

By: Menendez

H.B. No. 461

Substitute the following for H.B. No. 461:

By: Pickett

C.S.H.B. No. 461

A BILL TO BE ENTITLED

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

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

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

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

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

19 (A) the peace officer is employed by the private
20 employer in an employee-employer relationship or [~~employed~~] on an
21 individual contractual basis:

22 (i) directly by the recipient of the
23 services; or

24 (ii) by a company licensed under this

1 chapter;

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

4 (C) the peace officer is not a reserve peace
5 officer; and

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

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

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

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

22 SECTION 2. This Act takes effect September 1, 2013.