

Bill No. CS for CS for SB 190

Barcode 345294

CHAMBER ACTION

Senate

House

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The Committee on Justice Appropriations (Smith) recommended the following **amendment to amendment** (402364):

**Senate Amendment (with title amendment)**

On page 6, line 29, through page 7, line 26, delete those lines

and insert:

(3)

(e) The Department of Law Enforcement shall establish a waiver process to allow unescorted access to an individual who is found to be unqualified under paragraph (c) and denied employment by a seaport. The waiver consideration shall be based on the circumstances of any disqualifying act or offense, restitution made by the individual, and other factors from which it may be determined that the individual does not pose a risk of engaging in theft, drug trafficking, or terrorism within the public seaports regulated under this chapter or of harming any person. The waiver process shall begin when an individual who has been denied initial employment within or regular unescorted access to restricted

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1 areas of a public seaport as described in paragraph (c)  
2 submits an application for a waiver and notarized letter or  
3 affidavit from the individual's employer or union  
4 representative which states the mitigating reasons for  
5 initiating the waiver process. No later than 90 days after  
6 receipt of the application, the administrative staff of the  
7 Parole Commission shall conduct a factual review of the waiver  
8 application. Findings of fact shall be transmitted to the  
9 Department of Law Enforcement for review. The department shall  
10 make a copy of those findings available to the applicant  
11 before final disposition of the waiver request. The department  
12 shall make a final disposition of the waiver request based on  
13 the factual findings of the investigation by the Parole  
14 Commission. The department shall notify the waiver applicant  
15 and the port authority that originally denied employment to  
16 the applicant of the final disposition of the waiver. The  
17 review process under this paragraph is exempt from chapter  
18 120.

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21 ===== T I T L E    A M E N D M E N T =====

22 And the title is amended as follows:

23            On page 19, lines 18-28, delete those lines

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25 and insert:

26            Department of Law Enforcement to establish a  
27            waiver process to grant certain individuals  
28            unescorted access to seaports or restricted  
29            access areas under certain circumstances;  
30            providing waiver process requirements;  
31            requiring the administrative staff of the

Bill No. CS for CS for SB 190

Barcode 345294

1 Parole Commission to review the waiver  
2 application and transmit the findings to the  
3 department; requiring the department to make a  
4 final disposition of the application and notify  
5 the applicant and the seaport; providing that  
6 the waiver process is exempt from the  
7 Administrative Procedure Act; providing

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