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#	Current Rule with Proposed Changes
1	<p>§211.1. Definitions.</p> <p>(8) <u>Background investigation: An pre-employment investigation into an applicant's personal history that meets or exceeds the commission-developed questionnaire/or personal history statement.</u></p>
2	<p>(16) <u>Contract Jailer: a person licensed as a Jailer in a Contract Jail or employed by an agency outside of a County Jail whose employing agency provides services inside of a County Jail which would require the person to have a Jailer License.</u></p>
3	<p>(18) <u>Court-ordered Community supervision: Any court-ordered community supervision or probation resulting from a deferred adjudication or conviction by a court of competent jurisdiction. However, this does not include supervision resulting from a pretrial diversion.</u></p>
4	<p>(54) <u>Honorably Retired Peace Officer: an unappointed person with a Texas Peace Officer license who has a cumulative total of 15 years of full-time service as a Peace Officer. An Honorably Retired Peace Officer does not carry any Peace Officer authority.</u></p>
5	<p>§211.5. Licensee Lists.</p> <p>(a) The commission will maintain a list of active and inactive peace officers. The list will be available on request.</p> <p>(b) The effective date of this section is March 1, 2001.</p>
6	<p>§211.7. Meeting Dates and Procedures.</p> <p>(a) The commission will comply with the open meetings law and may hold quarterly meetings throughout each calendar year, time and place to be determined by the presiding officer and executive director, in March, June, September, and December, unless:</p> <p style="padding-left: 40px;">(1) the date, and location is altered by vote of the commissioners; or</p> <p style="padding-left: 40px;">(2) more frequent meetings are called by the presiding officer on the presiding officer's own motion or upon the written request of five voting commissioners.</p> <p>(ab) At least once every two years, a regular or special meeting will receive public comment on training and standards for</p>

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	<p>officers, jailers, and telecommunicators.</p> <p>(be) Each meeting will be conducted by the presiding officer or, in the absence of the presiding officer, by the assistant presiding officer, the secretary, the most senior commissioner, or another commissioner selected by vote, in that order.</p>
7	<p>§211.13. Notice of Commission Rulemaking.</p> <p>(a) <u>When required by Texas Government Code Chapter 2001, the commission will notify each law enforcement agency of adopted rules</u></p> <p>(a) — At least 30 days before considering final adoption, the commission will give notice of each proposed rule change:</p> <p style="padding-left: 2em;">(1) — to the lieutenant governor and the speaker of the house; and</p> <p style="padding-left: 2em;">(2) — to each law enforcement agency.</p> <p>(b) — Before the effective date of each proposed rule, the commission will notify each law enforcement agency of final adoption.</p> <p>(c) — The effective date of this section is March 1, 2001.</p>
8	<p>211.16. Establishment of an Appointing Entity.</p> <p>...</p> <p>(b) On creation of the law enforcement agency or police department, and as part of the application process, the entity shall submit to the commission the current agency number, application form, any associated application fee, and information regarding:</p> <p>...</p> <p style="padding-left: 2em;">(6) the administrative structure of the law enforcement agency or police department;</p> <p style="padding-left: 2em;">(7) liability insurance; and</p> <p style="padding-left: 2em;">(8) any other information the commission requires by rule.</p> <p>(c) An entity authorized by Local Government Code, §511.0092 <u>361.022</u> to operate a correctional facility to house inmates, in this state, convicted of offenses committed against the laws of another state of the United States, and appoint jailers requiring licensure by the commission, may make application for an agency number by submitting the current agency number application form, any associated application fee, and a certified copy of the contract under which the facility will operate.</p>

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9	<p>§211.25. Date of Appointment.</p> <p>(a) If a proper report of appointment is received by the commission for the appointment as a peace officer, and/or county jailer, <u>or telecommunicator</u>, the commission shall accept the date of appointment that is reported to the commission by the appointing agency.</p>
10	<p>§211.29. Responsibilities of Agency Chief Administrators.</p> <p>...</p> <p>(c) An agency chief administrator must comply with the appointment and/or retention requirements under Subchapter L of the Texas Occupations Code, Chapter 1701.</p>
11	<p>§211.35. Tuition Reimbursement for Commission Employees.</p> <p><u>Before a Commission employee may receive reimbursement for tuition, the reimbursement must be approved by the Executive Director.</u></p>
12	<p>§215.9. Training Coordinator.</p> <p>...</p> <p>(b)(2)(D) training calendars-schedules must be available for review or <u>and</u> posted on the internet, <u>or another public venue</u>, no later than 30 days prior to the beginning of each calendar quarter or academic semester. <u>A continually updated and posted (live) calendar will meet this requirement;</u></p> <p>...</p> <p>(b)(3)(B) maintaining course schedules and course files, including lesson plans <u>training files</u>. At a minimum, <u>training files shall contain:</u></p> <ul style="list-style-type: none"> (1) complete lesson plan_z; (2) clear learning objectives_z; (3) instructor biography indicating subject matter expertise and teaching experience_z; (4) <u>approved class roster and original sign-in sheet_z;</u> and (5) and course evaluation; <p>...</p> <p>(b)(3)(J) maintaining <u>training files</u>, records of tests, and other evaluation instruments for a period of five years.</p>

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13	<p>§215.13. Risk Assessment.</p> <p>(a) A training provider may be found at risk and placed on at-risk probationary status if:</p> <p>(1) for those providing licensing courses, the passing rate on a licensing exam for first attempts for any three consecutive state fiscal years beginning with state fiscal year 2007 (September 1, 2006 through August 31, 2007) is less than 80 percent of the students attempting the licensing exam;</p>
14	<p>§217.1. Minimum Standards for Enrollment and Initial Licensure.</p> <p>...</p> <p>(b) The commission shall issue a license to an applicant who meets the following standards:</p> <p>...</p> <p>(7) has never been convicted <u>or placed on community supervision</u> in any court of an offense involving family violence as defined under Chapter 71, Texas Family Code;</p>
15	<p>§218.9. Continuing Firearms Proficiency Requirements.</p> <p>...</p> <p>(c) The minimum standards for the annual firearms proficiency course of fire shall be:</p> <p>(1) handguns - a minimum of 50 rounds, including at least five rounds of ammunition, fired at ranges from point-blank to at least 15 yards with at least 20 rounds at or beyond seven yards, including at least one timed reload;</p>
16	<p>§219.1. Eligibility to Take State Examinations.</p> <p>...</p> <p>(c) To maintain eligibility to attempt a licensing exam the applicant must meet the basic licensing enrollment <u>minimum standards for enrollment and initial licensure</u>; or if previously licensed, meet minimum initial licensing standards.</p>
17	<p>§219.11. Reactivation of a License.</p> <p>(a) <u>The commission will place all licenses in an inactive status at the end of the most recent training unit or cycle in which the licensee:</u></p> <p>(1) <u>was not appointed at the end of the unit or cycle; and</u></p>

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(2) did not meet continuing education requirements.

(b) The holder of an inactive license is unlicensed for all purposes.

(c) This section includes any permanent peace officer qualification certificate with an effective date before September 1, 1981.

(d) The requirements to reactivate a license for a person with less than 10 years of full-time service are:

(1) If less than two years from last appointment:

(i) meet current licensing standards;

(ii) successfully complete continuing education requirements; and

(iii) make application and submit any required fee(s) in the format currently prescribed by the commission.

(2) If two years but less than five years from last appointment:

(i) meet current licensing standards;

(ii) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course;

(iii) make application and submit any required fee(s); and

(iv) pass the licensing exam.

(3) If more than five years but less than ten years from last appointment:

(i) meet current licensing standards;

(ii) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course and a skills assessment course;

(iii) make application and submit any required fee(s); and

(iv) pass the licensing exam.

(4) Ten years or more from last appointment:

(i) meet current enrollment standards;

(ii) meet current licensing standards;

(iii) successfully complete the applicable basic licensing course;

(iv) make application and submit any required fee(s); and

(v) pass the licensing exam.

(e) The requirements to reactivate a license for a person with 10 years but less than 15 years of full-time service are:

(1) If less than two years from last appointment:

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- (i) meet current licensing standards;
 - (ii) successfully complete continuing education requirements; and
 - (iii) make application and submit any required fee(s) in the format currently prescribed by the commission.
- (2) If two years but less than five years from last appointment:
 - (i) meet current licensing standards;
 - (ii) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course;
 - (iii) make application and submit any required fee(s); and
 - (iv) pass the reactivation exam.
- (3) If more than five years from last appointment:
 - (i) meet current licensing standards;
 - (ii) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course and a skills assessment course;
 - (iii) make application and submit any required fee(s); and
 - (iv) pass the reactivation exam.
- (g) Unless exempted by Texas Occupations Code Section 1701.356, the requirements to reactivate a license for an honorably retired peace officer are:
 - (1) meet current licensing standards;
 - (2) meet current continuing education requirements; and
 - (3) make application and submit any required fee(s).
- (h) School marshal licenses are subject to the reactivation and renewal procedures related to school marshals under of Chapter 227 of this title.

§219.11. Reactivation of a License.

- ~~(a) The commission will place all licenses in an inactive status at the end of the most recent training unit or cycle in which the licensee:
 - ~~(1) was not appointed at the end of the unit or cycle; and~~
 - ~~(2) did not meet continuing education requirements.~~~~
- ~~(b) The holder of an inactive license is unlicensed for all purposes.~~

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	<p>(c) This section includes any permanent peace officer qualification certificate with an effective date before September 1, 1981.</p> <p>(d) A licensee with less than two years from last appointment held must:</p> <ol style="list-style-type: none">(1) meet current licensing standards;(2) successfully complete continuing education requirements; and(3) make application and submit any required fee(s) in the format currently prescribed by the commission. <p>(e) A licensee with two years but less than five years from last appointment held must:</p> <ol style="list-style-type: none">(1) meet current licensing standards;(2) successfully complete an approved supplementary peace officer training course;(3) make application and submit any required fee(s); and(4) pass the licensing exam. <p>(f) A licensee with five years or more from last appointment held must:</p> <ol style="list-style-type: none">(1) meet current enrollment standards;(2) meet current licensing standards;(3) successfully complete the applicable basic licensing course;(4) make application and submit any required fee(s); and(5) pass the licensing exam. <p>(g) School marshal licenses are subject to the reactivation and renewal procedures related to school marshals under of Chapter 227 of this title.</p> <p>(h) The effective date of this section is February 1, 2014.</p>
18	<p>§219.13. Retired Peace Officer Reactivation.</p> <p>(a) A retired peace officer's license becomes inactive at the end of the most recent training unit or cycle in which the licensee:</p> <ol style="list-style-type: none">(1) was not appointed at the end of the unit or cycle; and(2) did not meet the continuing education requirements. <p>(b) The holder of an inactive license is unlicensed for all purposes.</p> <p>(c) In order for a retired peace officer to reactivate a license, a retiree must:</p>

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	<p>(1) — meet current licensing standards;</p> <p>(2) — meet current continuing education requirements; and</p> <p>(3) — make application and submit any required fee(s).</p> <p>(d) — This section does not apply to licensees exempted by Texas Occupations Code, §1701.356.</p> <p>(e) — The effective date of this section is February 1, 2014.</p>
19	<p>§221.3 Proficiency Certificates.</p> <p>(a) — To qualify for a basic, intermediate or advanced proficiency certificate, an applicant must meet all current proficiency requirements set by the commission.</p> <p>§221.3. Peace Officer Proficiency.</p> <p>(a) — To qualify for a basic peace officer proficiency certificate, an applicant must meet all proficiency requirements including:</p> <p>(1) — one year experience as a peace officer;</p> <p>(2) — successful completion of courses currently required by Texas Occupations Code §1701.402 and the commission;</p> <p>(3) — successful completion of the agency's field training program as defined in §211.1 of this title; and</p> <p>(4) — successful completion of human trafficking training as required in Texas Occupations Code §1701.258.</p> <p>(b) — To qualify for an intermediate peace officer proficiency certificate, an applicant must meet all proficiency requirements including:</p> <p>(1) — a basic peace officer certificate;</p> <p>(2) — one of the following combinations of training hours or degrees and peace officer experience:</p> <p>(A) — 400 training hours and eight years,</p> <p>(B) — 800 training hours and six years,</p> <p>(C) — 1200 training hours and four years or an associate's degree and four years, or</p> <p>(D) — 2400 training hours and two years or a bachelor's degree and two years; and</p> <p>(3) — successful completion of courses currently required by Texas Occupations Code §1701.402 and the commission.</p> <p>(c) — To qualify for an advanced peace officer proficiency certificate, an applicant must meet all proficiency requirements including:</p> <p>(1) — an intermediate peace officer certificate;</p> <p>(2) — successful completion of courses currently required by Texas Occupations Code §1701.402 and the commission;</p>

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	<p>and</p> <p>(3) — one of the following combinations of training hours or degrees and peace officer experience:</p> <p>(A) — 800 training hours and 12 years,</p> <p>(B) — 1200 training hours and nine years or an associate's degree and six years, or</p> <p>(C) — 2400 training hours and six years or a bachelor's degree and five years.</p> <p>(d) — To qualify for a master peace officer proficiency certificate, an applicant must meet all proficiency requirements including:</p> <p>(1) — an advanced peace officer certificate; and</p> <p>(2) — one of the following combinations of training hours or degrees and peace officer experience:</p> <p>(A) — 1200 training hours and 20 years or an associate's degree and 12 years,</p> <p>(B) — 2400 training hours and 15 years or a bachelor's degree and nine years,</p> <p>(C) — 3300 training hours and 12 years or a master's degree and seven years, or</p> <p>(D) — 4000 training hours and 10 years or a doctoral degree and five years.</p> <p>(e) — The effective date of this section is July 12, 2012.</p>
20	<p>§221.5. Jailer Proficiency.</p> <p>(a) — To qualify for a basic jailer proficiency certificate, an applicant must meet all proficiency requirements including:</p> <p>(1) — one year of experience as a jailer; and</p> <p>(2) — successful completion of courses currently required by Texas Occupations Code §1701.402 and the commission.</p> <p>(b) — To qualify for an intermediate jailer proficiency certificate, an applicant must meet all proficiency requirements including:</p> <p>(1) — a basic jailer certificate;</p> <p>(2) — one of the following combinations of training hours or degrees and jailer experience:</p> <p>(A) — 400 training hours and six years;</p> <p>(B) — 800 training hours and four years;</p> <p>(C) — 1200 training hours and two years or an associate's degree and two years; or</p> <p>(D) — 2400 training hours and one year or a bachelor's degree and one year; and</p> <p>(3) — successful completion of courses currently required by Texas Occupations Code §1701.402 and the commission.</p> <p>(c) — To qualify for an advanced jailer proficiency certificate, an applicant must meet all proficiency requirements including:</p>

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	<ul style="list-style-type: none">(1) — an intermediate jailer certificate; and(2) — one of the following combinations of training hours or degrees and jailer experience:<ul style="list-style-type: none">(A) — 800 training hours and eight years;(B) — 1200 training hours and six years or an associate's degree and six years; or(C) — 2400 training hours and four years or a bachelor's degree and four years.(d) — To qualify for a master jailer proficiency certificate, an applicant must meet all proficiency requirements including:<ul style="list-style-type: none">(1) — an advanced jailer certificate; and(2) — one of the following combinations of training hours and jailer experience:<ul style="list-style-type: none">(A) — 1200 training hours and 20 years, or an associate's degree and 12 years;(B) — 2400 training hours and 15 years, or a bachelor's degree and nine years;(C) — 3300 training hours and 12 years, or a master's degree and seven years; or(D) — 4000 training hours and 10 years, or a doctoral degree and five years.(e) — The effective date of this section is July 15, 2010.
21	<p>§221.13. Emergency Telecommunications Proficiency.</p> <ul style="list-style-type: none">(a) — To qualify for a basic telecommunications proficiency certificate, an applicant must meet all proficiency requirements including:<ul style="list-style-type: none">(1) — one year of experience in public safety telecommunications; and(2) — successful completion of courses currently required by Texas Occupations Code §1701.402 and the commission.(b) — To qualify for an intermediate telecommunications proficiency certificate, an applicant must meet all proficiency requirements including:<ul style="list-style-type: none">(1) — basic telecommunications certification;(2) — at least two years experience in public safety telecommunications;(3) — 120 hours of training; and(4) — successful completion of courses currently required by Texas Occupations Code §1701.402 and the commission.(c) — To qualify for an advanced telecommunications proficiency certificate, an applicant must meet all proficiency requirements including:<ul style="list-style-type: none">(1) — intermediate telecommunications certificate;(2) — at least four years experience in public safety telecommunications; and

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	<p>(3) — successful completion of courses currently required by Texas Occupations Code §1701.402 and the commission.</p> <p>(d) — To qualify for a master telecommunications proficiency certificate, an applicant must meet all proficiency requirements including:</p> <p>(1) — advanced telecommunications certificate;</p> <p>(2) — at least eight years experience in public safety telecommunications;</p> <p>(3) — 500 hours of training; and</p> <p>(4) — successful completion of courses currently required by Texas Occupations Code §1701.402 and the commission.</p> <p>(e) — The effective date of this section is November 1, 2014.</p>
22	<p><u>§221.43. School-Based Law Enforcement Proficiency Certificate.</u></p> <p>(a) <u>To qualify for a school-based law enforcement proficiency certificate, an applicant must complete a course approved by the commission under Occupations Code §1701.262</u></p> <p>(b) <u>School district peace officers and school resource officers providing law enforcement at a school district with an enrollment of 30,000 or more students must obtain a school-based law enforcement proficiency certificate within 120 days of the officer's commission or placement in the district or campus of the district.</u></p>
23	<p><u>§223.1 License Action and Notification.</u></p> <p>(a) — The commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:</p> <p>(1) — Texas Occupations Code, Chapter 1701;</p> <p>(2) — the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or</p> <p>(3) — a commission rule.</p> <p>(ab) The holder of a commission issued license or certificate can must be sent notice of any hearing, or other action or matter before the commission at:</p> <p>(1) the address of the agency shown in commission records to have the holder under current or last appointment;</p> <p>(2) the address shown on the Texas driver's license record of the holder; or</p> <p>(3) <u>the last known address on record with the commission; or</u></p> <p>(43) any other address requested by the holder in a written request to the executive director.</p> <p>(be) An action by the commission to deny, suspend, or revoke one license will, if so pled, also operates against any other</p>

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	commission license or certificate held by the same person.
24	<p>§223.3. Answer Required.</p> <p>(a) In order to preserve the right to a hearing as described in §223.1 of this chapter (relating to License Action and Notification), a person whose license the executive director proposes to deny, cancel, suspend, or revoke must file an answer either consenting to the penalty recommended by the executive director in his petition, or requesting a contested case hearing. under this subchapter, An answer must be filed not later than 20 days after the date the respondent is provided with notice of the executive director's petition or notice of violation. Failure to file a timely answer may result in the issuance of a default order.</p> <p>(b) The answer described in subsection (a) of this section may be in the form of a general denial as that term is used in the district courts of the State of Texas.</p> <p>(c) If a respondent fails to file a timely answer as required by subsection (a) of this section, the executive director may recommend to the commission that it enter a default order against the respondent. The executive director may support the motion with documentary evidence, including affidavits, exhibits and pleadings, and oral testimony, as may be appropriate to demonstrate that the respondent received the petition and failed to file a timely answer. The commission will consider motions for default orders at its quarterly commission meetings. If the executive director moves for issuance of a default order under this section, it is not necessary to set the matter for hearing under §223.7 of this chapter (relating to Contested Cases and Hearings). The commission may grant the default order requested by the executive director, or may order the case referred the case to SOAH for a contested case hearing.</p> <p>(d) If a person files a timely answer as required by this subsection (a) of this section, but fails to appear at the contested case hearing after receiving timely and adequate notice, the executive director may move for default judgment against the respondent as provided by SOAH rules, 1 Texas Administrative Code, §155.55.</p> <p>(e) Upon issuance of a default order by the commission, notice shall be provided to the respondent in accordance with §223.1 of this chapter (relating to License Action and Notification).</p>
25	<p>§223.5. Contested Cases and Hearings.</p> <p>(a) <u>Contested cases, hearings and appeals will be conducted pursuant to the Administrative Procedure Act, Texas Government Code, Chapter 2001.</u></p> <p>(b) <u>The commission may consider exceptions or briefs filed within 20 days after a party's notification of a proposal for</u></p>

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	<p><u>decision. Responses are due within 15 days after exceptions are filed.</u></p> <p>(c) <u>All or part of the proceedings of a contested case will be transcribed upon the written request of a party with cost to that party, unless the executive director provides otherwise.</u></p> <p>(d) <u>Any party who appeals a final decision must pay all preparation costs for the original or certified copy of the record of any proceeding to be submitted to the court.</u></p> <p>(e) <u>The commission may assess transcript costs to one or more parties.</u></p>
26	<p><u>§223.5. Filing of Documents.</u></p> <p>(a) All petitions, complaints, motions, replies, answers, notices, or other documents relating to any matter before the commission shall be filed with the executive director and shall be deemed filed only when actually received by the executive director or, when appropriate, by SOAH.</p> <p>(b) The effective date of this section is March 1, 2001.</p> <p><u>§223.7. Contested Cases and Hearings.</u></p> <p>(a) Contested cases and hearings will be conducted pursuant to the provisions of the Administrative Procedure Act, Government Code, Chapter 2001.</p> <p>(b) The Commission may assess transcript costs to one or more parties.</p> <p>(c) The effective date of this section is October 26, 2009.</p> <p><u>§223.9. Place and Nature of Hearings.</u></p> <p>(a) All hearings shall be open to the public and shall be held in Austin, unless otherwise provided by the executive director.</p> <p>(b) The effective date of this section is March 1, 2001.</p> <p><u>§223.11. Proposal for Decision and Exceptions or Briefs.</u></p> <p>(a) Following a contested case hearing, the administrative law judge shall prepare a proposal for decision, in accordance with SOAH requirements.</p> <p>(b) Unless right of review has been waived, any adversely affected party may, within 20 days after the date of issuance of the proposal for decision, file exceptions or briefs. Proposed findings of fact and conclusions of law may also be filed.</p>

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	<p>Replies to exceptions, briefs, or proposed findings of fact and conclusions of law shall be filed within 30 days after the issuance of the proposal for decision.</p> <p>(c) The effective date for this section is March 1, 2001.</p>
27	<p><u>§223.14 Construction of Other Laws</u></p> <p><u>(a) A criminal disposition under the law of Texas, another state, federal, military, tribal, or foreign jurisdiction, will be construed under the closest equivalent under the Texas Penal Code classification of offenses.</u></p> <p><u>(b) A classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas laws.</u></p>
28	<p><u>§ 223.15. License Suspension.</u></p> <p><u>(a) Unless revocation is required, the commission may suspend a license or certificate for violating any provision of the Texas Occupations Code, Chapter 1701 or commission rule.</u></p> <p><u>(b) The license of a person charged with a felony and placed on community supervision shall be suspended for thirty years.</u></p> <p><u>(c) The license of a person convicted or placed on community supervision for any offense above the grade of Class C misdemeanor may be suspended for 10 years.</u></p> <p><u>(d) A suspension based on a Class A misdemeanor shall be at least 120 days.</u></p> <p><u>(e) A suspension based on a Class B misdemeanor shall be at least 60 days.</u></p> <p><u>(f) The license of a person who fails to comply with legislative continuing education requirements may be suspended:</u></p> <p><u>(1) up to 90 days for first-time noncompliance;</u></p> <p><u>(2) up to 180 days for second-time noncompliance; and</u></p> <p><u>(3) one year for third-time noncompliance.</u></p> <p><u>(g) The commission may suspend the license of a person who has previously received two written reprimands from the commission.</u></p> <p><u>(h) Factors the commission may consider in determining a term of suspension include:</u></p> <p><u>(1) the seriousness of the conduct resulting in the arrest;</u></p> <p><u>(2) the required mental state of the disposition offense;</u></p> <p><u>(3) whether the disposition offense contains an element of actual or threatened bodily injury or coercion against another person under the Texas Penal Code or the law of the jurisdiction where the offense occurred;</u></p>

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- (4) the licensee's previous violations of commission statutes or rules;
- (5) actual or potential harm to public safety, including personal injury and property damage, resulting from the conduct resulting in the arrest;
- (6) aggravating evidence existing in a particular case; and
- (7) evidence used in rebuttal to mitigating factors.

(j) A suspension can begin no sooner than the date of the statute or rule violation.

(k) A suspension or probation may be ordered to run concurrently or consecutively with any other suspension or probation.

~~228B~~**§223.15. Suspension of License.**

(a) ~~Unless revocation is explicitly authorized by law, the commission may suspend any license issued by the commission if the licensee:~~

- (1) ~~violates any provision of these sections;~~
- (2) ~~violates any provision of the Texas Occupations Code, Chapter 1701;~~
- (3) ~~is convicted of or placed on court ordered community supervision resulting from deferred adjudication for any offense above the grade of Class C misdemeanor;~~
- (4) ~~is placed on deferred adjudication for an offense involving family violence; or~~
- (5) ~~has previously received two written reprimands from the commission.~~

(b) ~~If a licensee is charged with the commission of a felony, adjudication is deferred, and the licensee is placed on community supervision, the commission shall immediately suspend any license held for a period of 30 years. The suspension of any license under this subsection is effective immediately when the commission receives a certified copy of a court's judgment and issues notice to the licensee via certified mail that any license held is suspended.~~

(c) ~~If convicted or if adjudication is deferred and the licensee is placed on court ordered community supervision for any misdemeanor offense above the grade of Class C misdemeanor, the term of suspension may be for a period not to exceed 10 years.~~

(d) ~~If a licensee is charged with the commission of a misdemeanor offense involving family violence and an adjudication of guilt is deferred, the term of suspension may be for a period not to exceed 10 years.~~

(e) ~~If a license can be suspended under subsection (c) or (d) of this section for a Class A misdemeanor, the minimum term of suspension shall be 120 days. If a license can be suspended under subsection (c) or (d) of this section for a Class B or~~

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~~C misdemeanor, the minimum term of suspension shall be 30 days.~~

- ~~(f) If a license can be suspended for a misdemeanor conviction or deferred adjudication, the commissioners may, in their discretion and upon proof of mitigating factors as defined in subsection (i) of this section, probate all or part of a suspension term after the mandatory minimum suspension. Factors the commission may consider in determining a term of suspension include:~~
- ~~(1) the seriousness of the conduct resulting in the arrest;~~
 - ~~(2) the required mental state of the disposition offense;~~
 - ~~(3) whether the disposition offense contains an element of actual or threatened bodily injury or coercion against another person under the Texas Penal Code or the law of the jurisdiction where the offense occurred;~~
 - ~~(4) the licensee's previous violations of commission statutes or rules;~~
 - ~~(5) actual or potential harm to public safety, including personal injury and property damage, resulting from the conduct resulting in the arrest;~~
 - ~~(6) aggravating evidence existing in a particular case; and~~
 - ~~(7) evidence used in rebuttal to mitigating factors.~~
- ~~(g) If a license can be suspended for violation of legislatively required continuing education for licensees as defined in §217.11 of this title and if mitigating circumstances as defined in §218.7 of this title do not apply, the commission may:~~
- ~~(1) for first time offenders suspend a license(s) for up to 90 days;~~
 - ~~(2) for second time offenders suspend a license(s) for up to 180 days; and~~
 - ~~(3) for third time offenders suspend a license(s) for up to one (1) year.~~
- ~~(h) If a license can be suspended for any other reason, the commission, through its executive director may, in its discretion and upon proof of the mitigating factors as defined in subsection (i) of this section, either:~~
- ~~(1) probate all or part of the suspension term; or~~
 - ~~(2) issue a written reprimand in lieu of suspension.~~
- ~~(i) Mitigating factors include:~~
- ~~(1) the licensee's history of compliance with the terms of court ordered community supervision;~~
 - ~~(2) the licensee's post-arrest continuing rehabilitative efforts not required by the terms of community supervision;~~
 - ~~(3) the licensee's post-arrest employment record;~~
 - ~~(4) the type and amount of any post-arrest, non-court ordered restitution made by the licensee; and~~
 - ~~(5) any non-contested disciplinary action, either completed or ongoing, imposed by the appointing agency.~~

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- ~~(j) — A suspension or probation may be ordered to run concurrently or consecutively with any other suspension or probation. The beginning date of a probated suspension shall be:~~
- ~~(1) — any date agreed to by both parties, which is no earlier than the date of the rule violation;~~
 - ~~(2) — the date the licensee notifies the commission in writing of the rule violation if the commission later receives a signed waiver of suspension from the licensee that was postmarked within 30 days of its receipt; or~~
 - ~~(3) — the date the commission final order is entered in a contested case or the date it becomes effective, if that order is appealed.~~
- ~~(k) — The executive director shall inform the commissioners of any reprimand no later than at their next regular meeting.~~
- ~~(l) — The commission may impose reasonable terms of probation, such as:~~
- ~~(1) — continued employment requirements;~~
 - ~~(2) — special reporting conditions;~~
 - ~~(3) — special document submission conditions;~~
 - ~~(4) — voluntary duty requirements;~~
 - ~~(5) — no further rule or law violations; or~~
 - ~~(6) — any other reasonable term of probation.~~
- ~~(m) — A probated license remains probated until:~~
- ~~(1) — the term of suspension has expired;~~
 - ~~(2) — all other terms of probation have been fulfilled; and~~
 - ~~(3) — a written request for reinstatement has been received and accepted by the commission from the licensee unless the probation has been revoked by the commission for violation of probation; or~~
 - ~~(4) — revoked.~~
- ~~(n) — Twelve months may be added to the term of a new suspension for each separate previous violation that has resulted in either a license suspension, a probated suspension, or a written reprimand before the beginning date of the new suspension.~~
- ~~(o) — Before reinstatement, the probation of a suspended license may be revoked before the expiration date of the probation upon violation of the terms of probation. Upon revocation, the full term of suspension shall be imposed with credit for any time already served on that suspension.~~
- ~~(p) — Once a license has been suspended, the suspension probated, the probation revoked, or the licensee reprimanded, the commission shall send, by regular mail, notice of the action to the chief administrator of any agency shown to have the~~

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	<p>licensee under either current or latest appointment.</p> <p>(q) — A suspended license remains suspended until:</p> <p>(1) — the term of suspension has expired and the term of court-ordered community supervision has been completed; and</p> <p>(2) — a written request for reinstatement has been received from the licensee and accepted by the commission; or</p> <p>(3) — the remainder of the suspension is probated and the license is reinstated.</p> <p>(r) — The effective date of this section is February 1, 2014.</p>
29	<p>§223.16. Suspension of License for Constitutionally Elected Officials.</p> <p>(a) — Unless revocation is explicitly authorized by law, the commission may suspend any license issued by the commission if the licensee:</p> <p>(1) — violates any provision of these sections;</p> <p>(2) — violates any provision of the Texas Occupations Code, Chapter 1701;</p> <p>(3) — is convicted of or placed on court-ordered community supervision resulting from deferred adjudication for any offense above the grade of Class C misdemeanor;</p> <p>(4) — is placed on deferred adjudication for an offense involving family violence; or</p> <p>(5) — has previously received two written reprimands from the commission.</p> <p>(b) — If a licensee is charged with the commission of a felony, adjudication is deferred, and the licensee is placed on community supervision, the commission shall immediately suspend any license held for a period of 20 years. The suspension of any license under this subsection is effective immediately when the commission receives a certified copy of a court's judgment and issues notice to the licensee via certified mail that any license held is suspended.</p> <p>(c) — If convicted or if adjudication is deferred and the licensee is placed on court-ordered community supervision for any misdemeanor offense above the grade of Class C misdemeanor, the term of suspension may be for a period not to exceed 10 years.</p> <p>(d) — If a licensee is charged with the commission of a misdemeanor offense involving family violence and an adjudication of guilt is deferred, the term of suspension may be for a period not to exceed 10 years.</p> <p>(e) — If a license can be suspended under subsection (c) or (d) of this section for a Class A misdemeanor, the minimum term of suspension shall be 120 days. If a license can be suspended under subsection (c) or (d) of this section for a Class B or C misdemeanor, the minimum term of suspension shall be 30 days.</p>

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- ~~(f) — If a license can be suspended for a misdemeanor conviction or deferred adjudication, the commissioners may consider the suspension circumstances set forth in this chapter in determining a term of suspension and upon proof of mitigating factors, probate all or part of a suspension term after the mandatory minimum suspension.~~
- ~~(g) — If a license can be suspended for violation of legislatively required continuing education for licensees as defined in §217.11 of this title and if mitigating circumstances as defined in §218.7 of this title do not apply, the commission may:~~
- ~~(1) — for first time offenders suspend a license(s) for up to 90 days;~~
 - ~~(2) — for second time offenders suspend a license(s) for up to 180 days; and~~
 - ~~(3) — for third time offenders suspend a license(s) for up to one (1) year.~~
- ~~(h) — If a license can be suspended for any other reason, the commission, through its executive director may, in its discretion and upon proof of the same mitigating factors, either:~~
- ~~(1) — probate all or part of the suspension term during a probation term of up to twice the maximum suspension term;~~
~~or~~
 - ~~(2) — issue a written reprimand in lieu of suspension.~~
- ~~(i) — In evaluating whether mitigating circumstances exist, the commission will consider the following factors:~~
- ~~(1) — the licensee's history of compliance with the terms of court ordered community supervision;~~
 - ~~(2) — the licensee's post-arrest continuing rehabilitative efforts not required by the terms of community supervision;~~
 - ~~(3) — the licensee's post-arrest employment record;~~
 - ~~(4) — the type and amount of any post-arrest, non-court ordered restitution made by the licensee; and~~
 - ~~(5) — any non-contested disciplinary action, either completed or ongoing, imposed by the appointing agency.~~
- ~~(j) — A suspension or probation may be ordered to run concurrently or consecutively with any other suspension or probation. The beginning date of a probated suspension shall be:~~
- ~~(1) — any date agreed to by both parties, which is no earlier than the date of the rule violation;~~
 - ~~(2) — the date the licensee notifies the commission in writing of the rule violation if the commission later receives a signed waiver of suspension from the licensee that was postmarked within 30 days of its receipt; or~~
 - ~~(3) — the date the commission final order is entered in a contested case or the date it becomes effective, if that order is appealed.~~
- ~~(k) — The executive director shall inform the commissioners of any reprimand no later than at their next regular meeting.~~
- ~~(l) — The commission may impose reasonable terms of probation, such as:~~
- ~~(1) — continued employment requirements;~~

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	<p>(2) — special reporting conditions;</p> <p>(3) — special document submission conditions;</p> <p>(4) — voluntary duty requirements;</p> <p>(5) — no further rule or law violations; or</p> <p>(6) — any other reasonable term of probation.</p> <p>(m) — A probated license remains probated until:</p> <p>(1) — the term of suspension has expired;</p> <p>(2) — all other terms of probation have been fulfilled; and</p> <p>(3) — a written request for reinstatement has been received and accepted by the commission from the licensee unless the probation has been revoked by the commission for violation of probation; or</p> <p>(4) — until revoked.</p> <p>(n) — Twelve months may be added to the term of a new suspension for each separate previous violation that has resulted in either a license suspension, a probated suspension, or a written reprimand before the beginning date of the new suspension.</p> <p>(o) — Before reinstatement, the probation of a suspended license may be revoked upon a showing that any of its terms have been violated before the expiration date of the probation regardless of when the petition is filed. Upon revocation, the full term of suspension shall be imposed with credit for any time already served on that suspension.</p> <p>(p) — Once a license has been suspended, the suspension probated, the probation revoked, or the licensee reprimanded, the commission shall send, by regular mail, notice of the action to the chief administrator of any agency shown to have the licensee under either current or latest appointment.</p> <p>(q) — A suspended license remains suspended until:</p> <p>(1) — the term of suspension has expired and the term of court-ordered community supervision has been completed; and</p> <p>(2) — a written request for reinstatement has been received from the licensee and accepted by the commission; or</p> <p>(3) — the remainder of the suspension is probated and the license is reinstated.</p> <p>(r) — The effective date of this section is February 1, 2014.</p>
30	<p><u>§ 223.16 Probation and Mitigating Factors.</u></p> <p>(a) <u>The commission may consider probating a suspension term or issue a written reprimand based on proof of the</u></p>

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	<p><u>following mitigating factors:</u></p> <ul style="list-style-type: none"><u>(1) the licensee's history of compliance with the terms of court-ordered community supervision;</u><u>(2) the licensee's post-arrest continuing rehabilitative efforts not required by the terms of community supervision;</u><u>(3) the licensee's post-arrest employment record; and</u><u>(4) the type and amount of any post-arrest, non-court ordered restitution made by the licensee.</u> <p><u>(l) The commission may impose reasonable terms of probation, including:</u></p> <ul style="list-style-type: none"><u>(1) continued employment requirements;</u><u>(2) special reporting conditions;</u><u>(3) special document submission conditions;</u><u>(4) voluntary duty requirements; or</u><u>(6) any other reasonable term of probation.</u> <p><u>(m) A probated or suspended remains as such until license remains probated until:</u></p> <ul style="list-style-type: none"><u>(1) the term of suspension has expired;</u><u>(2) all other terms of probation have been fulfilled; and</u><u>(3) a written request for reinstatement has been received and accepted by the commission from the licensee unless the probation has been revoked by the commission for violation of probation; or</u><u>(4) revoked.</u> <p><u>(q) A suspended license remains suspended until:</u></p> <ul style="list-style-type: none"><u>(1) the term of suspension has expired and the term of court-ordered community supervision has been completed; and</u><u>(2) a written request for reinstatement has been received from the licensee and accepted by the commission; or</u><u>(3) the remainder of the suspension is probated and the license is reinstated.</u>
31	<p>§223.17. Reinstatement of a License.</p> <p>(a) To reinstate a suspended or probated license for a licensee that meets current training requirements and has continually maintained thelegislatively required continuing education provided in §217.11 of this title for the duration of the suspension or probation, a licensee must:</p> <ul style="list-style-type: none">(1) make application for reinstatement in the format currently prescribed by the commission; and(2) submit any required fee(s).

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	<p>(b) A licensee that does not meet current training requirements, or has failed to continually maintain the legislatively required continuing education provided in §217.11 of this title for the duration of the suspension or probation, must meet the following requirements:</p> <ul style="list-style-type: none">(1) If less than two years from last appointment held:<ul style="list-style-type: none">(A) meet the current licensing standards as provided in §217.1 of this title;(B) successfully complete the legislatively required continuing education as provided in §217.11 of this title; and(C) make application and submit any required fee(s) in the format currently prescribed by the commission.(2) If two years but less than five years from last appointment held:<ul style="list-style-type: none">(A) meet the current licensing standards as provided in §217.1 of this title;(B) successfully complete a supplementalry peace officer training course approved by the commission;(C) make application and submit any required fee(s) in the format currently prescribed by the commission; and(D) pass the licensing exam as provided in §219.1 of this title.(3) If five years or more from last appointment held:<ul style="list-style-type: none">(A) meet the current enrollment standards in §217.23 of this title;(B) meet the current licensing standards in §217.1 of this title;(C) successfully complete the basic licensing course for the license sought;(D) make application and submit any required fee(s) in the format currently prescribed by the commission; and(E) pass the licensing exam as provided in §219.1 of this title.
32	<p><u>§ 223.18 Suspension Following Felony Arrest.</u></p> <p>(a) <u>The commission may suspend the license of a person arrested or indicted for a felony offense which would constitute an immediate peril to the public health, safety or welfare if the person were to remain licensed during the pendency of criminal proceedings.</u></p> <p>(b) <u>By virtue of their nature, the following felony arrests constitute immediate peril:</u></p> <ul style="list-style-type: none">(1) <u>Sexual offenses;</u>(2) <u>Assaultive offenses; and</u>

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	<p><u>(3) Offenses directly relating to the duties and responsibilities of any related office held by that person.</u></p> <p><u>(c) In determining whether any other felony arrest creates an immediate peril to the public health, safety or welfare, factors the commission may consider include:</u></p> <p><u>(1) the seriousness of the conduct resulting in the arrest;</u></p> <p><u>(2) the required mental state of the alleged offense;</u></p> <p><u>(3) whether the alleged offense contains an element of actual or threatened bodily injury or coercion against another person under the Texas Penal Code or the law of the jurisdiction where the offense occurred;</u></p> <p><u>(4) the licensee's previous violations of commission statutes or rules;</u></p> <p><u>(5) actual or potential harm to public safety resulting from the conduct resulting in the arrest; and</u></p> <p><u>(6) aggravating circumstances existing in a particular case.</u></p> <p><u>(d) If an offense constitutes immediate peril, the commission will notify the person of the summary suspension order and the intention to initiate proceedings, if applicable, upon final disposition of criminal proceedings.</u></p> <p><u>(e) If a person does not receive notice of the intent to initiate proceedings within 30 days of the commission's order, the person may appeal to the Travis County district court.</u></p> <p><u>(f) A person may request a hearing regarding the summary suspension within 20 days after the summary suspension order is received. Otherwise, the license remains suspended until final disposition of the case.</u></p>
33	<p><u>§223.19. License Revocation.</u></p> <p><u>(a) The license of a person convicted of a felony shall be immediately revoked.</u></p> <p><u>(b) The license of a person convicted or placed on community supervision for an offense directly related to the duties and responsibilities of any related office held by that person may be revoked. In determining whether an offense directly relates to such office, the commission will consider:</u></p> <p><u>(1) the nature and seriousness of the crime;</u></p> <p><u>(2) the relationship of the crime to the purpose for requiring a license for such office;</u></p> <p><u>(3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and</u></p> <p><u>(4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of such office.</u></p> <p><u>(c) The license of a person convicted or placed on community supervision for any offense involving family violence shall</u></p>

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be revoked.

(d) The license of a person who is noncompliant for the fourth time in obtaining continuing education shall be revoked.

(e) The license of a person who has received a dishonorable or other discharge based on misconduct which bars future military service shall be revoked.

(f) The license of a person who has made, submitted, caused to be submitted, or filed a false or untruthful report to the commission may be revoked.

(g) The license of a person who has been found to be in unauthorized possession of any commission licensing examination or portion of a commission licensing examination, or a reasonable facsimile shall be revoked.

(h) Revocation permanently bars the person from any future licensing or certification by the commission.

(i) A revoked license cannot be reinstated unless the licensee provides proof of facts supporting the revocation have been negated, such as:

(1) the felony conviction has been reversed or set aside on direct or collateral appeal, or a pardon based on subsequent proof of innocence has been issued;

(2) the dishonorable or bad conduct discharge has been upgraded to above dishonorable or bad conduct conditions;
or

(3) the report alleged to be false or untruthful was found to be truthful.

(j) During the direct appeal of any appropriate conviction, a license may be revoked pending resolution of the mandatory direct appeal. The license will remain revoked unless and until the holder proves that the conviction has been set aside on appeal.

(k) The holder of any revoked license may informally petition the executive director for reinstatement of that license based upon proof by the licensee that the facts supporting the revocation have been negated.

(l) If granted, the executive director shall inform the commissioners of such action no later than at their next regular meeting.

(m) If denied, the holder of a revoked license may petition the commission for a hearing to determine reinstatement based upon the same proof.

§223.20 Revocation of License for Constitutionally Elected Officials.

(a) The commission shall immediately revoke any license issued by the commission to a constitutionally elected officer if the licensee is or has been convicted of a felony offense. The revocation of any license held is effective immediately

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~~when the commission receives a certified copy of a court's judgment and issues notice to the licensee that any license held is revoked. Notice of revocation shall be sent via certified U.S. mail to the address shown on the Texas driver's license record of the licensee and to the address of the agency showing the licensee under current or last appointment.~~

- ~~(b) A constitutionally elected officer is convicted of a felony when an adjudication of guilt on a felony offense is entered against that officer by a court of competent jurisdiction regardless if:~~
- ~~(1) the sentence is subsequently probated and the officer is discharged from community supervision;~~
 - ~~(2) the accusation, complaint, information, or indictment against the officer is dismissed and the officer is released from all penalties and disabilities resulting from the offense; or~~
 - ~~(3) the officer is pardoned for the offense, unless the pardon is expressly granted for subsequent proof of innocence.~~
- ~~(c) Except as provided by subsection (a) of this section, the commission may revoke the license of a constitutionally elected officer who is convicted of a misdemeanor offense if the offense directly relates to the duties and responsibilities of any related office held by that officer. In determining whether a criminal offense directly relates to such office, the commission shall, under this subsection, consider:~~
- ~~(1) the nature and seriousness of the crime;~~
 - ~~(2) the relationship of the crime to the purpose for requiring a license for such office;~~
 - ~~(3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the officer previously had been involved; and~~
 - ~~(4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of such office.~~
- ~~(d) Revocation of a license shall permanently disqualify a constitutionally elected officer from licensing, and a license may not be reinstated until the conviction has been reversed or set aside on direct or collateral appeal, or a pardon based on subsequent proof of innocence has been issued.~~
- ~~(e) During the direct appeal of any conviction, a license may be revoked pending resolution of the appeal.~~
- ~~(f) An individual whose license has been revoked may informally petition the executive director for reinstatement of that license based upon proof that the facts supporting the revocation have been negated. If granted the executive director shall inform the commissioners of such action no later than at their next regular meeting. If denied, the individual may petition the commission for a hearing to determine reinstatement based upon the same proof.~~
- ~~(g) The date of revocation will be the earliest date that:~~
- ~~(1) a waiver was signed by the licensee; or~~

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	<p>(2) — a final order of revocation was signed by the commissioners.</p> <p>(h) — The effective date of this section is July 14, 2011.</p>
34	<p>§223.21. Appeal.</p> <p>(a) — A person dissatisfied with a final decision of the commission may appeal the decision in accordance with the requirements of the Administrative Procedures Act, Government Code, Chapter 2001.</p> <p>(b) — All or part of the proceedings of a contested case will be transcribed upon the written request of a party with cost to that party, unless the executive director provides otherwise.</p>
35	<p>§227.1. School District <u>Appointing Entity</u> Responsibilities.</p> <p>(a) A school district <u>or public junior college</u> shall:</p> <ol style="list-style-type: none"> (1) submit and receive approval for an application to appoint a person as a school marshal; (2) upon authorization, notify the commission using approved format prior to appointment; (3) report to the commission, within seven days, when a person previously authorized to act as a school marshal is no longer employed with the school district <u>or public junior college</u>; (4) report to the commission, within seven days, when a person previously authorized to act as a school marshal is no longer authorized to do so by the school district, <u>public junior college</u>, commission standards, another state agency, or under other law; and (5) immediately report to the commission a school marshal's violation of any commission standard, including the discharge of a firearm carried under the authorization of this chapter outside of a training environment. <p>(b) A school district <u>or public junior college</u> shall not appoint or employ an ineligible person as a school marshal.</p> <p>(c) For five years, the school district <u>or public junior college</u> must retain documentation that the district and person has met all requirements under law in a format readily accessible to the commission. This requirement does not relieve a school district <u>or public junior college</u> from retaining all other relevant records not otherwise listed.</p>
36	<p>§227.3. School Marshal Licensing and Reporting Requirements.</p> <p>...</p> <p>(b) Once appointed, a school marshal shall:</p> <ol style="list-style-type: none"> (1) immediately report to the commission and school district any circumstance which would render them

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	unauthorized to act as a school marshal by virtue of their employment with the school district <u>or public junior</u> college, failure to meet the standards of the commission, another state agency, or under law;
37	<p>§227.5. School Marshal Training Entities.</p> <p>(a) A school marshal training program is open to any employee of a school district, open-enrollment charter school, <u>or public junior college</u> who holds a license to carry a handgun issued under Texas Government Code, Chapter 411, Subchapter H.</p> <p>(b) The training program must be preapproved and conducted by commission staff or approved provider. The training program shall include 80 hours of instruction designed to:</p> <ol style="list-style-type: none"> (1) emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings; (2) educate a trainee about legal issues relating to the duties of peace officers and the use of force or deadly force in the protection of others; (3) introduce the trainee to effective law enforcement strategies and techniques; (4) improve the trainee's proficiency with a handgun; and (5) enable the trainee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.
38	<p>§227.9. License Action.</p> <p>(a) The commission shall immediately revoke a school marshal license if the license holder's ability to carry a concealed handgun has been suspended or revoked by the Texas Department of Public Safety.</p> <p>(b) A person whose school marshal license is revoked may obtain recertification by:</p> <ol style="list-style-type: none"> (1) furnishing proof to the commission that the person's concealed handgun license has been reinstated; and (2) completing initial training to the satisfaction of the commission staff, paying the fee for the training, and demonstrating psychological fitness on the psychological examination. <p>(c) If a school marshal license holder violates any commission standard, the commission shall immediately suspend the license for ten years. Mitigating factors are inapplicable to a suspension action under this chapter.</p>
39	<p>§227.11. Confidentiality of Information.</p> <p>(a) Except as provided by law, identifying information about a person collected or submitted under Texas Occupations</p>

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	<p>Code, §1701.260 is confidential.</p> <p>(b) — The effective date of this section is February 1, 2014.</p>
40	<p>§218.11 Child Safety Check Alert List Training.</p> <p>(a) <u>An education and training program on the Texas Crime Information Center's child safety check alert list will include instruction relating to:</u></p> <ol style="list-style-type: none"> <u>(1) the procedures for placing a child or other person on the child safety check alert list;</u> <u>(2) the manner in which an officer should interact with a child or other person on the child safety check alert list whom the officer locates; and</u> <u>(3) the procedures for removing a child or other person from the child safety check alert list.</u> <p>(b) <u>The training program will be made available to employees in the child protective services division of the Department of Family and Protective Services, including caseworkers, supervisors, and special investigators.</u></p>
41	<p>§219.25. License Requirements for Persons with Military Special Forces Training.</p> <p>(a) In this section, "special forces" means a special forces component of the United States armed forces, including:</p> <ol style="list-style-type: none"> (1) the United States Army Special Forces; (2) the United States Navy SEALs; (3) the United States Air Force Pararescue; (4) the United States Marine Corps Force Reconnaissance; and (5) any other component of the United States Special Operations Command approved by the commission. <p>(b) The commission shall adopt rules to allow a<u>An applicant to qualify</u>ies to take an the basic licensing examination described by Texas Occupations Code §1701.304 if the applicant:</p> <ol style="list-style-type: none"> (1) <u>meets minimum licensing standards;</u> (2) <u>has provided military service records documenting that the applicant has served in the special forces for 2 continuous years within the 4 years prior to application;</u> (2) <u>has successfully completed a training course developed for special forces veterans training course and provides to the commission documentation verifying completion of the course; and</u> (3) <u>completes a supplemental peace officer training course;</u> and

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	<p>(4) — completes any other training required by the commission after the commission has reviewed the applicant's military training.</p> <p>(c) — Commission rules adopted under subsection (b) of this section shall include rules:</p> <p>(1) — to determine acceptable forms of documentation that satisfy the requirements of subsection (b) of this section;</p> <p>(2) — under which the commission may waive any other license requirement for an applicant described by subsection (b) of this section based on other relevant military training the applicant has received, as determined by the commission, including intelligence or medical training; and</p> <p>(3) — to establish an expedited application process for an applicant described by subsection (b) of this section.</p> <p>(d) — The commission shall review the content of the training course for each special forces component described by subsection (a) of this section and in adopting rules under subsection (b) of this section specify the training requirements an applicant who has completed that training course must complete and the training requirements from which an applicant who has completed that training course is exempt.</p>
<p>42</p>	<p>Re-adoption of all other existing rules not amended or repealed</p> <p>§211.3 Public Information</p> <p>§211.9 Execution of Orders Showing Action Taken at Commission Meetings</p> <p>§211.11 Contemplated Rule Making</p> <p>§211.15 Specific Authority to Waive Rules</p> <p>§211.17 Fees and Payment</p> <p>§211.19 Forms and Applications</p> <p>§211.21 Issuance of Duplicate or Delayed Documents</p> <p>§211.23 Date of Licensing or Certification</p> <p>§211.26 Law Enforcement Agency Audits</p> <p>§211.27 Reporting Responsibilities of Individuals</p> <p>§211.28 Responsibility of a Law Enforcement Agency to Report an Arrest</p> <p>§211.30 Chief Administrator Responsibilities for Class A and B Waivers</p> <p>§211.31 Memorandum of Understanding on Continuity of Care</p> <p>§211.33 Law Enforcement Achievement Awards</p>

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| §215.1 | Commission Authorization of Training Providers |
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| §215.5 | Other Training Providers |
| §215.6 | Academic Alternative Training Provider |
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