

1 AN ACT
2 relating to the regulation of and rights of private security
3 personnel.

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

5 ARTICLE 1. OCCUPATIONS CODE CHANGES

6 SECTION 1.01. Section 1702.163(a), Occupations Code, is
7 amended to read as follows:

8 (a) The board [~~commission~~] may not issue a security officer
9 commission to an applicant employed by a license holder unless the
10 applicant submits evidence satisfactory to the board [~~commission~~]
11 that the applicant has:

12 (1) completed the basic training course at a school or
13 under an instructor approved by the board [~~commission~~];

14 (2) met each qualification established by this chapter
15 and board [~~commission~~] rule;

16 (3) achieved the score required by the board
17 [~~commission~~] on the examination under Section 1702.1685; and

18 (4) demonstrated to the satisfaction of the firearm
19 training instructor that the applicant has complied with other
20 board [~~commission~~] standards for minimum marksmanship competency
21 with a handgun [~~shotgun~~].

22 SECTION 1.02. Section 1702.282, Occupations Code, is
23 amended by amending Subsection (a) and adding Subsection (d) to
24 read as follows:

1 (a) The board [~~commission~~] shall conduct a criminal history
2 check, including a check of any criminal history record information
3 maintained by the Federal Bureau of Investigation, in the manner
4 provided by Subchapter F, Chapter 411, Government Code, on each
5 applicant for a license, registration, security officer
6 commission, letter of approval, permit, or certification. An
7 applicant is not eligible for a license, registration, commission,
8 letter of approval, permit, or certification if the check reveals
9 that the applicant has committed an act that constitutes grounds
10 for the denial of the license, registration, commission, letter of
11 approval, permit, or certification. Except as provided by
12 Subsection (d), each [~~Each~~] applicant shall include in the
13 application two complete sets of fingerprints on forms prescribed
14 by the board [~~commission~~] accompanied by the fee set by the board
15 [~~commission~~].

16 (d) An applicant who is a peace officer is not required to
17 submit fingerprints with the applicant's application. On request,
18 the law enforcement agency or other entity that employs the peace
19 officer or the entity that maintains the peace officer's
20 fingerprints shall provide the fingerprints for the peace officer
21 to the board. The applicant shall provide sufficient information
22 to the board to enable the board to obtain the fingerprints under
23 this subsection.

24 ARTICLE 2. PENAL CODE CHANGES

25 SECTION 2.01. Section 46.05, Penal Code, is amended by
26 amending Subsection (f) and adding Subsection (g) to read as
27 follows:

1 (f) It is a defense to prosecution under this section for
2 the possession of a chemical dispensing device that the actor is
3 ~~[holds]~~ a security officer ~~[commission issued by the Texas~~
4 ~~Commission on Private Security]~~ and has received training on the
5 use of the chemical dispensing device by a training program that is:

6 (1) provided by the Commission on Law Enforcement
7 Officer Standards and Education; or

8 (2) approved for the purposes described by this
9 subsection by the Texas ~~[Commission on]~~ Private Security Board of
10 the Department of Public Safety.

11 (g) In Subsection (f), "security officer" means a
12 commissioned security officer as defined by Section 1702.002,
13 Occupations Code, or a noncommissioned security officer registered
14 under Section 1702.221, Occupations Code.

15 ARTICLE 3. EFFECTIVE DATE

16 SECTION 3.01. This Act takes effect September 1, 2005.

David Swinhart

President of the Senate

Jim Caddell

Speaker of the House

I certify that H.B. No. 1132 was passed by the House on May 11, 2005, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1132 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Latsy Law
Secretary of the Senate

APPROVED:

18 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:20 PM O'CLOCK

Roger Williams
Secretary of State