

SUMMARY OF PROPOSED RULE

37 Tex. Admin. Code § 221.21. *Firearms Proficiency for Community Supervision Officers.*

The proposed amendment would remove the requirements for community supervision and corrections department officers and parole officers to recertify firearms proficiency every year and to renew the certificate every two years.

RESUMEN DE LA NORMA PROPUESTA

37 Tex. Admin. Code § 221.21. *Competencia en el manejo de armas de fuego para oficiales de supervisión comunitaria.*

La enmienda propuesta eliminaría el requisito de que los agentes del departamento de supervisión comunitaria y correccionales, así como los agentes de libertad condicional, vuelvan a certificar su competencia en el manejo de armas de fuego cada año y renueven el certificado cada dos años.

PUBLICATION IN *TEXAS REGISTER*

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §221.21, Firearms Proficiency for Community Supervision Officers. This proposed amended rule would remove the requirements for community supervision and corrections department officers and parole officers to recertify firearms proficiency every year and to renew the certificate every two years. This would realign the rule with the provisions of Texas Occupations Code §1701.257 and allow the Texas Department of Criminal Justice to determine any recertification or requalification requirements.

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 proposed amendment.

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 conforming with Texas Occupations Code §1701.257. There will be no anticipated economic costs to persons required to comply with the proposed amendment.

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 proposed amendment.

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 proposed amendment.

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 in fees paid to the agency, but does result in a decrease in fees paid to the agency by removing the certificate renewal requirement;
- (5) the proposed rule does not create a new regulation;
- (6) the proposed rule does not expand or repeal an existing regulation, but does limit an existing regulation by removing the firearms recertification and certificate renewal requirements;
- (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, and Texas Occupations Code §1701.257, Firearms Training Program for Supervision Officers. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.257 requires the Commission to administer a training program and issue certificates relating to firearms proficiency for community supervision and corrections department officers or parole officers.

The amended rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.257, Firearms Training Program for Supervision 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.

§221.21. Firearms Proficiency for Community Supervision Officers.

(a) To qualify for a firearms proficiency certificate for community supervision and parole officers, an applicant must meet the following requirements including:

(1) currently employed as a community supervision officer by a Community Supervision and Corrections Department (CSCD), or parole officer employed by the Texas Department of Criminal Justice (TDCJ); and

(2) successful completion of the commission's current firearms training program for community supervision officers.

~~[(b) The holder of a certificate issued under this section must meet the firearms proficiency requirements at least once every 12 months.]~~

~~(c) Certificates issued under this section expire two years from date of issuance. Within forty five days of the expiration of a certificate, a supervision officer may apply for the issuance of a renewal. Supervision officers must meet the requirements in subsections (a)(1) and (b) of this section in order to renew the certificate.]~~

~~(b)~~~~(d)~~ The effective date of this section is November 1, 2026~~[July 15, 2010]~~.