

HOUSE BILL 2617
TEXAS COMMISSION ON PRIVATE SECURITY

1 street patrol service on a contractual basis for another person and
2 performing any one or more of the following or similar functions:

3 (a) prevention of intrusion, entry, larceny,
4 vandalism, abuse, fire, or trespass on private property;

5 (b) prevention, observation, or detection of any
6 unauthorized activity on private property;

7 (c) control, regulation, or direction of the
8 flow or movements of the public, whether by vehicle or otherwise,
9 only to the extent and for the time directly and specifically
10 required to assure the protection of property;

11 (d) protection of individuals from bodily harm;
12 or

13 (e) protection of one or more individuals from
14 bodily harm through the use of a personal protection officer.

15 (5) "Alarm systems company" means any person that
16 sells, installs, services, monitors, or responds to alarm systems,
17 burglar alarm signal devices, detection devices, burglar alarms,
18 robbery alarms, television cameras, or still cameras used to signal
19 the presence of an emergency to which law enforcement or emergency
20 services are expected to respond [~~or any other electrical,~~
21 ~~mechanical, or electronic device used~~

22 [~~(A) to prevent or detect burglary, theft,~~
23 ~~robbery, shoplifting, pilferage, shrinkage, or other losses of that~~
24 ~~type,~~

25 [~~(B) to prevent or detect intrusion, or~~

26 [~~(C) primarily to detect or summon aid for other~~
27 ~~emergencies].~~

1 (28) "Private security consultant [consultants]" means
2 an individual [are-persons] who:

3 (A) consults, advises, trains, or specifies or
4 recommends products, services, methods, or procedures in the
5 security loss prevention industry;

6 (B) provides a service described by Paragraph
7 (A) of this subdivision on an independent basis and without being
8 affiliated with a particular service or product; and

9 (C) meets the experience requirements
10 established by the board [offer-advice-or-services-in-the-field-of
11 private-security].

12 (33) "Detection device" means an electronic device
13 used as a part of a burglar or hold-up alarm including any control,
14 communications, motion detector, door or window switch, sound
15 detector, vibration detector, light beam, pressure mat, wiring, or
16 similar device [~~;-or-any-electronic-device-used-to-limit-access-by~~
17 ~~persons-into-building-structures-or-gate-compounds,--including--any~~
18 ~~control,--communications,--motion--detector,--door-or-window-switch,~~
19 ~~card-or-proximity-readers,--push-button-key-pad--entry,--gate--entry~~
20 ~~device,--door-exit-buttons,--or-similar-device].~~

21 (37) "Extra job coordinator" means a peace officer
22 who:

23 (A) is employed full-time by the state or a
24 municipality; and

25 (B) schedules other peace officers to provide
26 guard, patrolman, or watchman services in a private capacity who
27 are:

1 officer;

2 (C) is not a reserve peace officer; and

3 (D) works as a peace officer on the average of
4 at least 32 hours a week, is compensated by the state or a
5 political subdivision of the state at the rate of the minimum wage
6 or higher, and is entitled to all employee benefits offered to a
7 peace officer by the state or political subdivision;

8 (4) a person engaged exclusively in the business of
9 obtaining and furnishing information for purposes of credit
10 worthiness, [or] collecting debts, or ascertaining the reliability
11 of information provided by [financial-responsibility-of] applicants
12 for property, life, or disability insurance and for indemnity or
13 surety bonds, with respect to persons, firms, and corporations;

14 (5) an attorney while engaged in the practice of law
15 [attorney-at-law-in-performing-his-duties];

16 (6) admitted insurers, insurance adjusters, agents,
17 and insurance brokers licensed by the State, performing duties in
18 connection with insurance transacted by them;

19 (7) a person who engages exclusively in the business
20 of repossessing property that is secured by a mortgage or other
21 security interest;

22 (8) a locksmith who does not install or service
23 detection devices, does not conduct investigations, and is not a
24 security service contractor;

25 (9) a person who owns and installs burglar detection
26 or alarm devices on the person's [his] own property or, if the
27 person [he] does not charge for the device or its installation,

1 installs it for the protection of the person's [his] personal
2 property located on another's property, and does not install the
3 devices as a normal business practice on the property of another;

4 (10) an employee of a cattle association who is
5 engaged in inspection of brands of livestock under the authority
6 granted to that cattle association by the Packers and Stockyards
7 Division of the United States Department of Agriculture;

8 (11) a common carrier by rail engaged in interstate
9 commerce and regulated by state and federal authorities and
10 transporting commodities essential to the national defense and to
11 the general welfare and safety of the community;

12 (12) a licensed [registered] professional engineer
13 practicing engineering or directly supervising engineering practice
14 in accordance with the provisions of the Texas Engineering Practice
15 Act, including [~~that does not install or service detection devices,~~
16 ~~does not conduct nonengineering investigations,~~ ~~is performing~~]
17 forensic analysis [engineering--studies], burglar alarm system
18 engineering, and necessary data collection [~~and is not a security~~
19 ~~services contractor~~];

20 (13) a person whose sale of burglar alarm signal
21 devices, burglary alarms, television cameras, still cameras, or
22 other electrical, mechanical, or electronic devices used for
23 preventing or detecting burglary, theft, shoplifting, pilferage, or
24 other losses is exclusively over-the-counter or by mail order;

25 (14) a person who holds a license or other form of
26 permission issued by an incorporated city or town to practice as an
27 electrician and who installs fire or smoke detectors in no building

1 other than a single family or multifamily residence;

2 (15) a person or organization in the business of
3 building construction that installs electrical wiring and devices
4 that may include in part the installation of a burglar alarm or
5 detection device if:

6 (A) the person or organization is a party to a
7 contract that provides that the installation will be performed
8 under the direct supervision of and inspected and certified by a
9 person or organization licensed to install and certify such an
10 alarm or detection device and that the licensee assumes full
11 responsibility for the installation of the alarm or detection
12 device; and

13 (B) the person or organization does not service
14 or maintain burglar alarms or detection devices;

15 (16) a reserve peace officer while the reserve officer
16 is performing guard, patrolman, or watchman duties for a county and
17 is being compensated solely by that county;

18 (17) response to a burglar alarm or detection device
19 by a law enforcement agency or by a law enforcement officer acting
20 in an official capacity;

21 (18) ~~[a person who, by education, experience, or~~
22 ~~background has specialized expertise or knowledge such as that~~
23 ~~which would qualify or tend to qualify such person as an expert~~
24 ~~witness, authorized to render opinions in proceedings conducted in~~
25 ~~a court, administrative agency, or governing body of this state or~~
26 ~~of the United States, in accordance with applicable rules and~~
27 ~~regulations and who does not perform any other service for which a~~

1 ~~license is required by provisions of this Act;~~

2 [+19] an officer, employee, or agent of a common
3 carrier, as defined by Section 153 [+53+10], Communications Act of
4 1934 (47 U.S.C. Section 153 [~~U.S.C.A. Sec. 151 et seq.~~]), and its
5 subsequent amendments, while protecting the carrier or a user of
6 the carrier's long-distance services from a fraudulent, unlawful,
7 or abusive use of those long-distance services;

8 (19) [+20] a person who sells or installs automobile
9 burglar alarm devices and that does not perform any other act that
10 requires a license under this Act;

11 (20) [+21] a manufacturer, or a manufacturer's
12 authorized distributor, who sells to the holder of a license under
13 this Act equipment used in the operations for which the holder is
14 required to be licensed;

15 (21) [+22] a person employed as a noncommissioned
16 security officer by a political subdivision of this state;

17 (22) [+23] a person whose activities are regulated
18 under Article 5.43-2, Insurance Code, except to the extent that
19 those activities are specifically regulated under this Act;

20 (23) [+24] a landman performing activities in the
21 course and scope of the landman's business;

22 (24) [+25] a hospital or a wholly owned subsidiary or
23 affiliate of a hospital that provides medical alert services for
24 persons who are sick or disabled, if the hospital, subsidiary, or
25 affiliate is licensed under Chapter 241, Health and Safety Code,
26 and the hospital does not perform any other service that requires a
27 license under this Act;

1 (25) [~~26~~] a charitable, nonprofit organization that
2 provides medical alert services for persons who are sick or
3 disabled, if the organization:

4 (A) is exempt from federal taxation under
5 Section 501(a) of the Internal Revenue Code of 1986, and its
6 subsequent amendments, by being listed as an exempt entity under
7 Section 501(c)(3) of that code~~[7-Internal-Revenue-Code-of-1986]~~;

8 (B) has its monitoring services provided by a
9 licensed person, licensed nurse, licensed physician assistant, or
10 hospital or a wholly owned subsidiary or affiliate of a hospital
11 licensed under Chapter 241, Health and Safety Code; and

12 (C) does not perform any other service that
13 requires a license under this Act;

14 (26) [~~27~~] a person engaged in the business of
15 electronic monitoring of a person as a condition of that person's
16 probation, parole, mandatory supervision, or release on bail, if
17 the person does not perform any other service that requires a
18 license under this Act;

19 (27) [~~28~~] a nonprofit business or civic organization
20 that:

21 (A) employs one or more peace officers meeting
22 the qualifications of Subdivision (3) of this subsection as
23 patrolmen, guards, or watchmen;

24 (B) provides the services of these peace
25 officers only to:

26 (i) its members; or

27 (ii) if the organization does not have

1 members, the members of the communities served by the organization
2 as described in its articles of incorporation or other
3 organizational documents;

4 (C) devotes the net receipts from all charges
5 for the services exclusively to the cost of providing the services
6 or to the costs of other services for the enhancement of the
7 security or safety of:

8 (i) its members; or

9 (ii) if the organization does not have
10 members, the members of the communities served by the organization
11 as described in its articles of incorporation or other
12 organizational documents; and

13 (D) does not perform any other service that
14 requires a license under this Act;

15 (28) [~~+29~~] a charitable, nonprofit organization that
16 maintains a system of records to aid in the location of missing
17 children if the organization:

18 (A) is exempt from federal taxation under
19 Section 501(a) of the Internal Revenue Code of 1986, and its
20 subsequent amendments, by being listed as an exempt entity under
21 Section 501(c)(3) of that code [~~Internal Revenue Code of 1986, and~~
22 ~~its subsequent amendments~~];

23 (B) exclusively provides services related to
24 locating missing children; and

25 (C) does not perform any other service that
26 requires a license under this Act;

27 (29) [~~+30~~] a person engaged in the business of

1 psychological testing or other testing and interviewing services
2 (to include but not limited to attitudes, honesty, intelligence,
3 personality, and skills) for preemployment purposes, if the person
4 does not perform any other service that requires a license under
5 this Act;

6 (30) [(31)] a person who does not perform any other
7 act that requires a license under this Act, and who is engaged in
8 obtaining information classified as a public record under Chapter
9 552, Government Code, regardless of whether for compensation,
10 unless the person is a full-time employee, as defined by Section
11 61.001, Labor Code, of a person licensed under this Act; [or]

12 (31) [(32)] a person who obtains a document for use in
13 litigation under an authorization or subpoena issued for a written
14 or oral deposition;

15 (32) a person who is employed full-time by and is
16 commissioned as a campus security personnel employee by a private
17 institution of higher education under Section 51.212, Education
18 Code; or

19 (33) a peace officer commissioned by an incorporated
20 municipality who is hired under Section 51.212, Education Code, on
21 a regular basis by a private institution of higher education while
22 that peace officer is operating within the scope of the peace
23 officer's employment with the institution of higher education.

24 (f) Notwithstanding Subsection (a)(1) of this section, this
25 Act applies to an individual who:

26 (1) works at a location that is open to the public;
27 and

1 (2) in the course of employment:

2 (A) regularly comes into contact with the
3 public; and

4 (B) wears a uniform with any type of badge
5 commonly associated with security personnel or law enforcement or a
6 patch or apparel with "security" or the name of the employer on the
7 patch or apparel.

8 SECTION 4. Section 4(d), Private Investigators and Private
9 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
10 Statutes), is amended to read as follows:

11 (d) The Texas Commission on Private Security [~~Texas-Board-of~~
12 ~~Private--Investigators-and-Private-Security-Agencies~~] is subject to
13 Chapter 325, Government Code (Texas Sunset Act). Unless continued
14 in existence as provided by that chapter, the commission [board] is
15 abolished and this Act expires September 1, 2009 [+999].

16 SECTION 5. Subchapter B, Private Investigators and Private
17 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
18 Statutes), is amended by adding Section 4A and by amending Section
19 5 to read as follows:

20 Sec. 4A. NAME CHANGE. The name of the Texas Board of
21 Private Investigators and Private Security Agencies is changed to
22 the Texas Commission on Private Security. A reference in this Act
23 or other law to the Texas Board of Private Investigators and
24 Private Security Agencies means the Texas Commission on Private
25 Security.

26 Sec. 5. COMMISSION [BOARD] MEMBERSHIP. (a) The Texas
27 Commission on Private Security is composed of an ex officio member

1 as provided by Section 5A of this Act and nine members appointed by
2 the governor with the advice and consent of the senate as follows:

3 (1) five public members, each of whom is a citizen of
4 the United States;

5 (2) one member who:

6 (A) is licensed under this Act as a private
7 investigator;

8 (B) has been engaged as a private investigator
9 for at least the five years preceding appointment; and

10 (C) is not employed by a person who employs
11 another member of the board;

12 (3) one member who is licensed under this Act as an
13 alarm systems company and who:

14 (A) has been engaged as an alarm systems company
15 for at least the five years preceding appointment; and

16 (B) is not employed by a person who employs
17 another member of the board;

18 (4) one member who:

19 (A) is licensed under this Act as the owner or
20 operator of a guard company;

21 (B) has been the owner or operator of the guard
22 company for at least the five years preceding appointment; and

23 (C) is not employed by a person who employs
24 another member of the board; and

25 (5) one member who:

26 (A) holds a license, security officer
27 commission, or registration under this Act;

1 (B) has been engaged in activity regulated by
2 the board under this Act for at least the five years preceding
3 appointment; and

4 (C) is not employed by a person who employs
5 another member of the board. [~~The board is composed of the~~
6 ~~following members:~~

7 ~~[(1) the director of the Texas Department of Public~~
8 ~~Safety or his designated representative shall serve as an ex~~
9 ~~officio member of such board, and such service shall not jeopardize~~
10 ~~the individual's official capacity with the State of Texas;~~

11 ~~[(2) the Attorney General or his designated~~
12 ~~representative shall serve as an ex-officio member of such board,~~
13 ~~and such service shall not jeopardize the individual's official~~
14 ~~capacity with the State of Texas;~~

15 ~~[(3) three members shall be appointed by the Governor,~~
16 ~~without regard to the race, creed, color, handicap, age, sex,~~
17 ~~religion, or national origin of the appointees and with the advice~~
18 ~~and consent of the Senate, who are citizens of the United States~~
19 ~~and residents of the State of Texas;~~

20 ~~[(4) two members shall be appointed by the Governor,~~
21 ~~without regard to the race, creed, color, handicap, age, sex,~~
22 ~~religion, or national origin of the appointees and with the advice~~
23 ~~and consent of the Senate, who are licensed under this Act, who~~
24 ~~have been engaged for a period of five consecutive years as a~~
25 ~~private investigator or security services contractor, and who are~~
26 ~~not employed by the same person as any other member of the board,~~
27 ~~and~~

1 ~~[(5) one member shall be appointed by the Governor~~
2 ~~without regard to the race, creed, color, handicap, age, sex,~~
3 ~~religion, or national origin of the appointee and with the advice~~
4 ~~and consent of the Senate, who:~~

5 ~~[(A) is licensed under this Act as the owner or~~
6 ~~operator of a guard company;~~

7 ~~[(B) has operated for at least five consecutive~~
8 ~~years as a guard company; and~~

9 ~~[(C) is not employed by a person who employs any~~
10 ~~other member of the board.]~~

11 (b) Appointments to the board shall be made without regard
12 to the race, color, disability, sex, religion, age, or national
13 origin of the appointees.

14 (c) The board's public members must be representatives of
15 the general public. A person may not be ~~[is not eligible for~~
16 ~~appointment as]~~ a public member of the board if the person or the
17 person's spouse:

18 (1) is registered, commissioned, certified, or
19 licensed by a ~~[an occupational]~~ regulatory agency in the field of
20 private investigations or private security;

21 (2) is employed by or participates in the management
22 of a business entity or other organization regulated by or
23 receiving money from the board ~~[related to the field of private~~
24 ~~security]; [or]~~

25 (3) owns or controls, directly or indirectly, more
26 than a 10 percent ~~[has, other than as a consumer, a financial]~~
27 interest in a business entity or other organization regulated by or

1 receiving money from the board; or

2 (4) uses or receives a substantial amount of tangible
3 goods, services, or money from the board other than compensation or
4 reimbursement authorized by law for board membership, attendance,
5 or expenses [related-to-the-field-of-private-security].

6 [~~(c)~~ ~~A member or employee of the board may not be an~~
7 ~~officer, employee, or paid consultant of a trade association in the~~
8 ~~private security industry.]~~

9 (d) [A person who is the spouse of an officer, employee, or
10 paid consultant of a trade association in or on behalf of a
11 profession related to the operation of the board may not be a
12 member of the board and may not be an employee, including an
13 employee exempt from the state's classification plan, who is
14 compensated at or above the amount prescribed by the General
15 Appropriations Act for step 1, salary group 17, of the position
16 classification salary schedule. A person who is required to
17 register as a lobbyist under Chapter 305, Government Code, by
18 virtue of the person's activities for compensation in or on behalf
19 of a profession related to the operation of the board, may not
20 serve as a member of the board or act as the general counsel to the
21 board.]

22 [(e)] It is a ground for removal from the board that [(if)] a
23 member:

24 (1) does not have at the time of taking office
25 [appointment] the qualifications required by Subsection (a) [or
26 (b)] of this section [~~for appointment to the board~~];

27 (2) does not maintain during the service on the board

1 the qualifications required by Subsection (a) [~~or-(b)~~] of this
2 section [~~for-appointment-to-the-board~~];

3 (3) is ineligible for membership under [~~violates--a~~
4 ~~prohibition-established-by~~] Subsection (c) [~~or-(d)~~] of this section
5 or Section 5B of this Act;

6 (4) is absent from more than half [~~does-not-attend-at~~
7 ~~least-one-half~~] of the regularly scheduled board meetings that the
8 member is eligible to attend during [~~held--by-the-board-in~~] a
9 calendar year without an excuse approved by a majority vote[~~7~~
10 ~~excluding--meetings--held--when-the-person-was-not-a-member~~] of the
11 board; or

12 (5) cannot, because of illness or disability, [~~is~~
13 ~~unable--to~~] discharge the member's duties for a substantial part of
14 the member's term [~~for-which-the-member-was--appointed--because--of~~
15 ~~illness-or-disability~~].

16 (e) [~~f~~] The validity of an action of the board is not
17 affected by the fact that it is [~~was~~] taken when a ground for
18 removal of a board member exists [~~of-the-board-existed~~].

19 (f) [~~g~~] If the director has knowledge that a potential
20 ground for removal exists, the director shall notify the presiding
21 officer [~~chairman~~] of the board of the potential ground. The
22 presiding officer [~~chairman-of-the-board~~] shall then notify the
23 governor and the attorney general [~~Governor~~] that a potential
24 ground for removal exists. If the potential ground for removal
25 involves the presiding officer, the director shall notify the next
26 highest ranking officer of the board, who shall then notify the
27 governor and the attorney general that a potential ground for

1 removal exists.

2 [~~(h) For the purposes of this section, "trade association"~~
3 ~~means a nonprofit, cooperative, voluntarily joined association of~~
4 ~~business or professional competitors that is designed to assist its~~
5 ~~members and its industry or profession in dealing with mutual or~~
6 ~~professional problems and in promoting their common interests.]~~

7 SECTION 6. Subchapter B, Private Investigators and Private
8 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
9 Statutes), is amended by adding Sections 5A, 5B, and 5C to read as
10 follows:

11 Sec. 5A. EX OFFICIO BOARD MEMBER. (a) The director of the
12 Texas Department of Public Safety serves as an ex officio member of
13 the board during the director's term of office and has the same
14 powers and duties as other board members.

15 (b) The director of the Texas Department of Public Safety
16 may delegate to a personal representative from the department the
17 duty to represent the director on the board.

18 Sec. 5B. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) In this
19 section, "Texas trade association" means a cooperative and
20 voluntarily joined association of business or professional
21 competitors in this state designed to assist its members and its
22 industry or profession in dealing with mutual business or
23 professional problems and in promoting their common interest.

24 (b) A person may not be a board member and may not be an
25 agency employee employed in a "bona fide executive, administrative,
26 or professional capacity," as that phrase is used for purposes of
27 establishing an exemption to the overtime provisions of the federal

1 Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.),
2 and its subsequent amendments, if:

3 (1) the person is an officer, employee, or paid
4 consultant of a Texas trade association in the field of private
5 investigation or private security; or

6 (2) the person's spouse is an officer, manager, or
7 paid consultant of a Texas trade association in the field of
8 private investigation or private security.

9 (c) A person may not be a board member or act as the general
10 counsel to the board or the agency if the person is required to
11 register as a lobbyist under Chapter 305, Government Code, because
12 of the person's activities for compensation on behalf of a
13 profession related to the operation of the agency.

14 Sec. 5C. TRAINING REQUIREMENTS. (a) A person who is
15 appointed to and qualifies for office as a board member may not
16 vote, deliberate, or be counted as a member in attendance at a
17 board meeting until the person completes a training program that
18 complies with this section.

19 (b) The training program must provide the person with
20 information regarding:

21 (1) this Act;

22 (2) the programs operated by the board;

23 (3) the role and functions of the board;

24 (4) the rules of the board, with an emphasis on the
25 rules that relate to disciplinary and investigatory authority;

26 (5) the current budget for the board;

27 (6) the results of the most recent formal audit of the

1 board;

2 (7) the requirements of:

3 (A) the open meetings law, Chapter 551,
4 Government Code;

5 (B) the public information law, Chapter 552,
6 Government Code;

7 (C) the administrative procedure law, Chapter
8 2001, Government Code; and

9 (D) other laws relating to public officials,
10 including conflict-of-interest laws; and

11 (8) any applicable ethics policies adopted by the
12 board or the Texas Ethics Commission.

13 (c) A person appointed to the board is entitled to
14 reimbursement, as provided by the General Appropriations Act, for
15 the travel expenses incurred in attending the training program
16 regardless of whether the attendance at the program occurs before
17 or after the person qualifies for office.

18 SECTION 7. Section 7, Private Investigators and Private
19 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
20 Statutes), is amended to read as follows:

21 Sec. 7. TERMS OF OFFICE. [~~a~~] The appointed members of the
22 board serve staggered six-year terms, and the terms of three [~~two~~]
23 appointed members expire on January 31 of each odd-numbered year.
24 Each appointed member shall hold office until the member's [~~his~~]
25 successor is appointed and has qualified.

26 [~~(b) The director of the Department of Public Safety and the~~
27 ~~attorney general, or their representatives, serve on the board~~

1 ~~during their terms of office and shall perform the duties required~~
2 ~~of members of the board by this Act in addition to those duties~~
3 ~~required of them in other official capacities.]~~

4 SECTION 8. Section 10, Private Investigators and Private
5 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
6 Statutes), is amended by amending Subsections (d) and (e) and
7 adding Subsection (f) to read as follows:

8 (d) The director or the director's designee shall provide to
9 board members and to agency employees, as often as necessary,
10 information regarding the requirements for office or employment
11 under this Act, including information regarding a person's [The
12 ~~board shall inform its members and employees as often as is~~
13 ~~necessary of:~~

14 [~~1~~] ~~the qualifications for office or employment~~
15 ~~prescribed by this Act, and~~

16 [~~2~~] ~~their~~ responsibilities under applicable laws
17 relating to standards of conduct for state officers or employees.

18 (e) The board shall develop and implement policies that
19 clearly separate the policymaking responsibilities of the board and
20 the management responsibilities of the director and [adopt policies
21 ~~that clearly define the respective responsibilities of the~~
22 ~~governing body of the board and the~~] staff of the board.

3 (f) The board may commission investigators employed
4 full-time by the board as peace officers for the limited purpose of
5 assisting the board in investigating alleged violations of this Act
6 and of board rules.

7 SECTION 9. Section 10A, Private Investigators and Private

1 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
2 Statutes), is amended to read as follows:

3 Sec. 10A. EQUAL EMPLOYMENT OPPORTUNITY; REPORT. (a) The
4 director or the director's designee shall prepare and maintain a
5 written policy statement that implements [~~to assure implementation~~
6 ~~of~~] a program of equal employment opportunity to ensure that [by
7 ~~which~~] all personnel decisions [~~transactions~~] are made without
8 regard to race, creed, color, disability [~~handicap~~], age, sex,
9 religion, or national origin.

10 (b) The policy statement must [~~shall~~] include:

11 (1) personnel policies, including policies relating to
12 recruitment, evaluation, selection, [~~appointment,~~] training, and
13 promotion of personnel, that show the intent of the board to avoid
14 the unlawful employment practices described by Chapter 21, Labor
15 Code; and

16 (2) an [~~a comprehensive~~] analysis of the extent to
17 which the composition of the board's personnel is in accordance
18 with [~~work--force--that--meets~~] federal and state law and a
19 description of reasonable methods to achieve compliance with
20 federal and state law [~~guidelines,~~

21 [~~{3}--procedures--by--which--a--determination--can--be--made~~
22 ~~of--significant--underutilization,--in--the--board's--work--force,--of--all~~
23 ~~persons--of--whom--federal--or--state--guidelines--encourage--a--more~~
24 ~~equitable--balance,--and~~

25 [~~{4}--reasonable--methods--to--appropriately--address--areas~~
26 ~~of--significant--underutilization,--in--the--board's--work--force,--of--all~~
27 ~~persons--of--whom--federal--or--state--guidelines--encourage--a--more~~

1 equitable-balance].

2 (c) [(b)] The policy statement [statements] must:

3 (1) be filed with the governor's office;

4 (2) be reviewed by the state Commission on Human
5 Rights for compliance with Subsection (b)(1) of this section;[7
6 cover-an-annual-period]; and

7 (3) be updated at least annually. [~~The--governor's~~
8 ~~office--shall-develop-a-biennial-report-to-the-legislature-based-on~~
9 ~~the-information-submitted.--The-report-may-be-made-separately-or-as~~
10 ~~a-part-of-other-biennial-reports-made-to-the-legislature-]~~

11 SECTION 10. Subchapter B, Private Investigators and Private
12 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
13 Statutes), is amended by adding Section 10B to read as follows:

14 Sec. 10B. RULES AND POLICIES. (a) The board shall adopt
15 rules and general policies to guide the agency in the
16 administration of this Act.

17 (b) The rules and policies adopted by the board must be
18 consistent with this Act and other board rules adopted under this
19 Act and with any other applicable law, state rule, or federal
20 regulation.

21 SECTION 11. Sections 11(d) and (e), Private Investigators
22 and Private Security Agencies Act (Article 4413(29bb), Vernon's
23 Texas Civil Statutes), are amended to read as follows:

24 (d) The board shall recognize, prepare, or administer
25 continuing education programs for licensees, commissioned security
26 officers, and registrants [~~private-investigators~~] regulated by the
27 board under this Act. The board shall set the minimum number of

1 hours that must be completed and the types of programs that may be
2 offered for licensees, commissioned security officers, and
3 registrants [~~private--investigators~~] regulated by the board. A
4 licensee, commissioned security officer, or registrant must
5 participate in the programs to the extent required by the board to
6 keep the person's license, commission, or registration. A
7 licensee, commissioned security officer, or registrant [~~private~~
8 ~~investigator~~] regulated by the board shall submit evidence of
9 compliance with the board's continuing education requirements in a
10 manner prescribed by the board. The continuing education
11 requirements of this subsection do not apply to a noncommissioned
12 security officer.

13 (e) The board shall develop and implement [~~adopt~~] policies
14 that provide the public with a reasonable opportunity to appear
15 before the board and to speak on any issue under the jurisdiction
16 of the board.

17 SECTION 12. Section 11B, Private Investigators and Private
18 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
19 Statutes), is amended to read as follows:

20 Sec. 11B. REVOCATION, SUSPENSION, AND SUMMARY SUSPENSION.

21 (a) Except as provided by Section 11E of this Act, the [~~The~~] board
22 shall revoke, [~~or~~] suspend, or refuse to renew a [~~any~~]
23 registration, license, or security officer commission, or shall
24 reprimand a [~~any~~] registrant, licensee, or commissioned security
25 officer [~~7--or--deny--an-application-for-a-registration, license, or~~
26 ~~security-officer-commission, or renewal thereof,~~] or may place on
27 probation a person whose registration, license, or security officer

1 commission has been suspended, on proof:

2 (1) that the applicant, licensee, commissioned
3 security officer, or registrant has:

4 (A) violated [~~any provisions of~~] this Act or a
5 rule of the board adopted [~~of the rules and regulations~~
6 ~~promulgated~~] under this Act;

7 (B) been convicted of a Class B misdemeanor or
8 equivalent offense if the fifth anniversary of the date of the
9 conviction has occurred;

10 (C) engaged in [~~2~~] that the applicant,
11 licensee, commissioned security officer, or registrant has
12 committed any act resulting in conviction of a felony;

13 [~~3~~] that the applicant, licensee, commissioned
14 security officer, or registrant has committed an act after the date
15 of application for a registration, license, or security officer
16 commission that results in a conviction of a misdemeanor involving
17 moral turpitude;

18 [~~4~~] that the applicant, licensee, commissioned
19 security officer, or registrant has practiced] fraud, deceit, or
20 misrepresentation; or

21 (D) [~~5~~] that the applicant, licensee,
22 commissioned security officer, or registrant has] made a material
23 misstatement in the application for or renewal of a license,
24 registration, or security officer commission; or

25 (2) [~~6~~] that the licensee of the commissioned
26 security officer or registrant has submitted to the board
27 sufficient evidence that a commissioned security officer or

1 registrant;

2 (A) [7] while in the employ of the licensee,
3 practiced fraud or deceit;[7] or

4 (B) committed theft while performing work as a
5 commissioned security officer or registrant.

6 (b) Subject to Section 11D of this Act, the board may
7 summarily suspend a license, registration, or security officer
8 commission issued [~~to--an-individual~~] under this Act on receiving
9 written notification from the Department of Public Safety of the
10 State of Texas or any other law enforcement agency that the
11 individual has been arrested for or charged with a Class B
12 misdemeanor or equivalent offense [~~involving-moral-turpitude~~] or a
13 greater offense [~~felony~~].

4 (c) Subject to Section 11D of this Act, the board may
5 summarily deny an application for a license, registration, or [~~for~~
6 a] security officer commission of an individual on receiving
7 written notification from the Department of Public Safety of the
8 State of Texas or any other law enforcement agency that the
9 individual has been arrested for or charged with a Class B
10 misdemeanor or equivalent offense [~~involving-moral-turpitude~~] or a
11 greater offense [~~felony~~].

12 (d) [~~In this section, a person is considered to be convicted~~
13 ~~of--a--misdemeanor-involving-moral-turpitude-or-a-felony-if-a-court~~
14 ~~of-competent-jurisdiction-enters-a-judgment-against-the-person--for~~
15 ~~committing--a--misdemeanor--involving--moral--turpitude-or-a-felony~~
16 ~~under-the-laws-of-this-state,another-state,or-the-United--States,~~
17 ~~including:~~

1 ~~[(1) a conviction in which a person was placed on~~
2 ~~probation or community supervision and the person is subsequently~~
3 ~~discharged from probation or community supervision, or~~

4 ~~[(2) a conviction that is pardoned, unless the pardon~~
5 ~~is granted expressly because of the proof of a person's innocence.~~

6 ~~[(e)]~~ The dismissal of a complaint, information, or
7 indictment or an acquittal releases the individual from any summary
8 suspension of a registration or commission or automatic grounds for
9 summary denial of an application under this section.

10 (e) Except as provided by Section 11F of this Act and except
11 for a summary denial of an application or a summary suspension, a
12 person regulated under this Act against whom the board has taken
13 action is entitled to a hearing before the State Office of
14 Administrative Hearings. A proceeding under this subsection is a
15 contested case that is ~~[(f) Proceedings for the refusal,~~
16 ~~suspension, or revocation of a registration, license, or security~~
17 ~~officer commission or for the probation of a person are]~~ governed
18 by Chapter 2001, Government Code ~~[(Administrative Procedure Act)]~~.
19 Proceedings for the summary suspension of a license, registration,
20 or security officer commission or summary denial of an application
21 under this Act are governed by Section 11D of this Act.

2 (f) The board may place on probation a person whose license
3 is suspended. If a license suspension is probated, the board may
4 require the person:

5 (1) to report regularly to the board on matters that
6 are the basis of the probation;

7 (2) to limit practice to the areas prescribed by the

1 board; or

2 (3) to continue or review professional education until
3 the person attains a degree of skill satisfactory to the board in
4 those areas that are the basis of the probation. [(g)--if--the
5 board--is-authorized-to-suspend-a-license-under-this-Act,-the-board
6 may-give-the-licensee-the-opportunity-to-pay-a-civil-penalty-rather
7 than-have-the-license-suspended.--The-amount-of-the--civil--penalty
8 may-not-be-more-than-\$200-for-each-day-the-license-was-to-have-been
9 suspended.--If--the--licensee--does-not-pay-the-penalty-before-the
10 sixth-day-after-the-board-notifies-him-of-the-amount,-he-loses--the
11 opportunity-to-pay-it-and-the-board-shall-impose-the-suspension.]

12 SECTION 13. Subchapter B, Private Investigators and Private
13 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
14 Statutes), is amended by adding Sections 11E and 11F to read as
15 follows:

16 Sec. 11E. REVOCATION OR REFUSAL FOR CERTAIN OFFENSES.

17 Except for an application approved by the board under Section 11F
18 of this Act, the board shall revoke or refuse to renew a
19 registration, license, or security officer commission if the
20 applicant, licensee, registrant, or commissioned security officer
21 has been convicted of a:

22 (1) Class A misdemeanor or equivalent offense or a
23 greater offense; or

24 (2) Class B misdemeanor or equivalent offense if the
25 fifth anniversary of the date of conviction has not occurred.

26 Sec. 11F. APPEAL TO BOARD. (a) An applicant may appeal to
27 the board the denial of a license, registration, or security

1 officer commission application if:

2 (1) the sole basis of the denial is a conviction for a
3 Class A misdemeanor or equivalent or a greater offense;

4 (2) the 20th anniversary of the conviction has
5 occurred; and

6 (3) the applicant waives the applicant's right to a
7 hearing before the State Office of Administrative Hearings.

8 (b) A proceeding under this section is governed by Chapter
9 2001, Government Code. A hearing must be held at a regular meeting
10 of the board.

11 (c) Notwithstanding any other provision of this Act, the
12 board may approve the application.

13 SECTION 14. Subchapter B, Private Investigators and Private
14 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
15 Statutes), is amended by adding Section 11G to read as follows:

16 Sec. 11G. CONVICTION OF CERTAIN CRIMES. In this subchapter,
17 a person is considered to be convicted of an offense that is a
18 Class B misdemeanor or greater offense, or an equivalent offense,
19 if a court enters a judgment against the person for committing a
20 Class B misdemeanor or greater offense, or an equivalent offense,
21 under the laws of this state, another state, or the United States,
22 including a conviction:

3 (1) in which a person is placed on, and subsequently
4 discharged from, community supervision; and

5 (2) for which a person is pardoned, unless a full
6 pardon has been granted.

7 SECTION 15. Section 12(b), Private Investigators and Private