

## **BILL ANALYSIS**

Senate Research Center  
81R10789 SLB-F

S.B. 1244  
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Business & Commerce  
4/5/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, Chapter 1702 (Private Security), Occupations Code, governs private investigation companies and securities services contractors by requiring any person performing private investigation or private security services to obtain an investigations company license from the Texas Commission on Private Security. The current definition of an investigations company is any person engaging in certain specifically enumerated investigative activities, including obtaining information related to crimes or wrongs against a state or the United States, the character of a person, the cause of a fire, the recovery of stolen property, and more. However, the definition does not specifically include investigative activities related to crimes against a person even though this is an important type of investigative service offered by investigations companies.

As proposed, S.B. 1244 includes crimes or wrongs done or threatened against a person in the definition of an investigations company. The bill provides that obtaining or furnishing information as referred to in Subsection (a), includes information obtained or furnished through the review and analysis of, and the investigation into the content of, computer-based data not available to the public; and, to provide that this chapter does not apply to an employee while performing investigative services that would otherwise be subject to this chapter for an entity regulated by the Texas Department of Insurance, Office of Thrift Supervision, Securities and Exchange Commission, Federal Deposit Insurance Corporation, National Association of Securities Dealers, or Financial Industry Regulatory Authority.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1702.104, Occupations Code, as follows:

Sec. 1702.104. INVESTIGATIONS COMPANY. (a) Provides that a person acts as an investigations company for the purposes of this chapter if the person engages in the business of obtaining or furnishing, or accepts employment to obtain or furnish, information related to crime or wrongs done or threatened against a person, state, or the United States.

(b) Provides that the repair or maintenance of a computer does not constitute an investigation for purposes of this section and does not require licensing under this chapter if the review or analysis of computer-based data is performed only to diagnose a computer or software problem, there is no intent to obtain or furnish information described by Subsection (a)(1), and the discovery of any information described by Subsection (a)(1) is inadvertent.

SECTION 2. Amends Section 1702.324(b), Occupations Code, to provide that this chapter does not apply to an employee while performing investigative services that would otherwise be subject to this chapter for an entity regulated by the Texas Department of Insurance, Office of Thrift Supervision, Securities and Exchange Commission, Federal Deposit Insurance Corporation, National Association of Securities Dealers, or Financial Industry Regulatory Authority.

SECTION 3. Effective date: upon passage or September 1, 2009.