

COMMITTEE ON CRIMINAL JURISPRUDENCE



Allen Place
Chairman

August 26, 1993

The Honorable Dan Morales
Attorney General
Supreme Court Building
Austin, Texas 78701

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Opinion Committee

MBJ
FILE # M1-22053-4

I.D.# 22053

RQ-607

Dear General Morales:

I am hereby requesting a letter opinion from your office concerning Texas police officers right to work laws. The following questions have been raised:

1. Is there now in force in the State of Texas, any law, rule of law, rule, or regulation that prohibits a licensed regular peace officer, who is commissioned as a regular police officer or a reserve peace officer, who receives less than full-time employee compensation, from working as a peace officer conducting flagperson and/or traffic control functions on construction sites?
2. Does the Texas Private Security Act control work that is not security in nature? Does the Act control persons performing work that is not under the auspices of the Act?
3. Is there a law that allows the Texas Board of Private Investigator's to arrest or have arrested, peace officer's who are duly and lawfully licensed by TCLEOSE and commissioned by a lawful law enforcement agency, who are performing flagperson/traffic control duties that are not related to security work? Can these peace officer's be charged with violations of the Private Security Act when the Act itself prohibits any of it's license holders from enforcing Texas Traffic Laws?
4. Do Texas peace officer's have a right to employment as traffic control, non-security, flagpersons under the Texas Right to Work laws?

I appreciate your consideration of this request.

Sincerely,

Allen Place
Chairman

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