

BILL ANALYSIS

C.S.H.B. 1777
By: Dale
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Observers note a need to revise statutory provisions governing security officer commissions. C.S.H.B. 1777 seeks to provide clarity with respect to certain eligibility requirements for a security officer commission applicant, the timeframe within which a commission applicant must demonstrate the required handgun proficiency, and the expiration of commissions and of certain letters issued by the Texas Private Security Board.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1777 amends the Occupations Code to establish that statutory provisions relating to the consequences of criminal conviction on licensing do not apply to a determination of whether a security officer commission applicant is disqualified by state or federal law from owning or possessing a firearm for commission eligibility purposes. The bill limits the statutory provision establishing that an individual's eligibility for that commission is not affected by a relationship or lack of relationship between the nature of a criminal charge or conviction and the regulated occupation to eligibility as it relates to the disqualification to own or possess a firearm.

C.S.H.B. 1777 changes the timeframe within which a security officer commission applicant must demonstrate the required handgun proficiency from within the 90-day period before the date the commission is issued to not earlier than the 90th day before the date the application for the commission is submitted. The bill sets a security officer commission issued to a person who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States to expire on the earlier of the expiration of the person's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law or the second anniversary of the date the commission is issued. The bill removes a school instructor approval letter from the letters or approvals issued by the Texas Private Security Board that expire on the first anniversary of the date of issuance and includes an instructor approval letter among the licenses, registrations, or endorsements issued under the Private Security Act that expire on the date specified by that act or by board rule.

EFFECTIVE DATE

85R 24553

17.109.1141

Substitute Document Number: 85R 21782

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1777 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 1702.163(g), Occupations Code, is amended.

SECTION 1. Same as introduced version.

No equivalent provision.

SECTION 2. Section 1702.1685(c), Occupations Code, is amended to read as follows:

(c) An applicant for a security officer commission must demonstrate the required proficiency not earlier than the 90th day [~~within the 90-day period~~] before the date the application for the security officer commission is submitted [~~issued~~].

No equivalent provision.

SECTION 3. Section 1702.301, Occupations Code, is amended by amending Subsections (b), (g), and (h) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), a [~~A~~] security officer commission expires on the second anniversary of the date the commission is issued.

(b-1) A security officer commission issued to a person who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earlier of:

(1) the second anniversary of the date the commission is issued; or

(2) the expiration of the person's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law.

(g) A letter of authority[;] or a school approval [~~or school instructor approval~~] letter issued by the board[;] expires on the first anniversary of the date of issuance.

(h) A license, registration, instructor approval letter, or endorsement issued under this chapter, other than one specified in this section, expires on the date specified by this chapter or by board rule.

SECTION 2. The change in law made by this Act applies only to an application for an original or renewal security officer commission that is submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 4. (a) Sections 1702.163(g) and 1702.1685(c), Occupations Code, as amended by this Act, apply only to an application for an original or renewal security officer commission that is submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(b) Section 1702.301, Occupations Code, as amended by this Act, applies only to a security officer commission or an instructor approval letter issued or renewed on or after the effective date of this Act. A security officer commission or an instructor approval letter issued or renewed before the effective date of this Act is governed by the law in effect on the date the security officer commission or instructor approval letter was issued or renewed, and the former law is continued in effect for that purpose.

SECTION 5. Same as introduced version.