

BILL ANALYSIS

Senate Research Center

H.B. 3036
By: Bosse (Harris)
Criminal Justice
5/11/2001
Engrossed

DIGEST AND PURPOSE

Current law requires a person to take a continuing education course to renew a security officer commission. The statute is phrased so that handgun training is the primary focus of the course, hence it possibly diminishes the importance of training in other important aspects of security such as the relationship between security and law enforcement. H.B. 3036 clarifies provisions relating to continuing education courses for security officers to include other aspects of security in addition to handgun proficiency.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Commission on Law Enforcement Officer Standards and Education in SECTION 1 (Section 1702.309, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 1702M, Occupations Code, by adding Section 1702.309, as follows:

Sec. 1702.309. SECURITY OFFICER COMMISSION RENEWAL. (a) Requires the Commission on Law Enforcement Officer Standards and Education (commission) by rule to develop a continuing education course required for renewal of a security officer commission. Authorizes only a commission-approved instructor to administer the continuing education course. Requires the course to include certain criteria.

(b) Requires a commissioned security officer to demonstrate the proficiency required under Section 20(k) or (l), Private Investigators and Private Security Agencies Act (Article 4413(29bb), V.T.C.S.), within the 90-day period before the date the commission is renewed.

SECTION 2. Amends Section 1702.309(a), Occupations Code, as added by the Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions to and corrections in enacted codes, to require the course to include six hours of commission-approved instruction, rather than at least four hours of instruction on one or more of the subjects listed in Section 1702.1675(g) and other information that the director determines is appropriate.

SECTION 3. Amends Section 1702.323(d), Occupations Code, to provide that this chapter applies to an individual described by Subsection (a) who performs a duty described by Section 1702.222. Deletes language providing that this chapter applies to an individual described by Subsection (a) who works at a location that is open to the public.

SECTION 4. Makes application of this Act prospective.

SECTION 5. (a) Provides that SECTION 1 of this Act takes effect only if the Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions to and corrections in enacted codes, does not take effect.

(b) Provides that SECTION 2 of this Act takes effect only if the Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions to and corrections in enacted codes, takes effect.

SECTION 6. (a) Provides that, in accordance with Section 311.031(c), Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Section 1702.323, Occupations Code, as set out in this Act, gives effect to changes made by Section 3, Chapter 974, Acts of the 76th Legislature, Regular Session, 1999.

(b) Provides that, to the extent of any conflict, this Act prevails over another Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 7. Effective date: September 1, 2001.