a legal resident of this state for the six-month period preceding the date of application under this subchapter or is otherwise eligible for a license under Section 411.173(a);
 - (2) is at least 21 years of age;
 - (3) has not been convicted of a felony;
 - (4) is not charged with the commission of a Class A or

- (a) A person is eligible for a license to carry a concealed handgun if the person:
- (1) is a legal resident of this state for the six-month period preceding the date of application under this subchapter or is otherwise eligible for a license under Section 411.173(a);
 - (2) is at least 21 years of age;
 - (3) has not been convicted of a felony;
 - (4) is not charged with the commission of a Class A or

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Class B misdemeanor or an offense under Section 42.01, Penal Code, or of a felony under an information or indictment;

(5) is not a fugitive from justice for a felony or a Class A or Class B misdemeanor;

(6) is not a chemically dependent person;

(7) is not incapable of exercising sound judgment with respect to the proper use and storage of a handgun;

(8) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or an offense under Section 42.01, Penal Code;

(9) is fully qualified under applicable federal and state law to purchase a handgun;

(10) has not been finally determined to be delinquent in making a child support payment administered or collected by the attorney general;

(11) ~~has not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, the tax collector of a political subdivision of the state, or any agency or subdivision of the state;~~

~~[(12) has not been finally determined to be in default on a loan made under Chapter 57, Education Code;~~

~~[(13)]~~ is not currently restricted under a court protective order or subject to a restraining order affecting the spousal relationship, other than a restraining order solely affecting property interests;

(12) ~~[(14)]~~ has not, in the 10 years preceding the date of application, been adjudicated as having engaged in

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Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;

(5) is not a fugitive from justice for a felony or a Class A or Class B misdemeanor or equivalent offense;

(6) is not a chemically dependent person;

(7) is not incapable of exercising sound judgment with respect to the proper use and storage of a handgun;

(8) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or equivalent offense or of an offense under Section 42.01, Penal Code, or equivalent offense;

(9) is fully qualified under applicable federal and state law to purchase a handgun;

(10) has not been finally determined to be delinquent in making a child support payment administered or collected by the attorney general;

(11) has not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, the tax collector of a political subdivision of the state, or any agency or subdivision of the state;

~~[(12) has not been finally determined to be in default on a loan made under Chapter 57, Education Code;]~~

(12) ~~[(13)]~~ is not currently restricted under a court protective order or subject to a restraining order affecting the spousal relationship, other than a restraining order solely affecting property interests;

(13) ~~[(14)]~~ has not, in the 10 years preceding the date of application, been adjudicated as having engaged in

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delinquent conduct violating a penal law of the grade of felony; and
(13) [(15)] has not made any material misrepresentation, or failed to disclose any material fact, in an application submitted pursuant to Section 411.174 [~~or in a request for application submitted pursuant to Section 411.175~~].

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delinquent conduct violating a penal law of the grade of felony; and
(14) [(15)] has not made any material misrepresentation, or failed to disclose any material fact, in an application submitted pursuant to Section 411.174 [~~or in a request for application submitted pursuant to Section 411.175~~].
(b) For the purposes of this section, an offense under the laws of this state, another state, or the United States is:
(1) except as provided by Subsection (b-1), a felony if the offense, at the time the offense if committed [of a person's application for a license to carry a concealed handgun]:
(A) is designated by a law of this state as a felony;
(B) contains all of the elements of an offense designated by a law of this state as a felony; or
(C) is punishable by confinement for one year or more in a penitentiary; and
(2) a Class A misdemeanor if the offense is not a felony and confinement in a jail other than a state jail felony facility is affixed as a possible punishment.
(b-1) An offense is not considered a felony for purposes of Subsection (b) if, at the time of a person's application for a license to carry a concealed handgun, the offense:
(1) is not designated by a law of this state as a felony;
and
(2) does not contain all the elements of any offense designated by a law of this state as a felony.
(d) For purposes of Subsection (a)(7), a person is incapable of exercising sound judgment with respect to the proper use and storage of a handgun if the person:

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(1) has been diagnosed by a licensed physician as suffering from a psychiatric disorder or condition that causes or is likely to cause substantial impairment in judgment, mood, perception, impulse control, or intellectual ability;

(2) suffers from a psychiatric disorder or condition described by Subdivision (1) that:

(A) is in remission but is reasonably likely to redevelop at a future time; or

(B) requires continuous medical treatment to avoid redevelopment;

(3) has been diagnosed by a licensed physician, determined by a review board or similar authority, or declared by a court to be incompetent to manage the person's own affairs; or

(4) has entered in a criminal proceeding a plea of not guilty by reason of insanity.

(e) The following constitutes evidence that a person has a psychiatric disorder or condition described by Subsection (d)(1):

(1) involuntary psychiatric hospitalization [~~in the preceding five-year period~~];

(2) psychiatric hospitalization [~~in the preceding two-year period~~];

(3) inpatient or residential substance abuse treatment in the preceding five-year period;

(4) diagnosis in the preceding five-year period by a licensed physician that the person is dependent on alcohol, a controlled substance, or a similar substance; or

(5) diagnosis at any time by a licensed physician that the

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person suffers or has suffered from a psychiatric disorder or condition consisting of or relating to:
(A) schizophrenia or delusional disorder;
(B) bipolar disorder;
(C) chronic dementia, whether caused by illness, brain defect, or brain injury;
(D) dissociative identity disorder;
(E) intermittent explosive disorder; or
(F) antisocial personality disorder.

SECTION 11.03. Section 411.176, Government Code, is amended to read as follows:

Sec. 411.176. REVIEW OF APPLICATION MATERIALS. (a) On receipt of ~~the~~ application materials by the department at its Austin headquarters, the department shall conduct the appropriate criminal history record check of the applicant through its computerized criminal history system. Not later than the 30th day after the date the department receives the application materials, the department shall forward the materials to the director's designee in the geographical area of the applicant's residence so that the designee may conduct the investigation described by Subsection (b). For purposes of this section, the director's designee may be a noncommissioned employee of the department.

(b) The director's designee as needed shall conduct an additional criminal history record check of the applicant and an investigation of the applicant's local official records to verify the accuracy of the application

SECTION 11.04. Same as House version.

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materials. The director's designee may access any records necessary for purposes of this subsection. The scope of the record check and the investigation are at the sole discretion of the department, except that the director's designee shall complete the record check and investigation not later than the 60th day after the date the department receives the application materials. The department shall send a fingerprint card to the Federal Bureau of Investigation for a national criminal history check of the applicant. On completion of the investigation, the director's designee shall return all materials and the result of the investigation to the appropriate division of the department at its Austin headquarters.

(c) The director's designee may submit to the appropriate division of the department, at the department's Austin headquarters, along with the application materials a written recommendation for disapproval of the application, accompanied by an affidavit stating personal knowledge or naming persons with personal knowledge of a ground for denial under Section 411.172. The director's designee [~~in the appropriate geographical area~~] may also submit the application and the recommendation that the license be issued.

(d) On receipt at the department's Austin headquarters of the application materials and the result of the investigation by the director's designee, the department shall conduct any further record check or investigation the department determines is necessary if a question

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exists with respect to the accuracy of the application materials or the eligibility of the applicant, except that the department shall complete the record check and investigation not later than the 180th day after the date the department receives the application materials from the applicant.

SECTION 11.04. Section 411.177(b), Government Code, is amended to read as follows:

- (b) The department shall, not later than the 60th day after the date of the receipt by the director's designee of the completed application materials:
- (1) issue the license;
 - (2) notify the applicant in writing that the application was denied:

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SECTION 11.05. Sections 411.177(a) and (b), Government Code, are amended to read as follows:

(a) The department shall issue a license to carry a concealed handgun to an applicant if the applicant meets all the eligibility requirements and submits all the application materials. The department may issue a license to carry handguns only of the categories for which the applicant has demonstrated proficiency in the form and manner required by the department ~~[indicated on the applicant's certificate of proficiency issued under Section 411.189]~~. The department shall administer the licensing procedures in good faith so that any applicant who meets all the eligibility requirements and submits all the application materials shall receive a license. The department may not deny an application on the basis of a capricious or arbitrary decision by the department.

- (b) The department shall, not later than the 60th day after the date of the receipt by the director's designee of the completed application materials:
- (1) issue the license;
 - (2) notify the applicant in writing that the application was denied:

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- (A) on the grounds that the applicant failed to qualify under the criteria listed in Section 411.172;
- (B) based on the affidavit of the director's designee submitted to the department under Section 411.176(c) [~~411.176(b)~~]; or
- (C) based on the affidavit of the qualified handgun instructor submitted to the department under Section 411.189(c); or
- (3) notify the applicant in writing that the department is unable to make a determination regarding the issuance or denial of a license to the applicant within the 60-day period prescribed by this subsection and include in that notification an explanation of the reason for the inability and an estimation of the amount of time the department will need to make the determination.

SECTION 11.05. The changes in law made by this article in repealing Section 411.175, Government Code, apply only to an application for the issuance of a license that is submitted to the Department of Public Safety on or after September 1, 2009. An application submitted before September 1, 2009, is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

No equivalent provision.

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- (A) on the grounds that the applicant failed to qualify under the criteria listed in Section 411.172;
- (B) based on the affidavit of the director's designee submitted to the department under Section 411.176(c) [~~411.176(b)~~]; or
- (C) based on the affidavit of the qualified handgun instructor submitted to the department under Section 411.188(k) [~~411.189(e)~~]; or
- (3) notify the applicant in writing that the department is unable to make a determination regarding the issuance or denial of a license to the applicant within the 60-day period prescribed by this subsection and include in that notification an explanation of the reason for the inability and an estimation of the amount of time the department will need to make the determination.

No equivalent provision.

SECTION __. Section 411.179(c), Government Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, is amended to read

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as follows:

(c) In adopting the form of the license under Subsection (a), the department shall establish a procedure for the license of a qualified handgun instructor or of a judge, justice, prosecuting attorney, or assistant prosecuting attorney, as described by Section 46.15(a)(4) or (6), Penal Code, to indicate on the license the license holder's status as a qualified handgun instructor or as a judge, justice, district attorney, criminal district attorney, or county attorney. In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status under this subsection.

No equivalent provision.

SECTION __. Sections 411.181(a) and (b), Government Code, as amended by Chapters 594 (H.B. 41) and 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, are reenacted and amended to read as follows:

(a) If a person who is a current license holder moves from any residence ~~the~~ address stated on the license ~~to a new residence address~~, if the name of the person is changed by marriage or otherwise, or if the person's status ~~as a judge, justice, district attorney, prosecuting attorney, or assistant prosecuting attorney, as a federal judge, a state judge, or the spouse of a federal judge or state judge,~~ becomes inapplicable for purposes of the information required to be displayed on the license under Section 411.179 ~~[411.179(e)]~~, the person shall, not later

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than the 30th day after the date of the address, name, or status change, notify the department and provide the department with the number of the person's license and, as applicable, the person's:

- (1) former and new addresses; ~~[or]~~
- (2) former and new names; or
- (3) former and new status.

(b) If the name of the license holder is changed by marriage or otherwise, or if the person's status ~~[as a federal judge or state judge, or the spouse of a federal judge or state judge]~~ becomes inapplicable as described by Subsection (a), the person shall apply for a duplicate license. The duplicate license must reflect ~~[include]~~ the person's current name, residence address, and status.

No equivalent provision.

SECTION 11.06. Section 411.184(a), Government Code, is amended to read as follows:

(a) To modify a license to allow a license holder to carry a handgun of a different category than the license indicates, the license holder must:

(1) complete a proficiency examination as provided by Section 411.188(e);

~~[(2) obtain a handgun proficiency certificate under Section 411.189 not more than six months before the date of application for a modified license;]~~ and

(2) ~~[(3)]~~ submit to the department:

(A) an application for a modified license on a form provided by the department;

(B) evidence of ~~[a copy of the]~~ handgun proficiency, in

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the form and manner required by the department
~~[certificate];~~

(C) payment of a modified license fee of \$25; and

(D) one or more ~~[two recent color passport]~~ photographs of the license holder that meet the requirements of the department ~~[, except that an applicant who is younger than 21 years of age must submit two recent color passport photographs in profile of the applicant].~~

No equivalent provision.

SECTION 11.07. Section 411.185(a), Government Code, is amended to read as follows:

(a) To renew a license, a license holder must:

(1) complete a continuing education course in handgun proficiency under Section 411.188(c) within the six-month period preceding:

(A) the date of application for renewal, for a first or second renewal; and

(B) the date of application for renewal or the date of application for the preceding renewal, for a third or subsequent renewal, to ensure that the license holder is not required to complete the course more than once in any 10-year period;

~~[(2) obtain a handgun proficiency certificate under Section 411.189 within the six-month period preceding:~~

~~[(A) the date of application for renewal, for a first or second renewal; and~~

~~[(B) the date of application for renewal or the date of application for the preceding renewal, for a third or subsequent renewal, to ensure that the license holder is~~

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~~not required to obtain the certificate more than once in any 10-year period;~~ and

~~(2) [(3)]~~ submit to the department:

(A) an application for renewal on a form provided by the department;

(B) evidence of [a copy of the] handgun proficiency, in the form and manner required by the department [certificate];

(C) payment of a nonrefundable renewal fee as set by the department; and

(D) one or more [two recent color passport] photographs of the applicant that meet the requirements of the department.

No equivalent provision.

SECTION 11.08. Section 411.186(a), Government Code, is amended to read as follows:

(a) The department shall revoke a [A] license [may be revoked] under this section if the license holder:

(1) was not entitled to the license at the time it was issued;

(2) made a material misrepresentation or failed to disclose a material fact in an application submitted under this subchapter [gave false information on the application];

(3) subsequently becomes ineligible for a license under Section 411.172, unless the sole basis for the ineligibility is that the license holder is charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal

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Code, or equivalent offense, or of a felony under an information or indictment;

(4) is convicted of an offense under Section 46.035, Penal Code;

(5) is determined by the department to have engaged in conduct constituting a reason to suspend a license listed in Section 411.187(a) after the person's license has been previously suspended twice for the same reason; or

(6) submits an application fee that is dishonored or reversed if the applicant fails to submit a cashier's check or money order made payable to the "Department of Public Safety of the State of Texas" in the amount of the dishonored or reversed fee, plus \$25, within 30 days of being notified by the department that the fee was dishonored or reversed.

No equivalent provision.

SECTION 11.10. Section 411.188, Government Code, is amended by amending Subsections (a), (g), (h), and (i) and adding Subsection (k) to read as follows:

(a) The director by rule shall establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency must contain training sessions divided into two parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use the applicable category of handgun [~~for which the applicant~~

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~~seeks certification].~~ An applicant must be able to demonstrate ~~[may not be certified unless the applicant demonstrates]~~, at a minimum, the degree of proficiency that is required to effectively operate a handgun of .32 caliber or above. The department shall distribute the standards, course requirements, and examinations on request to any qualified handgun instructor.

(g) A person who wishes to obtain or renew a license to carry a concealed handgun must apply in person to a qualified handgun instructor to take the appropriate course in handgun proficiency and ~~[;]~~ demonstrate handgun proficiency as required by the department~~[, and obtain a handgun proficiency certificate as described by Section 411.189].~~

(h) A license holder who wishes to modify a license to allow the license holder to carry a handgun of a different category than the license indicates must apply in person to a qualified handgun instructor to demonstrate the required knowledge and proficiency ~~[to obtain a handgun proficiency certificate]~~ in that category ~~[as described by Section 411.189].~~

(i) A certified firearms instructor of the department may monitor any class or training presented by a qualified handgun instructor. A qualified handgun instructor shall cooperate with the department in the department's efforts to monitor the presentation of training by the qualified handgun instructor. A qualified handgun instructor shall make available for inspection to the department any and all records maintained by a qualified handgun instructor under this subchapter. The qualified handgun instructor

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shall keep a record of all [~~certificates of handgun proficiency issued by the qualified handgun instructor and other~~] information required by department rule.

(k) A qualified handgun instructor may submit to the department a written recommendation for disapproval of the application for a license, renewal, or modification of a license, accompanied by an affidavit stating personal knowledge or naming persons with personal knowledge of facts that lead the instructor to believe that an applicant does not possess the required handgun proficiency. The department may use a written recommendation submitted under this subsection as the basis for denial of a license only if the department determines that the recommendation is made in good faith and is supported by a preponderance of the evidence. The department shall make a determination under this subsection not later than the 45th day after the date the department receives the written recommendation. The 60-day period in which the department must take action under Section 411.177(b) is extended one day for each day a determination is pending under this subsection.

No equivalent provision.

SECTION __. Section 411.1882, Government Code, is amended to read as follows:

Sec. 411.1882. EVIDENCE OF [EXEMPTION FROM] HANDGUN PROFICIENCY [CERTIFICATE REQUIREMENT] FOR CERTAIN PERSONS. (a) A person who is serving in this state as a judge or justice of

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a federal court, an active judicial officer, as defined by Section 411.201, or as a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney may establish handgun proficiency for the purposes of this subchapter by obtaining from a handgun proficiency instructor approved by the Commission on Law Enforcement Officer Standards and Education for purposes of Section 1702.1675, Occupations Code, a sworn statement that:

(1) indicates that the person, during the 12-month period preceding the date of the person's application to the department, demonstrated to the instructor proficiency in the use of handguns; and

(2) designates the categories of handguns with respect to which the person demonstrated proficiency
~~[Notwithstanding any other provision of this subchapter, a person may not be required to submit to the department a handgun proficiency certificate to obtain or renew a concealed handgun license issued under this subchapter if:~~

~~[(1) the person is currently serving in this state as:~~

~~[(A) a judge or justice of a federal court;~~

~~[(B) an active judicial officer, as defined by Section 411.201, Government Code; or~~

~~[(C) a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney;~~
~~and~~

~~[(2) a handgun proficiency instructor approved by the~~

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~~Commission on Law Enforcement Officer Standards and Education for purposes of Section 1702.1675, Occupations Code, makes a sworn statement indicating that the person demonstrated proficiency to the instructor in the use of handguns during the 12-month period preceding the date of the person's application to the department and designating the types of handguns with which the person demonstrated proficiency].~~

(b) The director by rule shall adopt a procedure by which a person described ~~[who is exempt]~~ under Subsection (a) ~~[from the handgun proficiency certificate requirement]~~ may submit a form demonstrating the person's qualification for an exemption under that subsection. The form must provide sufficient information to allow the department to verify whether the person qualifies for the exemption.

(c) A license issued under this section automatically expires on the six-month anniversary of the date the person's status under Subsection (a) becomes inapplicable. A license that expires under this subsection may be renewed under Section 411.185.

SECTION 11.11. Sections 411.199(a) and (e), Government Code, are amended to read as follows:

(a) A person who is licensed as a peace officer under Chapter 1701, Occupations Code, ~~[415]~~ and who has been employed full-time as a peace officer by a law enforcement agency may apply for a license under this subchapter at any time after retirement.

No equivalent provision.

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(e) A retired peace officer who obtains a license under this subchapter must maintain, for the category of weapon licensed, the proficiency required for a peace officer under Section 1701.355, Occupations Code [415.035]. The department or a local law enforcement agency shall allow a retired peace officer of the department or agency an opportunity to annually demonstrate the required proficiency. The proficiency shall be reported to the department on application and renewal.

No equivalent provision.

SECTION 11.12. Section 411.1991(a), Government Code, is amended to read as follows:

(a) A person who is licensed as a peace officer under Chapter 1701, Occupations Code, [415] and is employed full-time as a peace officer by a law enforcement agency may apply for a license under this subchapter. The person shall submit to the department two complete sets of legible and classifiable fingerprints and a sworn statement of the head of the law enforcement agency employing the applicant. A head of a law enforcement agency may not refuse to issue a statement under this subsection. If the applicant alleges that the statement is untrue, the department shall investigate the validity of the statement. The statement must include:

- (1) the name and rank of the applicant;
- (2) whether the applicant has been accused of misconduct at any time during the applicant's period of employment with the agency and the disposition of that

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- accusation;
- (3) a description of the physical and mental condition of the applicant;
 - (4) a list of the types of weapons the applicant has demonstrated proficiency with during the preceding year; and
 - (5) a recommendation from the agency head that a license be issued to the person under this subchapter.

No equivalent provision.

- SECTION 11.13. Sections 411.201(c) and (d), Government Code, are amended to read as follows:
- (c) An active judicial officer is eligible for a license to carry a concealed handgun under the authority of this subchapter. A retired judicial officer is eligible for a license to carry a concealed handgun under the authority of this subchapter if the officer:
- (1) has not been convicted of a felony;
 - (2) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or equivalent offense;
 - (3) is not charged with the commission of a Class A or Class B misdemeanor or equivalent offense or of a felony under an information or indictment;
 - (4) is not a chemically dependent person; and
 - (5) is not a person of unsound mind.
- (d) An applicant for a license who is an active or retired judicial officer must submit to the department:
- (1) a completed application, including all required affidavits, on a form prescribed by the department;

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(2) one or more ~~[two recent color passport]~~ photographs of the applicant that meet the requirements of the department;

(3) two complete sets of legible and classifiable fingerprints of the applicant, including one set taken by a person employed by a law enforcement agency who is appropriately trained in recording fingerprints;

(4) evidence of [a] handgun proficiency, in the form and manner required by the department for an applicant under this section ~~[certificate issued to the applicant as evidence that the applicant successfully completed the proficiency requirements of this subchapter]~~;

(5) ~~[(4)]~~ a nonrefundable application and license fee set by the department in an amount reasonably designed to cover the administrative costs associated with issuance of a license to carry a concealed handgun under this subchapter; and

(6) ~~[(5)]~~ if the applicant is a retired judicial officer, [:

~~[(A) two complete sets of legible and classifiable fingerprints of the applicant taken by a person employed by a law enforcement agency who is appropriately trained in recording fingerprints; and~~

~~[(B) a form executed by the applicant that authorizes the department to make an inquiry into any noncriminal history records that are necessary to determine the applicant's eligibility for a license under this subchapter.~~

No equivalent provision.

SECTION 11.14. Section 411.208, Government Code, is amended by adding Subsection (e) to read as follows:

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(e) The immunities granted under Subsection (a) to a qualified handgun instructor do not apply to a cause of action for fraud or a deceptive trade practice.

No equivalent provision.

SECTION 11.15. Article 17.292(1), Code of Criminal Procedure, is amended to read as follows:

(1) In the order for emergency protection, the magistrate shall [~~may~~] suspend a license to carry a concealed handgun issued under Subchapter H, Chapter 411 [~~Section 411.177~~], Government Code, that is held by the defendant.

No equivalent provision.

SECTION 11.18. Section 85.022(d), Family Code, is amended to read as follows:

(d) In a protective order, the court shall [~~may~~] suspend a license to carry a concealed handgun issued under Subchapter H, Chapter 411 [~~Section 411.177~~], Government Code, that is held by a person found to have committed family violence.

No equivalent provision.

SECTION 1. Section 662.005(b), Government Code, is amended to read as follows:

(b) Except as provided by Section 662.010, and notwithstanding Section 659.015 or another law, a state employee who is a peace officer commissioned by a state officer or state agency listed under Article 2.12, Code of Criminal Procedure, or who is employed by the

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Department of Public Safety either to perform communications or dispatch services related to traffic law enforcement or as a public security officer, as that term is defined by Section 1701.001, Occupations Code, and who is required to work on a national or state holiday that falls on a Saturday or Sunday is entitled to compensatory time off at the rate of one hour for each hour worked on the holiday.

No equivalent provision.

SECTION 11.19. Section 12.095(e), Health and Safety Code, is amended to read as follows:

(e) The panel may require the applicant or license holder to undergo a medical or other examination at the applicant's or holder's expense. A person who conducts an examination under this subsection may be compelled to testify before the panel and in any subsequent proceedings under Subchapter H, Chapter 411, Government Code, or Subchapter N, Chapter 521, Transportation Code, as applicable, concerning the person's observations and findings.

No equivalent provision.

SECTION 11.20. Section 12.097(b), Health and Safety Code, is amended to read as follows:

(b) In a subsequent proceeding under Subchapter H, Chapter 411, Government Code, or Subchapter N, Chapter 521, Transportation Code, the medical standards division may provide a copy of the report of the medical advisory board or panel and a medical record or report

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relating to an applicant or license holder to:

- (1) the Department of Public Safety of the State of Texas;
- (2) the applicant or license holder; and
- (3) the officer who presides at the hearing.

No equivalent provision.

SECTION __. Section 46.04, Penal Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) For the purposes of this section, an offense under the laws of this state, another state, or the United States is, except as provided by Subsection (g), a felony if, at the time it is committed, the offense:

- (1) is designated by a law of this state as a felony;
- (2) contains all the elements of an offense designated by a law of this state as a felony; or
- (3) is punishable by confinement for one year or more in a penitentiary.

(g) An offense is not considered a felony for purposes of Subsection (f) if, at the time the person possesses a firearm, the offense:

- (1) is not designated by a law of this state as a felony;
and
- (2) does not contain all the elements of any offense designated by a law of this state as a felony.

No equivalent provision.

SECTION __. The change in law made by this Act in amending Section 46.04, Penal Code, applies only to an offense committed on or after the effective date of this

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Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 11.06. This article takes effect September 1, 2009.

SECTION 12.15. Same as House version.

ARTICLE 12. DISPLAY OF LICENSE TO
CARRY A CONCEALED HANDGUN

No equivalent provision.

SECTION 12.01. Sections 411.187(a) and (c), Government Code, are amended to read as follows:

(a) A license may be suspended under this section if the license holder:

(1) is charged with the commission of a Class A or Class B misdemeanor or an offense under Section 42.01, Penal Code, or of a felony under an information or indictment;

(2) ~~fails to display a license as required by Section 411.205;~~

~~(3)~~ fails to notify the department of a change of address or name as required by Section 411.181;

(3) ~~(4)~~ carries a concealed handgun under the authority of this subchapter of a different category than the license

SECTION 11.09. Sections 411.187(a) and (c), Government Code, are amended to read as follows:

(a) The department shall suspend a ~~[A]~~ license ~~[may be suspended]~~ under this section if the license holder:

(1) is charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or ~~of~~ an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;

(2) fails to display a license as required by Section 411.205;

(3) fails to notify the department of a change of address, ~~[or]~~ name, or status as required by Section 411.181;

(4) carries a concealed handgun under the authority of this subchapter of a different category than the license

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holder is licensed to carry;

~~(4) [(5)]~~ fails to return a previously issued license after a license is modified as required by Section 411.184(d);

~~(5) [(6)]~~ commits an act of family violence and is the subject of an active protective order rendered under Title 4, Family Code; or

~~(6) [(7)]~~ is arrested for an offense involving family violence or an offense under Section 42.072, Penal Code, and is the subject of an order for emergency protection issued under Article 17.292, Code of Criminal Procedure.

(c) **A license may be suspended** under this section:

(1) for 30 days, if the person's license is subject to suspension for a reason listed in Subsection ~~(a)(2), (3)~~ ~~[(a)(3)]~~, or (4), ~~[or (5)]~~; except as provided by Subdivision ~~(2) [(3)]~~;

~~(2) [for 90 days, if the person's license is subject to suspension for a reason listed in Subsection (a)(2), except as provided by Subdivision (3)]~~;

~~[(3)]~~ for not less than one year and not more than three years if the person's license is subject to suspension for a reason listed in Subsection (a), other than the reason listed in Subsection (a)(1), and the person's license has been previously suspended for the same reason;

~~(3) [(4)]~~ until dismissal of the charges if the person's license is subject to suspension for the reason listed in Subsection (a)(1); or

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holder is licensed to carry;

(5) fails to return a previously issued license after a license is modified as required by Section 411.184(d);

(6) commits an act of family violence and is the subject of an active protective order rendered under Title 4, Family Code; or

(7) is arrested for an offense involving family violence or an offense under Section 42.072, Penal Code, and is the subject of an order for emergency protection issued under Article 17.292, Code of Criminal Procedure.

(c) **The department shall suspend a [A] license [may be suspended]** under this section:

(1) for 30 days, if the person's license is subject to suspension for a reason listed in Subsection (a)(3), (4), or (5), except as provided by Subdivision (3);

(2) for 90 days, if the person's license is subject to suspension for a reason listed in Subsection (a)(2), except as provided by Subdivision (3);

(3) for not less than one year and not more than three years, if the person's license;

(A) is subject to suspension for a reason listed in Subsection (a), other than the reason listed in Subsection (a)(1); ~~and~~

(B) ~~[the person's license]~~ has been previously suspended for the same reason;

(4) until dismissal of the charges, if the person's license is subject to suspension for the reason listed in Subsection (a)(1); or

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~~(4)~~ [(5)] for the duration of or the period specified by:
(A) the protective order issued under Title 4, Family Code, if the person's license is subject to suspension for the reason listed in Subsection ~~(a)(5)~~ [(a)(6)]; or
(B) the order for emergency protection issued under Article 17.292, Code of Criminal Procedure, if the person's license is subject to suspension for the reason listed in Subsection ~~(a)(6)~~ [(a)(7)].

SECTION 12.02. Section 411.205, Government Code, is amended to read as follows:

Sec. 411.205. **REQUIREMENT TO DISPLAY [DISPLAYING] LICENSE[; PENALTY].**

~~[(a)]~~ If a license holder is carrying a handgun on or about the license holder's person when a magistrate or a peace officer demands that the license holder display identification, the license holder shall display both the license holder's driver's license or identification certificate issued by the department and the license holder's handgun license. ~~[A person who fails or refuses to display the license and identification as required by this subsection is subject to suspension of the person's license as provided by Section 411.187.]~~

~~[(b) A person commits an offense if the person fails or refuses to display the license and identification as required by Subsection (a) after previously having had the person's license suspended for a violation of that subsection. An offense under this subsection is a Class B misdemeanor.]~~

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(5) for the duration of or the period specified by:
(A) the protective order issued under Title 4, Family Code, if the person's license is subject to suspension for the reason listed in Subsection (a)(6); or
(B) the order for emergency protection issued under Article 17.292, Code of Criminal Procedure, if the person's license is subject to suspension for the reason listed in Subsection (a)(7).

SECTION __. Section 411.205(a), Government Code, is amended to read as follows:

(a) If a license holder is carrying a handgun on or about the license holder's person when a magistrate or a peace officer demands that the license holder display identification, the license holder shall display both the license holder's driver's license or identification certificate issued by the department and the license holder's handgun license. **A person who fails or refuses to display the person's [license and] identification and handgun license as required by this subsection is subject to suspension of the person's license as provided by Section 411.187 or, if the license is expired, a refusal to renew the person's license for the applicable period of suspension provided by that section.**

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SECTION 12.03. An offense under Section 411.205, Government Code, may not be prosecuted after the effective date of this article. If, on the effective date of this article, a criminal action is pending for an offense under Section 411.205, the action is dismissed on that date. However, a final conviction for an offense under Section 411.205 that exists on the effective date of this article is unaffected by this article.

No equivalent provision.

SECTION 12.04. This article takes effect September 1, 2009.

SECTION 14.05. Same as House version.

ARTICLE 13. DRIVER'S LICENSE ISSUED TO CERTAIN FEDERAL AND STATE JUDGES AND SPOUSES

No equivalent provision.

SECTION 13.01. Section 521.001, Transportation Code, is amended by adding Subdivisions (3-a) and (8-a) to read as follows:

(3-a) "Federal judge" means:

(A) a judge of a United States court of appeals;

(B) a judge of a United States district court;

(C) a judge of a United States bankruptcy court; or

(D) a magistrate judge of a United States district court.

(8-a) "State judge" means:

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(A) the judge of an appellate court, a district court, or a county court at law of this state; or
(B) an associate judge appointed under Chapter 201, Family Code.

SECTION 13.02. Sections 521.054(a) and (b), Transportation Code, are amended to read as follows:

(a) This section applies to a person who:

(1) after applying for or being issued a [the] license or certificate moves to a new residence [from the] address [stated in the person's application for a license or certificate];

(2) has used the procedure under Section 521.121(d) and whose status as a federal judge, a state judge, or the spouse of a federal or state judge becomes inapplicable [moves from the address shown on the license or certificate held by the person]; or

(3) changes the person's name by marriage or otherwise.

(b) A person subject to this section shall notify the department of the change not later than the 30th day after the date on which the change takes effect and apply for a duplicate license or certificate as provided by Section 521.146. The duplicate license must include the person's current residence address.

SECTION 13.03. Section 521.121, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

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- (a) The driver's license must include:
- (1) a distinguishing number assigned by the department to the license holder;
 - (2) a color photograph of the entire face of the holder;
 - (3) the full name and[,] date of birth[~~,-and-residence address~~] of the holder; [~~and~~]
 - (4) a brief description of the holder; and
 - (5) the license holder's residence address or, for a license holder using the procedure under Subsection (d), the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge.
- (d) The department shall establish a procedure for a federal judge, a state judge, or the spouse of a federal or state judge to omit the license holder's residence address on the license and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge. In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status as a federal judge, state judge, or the spouse of a federal or state judge.

SECTION 13.04. Section 521.142(c), Transportation Code, is amended to read as follows:

- (c) The application must state:
- (1) the sex of the applicant;
 - (2) the residence address of the applicant, or if the applicant is a federal judge, a state judge, or the spouse

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of a federal or state judge using the procedure developed under Section 521.121(d), the street address of the courthouse in which the applicant or the applicant's spouse serves as a federal judge or a state judge;

- (3) whether the applicant has been licensed to drive a motor vehicle before;
- (4) if previously licensed, when and by what state or country;
- (5) whether that license has been suspended or revoked or a license application denied;
- (6) the date and reason for the suspension, revocation, or denial;
- (7) whether the applicant is a citizen of the United States; and
- (8) the county of residence of the applicant.

ARTICLE 14. OPERATION OF MOTOR VEHICLES

No equivalent provision.

SECTION 14.01. Section 545.413(e), Transportation Code, is amended to read as follows:

No equivalent provision.

- (e) It is a defense to prosecution under this section that:
 - (1) the person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
 - (2) the person presents to the court, not later than the 10th day after the date of the offense, a statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;

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(3) the person is employed by the United States Postal Service and performing a duty for that agency that requires the operator to service postal boxes from a vehicle or that requires frequent entry into and exit from a vehicle;

(4) the person is engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle;

(5) the person is employed by a public or private utility company and is engaged in the reading of meters or performing a similar duty for that company requiring the operator to frequently enter into and exit from a vehicle;
[or]

(6) the ~~The~~ person is operating a commercial vehicle registered as a farm vehicle under the provisions of Section 502.163 that does not have a gross weight, registered weight, or gross weight rating of 48,000 pounds or more; or

(7) the person is the operator of or a passenger in a vehicle used exclusively to transport solid waste and performing duties that require frequent entry into and exit from the vehicle.

SECTION 14.02. The change in law made by this article to Section 545.413(e), Transportation Code, as amended by this article, applies only to an offense under Section 545.413(a) of that code, regardless of whether the offense was committed before, on, or after the effective

No equivalent provision.

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date of this Act.

ARTICLE 15. MOTOR VEHICLE SAFETY
RESPONSIBILITY

No equivalent provision.

No equivalent provision.

SECTION 11.22. The changes in law made by Sections 411.171, 411.1711, 411.172, and 411.201(c), Government Code, as amended by this article, apply only to the eligibility of a person for the issuance, modification, or renewal of a license, the application for which is made on or after the effective date of this article. A holder of a license that was issued, modified, or renewed before the effective date of this article is not disqualified from holding that license solely by reason of this article.

No equivalent provision.

SECTION 11.23. The changes in law made by Sections 411.174, 411.176, 411.177, 411.1882, 411.184, 411.185, 411.188, and 411.201(d), Government Code, as amended by this article, and by the repeal of Sections 411.175, and 411.189, Government Code, apply only to an application for the issuance, modification, or renewal of a license that is submitted to the Department of Public Safety on or after the effective date of this article. An application submitted before the effective date of this article is governed by the law in effect when the application was submitted, and the former law is continued in effect for

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that purpose.

No equivalent provision.

SECTION 11.24. The changes in law made by this article to Sections 411.186 and 411.187, Government Code, Article 17.292, Code of Criminal Procedure, and Section 85.022, Family Code, apply only to an administrative or judicial determination concerning the revocation or suspension of a license to carry a concealed handgun that is made on or after the effective date of this article. An administrative or judicial determination made before the effective date of this article is covered by the law in effect when the determination was made, and the former law is continued in effect for that purpose.

No equivalent provision.

SECTION 11.25. The change in law made by Section 411.208, Government Code, as amended by this article, applies only to a cause of action that accrues on or after the effective date of this article. A cause of action that accrued before the effective date of this article is governed by the law in effect immediately before the effective date of this article, and the former law is continued in effect for that purpose.

No equivalent provision.

ARTICLE 12. DRIVER EDUCATION AND DRIVER'S LICENSING REQUIREMENTS FOR MINORS

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No equivalent provision.

SECTION 12.01. This article shall be known as the Less Tears More Years Act.

No equivalent provision.

SECTION 12.02. Section 29.902, Education Code, is amended by adding Subsection (c) to read as follows:

(c) A school district shall consider offering a driver education and traffic safety course during each school year. If the district offers the course, the district may:

(1) conduct the course and charge a fee for the course in the amount determined by the agency to be comparable to the fee charged by a driver education school that holds a license under Chapter 1001; or

(2) contract with a driver education school that holds a license under Chapter 1001 to conduct the course.

No equivalent provision.

SECTION 12.03. Section 1001.101, Education Code, is amended to read as follows:

Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND TEXTBOOKS. (a) The commissioner by rule shall establish or approve the curriculum and designate the textbooks to be used in a driver education course, including a driver education course conducted by a school district, driver education school, or parent or other individual under Section 521.205, Transportation Code.

(b) A driver education course must require the student to complete:

(1) 7 hours of behind-the-wheel instruction in the

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presence of a person who holds a driver education instructor license or who meets the requirements imposed under Section 521.205, Transportation Code;
(2) 7 hours of observation instruction in the presence of a person who holds a driver education instructor license or who meets the requirements imposed under Section 521.205, Transportation Code; and
(3) 20 hours of behind-the-wheel instruction, including at least 10 hours of instruction that takes place at night, in the presence of an adult who meets the requirements of Section 521.222(d)(2), Transportation Code.

No equivalent provision.

SECTION 12.04. Subchapter F, Chapter 1001, Education Code, is amended by adding Section 1001.257 to read as follows:
Sec. 1001.257. DENIAL OF LICENSE. The commissioner may not issue or renew a driver education instructor license, including a temporary license, to a person who has six or more points assigned to the person's driver's license under Subchapter B, Chapter 708, Transportation Code.

No equivalent provision.

SECTION 12.05. Section 521.165, Transportation Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:
(c) Except as provided by Subsection (d), in [It] issuing a driver's license for certain types of vehicles, the director may waive a driving test for an applicant who

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has successfully completed and passed the training and testing conducted by a person certified under Subsection (a).

(d) The director may not waive the driving test required by Section 521.161 for an applicant who is under 18 years of age.

No equivalent provision.

SECTION 12.06. Section 521.204(a), Transportation Code, is amended to read as follows:

(a) The department may issue a Class C driver's license to an applicant under 18 years of age only if the applicant:

- (1) is 16 years of age or older;
- (2) has submitted to the department a driver education certificate issued under Section 9A, Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes), that states that the person has completed and passed a driver education course approved by the department under Section 521.205 or by the Texas Education Agency;
- (3) has obtained a high school diploma or its equivalent or is a student:
 - (A) enrolled in a public school, home school, or private school who attended school for at least 80 days in the fall or spring semester preceding the date of the driver's license application; or
 - (B) who has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency

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exam; ~~and~~]

(4) has submitted to the department written parental or guardian permission for the department to access the applicant's school enrollment records maintained by the Texas Education Agency; and

(5) has passed the examination required by Section 521.161.

No equivalent provision.

SECTION 12.07. Section 521.205(a), Transportation Code, is amended to read as follows:

(a) The department by rule shall provide for approval of a driver education course conducted by the parent, stepparent, foster parent, legal guardian, step-grandparent, or grandparent of a person who is required to complete a driver education course to obtain a Class C license. The rules must provide that:

(1) the person conducting the course possess a valid license for the preceding three years that ~~and the license~~ has not been suspended, revoked, or forfeited in the past three years for an offense that involves the operation of a motor vehicle ~~[traffic-related violations]~~;

(2) the student driver spend a minimum number of hours in:

(A) classroom instruction; and

(B) behind-the-wheel instruction;

(3) the person conducting the course not be convicted of:

(A) criminally negligent homicide; or

(B) driving while intoxicated; ~~and~~]

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(4) the person conducting the course not be disabled because of mental illness; and

(5) the person conducting the course not have six or more points assigned to the person's driver's license under Subchapter B, Chapter 708, at the time the person begins conducting the course.

No equivalent provision.

SECTION 12.08. Subchapter J, Chapter 521, Transportation Code, is amended by adding Section 521.206 to read as follows:

Sec. 521.206. COLLISION RATE STATISTICS PUBLICATION. (a) The department shall collect data regarding collisions of students taught by public schools, driver education schools licensed under Chapter 1001, Education Code, and other entities that offer driver education courses to students for which a uniform certificate of course completion is issued. The collision rate is computed by determining the number of an entity's students who complete a driver education course during a state fiscal year, dividing that number by the number of collisions that involved students who completed such a course and that occurred in the 12-month period following their licensure, and expressing the quotient as a percentage.

(b) The department shall collect data regarding the collision rate of students taught by course instructors approved under Section 521.205. The collision rate is computed by determining the number of students who completed a course approved under Section 521.205

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during a state fiscal year, dividing that number by the number of collisions that involved students who completed such a course and that occurred in the 12-month period following their licensure, and expressing the quotient as a percentage.

(c) Not later than October 1 of each year, the department shall issue a publication listing the collision rate for students taught by each driver education entity and the collision rate for students taught by a course instructor approved under Section 521.205, noting the severity of collisions involving students of each entity and each type of course.

No equivalent provision.

SECTION 12.09. Section 521.271, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Each original driver's license and provisional license expires as follows:

(1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;

(2) a provisional license expires on ~~[the earlier of:~~
~~[(A) the 18th birthday of the license holder]; or~~
~~[(B) the first birthday of the license holder occurring after the date of the application];~~

(3) an instruction permit expires on the 18th birthday of the license holder ~~[second birthday of the license holder occurring after the date of the application];~~ and

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(4) an occupational license expires on the first anniversary of the court order granting the license.

(a-1) The department and the Texas Education Agency shall enter into a memorandum of understanding under which the department may access the agency's electronic enrollment records to verify a student's enrollment in a public school. The memorandum of understanding must specify that the department may only access information necessary to verify the identity and enrollment status of a license renewal applicant and only if a parent or guardian of the applicant has provided written permission for the department to access that information. Nothing in this subsection may be construed to allow the release of information in violation of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

No equivalent provision.

SECTION 12.10. Section 521.421(c), Transportation Code, is amended to read as follows:

(c) The fee for issuance [~~or renewal~~] of a provisional license or instruction permit is \$15 [~~\$5~~].

No equivalent provision.

SECTION 12.11. Section 545.424, Transportation Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (f) to read as follows:

(a) A person under 18 years of age [~~during the six-month period following issuance of an original Class A, B, or C driver's license to the person,~~] may not operate a

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motor vehicle:

(1) during the 12-month period following issuance of an original Class A, B, or C driver's license to the person:

(A) after midnight and before 5 a.m. unless the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency; or

(B) ~~[(2)]~~ with more than one passenger in the vehicle under 21 years of age who is not a family member; or

~~(2) [(3)]~~ while using a wireless communications device, except in case of emergency.

(b) A person under 17 years of age who holds a restricted motorcycle license or moped license, during the 12-month ~~[six-month]~~ period following the issuance of an original motorcycle license or moped license to the person, may not operate a motorcycle or moped:

(1) after midnight and before 5 a.m. unless:

(A) the person is in sight of the person's parent or guardian; or

(B) the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency; or

(2) while using a wireless communications device, except in case of emergency.

(c) This section does not apply to:

(1) the holder of a hardship license; ~~[(1)]~~

(2) a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of an instruction permit; or

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(3) a person licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device.

(f) In this section, "wireless communication device" means a handheld or hands-free device that uses commercial mobile service, as defined by 47 U.S.C. Section 332.

No equivalent provision.

SECTION 12.12. (a) For the purpose of compiling data for the publication required by Section 521.206, Transportation Code, as added by this article, the Texas Department of Public Safety shall determine the number of minor students taught by each driver education entity and the total number of minor students taught by courses approved under Section 521.205, Transportation Code, who become licensed during the state fiscal year beginning September 1, 2009, and ending August 31, 2010.

(b) The first publication of collision rate data compiled under Section 521.206, Transportation Code, as added by this article, shall be issued not later than October 1, 2011.

No equivalent provision.

SECTION 12.13. Not later than November 30, 2009, the Texas Department of Public Safety shall appoint a task force to review and make recommendations regarding the effectiveness of the materials provided by the Texas Education Agency for use in courses licensed under Chapter 1001, Education Code, or authorized by Section

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521.205, Transportation Code. The task force shall consist of the following members:

- (1) a representative of the Texas Department of Public Safety;
- (2) a representative of the Texas Education Agency;
- (3) a commercial provider of driver education courses;
- (4) a member of an interested group or association, as determined by the department; and
- (5) other appropriate members, as determined by the department.

No equivalent provision.

SECTION 12.14. (a) Section 29.902(c), Education Code, as added by this article, applies beginning with the 2010-2011 school year.

(b) Not later than January 1, 2010, the commissioner of education shall adopt rules as required by Section 1001.101, Education Code, as amended by this article.

(c) Each driver education and training program approved by the Texas Education Agency under Chapter 1001, Education Code, must comply with the curriculum requirements of Section 1001.101, Education Code, as amended by this article, not later than May 1, 2010.

(d) Section 521.165, Transportation Code, as amended by this article, applies only to an application for a driver's license submitted on or after the effective date of this article. An application for a driver's license submitted before the effective date of this article is subject to the law in effect on the date the application was submitted, and that law is continued in effect for that

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purpose.

(e) The changes in law made by this article to Section 521.205, Transportation Code, apply to a course approved under that section that begins on or after the effective date of this article. A course beginning before the effective date of this article is governed by the law in effect on the date the course was commenced, and that law is continued in effect for that purpose.

(f) The changes in law made by this article to Sections 521.271, 521.421, and 545.424, Transportation Code, apply only to a person issued a driver's license on or after the effective date of this article. A person issued a driver's license before the effective date of this article is governed by the law in effect on the date the license was issued, and that law is continued in effect for that purpose.

No equivalent provision.

ARTICLE 13. REGULATION OF DRIVER'S
LICENSES AND PERSONAL IDENTIFICATION
CERTIFICATES BY DEPARTMENT

No equivalent provision.

SECTION 13.01. Section 521.029, Transportation Code, is amended to read as follows:

Sec. 521.029. OPERATION OF MOTOR VEHICLE BY NEW STATE RESIDENTS. (a) A person who enters this state as a new resident may operate a motor vehicle in this state for no more than 90 [~~30~~] days after the date on which the person enters this state if the

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person:

- (1) is 16 years of age or older; and
 - (2) has in the person's possession a driver's license issued to the person by the person's state or country of previous residence.
- (b) If a person subject to this section is prosecuted for operating a motor vehicle without a driver's license, the prosecution alleges that the person has resided in this state for more than 90 [~~30~~] days, and the person claims to have been covered by Subsection (a), the person must prove by the preponderance of the evidence that the person has not resided in this state for more than 90 [~~30~~] days.

No equivalent provision.

SECTION 13.02. Subchapter C, Chapter 521, Transportation Code, is amended by adding Section 521.060 to read as follows:

Sec. 521.060. INTERNAL VERIFICATION SYSTEM.

(a) The department by rule shall establish a system for identifying unique addresses that are submitted in license or certificate applications under this chapter or Chapter 522 in a frequency or number that, in the department's determination, casts doubt on whether the addresses are the actual addresses where the applicants reside.

(b) The department may contract with a third-party personal data verification service to assist the department in implementing this section.

(c) The department shall investigate the validity of addresses identified under Subsection (a).

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(d) The department may disclose the results of an investigation under Subsection (c) to a criminal justice agency for the purposes of enforcing Section 521.4565 or other provisions of this chapter or Chapter 522.

(e) In this section, "criminal justice agency" has the meaning assigned by Article 60.01, Code of Criminal Procedure.

No equivalent provision.

SECTION 13.03. Section 521.101, Transportation Code, is amended by adding Subsection (j) to read as follows:

(j) The department may not issue a personal identification certificate to a person who has not established a domicile in this state.

No equivalent provision.

SECTION 13.04. Subchapter G, Chapter 521, Transportation Code, is amended by adding Sections 521.1426 and 521.1427 to read as follows:

Sec. 521.1426. DOMICILE REQUIREMENT; VERIFICATION. (a) The department may not issue a driver's license or a personal identification certificate to a person who has not established a domicile in this state.

(b) The department shall adopt rules for determining whether a domicile has been established, including rules prescribing the types of documentation the department may require from the applicant to verify the validity of the claimed domicile.

(c) The department may contract with a third-party personal data verification service to assist the department

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in verifying a claim of domicile, including whether the physical address provided by the applicant is the applicant's actual residence.

Sec. 521.1427. POST OFFICE BOX NOT VALID AS ADDRESS. (a) In this section, "post office box address" means a United States Postal Service post office box address or a private mailbox address.

(b) Unless an exception exists under state or federal law, an applicant may receive delivery of a license or a personal identification certificate at a post office box address only if the applicant has provided the department the physical address where the applicant resides.

(c) The department may require the applicant to provide documentation that the department determines necessary to verify the validity of the physical address provided under Subsection (b).

(d) The department may contract with a third-party personal data verification service to assist the department in verifying whether the physical address provided by the applicant is the applicant's actual residence.

SECTION 13.05. Subchapter C, Chapter 522, Transportation Code, is amended by adding Sections 522.0225 and 522.0226 to read as follows:

Sec. 522.0225. VERIFICATION OF DOMICILE. (a) The department shall adopt rules for determining whether a domicile has been established under Section 522.022, including rules prescribing the types of documentation the department may require from the

No equivalent provision.

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applicant to determine the validity of the claimed domicile.

(b) The department may contract with a third-party personal data verification service to assist the department in verifying a claim of domicile, including whether the physical address provided by the applicant is the applicant's actual residence.

Sec. 522.0226. POST OFFICE BOX NOT VALID AS ADDRESS. (a) In this section, "post office box address" means a United States Postal Service post office box address or a private mailbox address.

(b) Unless an exception exists under state or federal law, an applicant may receive delivery of a commercial driver's license at a post office box address only if the applicant has provided the department the physical address where the applicant resides.

(c) The department may require the applicant to provide documentation that the department determines necessary to verify the validity of the physical address provided under Subsection (b).

(d) The department may contract with a third-party personal data verification service to assist the department in verifying whether the physical address provided by the applicant is the applicant's actual residence.

No equivalent provision.

SECTION 13.07. The Department of Public Safety of the State of Texas shall adopt rules required by the amendments of this article to Chapters 521 and 522, Transportation Code, as soon as practicable after the

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effective date of this article.

No equivalent provision.

SECTION 13.08. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2009.

No equivalent provision.

ARTICLE 14. USE OF AN OFFENDER IDENTIFICATION CARD OR SIMILAR FORM OF IDENTIFICATION AS PROOF OF IDENTITY FOR AN APPLICANT FOR A DRIVER'S LICENSE OR COMMERCIAL DRIVER'S LICENSE

No equivalent provision.

SECTION 14.01. Subsection (a), Section 521.142, Transportation Code, is amended to read as follows:
(a) An application for an original license must state the applicant's full name and place and date of birth. This information must be verified by presentation of proof of identity satisfactory to the department. The department must accept as satisfactory proof of identity under this subsection an offender identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice if the applicant also provides supplemental verifiable records or documents that aid in establishing identity.

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No equivalent provision.

SECTION 14.02. Subchapter G, Chapter 521, Transportation Code, is amended by adding Section 521.1421 to read as follows:

Sec. 521.1421. INMATE IDENTIFICATION VERIFICATION PILOT PROGRAM. (a) The department shall participate in an inmate identification verification pilot program for the purpose of issuing driver's licenses and personal identification certificates to inmates of the Texas Department of Criminal Justice.

(b) Under the pilot program, the department may:

(1) enter into a contract with the Texas Department of Criminal Justice and the Department of State Health Services to establish an identification verification process for inmates of the Texas Department of Criminal Justice; and

(2) issue a driver's license or a personal identification certificate to an inmate whose identity has been confirmed through the verification process and who otherwise meets the requirements for the issuance of the driver's license or personal identification certificate.

(c) At the conclusion of the pilot program the governing bodies of the participating agencies may agree to continue the pilot program on a permanent basis.

(d) Not later than December 1, 2010, the department and the Texas Department of Criminal Justice shall jointly issue a report to the standing committees of the legislature with jurisdiction over issues related to criminal justice and homeland security addressing:

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- (1) the status of the pilot program;
- (2) the effectiveness of the pilot program; and
- (3) an analysis of the feasibility of implementing a statewide program based on the pilot program.

No equivalent provision.

SECTION 14.03. Subsection (c-1), Section 522.021, Transportation Code, is amended to read as follows:
(c-1) If the department requires proof of an applicant's identity as part of an application under this section, the department must accept as satisfactory proof of identity an offender identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice if the applicant also provides supplemental verifiable records or documents that aid in establishing identity.

No equivalent provision.

SECTION 14.04. The changes in law made by this article apply only to an application for a driver's license, commercial driver's license, or personal identification certificate submitted on or after the effective date of this article. An application for a driver's license, commercial driver's license, or personal identification certificate submitted before the effective date of this article is subject to the law in effect on the date the application was submitted, and that law is continued in effect for that purpose.

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No equivalent provision.

SECTION 15.01. Section 601.053, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided by Subsection (c), an [A#] operator who does not exhibit evidence of financial responsibility under Subsection (a) is presumed to have operated the vehicle in violation of Section 601.051.

(c) Subsection (b) does not apply if the peace officer determines through use of the verification program established under Subchapter N that financial responsibility has been established for the vehicle.

SECTION 15.02. Subchapter N, Chapter 601, Transportation Code, as added by Chapter 1325 (H.B. 3588), Acts of the 78th Legislature, Regular Session, 2003, is repealed.

No equivalent provision.

ARTICLE 15. DRIVER RESPONSIBILITY PROGRAM

SECTION __. Same as House version.

SECTION __. Same as House version.

SECTION 15.05. Subchapter B, Chapter 708, Transportation Code, is amended by adding Section 708.056 to read as follows:

Sec. 708.056. DEDUCTION OF POINTS. The department by rule shall establish a procedure to provide for the deduction of one point accumulated by a person under this subchapter to account for each year that the

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person has not accumulated points under this subchapter.

No equivalent provision.

SECTION 15.06. The changes in law made by this article apply only to a surcharge that is assessed under Chapter 708, Transportation Code, on or after the effective date of this article. A surcharge that was assessed under that chapter before the effective date of this article is subject to the law in effect on the date the surcharge was assessed, and that law is continued in effect for that purpose.

No equivalent provision.

SECTION 15.07. This article takes effect September 1, 2011.

No equivalent provision.

ARTICLE 16. SUSPENSION OF A DRIVER'S LICENSE BY DEPARTMENT

No equivalent provision.

SECTION 16.01. Section 521.341, Transportation Code, is amended to read as follows:
Sec. 521.341. REQUIREMENTS FOR AUTOMATIC LICENSE SUSPENSION. Except as provided by Sections 521.344(d)-(i), a license is automatically suspended on final conviction of the license holder of:
(1) an offense under Section 19.05, Penal Code, committed as a result of the holder's criminally negligent operation of a motor vehicle;

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- (2) an offense under Section 38.04, Penal Code, if the holder used a motor vehicle in the commission of the offense;
- (3) an offense under Section 49.04, 49.045, or 49.08, Penal Code;
- (4) an offense under Section 49.07, Penal Code, if the holder used a motor vehicle in the commission of the offense;
- (5) an offense punishable as a felony under the motor vehicle laws of this state;
- (6) an offense under Section 550.021;
- (7) an offense under Section 521.451 or 521.453; or
- (8) an offense under Section 19.04, Penal Code, if the holder used a motor vehicle in the commission of the offense.

No equivalent provision.

SECTION 16.02. Sections 521.342(a) and (b), Transportation Code, are amended to read as follows:

(a) Except as provided by Section 521.344, the license of a person who was under 21 years of age at the time of the offense, other than an offense classified as a misdemeanor punishable by fine only, is automatically suspended on conviction of:

- (1) an offense under Section 49.04, 49.045, or 49.07, Penal Code, committed as a result of the introduction of alcohol into the body;
- (2) an offense under the Alcoholic Beverage Code, other than an offense to which Section 106.071 of that code applies, involving the manufacture, delivery, possession,

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transportation, or use of an alcoholic beverage;

(3) a misdemeanor offense under Chapter 481, Health and Safety Code, for which Subchapter P does not require the automatic suspension of the license;

(4) an offense under Chapter 483, Health and Safety Code, involving the manufacture, delivery, possession, transportation, or use of a dangerous drug; or

(5) an offense under Chapter 485, Health and Safety Code, involving the manufacture, delivery, possession, transportation, or use of an abusable volatile chemical.

(b) The department shall suspend for one year the license of a person who is under 21 years of age and is convicted of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, regardless of whether the person is required to attend an educational program under Section 13(h), Article 42.12, Code of Criminal Procedure, that is designed to rehabilitate persons who have operated motor vehicles while intoxicated, unless the person is placed under community supervision under that article and is required as a condition of the community supervision to not operate a motor vehicle unless the vehicle is equipped with the device described by Section 13(i) of that article. If the person is required to attend such a program and does not complete the program before the end of the person's suspension, the department shall suspend the person's license or continue the suspension, as appropriate, until the department receives proof that the person has successfully completed the program. On the person's successful completion of the program, the person's instructor shall give notice to

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the department and to the community supervision and corrections department in the manner provided by Section 13(h), Article 42.12, Code of Criminal Procedure.

No equivalent provision.

SECTION 16.03. Sections 521.344(a), (c), and (i), Transportation Code, are amended to read as follows:

(a) Except as provided by Sections 521.342(b) and 521.345, and by Subsections (d)-(i), if a person is convicted of an offense under Section 49.04, 49.045, or 49.07, Penal Code, the license suspension:

(1) begins on a date set by the court that is not earlier than the date of the conviction or later than the 30th day after the date of the conviction, as determined by the court; and

(2) continues for a period set by the court according to the following schedule:

(A) not less than 90 days or more than one year, if the person is punished under Section 49.04, 49.045, or 49.07, Penal Code, except that if the person's license is suspended for a second or subsequent offense under Section 49.07 committed within five years of the date on which the most recent preceding offense was committed, the suspension continues for a period of one year;

(B) not less than 180 days or more than two years, if the person is punished under Section 49.09(a) or (b), Penal Code; or

(C) not less than one year or more than two years, if the person is punished under Section 49.09(a) or (b), Penal

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Code, and is subject to Section 49.09(h) of that code.

(c) The court shall credit toward the period of suspension a suspension imposed on the person for refusal to give a specimen under Chapter 724 if the refusal followed an arrest for the same offense for which the court is suspending the person's license under this chapter. The court may not extend the credit to a person:

(1) who has been previously convicted of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code; or

(2) whose period of suspension is governed by Section 521.342(b).

(i) On the date that a suspension order under Section 521.343(c) is to expire, the period of suspension or the corresponding period in which the department is prohibited from issuing a license is automatically increased to two years unless the department receives notice of successful completion of the educational program as required by Section 13, Article 42.12, Code of Criminal Procedure. At the time a person is convicted of an offense under Section 49.04 or 49.045, Penal Code, the court shall warn the person of the effect of this subsection. On the person's successful completion of the program, the person's instructor shall give notice to the department and to the community supervision and corrections department in the manner required by Section 13, Article 42.12, Code of Criminal Procedure. If the department receives proof of completion after a period has been extended under this subsection, the department shall immediately end the suspension or prohibition.

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No equivalent provision.

SECTION 16.04. Sections 13(h) and (n), Article 42.12, Code of Criminal Procedure, are amended to read as follows:

(h) If a person convicted of an offense under Sections 49.04-49.08, Penal Code, is placed on community supervision, the judge shall require, as a condition of the community supervision, that the defendant attend and successfully complete before the 181st day after the day community supervision is granted an educational program jointly approved by the Texas Commission on Alcohol and Drug Abuse, the Department of Public Safety, the Traffic Safety Section of the Texas Department of Transportation, and the community justice assistance division of the Texas Department of Criminal Justice designed to rehabilitate persons who have driven while intoxicated. The Texas Commission on Alcohol and Drug Abuse shall publish the jointly approved rules and shall monitor, coordinate, and provide training to persons providing the educational programs. The Texas Commission on Alcohol and Drug Abuse is responsible for the administration of the certification of approved educational programs and may charge a nonrefundable application fee for the initial certification of approval and for renewal of a certificate. The judge may waive the educational program requirement or may grant an extension of time to successfully complete the program that expires not later than one year after the beginning date of the person's community supervision, however, if

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the defendant by a motion in writing shows good cause. In determining good cause, the judge may consider but is not limited to: the defendant's school and work schedule, the defendant's health, the distance that the defendant must travel to attend an educational program, and the fact that the defendant resides out of state, has no valid driver's license, or does not have access to transportation. The judge shall set out the finding of good cause for waiver in the judgment. If a defendant is required, as a condition of community supervision, to attend an educational program or if the court waives the educational program requirement, the court clerk shall immediately report that fact to the Department of Public Safety, on a form prescribed by the department, for inclusion in the person's driving record. If the court grants an extension of time in which the person may complete the program, the court clerk shall immediately report that fact to the Department of Public Safety on a form prescribed by the department. The report must include the beginning date of the person's community supervision. Upon the person's successful completion of the educational program, the person's instructor shall give notice to the Department of Public Safety for inclusion in the person's driving record and to the community supervision and corrections department. The community supervision and corrections department shall then forward the notice to the court clerk for filing. If the Department of Public Safety does not receive notice that a defendant required to complete an educational program has successfully completed the program within

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the period required by this section, as shown on department records, the department shall revoke the defendant's driver's license, permit, or privilege or prohibit the person from obtaining a license or permit, as provided by Sections 521.344(e) and (f), Transportation Code. The Department of Public Safety may not reinstate a license suspended under this subsection unless the person whose license was suspended makes application to the department for reinstatement of the person's license and pays to the department a reinstatement fee of \$100 [~~\$50~~]. The Department of Public Safety shall remit all fees collected under this subsection to the comptroller for deposit in the general revenue fund. This subsection does not apply to a defendant if a jury recommends community supervision for the defendant and also recommends that the defendant's driver's license not be suspended.

(n) Notwithstanding any other provision of this section or other law, the judge who places on community supervision a defendant who was [~~is~~] younger than 21 years of age at the time of the offense and was convicted for an offense under Sections 49.04-49.08, Penal Code, shall:

(1) order that the defendant's driver's license be suspended for 90 days beginning on the date that the person is placed on community supervision; and

(2) require as a condition of community supervision that the defendant not operate a motor vehicle unless the vehicle is equipped with the device described by Subsection (i) of this section.

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No equivalent provision.

SECTION 16.05. The changes in law made by this article to Sections 521.341, 521.342, and 521.344, Transportation Code, and Section 13, Article 42.12, Code of Criminal Procedure, apply only to an offense committed on or after the effective date of this article. For purposes of this section, an offense was committed before the effective date of this article if any element of the offense occurred before the effective date of this article.

No equivalent provision.

SECTION 16.06. This article takes effect September 1, 2009.

No equivalent provision.

ARTICLE 17. SUBMISSION OF REPORTS ON CERTAIN CONVICTIONS OR ADJUDICATIONS RELATING TO THE OPERATION OF MOTOR VEHICLES TO THE DEPARTMENT

No equivalent provision.

SECTION 17.01. Subsections (a) and (b), Section 522.061, Transportation Code, are amended to read as follows:

(a) A person who holds or is required to hold a commercial driver's license under this chapter and who is convicted in another state of violating a state law or local ordinance relating to motor vehicle traffic control shall

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notify the department in the manner specified by the department not later than the seventh [~~30th~~] day after the date of conviction.

(b) A person who holds or is required to hold a commercial driver's license under this chapter and who is convicted in this state or another state of violating a state law or local ordinance relating to motor vehicle traffic control, including a law regulating the operation of vehicles on highways, shall notify the person's employer in writing of the conviction not later than the seventh [~~30th~~] day after the date of conviction.

No equivalent provision.

SECTION 17.02. Section 543.203, Transportation Code, is amended to read as follows:

Sec. 543.203. SUBMITTING RECORD TO DEPARTMENT. Not later than the seventh [~~30th~~] day after the date of conviction or forfeiture of bail of a person on a charge of violating a law regulating the operation of a vehicle on a highway or conviction of a person of negligent homicide or a felony in the commission of which a vehicle was used, the magistrate, judge, or clerk of the court in which the conviction was had or bail was forfeited shall immediately submit to the department a written record of the case containing the information required by Section 543.202.

No equivalent provision.

SECTION 17.03. Subsection (a), Section 543.204, Transportation Code, is amended to read as follows:

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(a) A justice of the peace or municipal judge who defers further proceedings, suspends all or part of the imposition of the fine, and places a defendant on probation under Article 45.051, Code of Criminal Procedure, or a county court judge who follows that procedure under Article 42.111, Code of Criminal Procedure, may not submit a written record to the department, except that if the justice or judge subsequently adjudicates the defendant's guilt, the justice or judge shall submit the record not later than the seventh [~~30th~~] day after the date on which the justice or judge adjudicates guilt.

No equivalent provision.

SECTION 17.04. The change in law made by this article applies only to a conviction, forfeiture of bail, or adjudication of guilt that occurs on or after the effective date of this article.

No equivalent provision.

SECTION 17.05. This article takes effect September 1, 2009.

No equivalent provision.

ARTICLE 18. CIVIL CONSEQUENCES OF CERTAIN CONVICTIONS ON A PERSON WHO HOLDS A COMMERCIAL DRIVER'S LICENSE AND OF CERTAIN ADJUDICATIONS ON THE DRIVER'S LICENSE OR PERMIT OF A CHILD

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No equivalent provision.

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SECTION 18.01. Section 522.081(d), Transportation Code, is amended to read as follows:

(d) A person is disqualified from driving a commercial motor vehicle for life:

(1) if the person is convicted two or more times of an offense specified by Subsection (b)(2), or a combination of those offenses, arising from two or more separate incidents;

(2) if the person uses a motor vehicle in the commission of a felony involving:

(A) the manufacture, distribution, or dispensing of a controlled substance; or

(B) possession with intent to manufacture, distribute, or dispense a controlled substance; ~~or~~

(3) for any combination of two or more of the following, arising from two or more separate incidents:

(A) a conviction of the person for an offense described by Subsection (b)(2);

(B) a refusal by the person described by Subsection (b)(3); and

(C) an analysis of the person's blood, breath, or urine described by Subsection (b)(4); or

(4) if the person uses a motor vehicle in the commission of an offense under 8 U.S.C. Section 1324 that involves the transportation, concealment, or harboring of an alien.

CONFERENCE

No equivalent provision.

SECTION 18.02. Section 54.042(a), Family Code, is amended to read as follows:

(a) A juvenile court, in a disposition hearing under

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Section 54.04, shall:

(1) order the Department of Public Safety to suspend a child's driver's license or permit, or if the child does not have a license or permit, to deny the issuance of a license or permit to the child if the court finds that the child has engaged in conduct that:

(A) violates a law of this state enumerated in Section 521.342(a), Transportation Code; or

(B) violates a penal law of this state or the United States, an element or elements of which involve a severe form of trafficking in persons, as defined by 22 U.S.C. Section 7102; or

(2) notify the Department of Public Safety of the adjudication, if the court finds that the child has engaged in conduct that violates a law of this state enumerated in Section 521.372(a), Transportation Code.

No equivalent provision.

SECTION 18.03. (a) The change in law made by this article to Section 522.081, Transportation Code, applies only in connection with a conviction that becomes final on or after the effective date of this article. A conviction that became final before the effective date of this article is covered by Section 522.081, Transportation Code, as that section existed on the date the conviction became final, and the former law is continued in effect for that purpose.

(b) The change in law made by this article in amending Section 54.042, Family Code, applies only to conduct that occurs on or after the effective date of this article.

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Conduct that occurred before the effective date of this article is covered by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose.

No equivalent provision.

SECTION 18.04. This article takes effect September 1, 2009.

No equivalent provision.

ARTICLE 19. CIVIL AND CRIMINAL CONSEQUENCES OF OPERATING A MOTOR VEHICLE OR A WATERCRAFT WHILE INTOXICATED OR UNDER THE INFLUENCE OF ALCOHOL

No equivalent provision.

SECTION 19.01. The heading to Section 106.041, Alcoholic Beverage Code, is amended to read as follows:
Sec. 106.041. DRIVING OR OPERATING WATERCRAFT UNDER THE INFLUENCE OF ALCOHOL BY MINOR.

No equivalent provision.

SECTION 19.02. Subsections (a) and (g), Section 106.041, Alcoholic Beverage Code, are amended to read as follows:

(a) A minor commits an offense if the minor operates a motor vehicle in a public place, or a watercraft, while having any detectable amount of alcohol in the minor's

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system.

(g) An offense under this section is not a lesser included offense under Section 49.04, 49.045, or 49.06, Penal Code.

No equivalent provision.

SECTION 19.03. Subsection (j), Section 106.041, Alcoholic Beverage Code, is amended by adding Subdivision (4) to read as follows:

(4) "Watercraft" has the meaning assigned by Section 49.01, Penal Code.

No equivalent provision.

SECTION 19.04. Subdivision (3), Section 524.001, Transportation Code, is amended to read as follows:

(3) "Alcohol-related or drug-related enforcement contact" means a driver's license suspension, disqualification, or prohibition order under the laws of this state or another state resulting from:

(A) a conviction of an offense prohibiting the operation of a motor vehicle or watercraft while:

(i) intoxicated;

(ii) under the influence of alcohol; or

(iii) under the influence of a controlled substance;

(B) a refusal to submit to the taking of a breath or blood specimen following an arrest for an offense prohibiting the operation of a motor vehicle or an offense prohibiting the operation of a watercraft, if the watercraft was powered with an engine having a manufacturer's rating of 50 horsepower or more, while:

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- (i) intoxicated;
- (ii) under the influence of alcohol; or
- (iii) under the influence of a controlled substance; or
- (C) an analysis of a breath or blood specimen showing an alcohol concentration of a level specified by Section 49.01, Penal Code, following an arrest for an offense prohibiting the operation of a motor vehicle or watercraft while intoxicated.

No equivalent provision.

SECTION 19.05. Subsection (a), Section 524.011, Transportation Code, is amended to read as follows:

(a) An officer arresting a person shall comply with Subsection (b) if:

(1) the person is arrested for an offense under Section 49.04, 49.045, or 49.06, Penal Code, or an offense under Section 49.07 or 49.08 of that code involving the operation of a motor vehicle or watercraft, submits to the taking of a specimen of breath or blood and an analysis of the specimen shows the person had an alcohol concentration of a level specified by Section 49.01(2)(B), Penal Code; or

(2) the person is a minor arrested for an offense under Section 106.041, Alcoholic Beverage Code, or Section 49.04, 49.045, or 49.06, Penal Code, or an offense under Section 49.07 or 49.08, Penal Code, involving the operation of a motor vehicle or watercraft and:

(A) the minor is not requested to submit to the taking of a specimen; or

(B) the minor submits to the taking of a specimen and an

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analysis of the specimen shows that the minor had an alcohol concentration of greater than .00 but less than the level specified by Section 49.01(2)(B), Penal Code.

No equivalent provision.

SECTION 19.06. Subsection (b), Section 524.012, Transportation Code, is amended to read as follows:

(b) The department shall suspend the person's driver's license if the department determines that:

(1) the person had an alcohol concentration of a level specified by Section 49.01(2)(B), Penal Code, while operating a motor vehicle in a public place or while operating a watercraft; or

(2) the person was [is] a minor on the date that the breath or blood specimen was obtained and had any detectable amount of alcohol in the minor's system while operating a motor vehicle in a public place or while operating a watercraft.

No equivalent provision.

SECTION 19.07. Subsection (b), Section 524.015, Transportation Code, is amended to read as follows:

(b) A suspension may not be imposed under this chapter on a person who is acquitted of a criminal charge under Section 49.04, 49.045, 49.06, 49.07, or 49.08, Penal Code, or Section 106.041, Alcoholic Beverage Code, arising from the occurrence that was the basis for the suspension. If a suspension was imposed before the acquittal, the department shall rescind the suspension and shall remove any reference to the suspension from the

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person's computerized driving record.

No equivalent provision.

SECTION 19.08. Subsection (b), Section 524.022, Transportation Code, is amended to read as follows:

(b) A period of suspension under this chapter for a minor is:

(1) 60 days if the minor has not been previously convicted of an offense under Section 106.041, Alcoholic Beverage Code, or Section 49.04, 49.045, or 49.06, Penal Code, or an offense under Section 49.07 or 49.08, Penal Code, involving the operation of a motor vehicle or a watercraft;

(2) 120 days if the minor has been previously convicted once of an offense listed by Subdivision (1); or

(3) 180 days if the minor has been previously convicted twice or more of an offense listed by Subdivision (1).

No equivalent provision.

SECTION 19.09. Section 524.023, Transportation Code, is amended to read as follows:

Sec. 524.023. APPLICATION OF SUSPENSION UNDER OTHER LAWS. (a) If a person is convicted of an offense under Section 106.041, Alcoholic Beverage Code, or Section 49.04, 49.045, 49.06, 49.07, or 49.08, Penal Code, and if any conduct on which that conviction is based is a ground for a driver's license suspension under this chapter and Section 106.041, Alcoholic Beverage Code, Subchapter O, Chapter 521, or Subchapter H, Chapter 522, each of the suspensions shall

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be imposed.

(b) The court imposing a driver's license suspension under Section 106.041, Alcoholic Beverage Code, or Chapter 521 or 522 as required by Subsection (a) shall credit a period of suspension imposed under this chapter toward the period of suspension required under Section 106.041, Alcoholic Beverage Code, or Subchapter O, Chapter 521, or Subchapter H, Chapter 522, unless the person was convicted of an offense under Article 67011-1, Revised Statutes, as that law existed before September 1, 1994, Section 19.05(a)(2), Penal Code, as that law existed before September 1, 1994, Section 49.04, ~~49.045, 49.06,~~ 49.07, or 49.08, Penal Code, or Section 106.041, Alcoholic Beverage Code, before the date of the conviction on which the suspension is based, in which event credit may not be given.

No equivalent provision.

SECTION 19.10. Subsections (a) and (d), Section 524.035, Transportation Code, are amended to read as follows:

(a) The issues that must be proved at a hearing by a preponderance of the evidence are:

(1) whether:

(A) the person had an alcohol concentration of a level specified by Section 49.01(2)(B), Penal Code, while operating a motor vehicle in a public place or while operating a watercraft; or

(B) the person was [~~is~~] a minor on the date that the breath or blood specimen was obtained and had any

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detectable amount of alcohol in the minor's system while operating a motor vehicle in a public place or while operating a watercraft; and

(2) whether reasonable suspicion to stop or probable cause to arrest the person existed.

(d) An administrative law judge may not find in the affirmative on the issue in Subsection (a)(1) if:

(1) the person is an adult and the analysis of the person's breath or blood determined that the person had an alcohol concentration of a level below that specified by Section 49.01, Penal Code, at the time the specimen was taken; or

(2) the person was [~~is~~] a minor on the date that the breath or blood specimen was obtained and the administrative law judge does not find that the minor had any detectable amount of alcohol in the minor's system when the minor was arrested.

No equivalent provision.

SECTION 19.11. Subsection (a), Section 524.042, Transportation Code, is amended to read as follows:

(a) A suspension of a driver's license under this chapter is stayed on the filing of an appeal petition only if:

(1) the person's driver's license has not been suspended as a result of an alcohol-related or drug-related enforcement contact during the five years preceding the date of the person's arrest; and

(2) the person has not been convicted during the 10 years preceding the date of the person's arrest of an offense under:

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- (A) Article 67011-1, Revised Statutes, as that law existed before September 1, 1994;
- (B) Section 19.05(a)(2), Penal Code, as that law existed before September 1, 1994;
- (C) Section 49.04, ~~49.045~~, or 49.06, Penal Code;
- (D) Section 49.07 or 49.08, Penal Code, if the offense involved the operation of a motor vehicle or a watercraft;
- or
- (E) Section 106.041, Alcoholic Beverage Code.

No equivalent provision.

SECTION 19.12. The changes in law made by this article to Chapter 524, Transportation Code, apply only to an offense committed on or after the effective date of this article. An offense committed before the effective date of this article is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this article if any element of the offense was committed before that date.

No equivalent provision.

SECTION 19.13. This article takes effect September 1, 2009.

No equivalent provision.

ARTICLE 20. ADMINISTRATIVE FINE AND LATE PAYMENT FEE FOR A VIOLATION OF A PARKING RULE APPLICABLE TO THE CAPITOL COMPLEX

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No equivalent provision.

SECTION 20.01. Subsections (a), (b), and (d), Section 411.067, Government Code, are amended to read as follows:

(a) The department may [~~shall have authority to~~] adopt rules for the assessment of an administrative fine of \$25 [~~\$10~~] for violations of the parking rules adopted under Section 411.063. Notwithstanding the provisions of Sections 411.065 and 411.066, the department may [~~in its discretion~~] issue an administrative citation for a parking violation.

(b) Rules adopted under this section shall:

(1) establish a system for enforcement of administrative citations, including [~~but not limited to~~] assessment of a late fee not to exceed \$5 [~~\$2~~] and towing, impoundment, or immobilization of vehicles; and

(2) provide [~~for~~] a procedure of administrative review within the highway patrol district that includes the Capitol Complex [~~capitol police district~~] and, on request of the person assessed an administrative fine, further judicial review by the department filing the appropriate citation or complaint in a court [~~of competent jurisdiction~~], as provided in Section 411.066.

(d) The department shall remit to the comptroller for deposit in the general revenue fund each [~~any~~] administrative fine and late fee collected [~~received~~] under this section. The money deposited [~~Such revenues~~] may be appropriated only to the department for [~~capitol police~~] security and parking in the highway

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patrol district that includes the Capitol Complex.

No equivalent provision.

SECTION 20.02. This article takes effect September 1, 2009.

ARTICLE 16. EFFECTIVE DATE

ARTICLE 21. Same as House version.

SECTION 16.01. Except as otherwise provided by this Act, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

SECTION 21.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2009.

No equivalent provision.

SECTION __. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 81st Legislature.

No equivalent provision.

ARTICLE __. USE OR DISPLAY UNDER CERTAIN CIRCUMSTANCES OF AN EXPIRED LICENSE TO CARRY A CONCEALED

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HANDGUN

No equivalent provision.

SECTION __. Section 46.15, Penal Code, is amended by adding Subsection (g) to read as follows:

(g) For purposes of Subsection (b)(6), a valid license includes an expired license if, before the expiration date of the license, the license holder submitted a timely and sufficient application for renewal of the license to the Department of Public Safety in accordance with Section 411.185, Government Code, and has not received notice that the application for renewal has been finally determined as provided by Government Code Section 2001.054.

No equivalent provision.

ARTICLE __. CRIMINAL HISTORY REPORTING

No equivalent provision.

SECTION __. Chapter 60, Code of Criminal Procedure, is amended by adding Article 60.10 to read as follows:

Art. 60.10. DATA REPORTING IMPROVEMENT PLAN. (a) In this article, "disposition completeness percentage" has the meaning assigned by Article 60.21(c).

(b) This article applies only to a county that has an average disposition completeness percentage, including both juvenile and adult dispositions, of less than 90 percent, as reflected in the first report the Department of Public Safety submits under Article 60.21(b)(2) on or

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after January 1, 2009.

(c) The commissioners court of a county described by Subsection (b) shall establish a local data advisory board as described by Article 60.09 not later than November 1, 2009. A local data advisory board established under this article may include any person described by Article 60.09(b) and must include:

(1) the sheriff of the county, or the sheriff's designee;

(2) an attorney who represents the state in the district courts of the county;

(3) an attorney who represents the state in the county courts of the county;

(4) the clerk for the district courts of the county, or the clerk's designee;

(5) the clerk for the county courts of the county, or the clerk's designee;

(6) the police chief of the municipality with the greatest population located in the county, or the chief's designee;

(7) a representative of the county's automated data processing services, if the county performs those services; and

(8) a representative of an entity with whom the county contracts for automated data processing services, if the county contracts for those services.

(d) In addition to the duties described by Article 60.09(a), a local data advisory board established under this article must prepare a data reporting improvement plan. The data reporting improvement plan must:

(1) describe the manner in which the county intends to improve the county's disposition completeness

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percentage;

(2) ensure that the county takes the steps necessary for the county's average disposition completeness percentage to be equal to or greater than 90 percent in the first report the Department of Public Safety submits under Article 60.21(b)(2) on or after January 1, 2013; and

(3) include a comprehensive strategy by which the county will permanently maintain the county's disposition completeness percentage at or above 90 percent.

(e) Not later than June 1, 2010, a local data advisory board established under this article shall submit to the Department of Public Safety the data reporting improvement plan prepared for the county. On receipt of a data reporting improvement plan under this article, the department shall post the plan on the Internet website maintained by the department.

(f) The public safety director of the Department of Public Safety may adopt rules concerning the contents and form of a data reporting improvement plan prepared under this article.

(g) This article expires September 1, 2013.

SECTION __. Article 60.21, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The Department of Public Safety shall:

(1) monitor the submission of arrest and disposition information by local jurisdictions;

No equivalent provision.

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(2) annually submit to the Legislative Budget Board, the governor, the lieutenant governor, the state auditor, and the standing committees in the senate and house of representatives that have primary jurisdiction over criminal justice and the Department of Public Safety ~~[council]~~ a report regarding the level of reporting by local jurisdictions;

(3) identify local jurisdictions that do not report arrest or disposition information or that partially report information; and

(4) for use in determining the status of outstanding dispositions, publish monthly on the Department of Public Safety's Internet website or on another electronic publication a report listing each arrest by local jurisdiction for which there is no corresponding final court disposition.

(c) The report described by Subsection (b)(2) must contain a disposition completeness percentage for each county in this state. For purposes of this subsection, "disposition completeness percentage" means the percentage of arrest charges a county reports to the Department of Public Safety to be entered in the computerized criminal history system under this chapter that were brought against a person in the county for which a disposition has been subsequently reported and entered into the computerized criminal history system.

No equivalent provision.

ARTICLE ____ CRIMINAL HISTORY
BACKGROUND CHECKS FOR CERTAIN

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EMPLOYEES OF INSTITUTIONS OF HIGHER
EDUCATION

No equivalent provision.

SECTION __. Subchapter B, Chapter 51, Education Code, is amended to read as follows:

SUBCHAPTER B. CRIMINAL HISTORY
BACKGROUND CHECKS FOR POTENTIAL AND
CURRENT EMPLOYEES [GENERAL PROPERTY
DEPOSITS: INVESTMENT AND USES]

Sec. 51.051. DEFINITIONS. In this subchapter:

(1) "National criminal history record information" means criminal history record information obtained from the Department of Public Safety under Subchapter F, Chapter 411, Government Code, and the Federal Bureau of Investigation under Section 411.087, Government Code.

(2) "Governing board" and "institution of higher education" have the meanings assigned by Section 61.003.

Sec. 51.052. APPLICABILITY. This subchapter does not apply to an applicant for employment at or employee of an institution of higher education who is or will be a student enrolled in the institution during the person's employment. This section does not prohibit an institution from conducting a criminal history background check of a student applicant for a security-sensitive position at the institution.

Sec. 51.053. ACCESS TO NATIONAL CRIMINAL
HISTORY RECORD INFORMATION BY

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INSTITUTION. (a) An institution of higher education shall subscribe to the criminal history clearinghouse as provided by Section 411.0845, Government Code.

(b) An institution may obtain from a law enforcement or criminal justice agency any criminal history record information, including information contained in a closed criminal investigation file, that relates to a specific applicant for employment with or an employee of the institution.

Sec. 51.054. PREEMPLOYMENT NATIONAL CRIMINAL HISTORY BACKGROUND CHECKS;

RESTRICTIONS ON EMPLOYMENT. (a) An institution of higher education shall condition an offer of employment on obtaining acceptable national criminal history record information under Section 51.053.

(b) An institution of higher education shall reject an application for employment if:

(1) the applicant fails to consent to a national criminal history background check or provide fingerprints necessary to obtain national criminal history record information; or

(2) the applicant's national criminal history record information indicates that the applicant has been convicted of:

(A) a felony of the second degree, a felony of the first degree, or a capital felony under the laws of this state or of an equivalent offense under the laws of another jurisdiction; or

(B) an offense for which registration as a sex offender is required under Chapter 62, Code of Criminal Procedure.

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(c) If an applicant's national criminal history record information indicates that the applicant has been convicted of an offense, other than an offense listed under Subsection (b)(2), or arrested for any offense, the institution of higher education shall conduct an analysis under Section 51.058 to determine whether to employ the applicant.

(d) After an analysis under Section 51.058, an institution of higher education may employ an applicant whose national criminal history record information indicates that the applicant has been convicted of a felony, other than an offense listed under Subsection (b)(2), only if employment of the applicant is:

(1) recommended by the person in charge of the department or division to which the applicant has applied; and

(2) approved by the chief executive officer of the institution or the officer's designee.

Sec. 51.055. POST-EMPLOYMENT NATIONAL CRIMINAL HISTORY BACKGROUND CHECKS; TERMINATION OF EMPLOYMENT FOR FAILURE TO PROVIDE INFORMATION. (a) An institution of higher education shall conduct a national criminal history background check of an employee on promotion or transfer of the employee within the institution if the institution has not previously conducted a national criminal history background check of the employee. An institution may conduct additional criminal history background checks as necessary to maintain the integrity of the institution's faculty and staff.

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(b) The institution of higher education shall require that every employee of the institution provide the identification information and fingerprints necessary to conduct a national criminal history background check. The institution may immediately terminate the employment of an employee who fails to provide the information or fingerprints.

Sec. 51.056. FALSIFICATION OF CRIMINAL HISTORY; DISCIPLINARY AND OTHER ACTION.

(a) An institution of higher education shall reject an application for employment if the applicant knowingly fails to provide or falsifies criminal history record information on an application.

(b) An institution of higher education may take disciplinary action, including termination of employment, against an employee if the employee knowingly failed to provide or falsified criminal history record information on the employee's application for employment, a promotion, or a transfer.

(c) An institution of higher education may make a decision to reject an application for employment under Subsection (a) or take disciplinary action against an employee under Subsection (b) without conducting an analysis under Section 51.058.

Sec. 51.057. INFORMATION REQUIRED TO BE REPORTED BY APPLICANTS AND EMPLOYEES; DISCIPLINARY ACTION. (a) An institution of higher education shall require:

(1) an applicant for employment to report an arrest made after the applicant has submitted the application to the

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institution and before the institution has notified the applicant of a decision about employment of the applicant; and

(2) an employee to report to a supervisor, within 24 hours of the arrest, charge, or conviction, or at the earliest practicable opportunity after that 24-hour period, the employee's criminal arrest, charge, or conviction, other than for a misdemeanor traffic offense punishable by a fine only.

(b) A supervisor who receives a report from an employee under Subsection (a)(2) shall report the information to the person in charge of the department or division to which the employee is assigned and to the institution's human resources department.

(c) An institution of higher education may take disciplinary action, including termination of employment, against an employee who fails to report as required by Subsection (a)(2).

(d) An institution of higher education's human resources department or, in the case of a faculty member, the provost or provost's designee shall conduct an analysis under Section 51.058 and assist the department or division to which the employee is assigned in determining, for an arrest, charge, or conviction reported under Subsection (a)(2), the appropriate disciplinary action to take against the employee, which may include termination of employment.

(e) An institution of higher education, on learning of an arrest, charge, or conviction reported under Subsection (a)(2), may immediately suspend with pay the employee

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pending the outcome of an administrative review under Subsection (d).

Sec. 51.058. ANALYSIS OF CRIMINAL HISTORY RECORD INFORMATION AND SUBSEQUENT ACTIONS. (a) Except as provided by Section 51.054(b)(2), before rejecting an application for employment or taking disciplinary action against an employee on the basis of a criminal conviction, an institution of higher education must:

(1) consider the following factors:

(A) the nature and gravity of the offense;

(B) the amount of time that has passed since:

(i) the conviction; and

(ii) the completion of a sentence imposed based on the conviction;

(C) the nature of the job sought or held;

(D) the number of convictions; and

(E) the institution's interest in protecting the safety and welfare of its employees, the general public, state property, and the integrity of the institution; and

(2) determine that:

(A) the conviction is job-related; and

(B) the rejection of the application or disciplinary action against the employee is necessary to properly administer the institution.

(b) Before rejecting an application for employment or taking disciplinary action against an employee on the basis of a criminal arrest, an institution of higher education must:

(1) consider the following factors:

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(A) the nature and gravity of the activity resulting in the arrest;

(B) the amount of time that has passed since the arrest;

(C) the nature of the job sought or held;

(D) the number of arrests;

(E) the institution's interest in protecting the safety and welfare of its employees, the general public, state property, and the integrity of the institution;

(F) an explanation of the arrest by the applicant or employee; and

(G) whether the reason for arrest violates an institutional rule, policy, or procedure, regardless of whether the arrest resulted in a conviction; and

(2) determine that:

(A) the alleged misconduct is job-related;

(B) the rejection of an application or disciplinary action is necessary to properly administer the institution; and

(C) the applicant or employee is likely to have engaged in the misconduct that caused the arrest.

Sec. 51.059. APPEALS; DETERMINATION. (a) An applicant for employment may appeal a decision of an institution of higher education under this subchapter to refuse to employ the applicant only on the basis that the institution discriminated against the applicant for an unlawful reason, including the applicant's race, color, national origin, religion, sex, disability, or age.

(b) An applicant alleging unlawful discrimination by the institution of higher education must, not later than the 10th business day after the date an application is rejected, present written data or documentation of the

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specific actions or basis of the allegation to the appropriate institution employee responsible for equal employment opportunity or the employee's designee.

(c) On receiving the data or documentation, the employee responsible for equal employment opportunity or the employee's designee shall investigate the complaint and issue a written report of findings to the chief executive officer of the institution or the officer's designee.

(d) If the chief executive officer or the officer's designee approves the report under Subsection (b), the officer or designee shall provide a copy of the report to the rejected applicant not later than the 14th day after the date the report is approved.

(e) The governing board of an institution of higher education may adopt a separate appeals process under this section or may use an existing process regarding employee discipline and termination of employment.

Sec. 51.060. USE AND DESTRUCTION OF NATIONAL CRIMINAL HISTORY RECORD INFORMATION. An institution of higher education shall:

(1) use national criminal history record information obtained under this subchapter exclusively to verify employability; and

(2) destroy all national criminal history record information obtained under this subchapter as soon as practicable, consistent with the following:

(A) for an applicant for employment, after the position for which the applicant applied has been filled and the

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applicant that was hired reports for the first day of work;
or

(B) for an employee, after the national criminal history record information has been analyzed and any resulting administrative action has been taken.

Sec. 51.061. POLICIES. Each governing board of an institution of higher education shall adopt policies as necessary for the institution to comply with this subchapter.

Sec. 51.062. NAME-BASED CRIMINAL HISTORY BACKGROUND CHECKS. (a) An institution of higher education may, in lieu of obtaining information under Section 51.053, contract with a private vendor to conduct name-based criminal history background checks on any current employee for which the institution has not previously conducted a national criminal history background check for the sole purpose of verifying continued employability.

(b) An institution of higher education shall destroy name-based criminal history background check information obtained under Subsection (a) as soon as practicable after the information has been analyzed and any resulting administrative action has been taken.

No equivalent provision.

SECTION __. Section 411.081(i), Government Code, is amended to read as follows:

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure to the following noncriminal justice

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agencies or entities only:

- (1) the State Board for Educator Certification;
- (2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;
- (3) the Texas Medical Board;
- (4) the Texas School for the Blind and Visually Impaired;
- (5) the Board of Law Examiners;
- (6) the State Bar of Texas;
- (7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;
- (8) the Texas School for the Deaf;
- (9) the Department of Family and Protective Services;
- (10) the Texas Youth Commission;
- (11) the Department of Assistive and Rehabilitative Services;
- (12) the Department of State Health Services, a local mental health service, a local mental retardation authority, or a community center providing services to persons with mental illness or retardation;
- (13) the Texas Private Security Board;
- (14) a municipal or volunteer fire department;
- (15) the Texas Board of Nursing;
- (16) a safe house providing shelter to children in harmful situations;
- (17) a public or nonprofit hospital or hospital district;
- (18) the Texas Juvenile Probation Commission;
- (19) the securities commissioner, the banking

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commissioner, the savings and mortgage lending commissioner, or the credit union commissioner;
(20) the Texas State Board of Public Accountancy;
(21) the Texas Department of Licensing and Regulation;
(22) the Health and Human Services Commission;
(23) the Department of Aging and Disability Services;
~~[and]~~
(24) the Texas Education Agency; and
(25) an institution of higher education, as defined by Section 411.094(a)(1)(A).

No equivalent provision.

SECTION __. Section 411.094, Government Code, is amended by adding Subsection (f) to read as follows:
(f) Notwithstanding Subsection (c), an institution of higher education, as defined by Subsection (a)(1)(A), is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is employed by or is an applicant for employment at the institution, to the extent the information is necessary for the institution to administer the institution's duties under Subchapter B, Chapter 51, Education Code.

No equivalent provision.

SECTION __. Section 51.215, Education Code, is repealed.

No equivalent provision.

SECTION __. As soon as practicable after the effective

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date of this Act, the governing board of a public institution of higher education shall adopt policies required by Section 51.061, Education Code, as added by this article.

No equivalent provision.

SECTION __. Subchapter A, Chapter 411, Government Code, is amended by adding a new Section 411.0161 to read as follows:

DONATION OF ACCRUED COMPENSATORY TIME OR ACCRUED ANNUAL LEAVE FOR LEGISLATIVE PURPOSES. Section 411.0161 (a) The director shall allow a department employee to voluntarily transfer to a legislative leave pool up to eight hours of compensatory time or annual leave per year earned by the employee.

(b) The director or designee shall administer the legislative leave pool.

(c) The Public Safety Commission shall adopt rules and prescribe procedures relating to the operation of the legislative leave pool.

(d) The director or designee shall credit the legislative leave pool with the amount of time contributed by an employee and deduct a corresponding amount of time from the employee's earned compensatory time or annual leave as if the employee had used the time for personal purposes.

(e) An employee is entitled to use time contributed to the legislative leave pool if the employee uses the time for legislative leave on behalf of a law enforcement

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association of at least 1,000 active or retired members governed by a board of directors.

(f) The director of the pool administrator shall transfer time from the pool to the employee and credit the time to the employee.

(g) An employee may only withdraw time from the legislative leave pool in coordination and with the consent of the president or designee of the law enforcement association described in subsection (e), and may not draw more than 80 hours of time from the pool in a 160-hours work cycle with the maximum time taken not to exceed 480 hours per fiscal year.

(h) In addition to subsection (g), the use of any time from the legislative leave pool must also be in accordance with rules adopted by the Public Safety Commission.

No equivalent provision.

ARTICLE __. ALTERNATIVE METHODS OF OBTAINING CRIMINAL HISTORY INFORMATION AND REGISTRATION OF PRIVATE VENDORS TO OBTAIN CRIMINAL HISTORY INFORMATION

No equivalent provision.

SECTION __. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.0852 to read as follows:

Sec. 411.0852. STUDY REGARDING PRIVATE VENDORS PROVIDING CRIMINAL HISTORY RECORD INFORMATION. (a) Not later than December 31, 2010, the department shall conduct a study

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and report to the governor, lieutenant governor, speaker of the house, and the House and Senate standing committees with jurisdiction over this issue regarding allowing an entity authorized or required under the laws of this state to obtain criminal history record information, including national criminal history record information, regarding whether a person may elect, as an alternative, to contract with a private vendor to obtain both the criminal history record information and identity verification through electronic-based data records.

No equivalent provision.

SECTION __. Subchapter C, Chapter 521, Transportation Code, is amended by adding Section 521.060 to read as follows:

Sec. 521.060. DRIVER RECORD MONITORING PILOT PROGRAM. (a) The department by rule may establish a driver record monitoring pilot program. The term of the pilot program may not exceed one year.

(b) Under the pilot program, the department may enter into a contract with a person to provide driver record monitoring services, as described by Subsection (c), and certain information from the department's driver's license records to the person, if the person:

(1) is an employer, an insurer, an insurance support organization, an employer support organization, or an entity that self-insures its motor vehicles; and

(2) is eligible to receive the information under Chapter 730.

(c) A contract entered into by the department must

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require:

(1) the department, during the term of the contract, to:

(A) monitor the driver record of each holder of a driver's license issued by the department that is requested by the person with whom the department has contracted;

(B) identify any change in the status of a driver's license or any conviction for a traffic offense reported to the department during the monitoring period; and

(C) periodically, as specified in the contract, provide reports of those individuals identified as having a change in status or convictions to the person with whom the department has contracted; and

(2) the person with whom the department has contracted:

(A) to purchase under Section 521.046 a copy of the driver record of each individual identified in a report provided under Subdivision (1)(C); and

(B) to warrant that:

(i) the person will not directly or indirectly disclose information received from the department under the contract to a third party without the express written consent of the department, except as required by law or legal process; and

(ii) if a disclosure is required by law or legal process, the person will immediately notify the department so that the department may seek to oppose, limit, or restrict the required disclosure; and

(C) if the person is an insurance support organization, to warrant that the person will not seek to obtain information about a holder of a driver's license under the

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contract unless the license holder is insured by a client of the organization, and that the person will provide the department with the name of each client to whom the insurance support organization provides information received from the department under the contract.

(d) The attorney general may file a suit against a person with whom the department has contracted under this section for:

(1) injunctive relief to prevent or restrain the person from violating a term of the contract or from directly or indirectly disclosing information received from the department under the contract in a manner that violates the terms of the contract; or

(2) a civil penalty in an amount not to exceed \$2,000 for each disclosure in violation of those terms.

(e) If the attorney general brings an action against a person under Subsection (d) and an injunction is granted against the person or the person is found liable for a civil penalty, the attorney general may recover reasonable expenses, court costs, investigative costs, and attorney's fees. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty under Subsection (d).

(f) A violation of the terms of a contract entered into with the department by the person with whom the department has contracted is a false, misleading, or deceptive act or practice under Subchapter E, Chapter 17, Business & Commerce Code.

(g) A civil action brought under this section shall be filed in a district court:

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- (1) in Travis County; or
- (2) in any county in which the violation occurred.
- (h) A person with whom the department has contracted under this section commits an offense if the person directly or indirectly discloses information received from the department under the contract in a manner that violates the terms of the contract. An offense under this subsection is a Class B misdemeanor. If conduct constituting an offense under this subsection also constitutes an offense under another law, the actor may be prosecuted under this subsection, the other law, or both.
- (i) The department shall impose a fee on each person with whom the department contracts under this section for the services provided by the department under the contract. The fee must be reasonable and be not less than the amount necessary to allow the department to recover all reasonable costs to the department associated with entering into the contract and providing services to the person under the contract, including direct, indirect, and administrative costs and costs related to the development and deployment of the pilot program.
- (j) The department may establish a reasonable deadline by which a person must apply to enter into a contract with the department under this section and may not enter into a contract with a person who fails to apply before that deadline.
- (k) To the fullest extent practicable, the services of the department under a contract entered into under this section shall be provided by, through, or in conjunction

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with the interactive system established under Section 521.055.

(l) At the conclusion of the term of the pilot program, and on the recommendation of the department, the commission may authorize the department to implement the pilot program as a permanent program.

(m) Before the department recommends that the pilot program be implemented as a permanent program, the department shall submit to the lieutenant governor, the speaker of the house of representatives, and each member of the legislature a report that contains an analysis of the scope, effectiveness, and cost benefits of the pilot program. The report must include:

(1) a list of each insurance support organization with which the department has contracted under this section; and

(2) a list of each client to whom the insurance support organization has provided information received from the department under this section.

No equivalent provision.

ARTICLE __. SCHOOL BUS MONITORING SYSTEM

No equivalent provision.

SECTION __. Section 545.066, Transportation Code, is amended by adding Subsection (g) to read as follows:

(g) An image recorded by the monitoring system authorized by Section 547.701(b)(3) may be used in the administrative adjudication of a violation under this

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section if the image:

(1) is otherwise admissible;

(2) clearly shows the vehicle, including the license plate attached to the vehicle, at the time the offense is alleged to have occurred; and

(3) is accompanied by an affidavit executed by a peace officer stating that the image is authentic and that establishes probable cause that a violation occurred.

No equivalent provision.

SECTION __. Chapter 545, Transportation Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. SCHOOL BUS MONITORING SYSTEM

Sec. 545.451. APPLICABILITY OF SUBCHAPTER.

This subchapter applies only to a county that has a population of more than 325,000 and that is located adjacent to:

(1) an international border; and

(2) a county that has a population of more than 550,000.

Sec. 545.452. DEFINITIONS. In this subchapter:

(1) "Owner of a motor vehicle" means the owner of a motor vehicle as shown on the motor vehicle registration records of the Texas Department of Transportation or the analogous department or agency of another state or country.

(2) "Recorded image" means a live or recorded photographic, electronic, video, or digital image that depicts a motor vehicle.

(3) "School bus monitoring system" means a system

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authorized by Section 547.701(b)(3).
Sec. 545.453. AUTHORITY TO PROVIDE FOR PENALTY. (a) The board of trustees of a school district by resolution may impose a financial penalty on the registered owner of a vehicle that is operated in a manner that violates Section 545.066 within the school district.
(b) The resolution adopted under this section must:
(1) provide for a penalty of not less than \$1 or more than \$250;
(2) authorize an attorney employed by the school district or an attorney with whom the school district contracts to bring suit to collect the penalty;
(3) provide for notice of the violation to the registered owner of the motor vehicle that committed the violation;
(4) provide that a person against whom the school district seeks to impose a penalty is entitled to an administrative adjudication hearing;
(5) designate the department, agency, or office of the school district responsible for the enforcement and administration of the resolution or provide that the entity with which the school district enters into an interlocal agreement of understanding under Section 545.454(3) is responsible for the enforcement and administration of the resolution;
(6) provide regulations for the use of live or recorded images recorded by the school bus monitoring system;
and
(7) provide for other procedures that the board determines are necessary for the imposition of any

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penalty authorized by this section.

(c) Except as otherwise provided:

(1) by this subchapter, an image recorded by the monitoring system authorized by Section 547.701(b)(3) that is not used in the prosecution of an offense under this section shall be destroyed by the owner of the school bus; or

(2) by Section 545.066(g), an image recorded by the monitoring system authorized by Section 547.701(b)(3) may not be sold or distributed to another person.

(d) Penalties collected under this section may be used by a school district only to cover the cost of:

(1) installing, operating, and maintaining the school bus monitoring system;

(2) collecting a penalty imposed under this section;

(3) developing and implementing a program that promotes student safety; and

(4) complying with Section 547.701(e) relating to three point seatbelts for school buses.

Sec. 545.454. INSTALLATION AND OPERATION OF SCHOOL BUS MONITORING SYSTEM. A school district that implements a school bus monitoring system and adopts a resolution imposing a penalty under this subchapter may:

(1) contract for the administration and enforcement of the system;

(2) install and operate the system or contract for the installation or operation of the system;

(3) enter into an interlocal agreement with a municipality or county in which the school district is

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located regarding administrative adjudication hearings required by a resolution adopted under this subchapter;

or

(4) enter into an interlocal agreement with another school district regarding the administration, enforcement, installation, or operation of the system.

Sec. 545.455. GENERAL SURVEILLANCE PROHIBITED; OFFENSE. (a) A school district shall operate a monitoring system authorized by Section 547.701(b)(3) only for the purpose of detecting a violation or suspected violation of Section 545.066 within the school district.

(b) A person commits an offense if the person uses a school bus monitoring system to produce a recorded image other than in the manner and for the purpose specified by a resolution adopted under Section 545.453.

(c) An offense under this section is a Class A misdemeanor.

Sec. 545.456. EFFECT ON OTHER ENFORCEMENT.

(a) The implementation of a school bus monitoring system by a school district under this subchapter does not:

(1) preclude the application or enforcement within the school district of Section 545.066 in the manner prescribed by Chapter 543; or

(2) prohibit a peace officer from arresting a violator of Section 545.066 as provided by Chapter 543 or from issuing the violator a citation and notice to appear as provided by that chapter.

(b) A school district may not impose a penalty under this

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subchapter on the owner of a motor vehicle if the operator of the vehicle was arrested or issued a citation and notice to appear by a peace officer for the same violation of Section 545.066 recorded by the school bus monitoring system.

Sec. 545.457. NOTICE OF VIOLATION; CONTENTS.

(a) The imposition of a penalty under this subchapter is initiated by the mailing of a notice of violation to the owner of the motor vehicle against whom the school district seeks to impose the penalty.

(b) Not later than the 30th day after the date the violation is alleged to have occurred, the designated department, agency, or office of the school district or the entity with which the school district enters into an interlocal agreement under Section 545.454(3) shall mail the notice of violation to the owner at:

(1) the owner's address as shown on the registration records of the Texas Department of Transportation; or

(2) if the vehicle is registered in another state or country, the owner's address as shown on the motor vehicle registration records of the department or agency of the other state or country analogous to the Texas Department of Transportation.

(c) The notice of violation must contain:

(1) a description of the violation alleged;

(2) the location where the violation occurred;

(3) the date and time of the violation;

(4) the name and address of the owner of the vehicle involved in the violation;

(5) the registration number displayed on the license plate

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of the vehicle involved in the violation;

(6) a copy of a recorded image of the violation that includes a depiction of the registration number displayed on the license plate of the vehicle involved in the violation;

(7) the amount of the penalty for which the owner is liable;

(8) the number of days the person has in which to pay or contest the imposition of the penalty;

(9) a statement that the owner of the vehicle in the notice of violation may elect to pay the penalty instead of appearing at the time and place of the administrative adjudication hearing; and

(10) information that informs the owner of the vehicle named in the notice of violation:

(A) of the owner's right to contest the imposition of the penalty against the person in an administrative adjudication hearing;

(B) that imposition of the penalty may be contested by submitting a written request for an administrative adjudication hearing before the expiration of the period specified under Subdivision (8); and

(C) that failure to pay the penalty or to contest liability for the penalty in a timely manner is an admission of liability.

(d) A notice of violation is presumed to have been received on the fifth day after the date the notice is mailed.

Sec. 545.458. PRESUMPTION. (a) It is presumed that the owner of the motor vehicle committed the violation

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alleged in the notice of violation mailed to the person if the motor vehicle depicted in a recorded image taken by a school bus monitoring system belongs to the owner of the motor vehicle.

(b) If, at the time of the violation alleged in the notice of violation, the motor vehicle depicted in a recorded image taken by a school bus monitoring system was owned by a person in the business of selling, renting, or leasing motor vehicles or by a person who was not the person named in the notice of violation, the presumption under Subsection (a) is rebutted on the presentation of evidence establishing that the vehicle was at that time:

(1) being test driven by another person;

(2) being rented or leased by the vehicle's owner to another person; or

(3) owned by a person who was not the person named in the notice of violation.

(c) Notwithstanding Section 545.459, the presentation of evidence under Subsection (b) by a person who is in the business of selling, renting, or leasing motor vehicles or did not own the vehicle at the time of the violation must be made by affidavit, through testimony at the administrative adjudication hearing under Section 545.459, or by a written declaration under penalty of perjury. The affidavit or written declaration may be submitted by mail to the school district or the entity with which the school district contracts under Section 545.454(1).

(d) If the presumption established by Subsection (a) is rebutted under Subsection (b), a penalty may not be

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imposed on the owner of the vehicle or the person named in the notice of violation, as applicable.

(e) If, at the time of the violation alleged in the notice of violation, the motor vehicle depicted in the recorded image taken by the school bus monitoring system was owned by a person in the business of renting or leasing motor vehicles and the vehicle was being rented or leased to an individual, the owner of the motor vehicle shall provide to the school district or the entity with which the school district contracts under Section 545.454(1) the name and address of the individual who was renting or leasing the motor vehicle depicted in the recorded image and a statement of the date and times during which that individual was renting or leasing the vehicle. The owner shall provide the information required by this subsection not later than the 30th day after the date the notice of violation is received. If the owner provides the required information, it is presumed that the individual renting or leasing the motor vehicle committed the violation alleged in the notice of violation and the school district or contractor may send a notice of violation to that individual at the address provided by the owner of the motor vehicle or from motor vehicle registration records.

Sec. 545.459. ADMINISTRATIVE ADJUDICATION HEARING. (a) A person who receives a notice of violation under this subchapter may contest the imposition of the penalty specified in the notice of violation by filing a written request for an administrative adjudication hearing. The request for a hearing must be

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filed on or before the date specified in the notice of violation, which may not be earlier than the 30th day after the date the notice of violation was mailed.

(b) On receipt of a timely request for an administrative adjudication hearing, the school district shall notify the person of the date and time of the hearing.

(c) An administrative adjudication hearing under this subchapter may be conducted by any justice of the peace court in a county where the alleged violation of Section 545.066 within the school district occurred. For purpose of establishing jurisdiction for justice of the peace courts to conduct administrative adjudication hearings under this subchapter only a violation of this subchapter in a case under Article 4.11(a), Code of Criminal Procedure.

(d) In an administrative adjudication hearing, the issues must be proven by a preponderance of the evidence.

(e) The reliability of the school bus monitoring system used to produce the recorded image of the motor vehicle involved in the violation may be attested to by affidavit of an officer or employee of the school district or of the entity with which the school district contracts under Section 545.454(1) who is responsible for inspecting and maintaining the system.

(f) An affidavit of an officer that alleges a violation based on an inspection of the applicable recorded image is:

(1) admissible in the administrative adjudication hearing; and

(2) evidence of the facts contained in the affidavit.

(g) At the conclusion of the administrative adjudication

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hearing, the hearing officer shall enter a finding of liability for the penalty or a finding of no liability for the penalty. A finding under this subsection must be in writing and be signed and dated by the hearing officer.

(h) A finding of liability for a penalty must specify the amount of the penalty for which the person is liable. If the hearing officer enters a finding of no liability, a penalty for the violation may not be imposed against the person.

(i) A finding of liability or a finding of no liability entered under this section may:

(1) be filed with a person designated by the board of trustees of the school district; and

(2) be recorded on microfilm or microfiche or using data processing techniques.

Sec. 545.460. IMPOSITION OF PENALTY NOT A CONVICTION. The imposition of a penalty under this subchapter is not a conviction and may not be considered a conviction for any purpose.

Sec. 545.461. FAILURE TO PAY PENALTY. (a) If the owner of the motor vehicle fails to timely pay the amount of the penalty imposed against the owner:

(1) an arrest warrant may not be issued for the owner; and

(2) the imposition of the penalty may not be recorded on the owner's driving record.

(b) Notice of Subsection (a) must be included in the notice of violation required by Section 545.456.

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No equivalent provision.

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SECTION __. Subsection (b), Section 547.701, Transportation Code, is amended to read as follows:

(b) A school bus may be equipped with:

(1) rooftop warning lamps:

(A) that conform to and are placed on the bus in accordance with specifications adopted under Section 34.002, Education Code; and

(B) that are operated under rules adopted by the school district; ~~and~~

(2) movable stop arms:

(A) that conform to regulations adopted under Section 34.002, Education Code; and

(B) that may be operated only when the bus is stopped to load or unload students; and

(3) a monitoring system that:

(A) is capable of taking live or recorded photographic, electronic, video, or digital images of vehicles that pass the bus when the bus is operating a visual signal as required by this section;

(B) conforms to regulations adopted under Section 34.002, Education Code; and

(C) is capable of producing a live or recorded visual image of a person inside the bus that may be viewed from another location or of taking photographic, electronic, video, or digital images of a person inside the bus.

(c) When a school bus is being stopped or is stopped on a highway to permit students to board or exit the bus, the operator of the bus shall activate all flashing warning signal lights and other equipment on the bus designed to

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warn other drivers that the bus is stopping to load or unload children. A person may not operate such a light or other equipment except when the bus is being stopped or is stopped on a highway to permit students to board or exit the bus.

(d) The exterior of a school bus may not bear advertising or another paid announcement directed at the public if the advertising or announcement distracts from the effectiveness of required safety warning equipment. The department shall adopt rules to implement this subsection. A school bus that violates this section or rules adopted under this section shall be placed out of service until it complies.

(e) In this subsection, "bus" includes a school bus and a school activity bus. A bus operated by or contracted for use by a school district for the transportation of schoolchildren shall be equipped with a three-point seat belt for each passenger, including the operator. This subsection applies to:

(1) each bus purchased by a school district on or after September 1, 2010, for the transportation of schoolchildren; and

(2) each school-chartered bus contracted for use by a school district on or after September 1, 2011, for the transportation of schoolchildren.

(f) A school district is required to comply with Subsection (e) only to the extent that the Texas Education Agency pays or commits to pay the district for expenses incurred in complying with that subsection. The Texas Education Agency may make grants of

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appropriated money for the purpose of paying school districts under this subsection.

No equivalent provision.

SECTION __. Section 5, Chapter 259 (H.B. 323), Acts of the 80th Legislature, Regular Session, 2007, is repealed.

No equivalent provision.

SECTION __. Section 547.701(e), Transportation Code, as added by Chapter 259 (H.B. 323), Acts of the 80th Legislature, Regular Session, 2007, takes effect September 1, 2009.

No equivalent provision.

SECTION __. Except as provided by subsection (e) and (f) of Section 547.701, Transportation Code, this ARTICLE expires September 1, 2013

No equivalent provision.

SECTION __. Section 548.005, Transportation Code, is amended to read as follows:
Sec. 548.005. INSPECTION ONLY BY STATE-CERTIFIED AND SUPERVISED INSPECTION STATION. A compulsory inspection under this chapter may be made only by an inspection station, except that the department may:
(1) permit inspection to be made by an inspector under terms and conditions the department prescribes; ~~and~~
(2) authorize the acceptance in this state of a certificate

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of inspection and approval issued in another state having a similar inspection law; and
(3) authorize the acceptance in this state of a certificate of inspection and approval issued in compliance with 49 C.F.R. Part 396 to a motor bus, as defined by Section 502.001, that is registered in this state but is not domiciled in this state.

No equivalent provision.

ARTICLE __. TRANSFER OF REGULATORY PROGRAMS RELATING TO DISPENSING CONTROLLED SUBSTANCES BY PRESCRIPTION

No equivalent provision.

SECTION __. (a) The director of the Department of Public Safety or the director's designee, the executive director of the Texas State Board of Pharmacy or the executive director's designee, and the executive director of the Texas Medical Board or the executive director's designee shall meet as an interagency council to develop a transition plan for the orderly transfer from the Department of Public Safety to the Texas State Board of Pharmacy of certain records and regulatory functions relating to dispensing controlled substances by prescription under Chapter 481, Health and Safety Code.
(b) In developing the transition plan, the council shall:
(1) consult with the Health and Human Services Commission, the Department of State Health Services, and other health and human services agencies that contract with a third party for data collection;

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- (2) specify the records and regulatory functions to be transferred;
 - (3) create a time frame within which the specified records and functions will be transferred;
 - (4) ensure the Department of Public Safety's continued access for law enforcement purposes to prescription drug information obtained under Chapter 481, Health and Safety Code;
 - (5) develop a plan for the transfer of relevant database information;
 - (6) make recommendations for improvements to data transmission, including examining the feasibility of implementing an electronic data transmission system for use by registrants and the Department of Public Safety or the Texas State Board of Pharmacy;
 - (7) estimate the fiscal impact of the transfer, including an estimate of the costs associated with any necessary staff increase;
 - (8) minimize disruptions to the professions affected by the transfer;
 - (9) identify any obstacles to the transfer and make recommendations to address those obstacles; and
 - (10) address any other consideration the council determines is appropriate.
- (c) Not later than January 1, 2011, the council shall submit its recommendations to the legislature on the transition plan developed by the council.
- (d) The Department of Public Safety may not enter into any contract or otherwise take any action that would prevent, delay, or hinder a potential transfer to the Texas

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State Board of Pharmacy occurring on or after September 1, 2011, of certain records and regulatory functions relating to dispensing controlled substances by prescription.

(e) This section expires September 1, 2011.