

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

3 (b) The governor shall designate one member of the board as
4 presiding officer to serve in that capacity at the will of the
5 governor [chairman]. The governor shall designate the presiding
6 officer [chairman] without regard to the race, creed, color,
7 disability [handicap], age, sex, religion, or national origin of
8 the designee. The board, including the representative of the
9 director of the Texas Department of Public Safety if [~~he~~
10 ~~designates~~] one is designated, shall elect from among its members
11 an assistant presiding officer [a-vice-chairman] and a secretary to
12 serve two-year terms commencing on September 1 of each odd-numbered
13 year. The presiding officer [chairman] or, in the [~~his~~] absence
14 of the presiding officer, the assistant presiding officer
15 [vice-chairman] shall preside at all meetings of the board and
16 perform the other duties prescribed by [~~it~~] this Act.

7 SECTION 16. Subchapter B, Private Investigators and Private
8 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
9 Statutes), is amended by adding Section 12B to read as follows:

0 Sec. 12B. PUBLIC ACCESS TO CERTAIN RECORDS OF DISCIPLINARY
1 ACTIONS. (a) The board shall make available to the public through
2 a toll-free telephone number, Internet website, or other easily
3 accessible medium determined by the board the following information
4 relating to a disciplinary action taken during the preceding three
5 years regarding a person regulated by the board:

6 (1) the identity of the person;

7 (2) the nature of the complaint that was the basis of

1 the disciplinary action taken against the person; and

2 (3) the disciplinary action taken by the board.

3 (b) In providing the information, the board shall present
4 the information in an impartial manner, use language that is
5 commonly understood, and, if possible, avoid jargon specific to the
6 security industry.

7 (c) The board shall update the information on a monthly
8 basis.

9 (d) The board shall maintain the confidentiality of
10 information regarding the identification of a complainant.

11 SECTION 17. Section 13, Private Investigators and
12 Private Security Agencies Act (Article 4413(29bb), Vernon's Texas
13 Civil Statutes), is amended by adding Subsections (d), (e), and (f)
14 to read as follows:

15 (d) A political subdivision may not offer alarm system
16 sales, service, installation, or monitoring except as follows:

17 (1) service, installation, or monitoring is provided
18 for property owned by the political subdivision or another
19 political subdivision;

20 (2) monitoring is conducted for an ongoing criminal
21 investigation;

22 (3) a financial institution, as defined by Section
23 59.301, Finance Code, that is a member of the Federal Deposit
24 Insurance Corporation requests, in writing, that the political
25 subdivision provide monitoring service to the financial
26 institution; or

27 (4) the political subdivision has, since September 1,

1 1999, monitored residential alarm sites and any fee charged by the
2 political subdivision does not exceed the cost of the monitoring.

3 (e) A political subdivision may not advertise or solicit
4 monitoring services.

5 (f) Subsections (d) and (e) of this section do not apply to
6 a municipality with a population of less than 50,000.

7 SECTION 18. Section 14, Private Investigators and Private
8 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
9 Statutes), is amended by amending Subsection (a) and adding
10 Subsection (a-1) to read as follows:

11 (a) An applicant for a license or the applicant's [his]
12 manager must[-

13 [{+}] be at least 18 years of age and must not:

14 (1) [~~1~~]-[~~2~~]-not-have-been-convicted-in-any-jurisdiction
15 of-any-fe felony-unless-a-full-pardon-has-been-granted;

16 [~~3~~]-not] have been convicted in any jurisdiction of a
17 Class A misdemeanor or equivalent offense or a greater offense
18 [involving--moral--turpitude-during-the-seven-year-period-preceding
19 the-date-of-application] unless a full pardon has been granted for
20 reasons relating to a wrongful [the] conviction;

1 (2) have been convicted in any jurisdiction of a Class
2 B misdemeanor or equivalent offense for which the fifth anniversary
3 of the date of conviction has not occurred before the date of
4 application unless a full pardon has been granted for reasons
5 relating to a wrongful conviction;

6 (3) [~~4~~]-not] have been declared by any court of
7 competent jurisdiction incompetent by reason of mental defect or

1 disease and has not been restored;

2 (4) [~~5~~--not] be suffering from habitual drunkenness
3 or from narcotics addiction or dependence; or [and]

4 (5) [~~6~~--not] have been discharged from the armed
5 services of the United States under other than honorable
6 conditions.

7 (a-1) The board may deny an application for a license if the
8 applicant has been convicted in any jurisdiction of a Class B
9 misdemeanor or equivalent offense if the fifth anniversary of the
10 date of conviction has occurred before the date of application
11 unless a full pardon has been granted for reasons relating to a
12 wrongful conviction.

13 SECTION 19. Section 15, Private Investigators and Private
14 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
15 Statutes), is amended by amending Subsections (a) and (c) and
16 adding Subsection (g) to read as follows:

17 (a) An application for a license under this Act shall be in
18 the form prescribed by the board. The application shall include:

19 (1) the full name and business address of the
20 applicant;

21 (2) the name under which the applicant intends to do
22 business;

23 (3) a statement as to the general nature of the
24 business in which the applicant intends to engage;

25 (4) a statement as to the classification under which
26 the applicant desires to be qualified;

27 (5) the full name and residence address of each of the

1 applicant's [its] partners, officers, and directors, and of the
2 applicant's [its] manager, if the applicant is an entity other than
3 an individual;

4 (6) two [one] classifiable sets [set] of fingerprints
5 of the applicant, if the applicant is an individual, or of each
6 officer and of each partner or shareholder who owns a 25 percent or
7 greater interest in the applicant, if the applicant is an entity;

8 (7) a verified statement of the applicant's [his]
9 experience qualifications in the particular field of classification
10 in which the applicant [he] is applying;

11 (8) [~~a letter from the police department and a letter~~
12 ~~from the sheriff's department of the city and county wherein the~~
13 ~~applicant resides concerning the character of the applicant and~~
14 ~~containing any objection or recommendation as to his application;~~
15 and] a report [letter] from the Texas Department of Public Safety
16 stating the applicant's [~~setting forth the~~] record of any
17 convictions for a Class B misdemeanor or equivalent offense or a
18 greater offense [~~of any applicant for a felony or a crime involving~~
19 ~~moral turpitude~~]; and

20 (9) any other information, evidence, statements, or
21 documents [~~as may be~~] required by the board.

22 (c) The board shall [may] require an applicant or the
23 applicant's [his] manager to demonstrate qualifications in the
24 person's license [his] field of classification, including knowledge
25 of applicable state laws and board rules, by taking an examination
26 to be determined by the board.

27 (g) The board shall develop, and provide to a person who

1 applies to take the examination under Subsection (c) of this
2 section, material containing all applicable state laws and board
3 rules.

4 SECTION 20. Subchapter C, Private Investigators and Private
5 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
6 Statutes), is amended by adding Sections 15A, 15B, 15C, and 15D to
7 read as follows:

8 Sec. 15A. EXAMINATION RESULTS. (a) Not later than the 30th
9 day after the date a person takes a licensing examination under
10 this Act, the board shall notify the person of the results of the
11 examination.

12 (b) If the examination is graded or reviewed by a testing
13 service:

14 (1) the board shall notify the person of the results
15 of the examination not later than the 14th day after the date the
16 board receives the results from the testing service; and

17 (2) if notice of the examination results will be
18 delayed for longer than 90 days after the examination date, the
19 board shall notify the person of the reason for the delay before
20 the 90th day.

1 (c) The board may require a testing service to notify a
2 person of the results of the person's examination.

3 (d) If requested in writing by a person who fails a
4 licensing examination administered under this Act, the board shall
5 furnish the person with an analysis of the person's performance on
6 the examination.

7 Sec. 15B. RECIPROCAL LICENSE FOR CERTAIN FOREIGN APPLICANTS.

1 The board may waive any prerequisite to obtaining a license for an
2 applicant who holds a license issued by another jurisdiction with
3 which this state has a reciprocity agreement. The board may make
4 an agreement, subject to the approval of the governor, with another
5 state to allow for licensing by reciprocity.

6 Sec. 15C. PROVISIONAL LICENSE. (a) The board may issue a
7 provisional license to an applicant currently licensed in another
8 jurisdiction who seeks an equivalent license in this state and who:

9 (1) has been licensed in good standing as an
10 investigations company or security services contractor for at least
11 two years in another jurisdiction, including a foreign country,
12 that has licensing requirements substantially equivalent to the
13 requirements of this Act;

14 (2) has passed a national or other examination
15 recognized by the board relating to the practice of private
16 investigations or security services contracting; and

17 (3) is sponsored by a person licensed by the board
18 under this Act with whom the provisional license holder will
19 practice during the time the person holds a provisional license.

20 (b) A provisional license is valid until the date the board
21 approves or denies the provisional license holder's application for
22 a license. The board shall issue a license under this Act to the
23 provisional license holder if:

24 (1) the provisional license holder is eligible to be
25 licensed under Section 15B of this Act; or

26 (2) the provisional license holder:

27 (A) passes the part of the examination under

1 Section 15(c) of this Act that relates to the applicant's knowledge
2 and understanding of the laws and rules relating to the practice of
3 an investigations company or security services contractor in this
4 state;

5 (B) is verified by the board as meeting the
6 academic and experience requirements for a license under this Act;
7 and

8 (C) satisfies any other licensing requirements
9 under this Act.

10 (c) The board must approve or deny a provisional license
11 holder's application for a license not later than the 180th day
12 after the date the provisional license is issued. The board may
13 extend the 180-day period if the results of an examination have not
14 been received by the board before the end of that period.

15 (d) The board may establish a fee for provisional licenses
16 in an amount reasonable and necessary to cover the cost of issuing
17 the license.

18 Sec. 15D. PROVISIONAL REGISTRATION. (a) The board may
19 issue a provisional registration to an applicant currently
20 registered in another jurisdiction who seeks an equivalent
21 registration in this state and who:

22 (1) has been registered in good standing in the field
23 in which the registration is sought for at least two years in
24 another jurisdiction, including a foreign country, that has
25 registration requirements substantially equivalent to the
26 requirements of this Act;

27 (2) has passed a national or other examination

1 recognized by the board relating to practice in the field in which
2 the registration is sought; and

3 (3) is employed by a person licensed by the board
4 under this Act with whom the provisional registration holder will
5 practice during the time the person holds a provisional
6 registration.

7 (b) A provisional registration is valid until the date the
8 board approves or denies the provisional registration holder's
9 application for a registration. The board shall issue a
10 registration under this Act to the provisional registration holder
11 if the provisional registration holder is eligible to be registered
12 under this Act.

13 (c) The board must approve or deny a provisional
14 registration holder's application for a registration not later than
15 the 180th day after the date the provisional registration is
16 issued. The board may extend the 180-day period if the results of
17 an examination have not been received by the board before the end
18 of that period.

19 (d) The board may establish a fee for provisional
20 registration in an amount reasonable and necessary to cover the
21 cost of issuing the registration.

22 SECTION 21. Sections 17(a) and (d), Private Investigators
23 and Private Security Agencies Act (Article 4413(29bb), Vernon's
24 Texas Civil Statutes), are amended to read as follows:

25 (a) ~~The [if-the-General-Appropriations-Act-does-not-specify~~
26 ~~the--amount--of--the--fee,--the]~~ board by rule shall establish
27 reasonable and necessary fees that produce funds sufficient for the

1 administration of this Act but that do not produce unnecessary fund
 2 balances and do not exceed the following amounts:

3	Class A license	<u>\$250</u> [\$225]
4	(original and renewal)	
5	Class B license	<u>300</u> [225]
6	(original and renewal)	
7	Class C license	<u>440</u> [340]
8	(original and renewal)	
9	Reinstate suspended license	150
10	Assignment of license	150
11	Change name of license	75
12	Delinquency fee	_____
13	Branch office certificate and renewal	<u>200</u> [150]
14	Registration fee for private investigators, managers,	
15	branch office managers, and alarm systems installers	20
16	(original and renewal)	
17	Registration fee for noncommissioned security officer	<u>25</u> [35]
18	<u>Renewal fee for noncommissioned security officer</u>	<u>25</u>
19	Registration fee for security sales person	20
20	Registration fee for alarm systems monitor	20
21	Registration fee for dog trainer	20
22	Registration fee for owner, officer, partner, or	
23	shareholder of a licensee	<u>50</u> [20]
24	Registration fee for security consultants	55
25	Security officer commission fee	<u>50</u> [35]
26	(original and renewal)	
27	School instructor fee	100

1	(original and renewal)	
2	School approval fee	250
3	(original and renewal)	
4	Letter of authority fee for private businesses	
5	and political subdivisions	<u>300</u>
6	<u>Letter of authority renewal fee for private</u>	
7	<u>businesses and political subdivisions</u>	225
8	[(original and renewal)]	
9	FBI fingerprint check	25
10	Duplicate pocket card	10
11	Employee information update fee	15
12	Burglar alarm sellers renewal fee	25
13	Personal protection authorization	50

14 (d) A Class A, Class B, or Class C license is valid for one
 15 year from the date of issuance. Registration as a private
 16 investigator, manager, branch office manager, alarm systems
 17 installer, security consultant, security sales person, alarm
 18 systems monitor, or dog trainer is valid for two years from the
 19 date of registration~~[, except that an initial registration as an~~
 20 ~~alarm systems installer or security sales person is valid for one~~
 21 ~~year from the date of registration if the board requires~~
 22 ~~registrants to be trained or tested pursuant to Section 32(f) of~~
 23 ~~this Act].~~ Registration as an owner, officer, partner, or
 24 shareholder of a licensee is valid for two years from the date of
 25 registration. Registration as a noncommissioned security officer
 26 is valid for two ~~[four]~~ years from the date of registration. A
 27 letter of authority, or a school approval or school instructor

1 approval letter issued by the board, is valid for one year from the
2 date of issuance. Other licenses or registrations issued under
3 this Act are valid for the period specified by this Act or by board
4 rule.

5 SECTION 22. Subchapter C, Private Investigators and Private
6 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
7 Statutes), is amended by adding Section 17A to read as follows:

8 Sec. 17A. PAYMENT OF FEES AND FINES. The board may adopt
9 rules regarding the method of payment of a fee or a fine assessed
10 under this Act. The rules may authorize the use of electronic
11 funds transfer or a valid credit card issued by a financial
12 institution chartered by a state or the federal government or by a
13 nationally recognized credit organization approved by the board.
14 The rules may require the payment of a discount or a reasonable
15 service charge for a credit card payment in addition to the fee or
16 the fine.

17 SECTION 23. Section 18(b), Private Investigators and Private
18 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
19 Statutes), is amended to read as follows:

20 (b) No person shall act as a manager of a licensee until the
21 person [he] has complied with each of the following:

22 (1) demonstrated the person's [his] qualifications by
23 passing the [a] written examination required by Section 15(c) of
24 this Act; and

25 (2) made a satisfactory showing to the board that the
26 person [he] has the qualifications prescribed by Section 14 of this
27 Act, and that none of the facts stated in Section 11B(a) or 11E

1 ~~[Subsection--(a),-Section-11B]~~ of this Act regarding violations or
2 convictions exist as to the person [him].

3 SECTION 24. Section 19(1), Private Investigators and Private
4 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
5 Statutes), is amended to read as follows:

6 (1) The holder of a security officer commission who
7 terminates his employment with one employer may transfer his
8 security officer commission to a new employer if, not later than
9 the 14th [~~10th~~] day after the date on which the holder begins new
10 employment, the new employer notifies the board of the transfer of
11 employment on a form prescribed by the board, accompanied by the
12 employee information update fee.

13 SECTION 25. Section 20, Private Investigators and Private
14 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
15 Statutes), is amended to read as follows:

16 Sec. 20. TRAINING PROGRAMS. (a) The board shall establish
17 a basic training course for commissioned security officers. The
18 course must include, at a minimum:

- 19 (1) general security officer training issues;
20 (2) classroom instruction on handgun proficiency; and
21 (3) range instruction on handgun proficiency.

22 (b) The course must be offered and taught by schools and
23 instructors approved by the board. To receive board approval, a
24 school or an instructor must submit an application to the board on
25 a form provided by the board.

26 (c) [~~b~~] The basic training course approved by the board
27 shall consist of a minimum of 30 hours.

1 (d) The general security officer training portion of the
2 course must [and shall] include instruction on:

3 (1) board rules and applicable state laws [legal
4 limitations-on-the-use-of-firearms-and-on-the-powers-and--authority
5 of-a-security-officer];

6 (2) [~~familiarity-with-this-Act;~~
7 [~~3~~] field note taking and report writing;
8 [~~4~~]~~--range--firing--and-procedure,--and-firearms-safety~~
9 ~~and-maintenance;~~] and

10 (3) [~~5~~] any other topics of security officer
11 training curriculum which the board deems necessary.

12 (e) [~~e~~] The board shall develop a commissioned security
13 officer training manual that contains applicable state laws and
14 board rules to be used in the instructing and training of
15 commissioned security officers.

16 (f) [~~d~~] The board shall promulgate all rules necessary to
17 administer the provisions of this section concerning the training
18 requirements of this Act.

19 (g) [~~e~~] The board may not issue a security officer
20 commission to an applicant employed by a licensee unless the
21 applicant submits evidence satisfactory to the board that the
22 applicant:

23 (1) [he] has completed the basic training course at a
24 school or under an instructor approved by the board;

25 (2) [he] meets all qualifications established by this
26 Act and by the rules of the board;

27 (3) [he] has achieved the score required by the board

1 on the examination under Section 20B of this Act [~~satisfied his~~
2 ~~firearm training instructor that he has attained with a handgun a~~
3 ~~minimum average marksmanship competency of 160 out of 300 on an~~
4 ~~"Army-B" target or a minimum of 80 out of 150 on an F.B.I.~~
5 ~~Silhouette target (N.R.A. B-27), at 50 feet with 10 shots slow~~
6 ~~fire, 10 shots time fire and 10 shots double action or complies~~
7 ~~with the standards of marksmanship set by the board]; and~~

8 (4) [he] has satisfied the [his] firearm training
9 instructor that the applicant [he] has complied with the standards
10 of marksmanship set by the board for minimum marksmanship
11 competency with a shotgun.

12 (h) [~~f~~] In addition to the requirements of Subsection (g)
13 [~~e~~] of this section, the board by rules and regulations shall
14 establish other qualifications for persons who are employed in
15 positions requiring the carrying of firearms. These qualifications
16 may include physical and mental standards, standards of good moral
17 character, and other requirements that relate to the competency and
18 reliability of individuals to carry firearms. The board shall
19 prescribe appropriate forms and rules and regulations by which
20 evidence that the requirements are fulfilled is presented. [~~The~~
21 ~~board shall require commissioned security officers and applicants~~
22 ~~for security officer commissions to demonstrate proficiency in the~~
23 ~~use of firearms to the satisfaction of a firearm training~~
24 ~~instructor who is employed by a board approved training school.]
25 An applicant for a security officer commission must demonstrate
26 proficiency not earlier than the 90th day before the date on which
27 the security officer commission is to be issued. A commissioned~~

1 security officer must demonstrate proficiency not earlier than the
2 90th day before the date on which the commission is to be renewed.
3 The records of this proficiency shall be maintained by the school
4 and available for inspection by the board.

5 (i) [~~g~~] The board shall prescribe appropriate rules and
6 regulations for the maintenance of records relating to persons
7 issued security officer commissions by the board.

8 (j) The handgun proficiency course must include at least 10
9 hours and not more than 15 hours of instruction on:

10 (1) the laws that relate to weapons and to the use of
11 deadly force;

12 (2) handgun use, proficiency, and safety;

13 (3) nonviolent dispute resolution; and

14 (4) proper storage practices for handguns, with an
15 emphasis on storage practices that eliminate the possibility of
16 accidental injury to a child.

17 (k) The range instruction on handgun proficiency must
18 include an actual demonstration by the applicant of the applicant's
19 ability to safely and proficiently use a handgun. The applicant
20 must demonstrate, at a minimum, the degree of proficiency that is
21 required to effectively operate a 9-millimeter or .38-caliber
22 handgun.

23 (l) The board by rule shall establish minimum standards for
24 handgun proficiency that are at least as stringent as the standards
25 for handgun proficiency developed by the public safety director
26 under Section 411.188, Government Code.

27 SECTION 26. Subchapter C, Private Investigators and Private

1 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
2 Statutes), is amended by adding Sections 20A and 20B to read as
3 follows:

4 Sec. 20A. CONTINUING EDUCATION COURSE IN HANDGUN
5 PROFICIENCY. The board by rule shall develop a continuing
6 education course in handgun proficiency required for renewal of a
7 security officer commission. Only a board-approved instructor may
8 administer the continuing education course. The course must
9 include:

10 (1) at least four hours of instruction on one or more
11 of the subjects listed in Section 20(j) of this Act; and

12 (2) other information that the director determines is
13 appropriate.

14 Sec. 20B. HANDGUN PROFICIENCY EXAMINATION. (a) Only a
15 board-approved instructor may administer the handgun proficiency
16 examination required to obtain or to renew a security officer
17 commission.

18 (b) The proficiency examination must include:

19 (1) a written section on the subjects listed in
20 Section 20(j) of this Act; and

21 (2) a physical demonstration of handgun proficiency
22 that meets the minimum standards established under Section 20(k) or
23 (l) of this Act.

24 SECTION 27. Section 36, Private Investigators and Private
25 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
26 Statutes), is amended to read as follows:

27 Sec. 36. POCKET CARD[~~---~~RENEWAL]. [~~a~~] A pocket card

1 issued to [~~a noncommissioned security officer shall be issued to~~
2 ~~the individual employee and is valid for four years. A pocket card~~
3 ~~issued to~~] any [other] individual registered under Section 32 of
4 this Act [~~shall be issued to the individual's employer and~~] is
5 valid for two years. The pocket card must state the name of the
6 individual who is registered. A pocket card for an owner, officer,
7 partner, or shareholder of a license holder shall be issued to the
8 license holder.

9 [~~(b) On notification from the board the month before~~
10 ~~expiration of the registrant's pocket card, each registrant shall~~
11 ~~file for renewal of registration on a form designed by the board.]~~

12 SECTION 28. Subchapter C, Private Investigators and Private
13 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
14 Statutes), is amended by adding Section 36A to read as follows:

15 Sec. 36A. REGISTRATION RENEWAL. (a) A person who is
16 otherwise eligible to renew a registration may renew an unexpired
17 registration by paying the required renewal fee to the board before
18 the expiration date of the registration. A person whose
19 registration has expired may not engage in activities that require
20 a registration until the registration has been renewed.

21 (b) A person whose registration has been expired for 90 days
22 or less may renew the registration by paying to the board a renewal
23 fee that is equal to 1-1/2 times the normally required renewal fee.

24 (c) A person whose registration has been expired for more
25 than 90 days but less than one year may renew the registration by
26 paying to the board a renewal fee that is equal to two times the
27 normally required renewal fee.

1 (d) A person whose registration has been expired for one
2 year or more may not renew the registration. The person may obtain
3 a new registration by complying with the requirements and
4 procedures, including any examination required by the board, for
5 obtaining an original registration.

6 (e) A person who was registered in this state, moved to
7 another state, and is currently registered and has been in practice
8 in the other state for the two years preceding the date of
9 application may obtain a new registration without reexamination.
10 The person must pay to the board a fee that is equal to two times
11 the normally required renewal fee for the registration.

12 (f) Not later than the 30th day before the date a person's
13 registration is scheduled to expire, the board shall send written
14 notice of the impending expiration to the person at the person's
15 last known address according to the records of the board.

16 SECTION 29. Section 37, Private Investigators and Private
17 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
18 Statutes), is amended to read as follows:

19 Sec. 37. POCKET CARD[~~:-RETURN-AND~~] TRANSFER. [~~(a)~~]-When-an
20 individual--to--whom-a-pocket-card-has-been-issued-under-Section-34
21 of-this-Act-terminates-his--position--as--a--private--investigator,
22 manager,--branch--office--manager,--alarm-systems-installer,--private
23 security-consultant,--security-sales-person,--alarm-systems--monitor,
24 or-dog-trainer,--or-as-an-owner,--officer,--partner,--or-shareholder-of
25 a--licensee,--the--individual--shall--return-his-pocket-card-to-the
26 licensee-on-termination-of-his-employment-

27 [~~(b)~~]-An--individual--who--terminates--his--position--as--a

1 ~~noncommissioned-security-officer-may-retain-the-pocket-card-for-use~~
2 ~~in-future-employment-as-provided-by-Subsection-(c)-of-this-section-~~

3 ~~[(c)]~~ An individual who is registered with the board ~~[as-a~~
4 ~~noncommissioned-security-officer]~~ may transfer the registration
5 from one employer to another employer if, not later than the 14th
6 ~~[10th]~~ day after the date on which the registrant begins new
7 employment, the new employer notifies the board of the transfer of
8 employment on a form prescribed by the board accompanied by the
9 employee information update fee.

10 SECTION 30. Subchapter C, Private Investigators and Private
11 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
12 Statutes), is amended by adding Section 39A to read as follows:

13 Sec. 39A. CRIMINAL HISTORY CHECK. (a) The board shall
14 conduct a criminal history check, including a check of any criminal
15 history record information maintained by the Federal Bureau of
16 Investigation, in the manner provided by Subchapter F, Chapter 411,
17 Government Code, on each applicant for a license, registration,
18 security officer commission, letter of approval, permit, or
19 certification. An applicant is not eligible for a license,
20 registration, commission, letter of approval, permit, or
21 certification if the check reveals that the applicant has committed
22 an act that constitutes grounds for the denial of the license,
23 registration, commission, letter of approval, permit, or
24 certification. Each applicant shall include in the application two
25 complete sets of fingerprints on forms prescribed by the board
26 accompanied by the fee set by the board.

27 (b) Before beginning employment as a commissioned security

1 officer, the applicant must be approved by the board based on the
2 results of the check conducted under Subsection (a) of this
3 section. To continue employment in a capacity regulated under this
4 Act other than as a commissioned security officer, the applicant
5 must be approved by the board based on the results of the check
6 conducted under Subsection (a) of this section not later than the
7 120th day after the date the applicant begins employment in that
8 capacity.

9 (c) A license, registration, security officer commission,
10 letter of approval, permit, or certification issued by the board is
11 conditional on the board's receipt of criminal history record
12 information.

13 SECTION 31. Section 44, Private Investigators and Private
14 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
15 Statutes), is amended by adding Subsections (h) and (i) to read as
16 follows:

17 (h) A person commits an offense if the person contracts with
18 or is employed by a bondsman as defined by Chapter 550, Acts of the
19 63rd Legislature, Regular Session, 1973 (Article 2372p-3, Vernon's
20 Texas Civil Statutes), to secure the appearance of a person who has
21 violated Section 38.10, Penal Code, unless the person is:

22 (1) a peace officer;

23 (2) an individual licensed as a private investigator
24 or the manager of a licensed investigations company; or

25 (3) a commissioned security officer employed by a
26 licensed guard company.

27 (i) An offense under Subsection (h) of this section is a

1 state jail felony.

2 SECTION 32. Subchapter D, Private Investigators and Private
3 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
4 Statutes), is amended by adding Section 45A to read as follows:

5 Sec. 45A. LICENSE RENEWAL. (a) A person who is otherwise
6 eligible to renew a license may renew an unexpired license by
7 paying the required renewal fee to the board before the expiration
8 date of the license. A person whose license has expired may not
9 engage in activities that require a license until the license has
10 been renewed.

11 (b) A person whose license has been expired for 90 days or
12 less may renew the license by paying to the board a renewal fee
13 that is equal to 1-1/2 times the normally required renewal fee.

14 (c) A person whose license has been expired for more than 90
15 days but less than one year may renew the license by paying to the
16 board a renewal fee that is equal to two times the normally
17 required renewal fee.

18 (d) A person whose license has been expired for one year or
19 more may not renew the license. The person may obtain a new
20 license by complying with the requirements and procedures,
21 including the examination requirements, for obtaining an original
22 license.

23 (e) A person who was licensed in this state, moved to
24 another state, and is currently licensed and has been in practice
25 in the other state for the two years preceding the date of
26 application may obtain a new license without reexamination. The
27 person must pay to the board a fee that is equal to two times the

1 normally required renewal fee for the license.

2 (f) Not later than the 30th day before the date a person's
3 license is scheduled to expire, the board shall send written notice
4 of the impending expiration to the person at the person's last
5 known address according to the records of the board.

6 SECTION 33. Subchapter D, Private Investigators and Private
7 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
8 Statutes), is amended by adding Section 46A to read as follows:

9 Sec. 46A. STAGGERED RENEWAL; PRORATION OF LICENSE FEE. The
10 board by rule may adopt a system under which licenses expire on
11 various dates during the year. For the year in which the license
12 expiration date is changed, the board shall prorate license fees on
13 a monthly basis so that each license holder pays only that portion
14 of the license fee that is allocable to the number of months during
15 which the license is valid. On renewal of the license on the new
16 expiration date, the total license renewal fee is payable.

17 SECTION 34. Section 49, 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. 49. NOTIFICATION OF CONVICTION FOR CERTAIN OFFENSES
21 [FELONY--OR-CRIME-INVOLVING-MORAL-TURPITUDE]. The Texas Department
22 of Public Safety shall notify the board, and the police department
23 and the sheriff's department of the city and county in which
24 [wherein] any person licensed, commissioned, or registered under
25 this Act resides, of the conviction of such person for a Class B
26 misdemeanor or equivalent offense or a greater offense [felony-or-a
27 crime-involving-moral-turpitude].

1 SECTION 35. Section 50A, Private Investigators and Private
2 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
3 Statutes), is amended to read as follows:

4 Sec. 50A. COMPLAINTS. (a) The board shall maintain a file
5 on each written complaint filed with the board. The file must
6 include:

7 (1) the name of the person who filed the complaint;

8 (2) the date the complaint is received by the board;

9 (3) the subject matter of the complaint;

10 (4) the name of each person contacted in relation to
11 the complaint;

12 (5) a summary of the results of the review or
13 investigation of the complaint; and

14 (6) an explanation of the reason the file was closed,
15 if the agency closed the file without taking action other than to
16 investigate the complaint [~~keep--an--information--file--about--each~~
17 ~~complaint--filed--with--the--board--relating--to--a--person--regulated--by~~
18 ~~the--board~~].

19 (b) The board shall provide to the person filing the
20 complaint a copy of the board's policies and procedures relating to
21 complaint investigation and resolution.

22 (c) Unless it would jeopardize an undercover investigation,
23 the board shall provide to each person who is a subject of the
24 complaint a copy of the board's policies and procedures relating to
25 complaint investigation and resolution.

26 (d) The board, at least quarterly until final disposition of
27 the complaint, shall notify the person filing the complaint and

1 each person who is a subject of the complaint of the status of the
2 investigation unless the notice [if a written complaint is filed
3 with the board relating to a person regulated by the board, the
4 board, at least as frequently as quarterly, shall notify the
5 parties to the complaint of the status of the complaint until final
6 disposition unless the notification] would jeopardize an undercover
7 investigation.

8 SECTION 36. The Private Investigators and Private Security
9 Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes) is
10 amended by adding Subchapter E to read as follows:

11 SUBCHAPTER E. ADMINISTRATIVE PENALTY

12 Sec. 61. IMPOSITION OF PENALTY. In addition to any other
13 disciplinary action taken by the board, the board may impose an
14 administrative penalty on a person licensed, commissioned, or
15 registered under this Act who violates this Act or a rule or order
16 adopted under this Act.

17 Sec. 62. AMOUNT OF PENALTY. (a) Each day a violation
18 continues or occurs is a separate violation for purposes of
19 imposing a penalty. The amount of each separate violation may not
20 exceed \$200.

21 (b) The amount of a violation shall be based on:

22 (1) the seriousness of the violation, including the
23 nature, circumstances, extent, and gravity of the violation;

24 (2) the economic harm to property or the public caused
25 by the violation;

26 (3) the history of previous violations;

27 (4) the amount necessary to deter a future violation;

1 (5) efforts to correct the violation; and

2 (6) any other matter that justice may require.

3 Sec. 63. REPORT AND NOTICE OF VIOLATION AND PENALTY. (a)

4 If the director determines that a violation occurred, the director
5 may issue to the board a report stating:

6 (1) the facts on which the determination is based; and

7 (2) the director's recommendation on the imposition of
8 the penalty, including a recommendation on the amount of the
9 penalty.

10 (b) Not later than the 14th day after the date the report is
11 issued, the director shall give written notice of the report to the
12 person.

13 (c) The notice must:

14 (1) include a brief summary of the alleged violation;

15 (2) state the amount of the recommended penalty; and

16 (3) inform the person of the person's right to a
17 hearing on the occurrence of the violation, the amount of the
18 penalty, or both.

19 Sec. 64. PENALTY TO BE PAID OR HEARING REQUESTED. (a) Not
20 later than the 20th day after the date the person receives the
21 notice, the person in writing may:

22 (1) accept the determination and recommended penalty
23 of the director; or

24 (2) make a request for a hearing on the occurrence of
25 the violation, the amount of the penalty, or both.

26 (b) If the person accepts the determination and recommended
27 penalty of the director, the board by order shall approve the

1 determination and impose the recommended penalty.

2 Sec. 65. HEARING. (a) If the person requests a hearing or
3 fails to respond in a timely manner to the notice, the director
4 shall set a hearing and give written notice of the hearing to the
5 person. An administrative law judge of the State Office of
6 Administrative Hearings shall hold the hearing.

7 (b) The administrative law judge shall make findings of fact
8 and conclusions of law and promptly issue to the board a proposal
9 for a decision about the occurrence of the violation and the amount
10 of a proposed penalty.

11 Sec. 66. DECISION BY BOARD. (a) Based on the findings of
12 fact, conclusions of law, and proposal for a decision, the board by
13 order may:

14 (1) find that a violation occurred and impose a
15 penalty; or

16 (2) find that a violation did not occur.

17 (b) The notice of the board's order given to the person must
18 include a statement of the right of the person to judicial review
19 of the order.

20 Sec. 67. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. Not
21 later than the 30th day after the date the board's order becomes
22 final, the person shall:

23 (1) pay the penalty; or

24 (2) file a petition for judicial review contesting the
25 occurrence of the violation, the amount of the penalty, or both.

26 Sec. 68. STAY OF ENFORCEMENT OF PENALTY. (a) Within the
27 30-day period prescribed by Section 67 of this Act, a person who

1 files a petition for judicial review may:

2 (1) stay enforcement of the penalty by:

3 (A) paying the penalty to the court for
4 placement in an escrow account; or

5 (B) giving the court a supersedeas bond approved
6 by the court that:

7 (i) is for the amount of the penalty; and

8 (ii) is effective until all judicial
9 review of the board's order is final; or

10 (2) request the court to stay enforcement of the
11 penalty by:

12 (A) filing with the court a sworn affidavit of
13 the person stating that the person is financially unable to pay the
14 penalty and is financially unable to give the supersedeas bond; and

15 (B) giving a copy of the affidavit to the
16 director by certified mail.

17 (b) If the director receives a copy of an affidavit under
18 Subsection (a)(2) of this section, the director may file with the
19 court, not later than the fifth day after the date the copy is
20 received, a contest to the affidavit. The court shall hold a
21 hearing on the facts alleged in the affidavit as soon as
22 practicable and shall stay the enforcement of the penalty on
23 finding that the alleged facts are true. The person who files an
24 affidavit has the burden of proving that the person is financially
25 unable to pay the penalty and to give a supersedeas bond.

26 Sec. 69. COLLECTION OF PENALTY. (a) If the person does not
27 pay the penalty and the enforcement of the penalty is not stayed,

1 the penalty may be collected.

2 (b) The attorney general may sue to collect the penalty.

3 Sec. 70. DECISION BY COURT. (a) If the court sustains the
4 finding that a violation occurred, the court may uphold or reduce
5 the amount of the penalty and order the person to pay the full or
6 reduced amount of the penalty.

7 (b) If the court does not sustain the finding that a
8 violation occurred, the court shall order that a penalty is not
9 owed.

10 Sec. 71. REMITTANCE OF PENALTY AND INTEREST. (a) If the
11 person paid the penalty and if the amount of the penalty is reduced
12 or the penalty is not upheld by the court, the court shall order,
13 when the court's judgment becomes final, that the appropriate
14 amount plus accrued interest be remitted to the person.

15 (b) The interest accrues at the rate charged on loans to
16 depository institutions by the New York Federal Reserve Bank.

17 (c) The interest shall be paid for the period beginning on
18 the date the penalty is paid and ending on the date the penalty is
19 remitted.

20 Sec. 72. RELEASE OF BOND. (a) If the person gave a
21 supersedeas bond and the penalty is not upheld by the court, the
22 court shall order, when the court's judgment becomes final, the
23 release of the bond.

24 (b) If the person gave a supersedeas bond and the amount of
25 the penalty is reduced, the court shall order the release of the
26 bond after the person pays the reduced amount.

27 Sec. 73. ADMINISTRATIVE PROCEDURE. A proceeding to impose

1 the penalty is considered to be a contested case under Chapter
2 2001, Government Code.

3 SECTION 37. Article 2.12, Code of Criminal Procedure, is
4 amended to read as follows:

5 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
6 officers:

- 7 (1) sheriffs and their deputies;
- 8 (2) constables and deputy constables;
- 9 (3) marshals or police officers of an incorporated
10 city, town, or village;
- 11 (4) rangers and officers commissioned by the Public
12 Safety Commission and the Director of the Department of Public
13 Safety;
- 14 (5) investigators of the district attorneys', criminal
15 district attorneys', and county attorneys' offices;
- 16 (6) law enforcement agents of the Texas Alcoholic
17 Beverage Commission;
- 18 (7) each member of an arson investigating unit
19 commissioned by a city, a county, or the state;
- 20 (8) officers commissioned under Section 37.081,
21 Education Code, or Subchapter E, Chapter 51, Education Code;
- 22 (9) officers commissioned by the General Services
23 Commission;
- 24 (10) law enforcement officers commissioned by the
25 Parks and Wildlife Commission;
- 26 (11) airport police officers commissioned by a city
27 with a population of more than one million, according to the most