

BILL ANALYSIS

Senate Research Center

S.B. 1905
By: Moncrief
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As Filed

DIGEST

Currently, the Board of Private Investigators and Private Security Agencies was created in 1969 to regulate private investigators and private security officers. Since that time, the board has expanded its regulatory structure to include oversight of the security alarm industry. In 1995, an audit of the board by the state auditor found instability in management control relating to resource management, inadequate policies and procedures, and improper safeguards over agency administrative functions. An audit conducted recently by the state auditor found that a significant percentage of those issued identified in the 1995 audit had not been addressed by the board. Additionally, the state auditor found other issues relating to possible mismanagement, misappropriation of funds, and violation of state purchasing requirements. S.B. 1905 would abolish the Texas Board of Private Investigators and Private Security Agencies and move its function to the Texas Commission on Law Enforcement Officer Standards and Education.

PURPOSE

As proposed, S.B. 1905 outlines provisions regarding the abolition of the Texas Board of Private Investigators and Private Security Agencies and the transfer of the board's functions to the Commission on Law Enforcement Officer Standards and Education.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 2(1), (15), (16), (18)-(22), (24), (26), (34), and (35), Article 4413(29bb), V.T.C.S. (Private Investigators and Private Security Agencies Act), to define "commission." Deletes the definition of "board." Redefines "license," "branch office license," "security officer commission," "commissioned security officer," "branch office," "registration," "registrant," "director," "letter of authority," "personal protection authorization," and "personal protection officer."

SECTION 2. Amends Sections 3(d) and (e), Article 4413(29bb), V.T.C.S., to prohibit the security department of a private business from making application to the Commission on Law Enforcement Officer Standards and Education (commission), rather than the Texas Board of Private Investigators and Private Securities (board), for any provision under this Act. Makes conforming and nonsubstantive changes.

SECTION 3. Amends Sections 3A(a), (b), and (d), Article 4413(29bb), V.T.C.S., to make conforming changes.

SECTION 4. Amends Sections 3B and 3C, Article 4413(29bb), V.T.C.S., as follows:

Sec. 3B. New heading: COMMISSION INTERPRETATIONS AND OPINIONS. Makes a conforming change.

Sec. 3C. CERTIFICATE OF INSTALLATION. Makes a conforming change.

SECTION 5. Amends Section 4, Article 4413(29bb), V.T.C.S., as amended by Chapters 306 and 773, Acts of the 67th Legislature, Regular Session, 1981, as follows:

Sec. 4. New heading: COMMISSION. Requires the commission, rather than the board, to carry out the functions and duties conferred on it by this Act. Requires the executive director of the commission to perform such duties under this Act as may be prescribed by the commission, rather than the board. Deletes text regarding the creation of the position of director of the board. Deletes text providing that the board is subject to Chapter 325, Government Code (Texas Sunset Act) and abolishing the board. Deletes text requiring money paid to the board to be deposited in the State Treasury and placed in a fund to be known as the Texas Board of Private Investigators and Private Security Agencies Fund. Deletes text regarding the depositing of funds paid to the board under this Act. Provides that the commission, rather than the board is subject to Chapters 551 and 2001, Government Code. Makes standard recodification, conforming and nonsubstantive changes.

SECTION 6. Amends Sections 11 and 11A, Article 4413(29bb), V.T.C.S., to delete text requiring the board to have a seal. Requires the commission, rather than the board, to file annually a complete written report accounting for all funds received and disbursed by the commission under this Act, rather than the board in the preceding fiscal year. Deletes text requiring the board to adopt certain policies. Makes conforming and nonsubstantive changes.

SECTION 7. Amends Sections 11B(a)-(c) and (g), Article 4413(29bb), V.T.C.S., to make conforming changes.

SECTION 8. Amends Section 11C, Article 4413(29bb), V.T.C.S., to make a conforming change.

SECTION 9. Amends Sections 11D(a), (c), and (d), Article 4413(29bb), V.T.C.S., to make conforming changes.

SECTION 10. Amends Section 13(c), Article 4413(29bb), V.T.C.S., to make a conforming change.

SECTION 11. Amends Sections 14(b)-(d), (f), and (g), Article 4413(29bb), V.T.C.S., to make conforming changes.

SECTION 12. Amends Section 14A, Article 4413(29bb), V.T.C.S., to make conforming changes.

SECTION 13. Amends Sections 15(a) and (c)-(f), Article 4413(29bb), V.T.C.S., to make conforming changes.

SECTION 14. Amends Section 16(d), Article 4413(29bb), V.T.C.S., to make a conforming change.

SECTION 15. Amends Section 17, Article 4413(29bb), V.T.C.S., to make conforming changes.

SECTION 16. Amends Sections 18(b)-(d), Article 4413(29bb), V.T.C.S., to make conforming changes.

SECTION 17. Amends Sections 19(a)-(e), (g)-(j), and (l), Article 4413(29bb), V.T.C.S., to make conforming changes.

SECTION 18. Amends Sections 20, 21, and 23-26, Article 4413(29bb), V.T.C.S., to make conforming changes.

SECTION 19. Amends Section 28(e), Article 4413(29bb), V.T.C.S., to make a conforming change.

- SECTION 20. Amends Sections 29-31, Article 4413(29bb), V.T.C.S., to make conforming changes.
- SECTION 21. Amends Sections 32(a) and (c)-(g), Article 4413(29bb), V.T.C.S., to make conforming changes.
- SECTION 22. Amends Sections 33(a), (c), and (d), Article 4413(29bb), V.T.C.S., to make conforming changes.
- SECTION 23. Amends Sections 34 and 35, Article 4413(29bb), V.T.C.S., to make a conforming change.
- SECTION 24. Amends Section 36(b), Article 4413(29bb), V.T.C.S., to make a conforming change.
- SECTION 25. Amends Section 37(c), Article 4413(29bb), V.T.C.S., to make conforming changes.
- SECTION 26. Amends Sections 38(a), (b), and (d), Article 4413(29bb), V.T.C.S., to make conforming changes.
- SECTION 27. Amends Section 39, Article 4413(29bb), V.T.C.S., to make conforming changes.
- SECTION 28. Amends Section 40(a), Article 4413(29bb), V.T.C.S., to make conforming changes.
- SECTION 29. Amends Section 42, Article 4413(29bb), V.T.C.S., to make conforming changes.
- SECTION 30. Amends Sections 44(e) and (g), Article 4413(29bb), V.T.C.S., to make conforming changes.
- SECTION 31. Amends Sections 45(d)-(f), (h), and (i), Article 4413(29bb), V.T.C.S., to make conforming changes.
- SECTION 32. Amends Sections 46, 49, and 50A, Article 4413(29bb), V.T.C.S., to require the commission, rather than the board, to keep an information file about each complaint filed with the commission, rather than the board, relating to a person regulated under this Act by the commission rather than the board. Makes conforming changes.
- SECTION 33. Amends Section 11.61(e), Alcoholic Beverage Code, to set forth certain persons to which this subsection does not apply.
- SECTION 34. Amends Section 61.71(f), Alcoholic Beverage Code, to make a conforming change.
- SECTION 35. Amends Section 232.002, Family Code, to set forth state agencies which are licensing authorities subject to this chapter, rather than subchapter. Deletes text regarding the State Board of Dental Examiners. Provides that the Texas State Board of Podiatric Medical Examiners, rather than the Texas State Board of Podiatry Examiners; and the commission to the extent the commission issues a license under the Private Investigators and Security Agencies Act (Article 4413(29bb), V.T.C.S., rather than the board, are licensing authorities subject to this chapter.
- SECTION 36. Amends Section 411.119, Government Code, as follows:
- Sec. 411.119. New heading: ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES. Makes conforming changes.

SECTION 37. Amends Sections 415.004(a) and (b), Government Code, to set forth the composition of the commission.

SECTION 38. Amends Section 46.02(b), Penal Code, as amended by Chapters 229, 318, 754, 790, and 998, Acts of the 74th Legislature, Regular Session, 1995, to make conforming and nonsubstantive changes.

SECTION 39. Amends Section 46.03(d), Penal Code, and Section 46.03(g), Penal Code, as added by Chapter 790, Acts of the 74th Legislature, Regular Session, 1995, is redesignated as Subsection (h), to make conforming changes.

SECTION 40. Amends Section 18(a), Article 4413(29ee), V.T.C.S., to make a conforming change.

SECTION 41. Repealer: Sections 5-10, 10A, 12, and 12A, Article 4413(29bb), V.T.C.S. (Board membership, Oath of office, Terms of office, Vacancies, Designated representatives, Compensation of board members, and Organization and meetings of the board).

SECTION 42. (a) Provides that the Texas Board of Private Investigators and Private Security Agencies is abolished but shall continue in existence after September 1, 1998, for the sole purpose of transferring obligations, property, rights, powers, and duties to the commission. Provides that the commission assumes all of the obligations, property, rights, powers, and duties of the board, as exercised by the agency immediately before the effective date of this Act. Provides that all unexpended funds appropriated to the board are transferred to the commission. Requires the transfer of the obligations, property, rights, powers, and duties of the board to be completed not later than September 1, 1998.

(b) Makes application of this Act prospective.

SECTION 43. Sets forth persons the governor is required to appoint in making additional appointments to the commission to comply with the change in law made by this Act to Section 415.004, Government Code.

SECTION 44. Effective date: September 1, 1997.

SECTION 45. Emergency clause.