

- SUBJECT:** Exempting social workers from private security regulation
- COMMITTEE:** Public Safety — favorable, without amendment
- VOTE:** 7 ayes — Merritt, Frost, Driver, P. King, Lewis, Rodriguez, Vo  
0 nays  
2 absent — Burnam, Mallory Caraway
- WITNESSES:** For — Vicki Hansen, National Association of Social Workers, Texas Chapter (NASW-TX); (*Registered, but did not testify:* Gerald Byington; Randy Kildow, Texas Association of Licensed Investigators; Linda Mockridge, National Association of Social Workers (NASW); Aaron Robb)  
  
Against — None  
  
On — (*Registered, but did not testify:* RenEarl Bowie, Steve Moninger, Texas Department of Public Safety (DPS), Private Security Bureau)
- BACKGROUND:** Occupations Code, ch. 1702, the Private Security Act, provides for licensing and regulation of various professions such as security guards, private investigators, and armored car companies.  
  
Occupations Code, sec. 1702.104 requires licensure as an investigation company by any individual that engages in the business of obtaining or furnishing, or who accepts employment to obtain or furnish, information related to the identity, habits, business, occupation, associations, transactions, acts, reputation, or character of a person. In addition, Occupations Code, ch. 1702 requires an individual who gathers information to be used by a court to be licensed as an investigator.  
  
A 2003 United States Supreme Court decision and a subsequent revision of the American Bar Association standards have led to the use of mitigation specialists in all capital cases and frequently in lesser criminal cases. A mitigation specialist, often a social worker, will interview those associated with a defendant, and gather medical, educational, or other related records to look for patterns to account for an individual's

criminality. Courts may appoint mitigation specialists, or attorneys may hire them, to investigate circumstances, such as low IQ scores, mental illness, or an abusive childhood, that could be mitigating factors in an individual's case.

Occupations Code, sec. 1702.324(b) exempts 15 professions or activities, in which individuals gather information regarding others, from licensure requirements under the Private Security Act. These professions include attorneys, accounting firms, credit and collections companies, insurance companies, agents, and brokers, alarm system engineers, and security personnel at a nuclear power plant.

**DIGEST:**

HB 3499 would amend Occupations Code, sec. 1702.324(b) to add a licensed social worker who was engaged in the practice of social work to the list of professions exempted from licensure under the Private Security Act.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.