

PUBLICATION IN *TEXAS REGISTER*

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §223.19, License Revocation, without changes to the proposed text as published in the July 25, 2025 issue of the *Texas Register* (50 TexReg 4348). The rule will not be republished.

The adopted amended rule requires the Commission to revoke the license of a licensee that is convicted or placed on community supervision for an offense under Chapter 39 of the Texas Penal Code. This conforms with the Commission's standard practice of seeking revocation for abuse of office offenses. The adopted amended rule will also allow the Commission to revoke the license of a licensee that is convicted or placed on community supervision for an offense committed against a vulnerable person, as defined, or any offense involving cruelty to animals. Commission licensees, in their position of authority, need to be trusted to safely and ethically exercise care, custody, or control over members of the public. This amendment will help to ensure that Texas is served by ethical law enforcement professionals by allowing revocation of licensees that have demonstrated a possible danger to the public.

The public comment period began on July 25, 2025, and ended on September 4, 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, and Texas Occupations Code §1701.501, Disciplinary Action. 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. Texas Occupations Code §1701.501 authorizes the Commission to establish procedures for the revocation of a license and to adopt other necessary enforcement procedures.

The amended rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.501, Disciplinary Action. 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.

§223.19. License Revocation.

(a) The license of a person convicted of a felony shall be immediately revoked.

(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:

- (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 person 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.

(c) The license of a person convicted or placed on community supervision for any offense involving family violence shall be revoked.

(d) The license of a person convicted or placed on community supervision for any offense under Chapter 39 of the Texas Penal Code shall be revoked.

(e) The license of a person convicted or placed on community supervision for any offense committed against a vulnerable person may be revoked. A vulnerable person includes, but is not limited to:

(1) a person under the age of 18;

(2) a person over the age of 65;

(3) a disabled person;

(4) an intoxicated or incapacitated person; and

(5) a person under the care, custody, or control of the actor.

(f) The license of a person convicted or placed on community supervision for any offense involving cruelty to animals may be revoked.

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

(h) The license of a person who has received a dishonorable discharge from the armed forces of the United States shall be revoked.

(i) 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.

(j) 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.

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

(l) 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.

(m) 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.

(n) 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.

- (o) If granted, the executive director shall inform the commissioners of such action no later than at their next regular meeting.
- (p) If denied, the holder of a revoked license may petition the commission for a hearing to determine reinstatement based upon the same proof.
- (q) The effective date of this section is November 1, 2025.