

By: Menendez

H.B. No. 461

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

(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 or, in the case  
8 of an appointed or elected peace officer, serves the law  
9 enforcement agency [~~as a peace officer~~] on the average of at least  
10 32 hours a week, is compensated by the state or a political  
11 subdivision of the state at least at the minimum wage, and is  
12 entitled to all employee benefits offered to a peace officer by the  
13 state or political subdivision;

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

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

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

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