

BILL ANALYSIS

Senate Research Center

H.B. 2303
By: Driver (Armbrister)
Business & Commerce
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The 78th Legislature, Regular Session, 2003, chose to dismantle the Commission on Private Security and move the functions of this agency to the Department of Public Safety. The Private Security Board remained intact and retains an advisory role in rulemaking. H.B. 2303 facilitates the interaction of functions between the Department of Public Safety and the Private Security Board.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Private Security Board in SECTION 2 (Section 1702.0611, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas Commission on Private Security is modified in SECTION 3 (Section 1702.062, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 1702, Occupations Code, by adding Section 1702.047, as follows:

Sec. 1702.047. ADMINISTRATIVE STAFF. Requires the Department of Public Safety (DPS) to designate a DPS employee who is required to report directly to the Texas Private Security Board (board). Requires the employee designated under this section to assist the board in the administration of the board's duties.

SECTION 2. Amends Subchapter D, Chapter 1702, Occupations Code, by adding Section 1702.0611, as follows:

Sec. 1702.0611. RULEMAKING PROCEDURES. (a) Requires the board to adopt rules under this chapter subject to the approval of the Public Safety Commission as provided by this section.

(b) Sets forth requirements the board is to meet before adopting a rule under this chapter.

(c) Authorizes the Public Safety Commission, on the completion of the required publication and comment periods under Chapter 2001 (Administrative Procedure), Government Code, to return the proposed rule to the board if the commission identifies a problem with the rule that is required to be resolved before the rule is approved.

(d) Requires the board, on approval of the proposed rule by the Public Safety Commission, to comply with the requirements of Chapter 2001, Government Code, for final adoption of the rule.

SECTION 3. Amends Section 1702.062(a), Occupations Code, to prohibit the fees from producing unnecessary fund balances and from exceeding certain modified amounts.

SECTION 4. Amends Section 1702.163(a), Occupations Code, to prohibit the board, rather than the Texas Commission on Private Security, from issuing a security officer commission to an

applicant employed by a license holder unless the applicant submits evidence satisfactory to the board that the applicant has met certain requirements. Makes conforming changes.

SECTION 5. Amends Section 1702.282, Occupations Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Makes conforming changes.

(d) Provides that an applicant who is a peace officer is not required to submit fingerprints with the applicant's application. Requires the law enforcement agency or other entity that employs the peace officer or the entity that maintains the peace officer's fingerprints, on request, to provide the fingerprints for the peace officer to the board. Requires the applicant to provide sufficient information to the board to enable the board to obtain the fingerprints under this subsection.

SECTION 6. Amends Section 46.05, Penal Code, by amending Subsection (f) and adding Subsection (g), as follows:

(f) Makes conforming changes.

(g) Defines "security officer."

SECTION 7. Effective date: September 1, 2005.