PUBLICATION IN *TEXAS REGISTER*

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §211.30, Chief Administrator Responsibilities for Misdemeanor Waivers, with non-substantive changes to the proposed text as published in the January 9, 2026 issue of the *Texas Register* (51 TexReg 200). The rule will be republished.

This adopted amended rule allows chief administrators to request a waiver of the minimum standards for enrollment or initial licensure in 37 Texas Administrative Code §217.1 for individuals that have been convicted or placed on community supervision for a disqualifying Class C misdemeanor offense. It also clarifies and streamlines the process for the Commission to approve or deny a waiver request, which allows the Executive Director to approve or deny a waiver request and allows a chief administrator to appeal a denied waiver request to the Commissioners.

The public comment period began on January 9, 2026, and ended on April 16, 2026, at the conclusion of the public meeting of the Commission. One public comment from the Panhandle Regional Law Enforcement Academy was received in support of adoption of the amended rule as proposed.

The amended rule is adopted pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator.

The amended rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

The adopted amended rule has been reviewed by legal counsel and found to be a valid exercise of the Commission's legal authority.

§211.30. Chief Administrator Responsibilities for Misdemeanor Waivers.
(a) A chief administrator may request the executive director to consider an individual for a waiver of the minimum standards for enrollment or initial licensure regarding an otherwise disqualifying misdemeanor conviction or placement on community supervision.
(b) A chief administrator is eligible to apply for a waiver five years after the date of the individual's conviction or placement on community supervision.
(c) The request must include:
(1) a complete description of the following mitigating factors:
(A) the applicant's history of compliance with the terms of community supervision;
(B) the applicant's continuing rehabilitative efforts not required by the terms of community supervision;
(C) the applicant's employment record;

(D) 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;

(E) the required mental state of the disposition offense;

(F) whether the conduct resulting in the arrest resulted in the loss of or damage to property or bodily injury;

(G) the type and amount of restitution made by the applicant;

(H) the applicant's prior community service;

(I) the applicant's present value to the community;

(J) the applicant's post-arrest accomplishments;

(K) the applicant's age at the time of arrest; and

(L) the applicant's prior military history;

(2) all court and community supervision documents;

(3) the applicant's statement;

(4) all offense reports;

(5) victim(s) statement(s), if applicable;

(6) letters of recommendation;

(7) statement(s) of how the public or community would benefit;

(8) chief administrator's written statement of intent to hire the applicant as a full time employee;

(9) the applicant’s personal history statement; and

(10) the agency’s background investigation report of the applicant.

(d) Commission staff will review the request and notify the chief administrator if the request is incomplete. The chief administrator must provide any missing documents before the request can be considered complete.

(e) The Executive Director may approve or deny a completed waiver request. If approved, the Executive Director will present the waiver request to the commissioners for ratification at the next public meeting. If denied, the chief administrator may appeal to the commissioners for consideration at a public meeting.

(f) The chief administrator will be notified of the meeting date and must be present to present the request to the commissioners. The applicant must be present at the meeting to answer questions about the request. Staff will present a report on the review process.

(g) If granted, a waiver is issued in the name of the applicant chief administrator, belongs to the sponsoring agency, is nontransferable without approval, and is without effect upon the subject's separation from the sponsoring agency. If separated and in the event of subsequent prospective law enforcement employment, a person may seek another waiver through the prospective hiring agency's chief administrator.

(h) The effective date of this section is June 1, 2026.