

BILL ANALYSIS

Senate Research Center
80R14041 YDB-F

H.B. 1423
By: Driver (Hegar)
Criminal Justice
5/13/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Section 1701.322, Occupations Code, states that a person who has full-time employment as a peace officer and works as a peace officer on an average of at least 32 hours per week, is exempt from the Private Security Act. Attorney General Opinion No. GA-0465 states that a person who works full-time as a jailer and is only nominally a deputy sheriff, would not meet the minimum average of 32 hours per week of work as a peace officer, subjecting this person to the Private Security Act.

H.B. 1423 exempts from the Private Security Act any person working for a law enforcement agency who has completed peace officer training and is licensed by the Texas Commission on Law Enforcement Officer Standards and Education.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1702.322, Occupations Code, to provide that this chapter (Private Security) does not apply to 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, rather than a person who has full-time employment, as a peace officer, as defined by Section 1701.001, in accordance with the licensing requirements adopted under 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 is employed by the private employer in an employee-employer relationship or on an individual contractual basis; the private employment does not require the officer to be in the employ of another peace officer; the officer is not a reserve peace officer; and the officer works for the law enforcement agency 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. Makes conforming changes.

SECTION 2. Effective date: September 1, 2007.