

SUBJECT: Regulating private investigators and security agencies

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 5 ayes — Oakley, Allen, Carter, Driver, Luna

0 nays

4 absent — Bailey, Edwards, Madden, McCoulskey

WITNESSES: For — Forrest Jenkins, Texas Burglar and Fire Alarm Association; Clema Sanders, Texas Board of Private Investigators and Security Agencies

Against — None

BACKGROUND: The Texas Board of Private Investigators and Security Agencies regulates the burglar alarm industry in Texas. As more and more theft prevention devices are invented, the number of companies that sell and monitor these devices is expanding.

Definitions of the new devices need to be included in the Private Investigators and Private Security Agencies Act to ensure that the act can effectively regulate the companies that install and monitor the devices.

In addition, there is a pressing need to create standards to monitor animal cruelty investigators.

DIGEST: CSHB 2958 would make a number of definitional changes to the Private Investigators and Private Security Agencies Act including:

- a business engaged in the electronic tracking of a person or a car would be included in the definition of "investigations company;"
- a business that sells, installs, services, monitors or responds to detection devices or robbery alarms would be included in the definition of "alarm systems company;"

- a business that sells, installs, or monitors a burglar alarm or signal device to prevent or detect robbery or shrinkage would be an "alarm systems company;"
- a person who monitors detection devices or robbery alarms for prevention or detection purposes would be included in the definition of "alarm systems monitor;"
- a person who uses alarms, devices or the like for preventing robbery or shrinkage would be included in the definition of "alarm systems monitor;"
- an electronic device that is part of a burglar or holdup alarm used to limit access to a building, gate, or other structure, including a card or push button key pad would be called a "detection device;"
- a person certified under this act who investigates animal cruelty would be an "animal cruelty investigator."

A person who sells or installs automobile burglar alarms would not be subject to this act as long as the person is not performing any other act that requires licensure.

A person having a seller's certificate who sells, but does not service, install or monitor a detection device would not be subject to the provisions of this act; it would be unlawful for a person with a seller's certificate to install, service, monitor or respond to detection devices.

The board could revoke or suspend the security officer commission of a person whose licensed employer gives proof that the officer committed fraud, deceit, or theft while working as a commissioned security officer.

A person convicted of cruelty to animals would be ineligible to be certified as an animal cruelty investigator. CSHB 2958 would provide eligibility requirements for an animal cruelty investigator certificate and would require the board to adopt rules relating to requirements, certification and practices.

A person would need to complete 12 or more hours of continuing education to renew a license. The board would need to adopt rules relating to continuing education by March 1, 1996. A fee for the certificate could not be more than \$50.

CSHB 2958 would add an exception to the current penalty for violating any provision of the act for which a specific penalty is not already prescribed. If a person who failed to obtain a certificate or license had previously been convicted of an offense under this act, the offense would be a third degree felony, maximum penalty of 10 years in prison and a \$10,000 fine. A person who knowingly hired or contracted with a person who does not have the necessary license, certificate or registration would commit a Class A misdemeanor, maximum penalty of one year in jail and a \$4000 fine.

The bill would take effect September 1, 1995.

NOTES:

The committee substitute to HB 2958 added a definition of an "animal cruelty investigator," restricted convicted animal cruelty offenders from being an animal cruelty investigator and included the language enabling the board to charge a fee for a certificate.