

SUMMARY OF PROPOSED RULE

37 Tex. Admin. Code § 219.11. *Reactivation of a License.*

The proposed amendment would clarify the existing requirement that the reactivation prerequisites are determined by the number of years since the licensee's last full-time service appointment.

RESUMEN DE LA NORMA PROPUESTA

37 Tex. Admin. Code § 219.11. *Reactivación de una licencia.*

La enmienda propuesta precisaría el requisito vigente de que los criterios de reactivación se establezcan en función del número de años transcurridos desde el último nombramiento de servicio a tiempo completo del licenciataria.

PUBLICATION IN *TEXAS REGISTER*

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §219.11, *Reactivation of a License*. The proposed amended rule would clarify the existing requirement that the reactivation prerequisites are determined by the number of years since the licensee's last full-time service appointment.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by clarifying existing requirements for reactivation of a license. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

- (1) the proposed rule does not create or eliminate a government program;
- (2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;
- (4) the proposed rule does not require an increase or decrease in fees paid to the agency;
- (5) the proposed rule does not create a new regulation;
- (6) the proposed rule does not expand, limit, or repeal an existing regulation;

- (7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.316, Reactivation of a Peace Officer License, and Texas Occupations Code §1701.3161, Reactivation of a Peace Officer License: Retired Peace Officers. 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 §1701.316 requires the Commission to adopt rules establishing requirements for the reactivation of a peace officer's license. Texas Occupations Code §1701.3161 requires the Commission to adopt rules establishing requirements for the reactivation of a retired peace officer's license.

The amended rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.316, Reactivation of a Peace Officer License, and Texas Occupations Code §1701.3161, Reactivation of a Peace Officer License: Retired Peace Officers. No other code, article, or statute is affected by this proposal.

The proposed amended rule has been reviewed by legal counsel and has been found to be within the Commission's authority to adopt.

§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.
- (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 peace officer with less than 10 years of full-time service are:
 - (1) If not appointed within two, but less than five, years from initial licensure:
 - (A) meet current licensing standards;

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

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

(D) pass the reactivation exam.

(2) If not appointed within five years of initial licensure:

(A) meet current enrollment standards;

(B) meet current licensing standards;

(C) successfully complete the basic licensing course;

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

(E) pass the licensing exam.

(3) If less than two years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements; and

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

(4) If more than two years but less than five years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements and a supplemental peace officer training course;

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

(D) pass the licensing exam.

(5) If more than five years but less than ten years from last full-time service appointment:

(A) meet current licensing standards;

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

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

(D) pass the licensing exam.

(6) Ten years or more from last full-time service appointment:

(A) meet current enrollment standards;

(B) meet current licensing standards;

(C) successfully complete the basic licensing course;

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

(E) pass the licensing exam.

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

(1) If less than two years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements; and

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

(2) If more than two years but less than five years from last full-time service appointment:

(A) meet current licensing standards;

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

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

(D) pass the reactivation exam.

- (3) If more than five years from last full-time service appointment:
 - (A) meet current licensing standards;
 - (B) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course and a skills assessment course;
 - (C) make application and submit any required fee(s); and
 - (D) pass the reactivation exam.
- (f) 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).
- (g) School marshal licenses are subject to the reactivation and renewal procedures related to school marshals under Chapter 227 of this title.
- (h) The requirements to reactivate a jailer or telecommunicator license are:
 - (1) If less than two years from last appointment:
 - (A) meet current licensing standards;
 - (B) successfully complete continuing education requirements; and
 - (C) make application and submit any required fee(s) in the format currently prescribed by the commission.
 - (2) If more than two years but less than five years from last appointment:
 - (A) meet current licensing standards;
 - (B) successfully complete continuing education requirements;
 - (C) make application and submit any required fee(s); and
 - (D) pass the licensing exam.
 - (3) If more than five years from last appointment:
 - (A) meet current licensing standards;
 - (B) successfully complete the applicable basic licensing course;
 - (C) make application and submit any required fee(s); and
 - (D) pass the licensing exam.
- (i) The effective date of this section is June 1, 2026~~[June 1, 2022]~~.