

NEW ELIGIBILITY CRITERIA – HB 2730

Following is a brief description of the changes to the eligibility criteria of the Private Security Act, Chapter 1702, effective Sept. 1, via HB 2730 (81st Reg. Sess.):

- Felony and Class A convictions will be governed by the new Board Rule 35.46. Class A's and felonies that are related to the security field (i.e., listed or similar to those listed in the rule) will be disqualifying for 5 years from date of completion of sentence for Class A's, and 10 years from date of completion of sentence for felonies.
- All other felonies and Class A's will be disqualifying for five years from the date of commission.
- Class B's will continue to be governed by Rule 35.42.
- Pending charges for any Class A's or felonies are disqualifying.
- In addition, convictions for any of the following are disqualifying (for 5 or 10 years from date of completion of sentence, depending on whether Class A or felony):
 - Murder
 - Capital murder
 - Indecency with a child
 - Aggravated kidnapping
 - Aggravated sexual assault
 - Aggravated robbery
 - Violation of controlled substance act for which punishment is increased under
 - (i) Section 481.140, Health and Safety Code [the defendant used or attempted to use a child younger than 18 years of age to commit or assist in the commission of the offense]; or
 - (ii) Section 481.134(c), (d), (e), or (f), Health and Safety Code, [committed in Drug Free School Zone] if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any of those subsections;
 - Sexual assault
 - Injury to a child, if the offense is punishable as a felony of the first degree
 - Indecency with a child
 - Sexual assault
 - Aggravated sexual assault
 - Sexual performance by a child
 - Aggravated kidnapping, if the defendant committed the offense with intent to violate or abuse the victim sexually
 - Burglary (of habitation) the offense with intent to commit a felony
- Juvenile adjudications are no longer disqualifying.
- Incompetence, military discharges, and sex offender registration remain the same (though the rule on military discharges is being changed to reflect the time periods provided in new rule 35.46, and to clarify that bad conduct discharges are also disqualifying).
- The definition of conviction provided in 1702.371 is unchanged.