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OCT - 4 1999

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FILE # ML-41038-99
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RQ-0120-9c

October 1, 1999

The Honorable John Cornyn
Attorney General
209 W. 14th St.
Austin, Texas 78701

OFFICE OF THE ATTORNEY GENERAL
Executive Administration (001)
P O. Box 12548
Austin, TX 78711

1012 Liz Robinson - TO
FYI: General
cc: Shane Phelps

Dear Mr. Attorney General:

I would like to request an opinion on the contents of House Bill 2617, which passed in the 76th Legislative session. HB 2617 was a bill for amendment of the Texas Board of Private Investigators and Private Security Agencies Act (Article 4412 (29bb)). Among the many changes to the act, was the addition of the term "Extra Job Coordinator" under Section 2(37).

Prior to September 1, 1999, all peace officers in the State of Texas, enjoyed the right, privilege and benefit to work, during their off duty hours, as private security officers, and as such, continue to protect the persons and property of the citizens of the state. During their off-duty employment, they are compensated by a private employer rather than the public entity with whom they are commissioned.

During the 1999 Legislature, HB 2617, which was introduced and ultimately adopted, defined the position of "Extra Job Coordinator" as a "Peace Officer who";

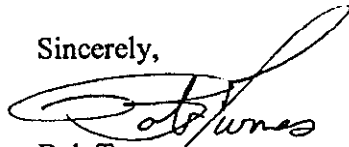
- (A) " is employed full time by the State or a Municipality"; and
- (B) "schedules other Peace Officers to provide guard, patrolman, or watchman services in a private capacity who are";
 - (i) "employed full time by the state or a municipality"; and
 - (ii) "not employed by the extra job coordinator."

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The effect of this provision in HB 2617, will be to completely exclude all Peace Officers, other than those employed by State or a Municipality. I believe this will deny all other Peace Officers the right to work additional jobs for an Officer who is coordinating an extra job, or coordinate extra jobs, which they may have been previously working or coordinating for many years prior to September 1, 1999. The failure to include Peace Officers was on oversight due to a floor amendment in the Senate and I believe was unintentional. Thank you for your attention to this matter. I look forward to your reply.

Sincerely,



Bob Turner