

PUBLICATION IN *TEXAS REGISTER*

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §217.7, Reporting Appointment and Separation of a Licensee, without changes to the proposed text as published in the May 9, 2025 issue of the *Texas Register* (50 TexReg 2754). The rule will not be republished.

This adopted amended rule requires all applicants and licensees to be fingerprinted and subjected to a fingerprint-based criminal background check before being appointed by a law enforcement agency, replacing the name-based criminal background check. This conforms with the recommendations made by an advisory committee and approved by the Commission in the Hiring Procedures Model Policy, as required by the addition of Texas Occupations Code §1701.4522 made by Senate Bill 1445 (88R). The adopted amended rule increases the likelihood that agencies will identify disqualifying criminal charges or offenses during the background investigation, resulting in fewer appointments of ineligible individuals. This is also related to the elimination of the requirement that licensees and appointing agencies submit the Criminal Charges Notification (E-1) form to the Commission when a licensee was arrested or charged with a crime.

The public comment period began on May 9, 2025, and ended on June 12, 2025, at the conclusion of the public meeting of the Commission. No public comments were received regarding adoption of the amended rule as proposed.

The amended rule is adopted under Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, §1701.303, License Application; Duties of Appointing Entity, and §1701.451, Preemployment Procedure. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.303 requires an agency to have a licensee's criminal history record information and to have a licensee fingerprinted to disclose any criminal record if there has been a 180-day break in service. Texas Occupations Code §1701.451 requires an agency to obtain and review criminal history record information before appointing a licensee.

The amended rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, §1701.303, License Application; Duties of Appointing Entity, and §1701.451, Preemployment Procedure. No other code, article, or statute is affected by this adoption.

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

§217.7. Reporting Appointment and Separation of a Licensee.

(a) Before a law enforcement agency may appoint a person licensed or seeking a license as a peace officer, county jailer, or telecommunicator the agency head or designee must:

- (1) obtain the person's written consent for the agency to view the person's employment records;
- (2) obtain a copy of the Personal Status Report (PSR) maintained by the commission;
- (3) obtain a completed, signed, and notarized Personal History Statement (PHS);
- (4) obtain a Computerized Criminal History (CCH) from TCIC and NCIC;

- (5) obtain proof of eligibility after separation from the military, if applicable;
- (6) conduct and document a background investigation;
- (7) for peace officers, obtain proof of weapons qualification within the 12 months preceding appointment;
- (8) for current licensees, electronically request and obtain the F-5 Return (F5R) from the commission, contact each of the person's previous law enforcement employers, and document the contact on the F5 return;
- (9) have the person fingerprinted and subjected to a search of local, state, and U.S. national records and fingerprint files to disclose any criminal record;
- (10) in addition to the requirements listed in this section:
 - (A) For a licensee with more than 180 days since their last appointment:
 - (i) obtain a new declaration of psychological and emotional health (L3 Form); and
 - (ii) obtain a new declaration of the lack of any drug dependency or illegal drug use (L2 Form);
 - and
 - (B) For a person's initial appointment:
 - (i) obtain proof of meeting educational requirements;
 - (ii) obtain proof of meeting U.S. citizenship requirements;
 - (iii) obtain a new declaration of psychological and emotional health (L3 Form), if more than 180 days from the graduation of the basic licensing course;
 - (iv) obtain a new declaration of medical eligibility and lack of any drug dependency or illegal drug use (L2 Form), if more than 180 days from the graduation of the basic licensing course; and
 - (v) submit an appointment application (L1 Form) and receive an approval of the application before the person discharges any duties related to the license sought; and
- (11) For current licensees, submit an Appointment Application (L1 Form) within 7 days of the appointment.
- (b) When a person licensed by the commission separates from an agency, the agency shall, within 7 business days:
 - (1) submit a Separation report (Form F5) to the commission; and
 - (2) provide a copy to the licensee in a manner prescribed by Texas Occupations Code section 1701.452.
- (c) A law enforcement agency that is given a signed consent form shall make the person's employment records available to a hiring law enforcement agency as authorized by Texas Occupations Code section 1701.451.
- (d) An agency must retain records kept under this section while the person is appointed and for a minimum of five years after the licensee's separation date with that agency. The records must be maintained under the control of the agency head or designee in a format readily accessible to the commission.
- (e) The effective date of this section is August 1, 2025.