

BILL ANALYSIS

Senate Research Center
82R4413 SLB-D

S.B. 1600
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of S.B. 1600 is to eliminate the Department of Public Safety Private Security Board (PSB) licensing requirement for a full-time paid police officer (FTPO).

Originally, the law was written to exempt FTPOs from PSB licensing requirements; however, over the years, the wording has been changed and PSB now interprets the law to require an FTPO to be registered under the same requirements as a security guard. FTPOs have a minimum of 618 hours to become a police officer, complete 40 hours of mandatory training every two years, and are required to qualify with a firearm at least once every year.

Commissioned guards must have a total of 40 hours of training and qualify with a weapon once every two years. In addition, FTPOs are already "registered" with the state through the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). Any further registration requirements are redundant and a duplication of work.

This bill changes the wording in the law so that there is no question that because police officers are already registered with the state, an FTPO being paid from a security company should not need to be registered with PSB, unless the FTPO is operating as a company.

As proposed, S.B. 1600 amends current law relating to the registration of peace officers as private security officers.

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 does not apply to certain persons, including a person who has full-time employment as a peace officer 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 in an employee-employer relationship or employed on an individual contractual basis directly by the recipient of the services, or by a company licensed under this chapter; is not in the employ of another peace officer; is not a reserve peace officer; and works as a peace officer 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.

SECTION 2. Effective date: upon passage or September 1, 2011.