

BILL ANALYSIS

Senate Research Center
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S.B. 1188
By: Watson
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Licensed social workers are often hired by a court or a defense attorney to do assessments of defendants' backgrounds, and psychological history during the sentencing phase of capital punishment cases. These mitigation specialists research the life histories of the criminally accused by interviewing family members and others involved; review educational, medical and criminal records; and write a comprehensive assessment to provide a better understanding of the defendant's history and its impact on his or her actions. These are all functions authorized by the Social Work Practice Act, Chapter 505, Occupations Code.

More and more social workers across the United States are becoming mitigation specialists, a step in sentencing that is required by federal law. However, some private investigators have challenged the legal ability of a licensed social worker to collect information for a court case or to provide court testimony about an individual's background, if the licensed social worker is not also licensed as a private investigator through the Private Security Bureau.

As proposed, S.B. 1188 amends current law relating to an exemption from private security regulation for social workers engaged in the practice of social work.

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 1702.324(b), Occupations Code, as follows:

(b) Provides that this chapter does not apply to:

(1)-(14) Makes no changes to these subdivisions;

(15) Makes a nonsubstantive change;

(16) Deletes existing text providing 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 National Association of Securities Dealers. Makes conforming and nonsubstantive changes; or

(17) a social worker who holds a license issued under Chapter 505 (Social Workers) who is engaged in the practice of social work.

SECTION 2. Effective date: upon passage or September 1, 2011.