

SUBJECT: Exempting certain reserve peace officers from regulation

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 6 ayes — B. Turner, Berman, Gutierrez, Hupp, Isett, Villarreal
1 nay — Driver
2 absent — Keel, P. King

WITNESSES: For — Thomas Barber, Burleson County Sheriff's Department; Randie M. Cook; Allan Edworthy; Ethel Edworthy; Mary McDonald; Neva Oberts; Thomas Swearingen

Against — Ann Ball, Susan Griswold, Kimberly Lakes, Velma J. Mingo, Dave Parker, and Walter Roberts, ASSIST; Bob Burt, Associate Security Services and Investigators of the State of Texas; Ron DeLord, Combined Law Enforcement Associations of Texas; Tom Gaylor, Texas Municipal Police Association; Phyllis Grimes; Ed Hearne; Booker Lakes and Ranjeet Lakes, Comprehensive Investigations and Security; Kathy McReynolds; Hubert Ruiz; Dave Scepanski, Associated Security Services and Investigators; Kim Villarreal; Dan West, Security Services of Texas

On — Hans Marticheck, Houston Police Officers' Union; Jerry McGlasson, Texas Commission on Private Security

BACKGROUND: The Private Investigators and Private Security Agencies Act (Occupations Code, sec. 1702) establishes rules and guidelines for private security investigators. It exempts several professions, including a full-time peace officer, a part-time peace officer who works at least 32 hours a week, and a reserve peace officer compensated by the county and not the state.

DIGEST: CSHB 232 would exempt from regulation under the Private Investigators and Private Security Agencies Act a reserve peace officer for a county or for a department, precinct, or subdivision of a county with a population of less than 20,000, while the officer is performing duties in such a county.

This bill would take effect September 1, 2001.

**SUPPORTERS
SAY:**

CSHB 232 would help small counties with their law enforcement needs. Many rural counties do not have the resources to hire full-time peace officers and must rely on reserve officers. These counties work with a small core of officers, but when they need extra help, they cannot compensate reserve officers who assist the full-time officers. Under current law, these reserve officers cannot be paid unless they work at least 32 hours per week.

The legislative intent of excluding reserve officers in small counties without the 32-hours-per-week work restriction was to restrict reserve officers from competing with private security agencies. However, most small rural counties do not have private security agencies and do not have enough officers to perform duties when needed.

In counties with private security agencies, many cases would be served better by law enforcement personnel, and these counties often do not have enough full-time officers. A reserve officer could provide off-duty services at dances, fairs, football games, and so on, and would offer the additional security of having arrest authority and the deterrent effect of having a marked police car at the event.

Although CSHB 232 would carry a small cost to the state, the cost would be outweighed by the benefit of compensating reserve peace officers for performing public safety duties.

**OPPONENTS
SAY:**

CSHB 232 could have a detrimental effect on some law enforcement personnel in some counties. Many counties have qualified full-time peace officers who need the overtime pay and are willing to work at off-duty functions. These full-time officers should get the first opportunity to work these jobs.

Reserve officers would compete with private security agencies. Exempting reserve peace officers under the 32-hour-per-week minimum could open the door to expanding the exemption further and could cause serious harm to the private security industry in Texas.

According to the bill's fiscal note, the Commission on Private Security (CPS) estimates that CSHB 232 would cause 139 applications for letters of authority and 278 applications for security officer commissions not to be filed. Based on the fees that CPS charges, this would result in a net loss of about \$50,000 per year in general revenue.

NOTES:

The committee substitute added the provision that a reserve peace officer would be exempt if performing duties in a county with a population of less than 20,000.