

By: Zaffirini

S.B. No. 892

A BILL TO BE ENTITLED

AN ACT

relating to the employment of certain peace officers as private security officers.

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

SECTION 1. Section 51.212(d), Education Code, is amended to read as follows:

(d) The governing boards of private institutions of higher education are authorized to hire and pay on a regular basis peace officers commissioned by a municipality, county, or political subdivision of this state [~~an incorporated city~~]. The officers shall be under the supervision of the hiring institution, but shall be subject to dismissal and disciplinary action by the municipality, county, or political subdivision [~~city~~]. A municipality, county, or political subdivision of this state [~~An incorporated city~~] is authorized to contract with a private institution of higher education for the use and employment of its commissioned officers in any manner agreed to, provided that there is no expense incurred by the municipality, county, or political subdivision [~~city~~].

SECTION 2. Section 85.004(b), Local Government Code, is amended to read as follows:

(b) A reserve deputy serves at the discretion of the sheriff and may be called into service if the sheriff considers it necessary to have additional officers to preserve the peace and enforce the

1 law. The sheriff may authorize a reserve deputy who is a peace
2 officer as described by Article 2.12, Code of Criminal Procedure,
3 to carry a weapon or act as a peace officer at all times, regardless
4 of whether the reserve deputy is engaged in the actual discharge of
5 official duties, or may limit the authority of the reserve deputy to
6 carry a weapon or act as a peace officer to only those times during
7 which the reserve deputy is engaged in the actual discharge of
8 official duties. A reserve deputy who is not a peace officer as
9 described by Article 2.12, Code of Criminal Procedure, may act as a
10 peace officer only during the actual discharge of official duties.
11 A reserve deputy, regardless of whether the reserve deputy is a
12 peace officer as described by Article 2.12, Code of Criminal
13 Procedure, is not[+]

14 [~~(1)~~] eligible for participation in any program
15 provided by the county that is normally considered a financial
16 benefit of full-time employment or for any pension fund created by
17 statute for the benefit of full-time paid peace officers[~~or~~

18 [~~(2) exempt from Chapter 1702, Occupations Code~~].

19 SECTION 3. Section 86.012(b), Local Government Code, is
20 amended to read as follows:

21 (b) A reserve deputy constable serves at the discretion of
22 the constable and may be called into service at any time that the
23 constable considers it necessary to have additional officers to
24 preserve the peace and enforce the law. The constable may authorize
25 a reserve deputy constable who is a peace officer as described by
26 Article 2.12, Code of Criminal Procedure, to carry a weapon or act
27 as a peace officer at all times, regardless of whether the reserve

1 deputy constable is engaged in the actual discharge of official
2 duties, or may limit the authority of the reserve deputy constable
3 to carry a weapon or act as a peace officer to only those times
4 during which the reserve deputy constable is engaged in the actual
5 discharge of official duties. A reserve deputy constable who is not
6 a peace officer as described by Article 2.12, Code of Criminal
7 Procedure, may act as a peace officer only during the actual
8 discharge of official duties. A reserve deputy constable,
9 regardless of whether the reserve deputy constable is a peace
10 officer as described by Article 2.12, Code of Criminal Procedure,
11 is not[+]

12 [~~(1)~~] eligible for participation in any program
13 provided by the county that is normally considered a financial
14 benefit of full-time employment or for any pension fund created by
15 statute for the benefit of full-time paid peace officers[~~, or~~
16 [~~(2) exempt from Chapter 1702, Occupations Code~~].

17 SECTION 4. Section 341.012(h), Local Government Code, is
18 amended to read as follows:

19 (h) Reserve police officers may act only in a supplementary
20 capacity to the regular police force and may not assume the
21 full-time duties of regular police officers without complying with
22 the requirements for regular police officers. On approval of the
23 appointment of a member who is a peace officer as described by
24 Article 2.12, Code of Criminal Procedure, the chief of police may
25 authorize the person appointed to carry a weapon or act as a peace
26 officer at all times, regardless of whether the person is engaged in
27 the actual discharge of official duties, or may limit the authority

1 of the person to carry a weapon or act as a peace officer to only
2 those times during which the person is engaged in the actual
3 discharge of official duties. A reserve police officer, regardless
4 of whether the reserve police officer is a peace officer as
5 described by Article 2.12, Code of Criminal Procedure, is not[+
6 [~~(1)~~] eligible for participation in any program
7 provided by the governing body that is normally considered a
8 financial benefit of full-time employment or for any pension fund
9 created by statute for the benefit of full-time paid peace
10 officers[~~, or~~
11 [~~(2)~~ exempt from Chapter 1702, Occupations Code].

12 SECTION 5. Section 1702.322, Occupations Code, is amended
13 to read as follows:

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

16 (1) a person who is employed [~~has full-time~~
17 ~~employment~~] as a peace officer for compensation, or who is a peace
18 officer and has been appointed to serve as a reserve deputy sheriff,
19 reserve deputy constable, or reserve police officer of a political
20 subdivision of this state, and who receives compensation for
21 private employment on an individual or an independent contractor
22 basis as a patrolman, guard, extra job coordinator, or watchman if
23 the officer:

24 (A) is employed in an employee-employer
25 relationship or employed on an individual contractual basis:

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

1 (ii) by a company licensed under this
2 chapter; and

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

5 [~~(C) is not a reserve peace officer, and~~

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

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

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

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

21 SECTION 6. Section [1702.330](#), Occupations Code, is amended
22 to read as follows:

23 Sec. 1702.330. SECURITY PERSONNEL OF PRIVATE INSTITUTION OF
24 HIGHER EDUCATION. This chapter does not apply to:

25 (1) a person who is employed full-time by and is
26 commissioned as a campus security personnel employee by a private
27 institution of higher education under Section [51.212](#), Education

1 Code; or

2 (2) a peace officer commissioned by a [~~an~~
3 ~~incorporated~~] municipality, county, or political subdivision of
4 this state who is hired under Section 51.212, Education Code, on a
5 regular basis by a private institution of higher education while
6 that peace officer is operating within the scope of the peace
7 officer's employment with the institution of higher education.

8 SECTION 7. Section 60.0775(i), Water Code, is amended to
9 read as follows:

10 (i) A reserve police officer, regardless of whether the
11 reserve police officer is a peace officer as described by Article
12 2.12, Code of Criminal Procedure, is not[+]

13 [~~(1)~~] eligible for participation in:

14 (1) [~~(A)~~] a program provided by the commission that is
15 normally considered a financial benefit of full-time employment; or

16 (2) [~~(B)~~] a pension fund created by statute for the
17 benefit of full-time paid peace officers[~~, or~~

18 [~~(2) exempt from Chapter 1702, Occupations Code~~].

19 SECTION 8. This Act takes effect September 1, 2023.