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ASSIST

84th Legislative Session Summary

The session began this past January with a full slate of newly elected statewide officials and Legislators, including our first new Governor in 14 years. Many of them were sent to Austin with a clear message from the voters to cut taxes and limit the scope of and size of government.

One of the battles ASSIST fought early in the session was a proposal to take most authority away from the Private Security Board. There was also a bill to exempt all churches, private primary and secondary schools and all non-profit 501C's from all aspects of the private security act. Another would have allowed out of state security companies to work in Texas during times of disaster without DPS registration, criminal background checks or taxes.

The final gavel on the session has finally fallen. ASSIST won many legislative battles, and lost a few, but overall it was a good session for the private security industry.

The ASSIST bill watch list for this session included over 200 bills. The following bills are those that required the most attention and could have had the worst impact on private security.

H.B. 1561 by Matt Schaefer, (R-Tyler)

This bill exempted all churches, synagogues or “other established places of religious worship”, from the Private Security Act regarding volunteer security guard forces, investigators, locksmiths, dog trainers and burglar alarm installers.

If the bill had passed, all of those entities could unknowingly place sex offenders in guard uniforms to guard their day care facilities.

The bill would have created an enforcement nightmare for the DPS regulatory division. If they attempted to investigate a guard in uniform and request their pocket card, all the guard would have to say is, "I volunteer for religious organization X, or non-profit X, or private school X."

ASSIST opposed the bill. It was amended in committee to apply only to, "churches and other established places of worship". As amended, ASSIST continued to oppose the measure. The bill unanimously passed the Homeland Security and Public Safety Committee in the House and was sent to the Calendars Committee. ASSIST continued to oppose the bill in the Calendars Committee, and helped keep it from getting a vote on the House floor. We are certain to see it again next session.

H.B. 4030 by Representative Tony Dale, (R-Cedar Park)

The early discussions about this bill would have removed much of the authority of the Private Security Board. With opposition from ASSIST and Representative Allen Fletcher, (R-Tomball) Rep. Dale, worked with us to reach a compromise. The board would retain their authority, but we would not be able to put guards on post until the FBI had acknowledged the receipt of their fingerprints. We worked successfully to amend the bill further to state that if DPS does not acknowledge FBI confirmation within 48 hours of the fingerprints being submitted electronically, you can put the guard to work after clearing them through the DPS criminal database and the sex offender database.

H.B. 2358 by Lucio, (D-Brownsville)

This bill as filed would have allowed out of state guard companies to perform services in Texas during times of disaster without registering with DPS or paying taxes. They would be able to work here with no criminal background checks, training or insurance.

ASSIST met with Representative Lucio to explain our opposition to the bill. He assured us that that was not the intention of the legislation and he promptly amended the bill to exclude security guard services from the provisions of the Act. Representative Lucio has always listened to the concerns of ASSIST, and we owe him a debt of gratitude for his quick action on this issue.

H.B. 473 by Helen Giddings, (D-DeSoto)

This bill requires that anything that could identify a vehicle as a law enforcement vehicle, be removed by the law enforcement agency before they can sell the vehicle. This included bumpers, search lights, bar lights, antennas, and emblems. ASSIST worked with the author of the bill to successfully amend it so that only licensed security services contractors can purchase the vehicles with only the insignia being removed.

H.B. 1285 by Ron Simmons, (R-Carrollton)

This bill would have allowed Personal Protection Officers, (PPO's), to carry their weapons while guarding their clients, in places where CHL holders may not be allowed to carry. Current law gives PPO's that authority in most areas, (excluding voting places), but it is a defense to prosecution. The PPO could be arrested, lose their license until a judge throws out the case. This bill would have addressed that problem. ASSIST fought to pass the bill. It passed the Homeland Security and Public Safety Committee unanimously and was sent to the Local and Uncontested Calendar Committee. The Chairwoman of that committee, Senfronia Thompson, (D-Houston), was opposed to the bill. She agreed to send the bill to the regular Calendar Committee, but it was too late to pass the bill. Law enforcement groups did not openly oppose the bill, but I suspect they did behind the scenes. We will work next session to address the concerns of law enforcement and see that it is not referred Chairwoman Thompsons' committee again.

H.B. 2899 by Representative Tan Parker, (R-Flower Mound)

This bill would have closed a legal loophole allowing some security companies get around the branch office rules. They were selling “franchises” and said they were not branch offices. ASSIST supported the bill, but some drafting errors caused the bill to stall and die in committee. Next session we will support passage of the bill with the corrective language adopted.

There were many more bills that the ASSIST legislative team was working on during the session, some good most bad, but overall I would say we dodged a bullet and came up firing. Thanks to all ASSIST members who came to Austin, made phone calls and sent e-mails to your legislators. Once again, it worked!