

CHAPTER 758

H.B. No. 559

AN ACT

relating to the licensure of persons employed or appointed as armed security officers by the state or any political subdivision of the state.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 2(a), Chapter 546, Acts of the 59th Legislature, Regular Session, 1965 (Article 4413(29aa), Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Commission shall have the authority and power to:

(1) Promulgate rules and regulations for the administration of this Act including the authority to require the submission of reports and information by any state, county, special district, or municipal agency within this state which employs peace officers, jailers or guards of county jails, or reserve law enforcement officers.

(2) Establish minimum standards that relate to competence and reliability, including educational, training, physical, mental and moral standards for licensing as a peace officer or reserve law enforcement officer in a permanent position, and licensing as a jailer or guard of a county jail in a permanent, temporary, or probationary status.

(3) Issue permanent licenses to persons qualified under the provisions of this Act to be peace officers or reserve law enforcement officers, and issue temporary or permanent licenses to persons qualified to be jailers or guards of county jails.

(4) Certify persons as having qualified as instructors under such conditions as the Commission may prescribe.

(5) Establish minimum curriculum requirements for preparatory, in-service and advanced courses and programs for schools or academies operated by or for the state or any political subdivisions thereof for the specific purpose of training peace officers, jailers and guards of county jails, or reserve law enforcement officers, or recruits for those positions.

(6) Consult and cooperate with counties, special districts, municipalities, agencies of this state, other governmental agencies, and with universities, colleges, junior colleges, and other institutions concerning the development of training schools and programs of courses of instruction for peace officers, jailers or guards of county jails, or reserve law enforcement officers.

(7) Approve, or revoke the approval of, institutions and facilities for schools operated by or for the state or any political subdivision thereof for the specific purpose of training peace officers, jailers and guards of county jails, reserve law enforcement officers, or recruits for those positions, and issue certificates of approval to such institutions and revoke such certificates of approval.

(8) Operate schools and facilities thereof and conduct courses therein, both preparatory, in-service, basic and advanced courses, for peace officers, jailers or guards of county jails, or reserve law enforcement officers, and recruits for those positions as the Commission may determine.

(9) Contract with other agencies, public or private, or persons, as the Commission deems necessary for the rendition and affording of such services, facilities, studies and reports as it may require to cooperate with municipal, county, special district, state and federal law enforcement agencies in training programs, and to otherwise perform its functions.

(10) Make or encourage studies of any aspect of law enforcement, including police administration.

(11) Conduct and stimulate research by public and private agencies which shall be designed to improve law enforcement and police administration.

(12) Employ an Executive Director and such other personnel as may be necessary in the performance of its functions.

(13) Visit and inspect all institutions and facilities conducting courses for the training of peace officers, jailers or guards of county jails, or reserve law enforcement officers, and recruits for those positions, and make evaluations as may be necessary to determine if they are complying with the provisions of this Act and the Commission's rules and regulations.

(14) Adopt and amend rules and regulations, consistent with law, for its internal management and control.

(15) Accept any donations, contributions, grants or gifts from private individuals or foundations or the federal government.

(16) Report to the Governor and to the Legislature on its activities, with its recommendations relating to any matter within its purview, and make such other reports as it deems desirable.

(17) In addition to meeting in the manner required by Subsection (b) of this section, meet at such times and places in the State of Texas as it deems proper; meetings shall be called by the Chairman upon his own motion, or upon the written request of five members.

(18) Establish procedures for the revocation of licenses issued to a peace officer, a jailer or a guard of a county jail, or a reserve law enforcement officer under the provisions of this Act, except that those provisions may not apply to a law enforcement officer elected under the Texas Constitution.

(19) Establish procedures for the issuance of professional achievement or proficiency certificates based upon law enforcement training, education, and experience.

(20) Establish reasonable and necessary fees for the administration of this Act.

(21) Establish requirements for certification of and procedures for revocation of licenses of a law enforcement officer elected under the Texas Constitution, with the exception of sheriffs, after September 1, 1985.

(22) *Establish minimum standards that relate to competence and reliability, including educational, training, physical, mental, and moral standards for licensing as a public security officer.*

SECTION 2. Section 6(h), Chapter 546, Acts of the 59th Legislature, Regular Session, 1965 (Article 4413(29aa), Vernon's Texas Civil Statutes), is amended to read as follows:

(h) "Peace officer," for the purposes of this Act, means any person employed or appointed as a peace officer under law, including but not limited to a person so designated by Article 2.12, Code of Criminal Procedure, [~~1965,~~] or by Section 51.212 or 51.214, Education Code. *"Public security officer," for the purposes of this Act, means any person employed or appointed as an armed security officer by the state or any political subdivision of the state, but does not include security officers employed by private security companies who contract with the state or any political subdivision of the state to provide security services for the entity.*

SECTION 3. Section 6(c), Chapter 546, Acts of the 59th Legislature, Regular Session, 1965 (Article 4413(29aa), Vernon's Texas Civil Statutes), is amended to read as follows:

(c) No person who does not have a license issued by the Commission shall be appointed as a peace officer, jailer or guard of a county jail, [~~or~~] reserve law enforcement officer, or public security officer. A law enforcement agency or governmental entity hiring a person desiring a Commission license must file an application with the Commission in accordance with Commission rule. *Any provision of this Act that applies to the issuance or revocation of a license to a peace officer shall also apply to the issuance or revocation of a license to a public security officer.*

SECTION 4. (a) This Act takes effect on September 1, 1987, but a person who on the effective date of this Act is employed or appointed as an armed security officer by the state or a political subdivision of the state is not required to obtain a license under Chapter 546, Acts of the 59th Legislature, Regular Session, 1965 (Article 4413(29aa), Vernon's Texas Civil Statutes), until September 1, 1989.

(b) A person who on the effective date of this Act is employed or appointed as an armed security officer by the state or a political subdivision of the state may not be fired from that position for the sole reason that the person has not obtained a license before September 1, 1989.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 22, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 559 on May 30, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 29, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective Sept. 1, 1987.