TEXAS COMMISSION ON LAW ENFORCEMENT

STATUTES AND RULES HANDBOOK
SEPTEMBER 1, 2016

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I. TITLE 37 TEXAS ADMINISTRATIVE CODE CHAPTERS 211-229

Chapter 211: Administration

§211.1. Definitions.

(a) The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Academic alternative program: A program for college credit offered by a training provider recognized by the Southern Association of Colleges and Schools and the Texas Higher Education Coordinating Board, authorized by the commission to conduct preparatory law enforcement training as part of a degree plan program, and consisting of commission-approved curricula.

(2) Academic provider: A school, accredited by the Southern Association of Colleges and Schools and the Texas Higher Education Coordinating Board, which has been approved by the commission to provide basic licensing courses.

(3) Accredited college or university: An institution of higher education that is accredited or authorized by the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Northwest Commission on Colleges and Universities, the Western Association of Schools and Colleges, or an international college or university evaluated and accepted by a United States accredited college or university.

(4) Active: A license issued by the commission that meets the current requirements of licensure and training as determined by the commission.

(5) Administrative Law Judge (ALJ): An administrative law judge appointed by the chief administrative law judge of the State Office of Administrative Hearings.

(6) Agency: A law enforcement unit or other entity, whether public or private, authorized by Texas law to appoint a person licensed or certified by the commission.

(7) Appointed: Elected or commissioned by an agency as a peace officer, reserve or otherwise selected or assigned to a position governed by the Texas Occupations Code, Chapter 1701, without regard to pay or employment status.

(8) Background investigation: An investigation into an applicant's personal history that meets or exceeds the commission-developed questionnaire or personal history statement.

(9) Basic licensing course: Any current commission developed course that is required before an individual may be licensed by the commission.

(10) Certified copy: A true and correct copy of a document or record certified by the custodian of records of the submitting entity.

(11) Chief administrator: The head or designee of a law enforcement agency.

(12) Commission: The Texas Commission on Law Enforcement.

(13) Commissioned: Has been given the legal power to act as a peace officer or reserve, whether elected, employed, or appointed.

(14) Commissioners: The nine commission members appointed by the governor.

(15) Contract jail: A correctional facility, operated by a county, municipality or private vendor, operating under a contract with a county or municipality, to house inmates convicted of offenses committed against the laws of another state of the United States, as provided by Texas Government Code, §511.0092.

(16) Contract Jailer: a person licensed as a Jailer in a Contract Jail or employed by an agency outside of a County Jail whose employing agency provides services inside of a County Jail which would require the person to have a Jailer License.

(17) Contractual training provider: A law enforcement agency or academy, a law enforcement association, alternative delivery trainer, distance education, academic alternative, or proprietary training provider that conducts specific education and training under a contract with the commission.

(18) Convicted: Has been adjudged guilty of or has had a judgment of guilt entered in a criminal case that has not been set aside on appeal, regardless of whether:

(A) the sentence is subsequently probated and the person is discharged from probation;

(B) the charging instrument is dismissed and the person is released from all penalties and disabilities resulting from the offense; or

(C) the person is pardoned, unless the pardon is expressly granted for subsequent proof of innocence.

(19) Community supervision: Any court-ordered community supervision or probation resulting from a deferred adjudication or conviction by a court of competent jurisdiction. However, this does not include supervision resulting from a pretrial diversion.

(20) Diploma mill: An entity that offers for a fee with little or no coursework, degrees, diplomas, or certificates that may be used to represent to the general public that the individual has successfully completed a program of secondary education or training.

(21) Distance education: Study, at a distance, with an educational provider that conducts organized, formal learning opportunities for students. The instruction is offered wholly or primarily by distance study, through virtually any media. It may include the use of: videotapes, DVD, audio recordings, telephone and email communications, and Web-based delivery systems.

(22) Duty ammunition: Ammunition required or permitted by the agency to be carried on duty.

(23) Executive director: The executive director of the commission or any individual authorized to act on behalf of the executive director.

(24) Experience: Includes each month, or part thereof, served as a peace officer, reserve, jailer, telecommunicator, or federal officer. Credit may, at the discretion of the executive director, be awarded for relevant experience from an out-of-state agency.

(25) Family Violence: In this chapter, has the meaning assigned by Chapter 71, Texas Family Code.

(26) Field training program: A program intended to facilitate a transition from the academic setting to the performance of the general duties of the appointing agency.

(27) Firearms: Any handgun, shotgun, precision rifle, patrol rifle, or fully automatic weapon that is carried by the individual officer in an official capacity.

(28) Firearms proficiency: Successful completion of the annual firearms proficiency requirements.

(29) Fit for duty review: A formal specialized examination of an individual, appointed to a position governed by the Texas Occupations Code, Chapter

1701, without regard to pay or employment status, to determine if the appointee is able to safely and/or effectively perform essential job functions. The basis for these examinations should be based on objective evidence and a reasonable basis that the cause may be attributable to a medical and/or psychological condition or impairment. Objective evidence may include direct observation, credible third party reports; or other reliable evidence. The review should come after other options have been deemed inappropriate in light of the facts of the case. The selected Texas licensed medical doctor or psychologist, who is familiar with the duties of the appointee, conducting an examination should be consulted to ensure that a review is indicated. This review may include psychological and/or medical fitness examinations.

(30) High School Diploma: An earned high school diploma from a United States high school, an accredited secondary school equivalent to that of United States high school, or a passing score on the general education development test indicating a high school graduation level. Documentation from diploma mills is not acceptable.

(31) Home School Diploma: An earned diploma from a student who predominately receives instruction in a general elementary or secondary education program that is provided by the parent, or a person in parental authority, in or through the child's home. (Texas Education Code §29.916)

(32) Honorably Retired Peace Officer: an unappointed person with a Texas Peace Officer license who has a cumulative total of 15 years of full-time service as a Peace Officer. An Honorably Retired Peace Officer does not carry any Peace Officer authority.

(33) Individual: A human being who has been born and is or was alive.

(34) Jailer: A person employed or appointed as a jailer under the provisions of the Local Government Code, §85.005, or Texas Government Code §511.0092.

(35) Killed in the line of duty: A death that is the directly attributed result of a personal injury sustained in the line of duty.

(36) Law: Including, but not limited to, the constitution or a statute of this state, or the United States; a written opinion of a court of record; a municipal ordinance; an order of a county commissioners' court; or a rule authorized by and lawfully adopted under a statute.

(37) Law enforcement academy: A school operated by a governmental entity which may provide basic licensing courses and continuing education under contract with the commission.

(38) Law enforcement automobile for training: A vehicle equipped to meet the requirements of an authorized emergency vehicle as identified by Texas Transportation Code §546.003 and §547.702.

(39) Lesson plan: A plan of action consisting of a sequence of logically linked topics that together make positive learning experiences. Elements of a lesson plan include: measurable goals and objectives, content, a description of instructional methods, tests and activities, assessments and evaluations, and technologies utilized.

(40) License: A license required by law or a state agency rule that must be obtained by an individual to engage in a particular business.

(41) Licensee: An individual holding a license issued by the commission.

(42) Line of duty: Any lawful and reasonable action, which an officer identified in Texas Government Code, Chapter 3105 is required or authorized by rule, condition of employment, or law to perform. The term includes an action by the individual at a social, ceremonial, athletic, or other function to which the individual is assigned by the individual's employer.

(43) Moral character: The propensity on the part of a person to serve the public of the state in a fair, honest, and open manner.

(44) Officer: A peace officer or reserve identified under the provisions of the Texas Occupations Code, §1701.001.

(45) Patrol rifle: Any magazine-fed repeating rifle with iron/open sights or with a frame mounted optical enhancing sighting device, 5 power or less, that is carried by the individual officer in an official capacity.

(46) Peace officer: A person elected, employed, or appointed as a peace officer under the provisions of the Texas Occupations Code, §1701.001.

(47) Personal Identification Number (PID): A unique computer-generated number assigned to individuals for identification in the commission's electronic database.

(48) Placed on probation: Has received an adjudicated or deferred adjudication probation for a criminal offense.

(49) POST: State or federal agency with jurisdiction similar to that of the commission, such as a peace officer standards and training agency.

(50) Precision rifle: Any rifle with a frame mounted optical sighting device greater than 5 power that is carried by the individual officer in an official capacity.

(51) Proprietary training contractor: An approved training contractor who has a proprietary interest in the intellectual property delivered.

(52) Public security officer: A person employed or appointed as an armed security officer identified under the provisions of the Texas Occupations Code, §1701.001.

(53) Reactivate: To make a license issued by the commission active after a license becomes inactive. A license becomes inactive at the end of the most recent unit or cycle in which the licensee is not appointed and has failed to complete legislatively required training.

(54) Reinstate: To make a license issued by the commission active after disciplinary action or failure to obtain required continuing education.

(55) Reserve: A person appointed as a reserve law enforcement officer under the provisions of the Texas Occupations Code, §1701.001.

(56) School marshal: A person employed and appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school under Texas Code of Criminal Procedure, Article 2.127 and in accordance with and having the rights provided by Texas Education Code, §37.0811.

(57) Self-assessment: Completion of the commission created process, which gathers information about a training or education program.

(58) Separation: An explanation of the circumstances under which the person resigned, retired, or was terminated, reported on the form currently prescribed by the commission, in accordance with Texas Occupations Code, §1701.452.

(59) SOAH: The State Office of Administrative Hearings.

(60) Successful completion: A minimum of:
- (A) 70 percent or better; or
- (B) C or better; or
- (C) pass, if offered as pass/fail.

(61) TCLEDDS: Texas Commission on Law Enforcement Data Distribution System.

(62) Telecommunicator: A person employed as a telecommunicator under the provisions of the Texas Occupations Code, §1701.001.

(63) Training coordinator: An individual, appointed by a commission-recognized training provider, who meets the requirements of §215.9 of this title.

(64) Training cycle: A 48-month period as established by the commission. Each training cycle is composed of two contiguous 24-month units.

(65) Training hours: Classroom or distance education hours reported in one-hour increments.

(66) Training program: An organized collection of various resources recognized by the commission for providing preparatory or continuing training. This program includes, but is not limited to, learning goals and objectives, academic activities and exercises, lesson plans, exams, skills training, skill assessments, instructional and learning tools, and training requirements.

(67) Training provider: A governmental body, law enforcement association, alternative delivery trainer, or proprietary entity credentialed by or authorized under a training provider contract with the commission to provide preparatory or continuing training for licensees or potential licensees.

(68) Verification (verified): The confirmation of the correctness, truth, or authenticity of a document, report, or information by sworn affidavit, oath, or deposition.

(b) The effective date of this section is February 1, 2016.

§211.3. Public Information.

(a) All commission rules are published in the Texas Register as they are proposed and adopted.

(b) The commission will index, maintain, and make available for public inspection at the Austin headquarters a copy of:

(1) the current rules;

(2) all interpretive memoranda, policies, and procedures; and

(3) all final orders, decisions, and opinions of the commission.

(c) Members of the public may obtain:

(1) copies of the rules and other documents published by the commission at the cost recovery rate established in the fee schedule for printed documents which is available upon request from the commission;

(2) the rules and many other documents published by the commission are also available free of charge on the commission website;
(3) unpublished materials available under the Public Information Act at the rate established by the Texas Facilities Commission for such materials; and
(4) the jurisdictional complaint process, including:
(A) complaint intake;
(B) investigation;
(C) adjudication and relevant hearings;
(D) appeals;
(E) the imposition of sanctions; and
(F) public disclosure.

(d) The effective date of this section is May 1, 2015.

§211.7. Meeting Dates and Procedures.

(a) At least once every two years, a regular or special meeting will receive public comment on training and standards for officers, jailers, and telecommunicators.

(b) Each meeting will be conducted by the presiding officer or, in the absence of the presiding officer, by the assistant presiding officer, the secretary, the most senior commissioner, or another commissioner selected by vote, in that order.

(c) The effective date of this section is February 1, 2016.

§211.9. Execution of Orders Showing Action Taken at Commission Meetings.

(a) The presiding officer shall have the authority to sign written orders showing actions taken by the commissioners at public meetings if he or she did not vote against the action. In the event that the presiding officer votes against the action taken, then a commissioner who has voted with the majority shall sign the order on behalf of the commission.

(b) The effective date of this section is March 1, 2001.

§211.11. Contemplated Rule Making.

(a) Concerning contemplated rule making, the commission may:
(1) use informal conferences and consultations to obtain the advice of interested persons; and/or
(2) appoint any advisory committee of experts, interested persons or the public.

(b) An interested person may petition the commission to request the adoption of a rule. The petition shall comply with the requirements of the Administrative Procedures Act, Texas Government Code Annotated, Chapter 2001. The petition shall be submitted in writing, and contain a reasoned justification for the rule being proposed, the text of the rule, a concise statement of the statutory or other provisions under which the rule is being proposed and how these provisions authorize or require the proposed rule. The executive director shall, within 60 days of submission, either place the petition on the agenda for the next regular meeting or deny the petition in writing. A denial will be

reported at the next meeting. The commission staff or its attorney may modify the language or format of the petition before it is submitted as a proposed rule.

(c) The effective date of this section is March 1, 2001.

§211.13. Notice of Commission Rulemaking.

(a) When required by Texas Government Code Chapter 2001, the commission will notify each law enforcement agency of adopted rules

(b) The effective date of this section is February 1, 2016.

§211.15. Specific Authority to Waive Rules.

(a) The commissioners have determined that good cause exists to delegate to the executive director the authority to waive the rules of the commission:

(1) to update existing courses or to add new courses and curriculum;

(2) to add new exams or to update existing state licensing or certification exams;

(3) to conduct other special projects as approved by the commissioners; or

(4) for other reasons as may be authorized by law.

(b) The executive director will report these temporary waivers to the commissioners.

(c) The effective date of this section is March 1, 2001.

§211.16. Establishment of an Appointing Entity.

(a) On or after September 1, 2009, an entity authorized by statute or by the constitution to create a law enforcement agency or police department and commission, appoint, or employ peace officers that first creates a law enforcement agency or police department and first begins to commission, appoint, or employ peace officers shall make application to the commission.

(b) On creation of the law enforcement agency or police department, and as part of the application process, the entity shall submit to the commission the application form, any associated application fee, and information regarding:

(1) the need for the law enforcement agency or police department in the community;

(2) the funding sources for the law enforcement agency or police department;

(3) the physical resources available to officers;

(4) the physical facilities that the law enforcement agency or police department will operate, including descriptions of the evidence room, dispatch area, and public area;

(5) law enforcement policies of the law enforcement agency or police department, including policies on:

(A) use of force;

(B) vehicle pursuit;

(C) professional conduct of officers;

(D) domestic abuse protocols;

(E) response to missing persons;

(F) supervision of part-time officers;

(G) impartial policing; and
(H) fitness for duty.
(6) the administrative structure of the law enforcement agency or police department;
(7) liability insurance; and
(8) any other information the commission requires.

(c) An entity authorized by Local Government Code, §361.022 to operate a correctional facility to house inmates, in this state, convicted of offenses committed against the laws of another state of the United States, and appoint jailers requiring licensure by the commission, may make application for an agency number by submitting the current agency number application form, any associated application fee, and a certified copy of the contract under which the facility will operate.

(d) A political subdivision wanting to establish a consolidated emergency telecommunications center and appoint telecommunicators, as required by Texas Occupations Code, §1701.405, may make application for an agency number by submitting the current agency number application form, any associated application fee and a certified copy of the consolidation contract.

(e) The Texas Department of Criminal Justice - Pardon and Parole Division, a community supervision and corrections department, or a juvenile probation department may make application for an agency number if seeking firearms training certificates for parole officers, community supervision and corrections officers, or juvenile probation officers by submitting the current agency number application form and any associated application fee.

(f) The effective date of this section is February 1, 2016.

§211.17. Fees and Payment.

(a) The commission may charge application fees for licenses, certificates, endorsements, duplicate documents, and any other reasonable fees as authorized or required by law, as formally approved and adopted.

(b) Any fee or payment made to the commission by a person, agency, or other entity shall be remitted by money order, cashier's check, agency check, or electronic payment. Fees must be submitted with any required application, and are non-refundable.

(c) The commission shall adopt and publish a schedule of fees, annually, as authorized by this section, at a regularly scheduled June meeting, to become effective September 1.

(d) The effective date of this section is March 1, 2001.

§211.19. Forms and Applications.

(a) Applications, forms, data, and documents required by the commission shall be submitted electronically if an electronic method has been established for the form, data, or document.

(b) For applications or other forms required by the commission, the applicant or the individual on whose behalf the form is being submitted is responsible for reviewing the

entire document and any attachments to attest to the accuracy and truthfulness of all information on and attached to the document.

(c) A person who fails to comply with the standards set forth in these rules shall not accept the issuance of a license and shall not accept any appointment.

(d) If an application is found to be false or untrue, any license or certificate issued to the applicant by the commission will be subject to cancellation and recall.

(e) Agencies must keep on file and in a format readily accessible to the commission a copy of the documentation required by the commission. If the form or application is submitted via TCLEDDS, the agency must keep on file, and in a format readily accessible to the commission, a signed and dated printout of the electronically submitted form or application.

(f) An agency must retain required records for a minimum of five years after the licensee's termination date with that agency.

(g) The effective date of this section is July 15, 2010.

§211.21. Issuance of Duplicate or Delayed Documents.

(a) If an original license, certificate, or other document was previously issued by the commission, a duplicate of that document may, if the document is current and valid, be issued after:

  (1) an application is submitted;

  (2) a check of commission records verifies original issuance and continuing validity; and

  (3) payment of any required non-refundable application fee.

(b) The effective date of this section is March 1, 2001.

§211.23. Date of Licensing or Certification.

(a) The commission shall designate a person's date of initial appointment as their licensing date when it has received and verified proof that all licensing standards have been met. Documentation proving eligibility for licensing on the date of initial appointment shall be kept in the appointing agency's file.

(b) Any such document may expire or be cancelled, surrendered, suspended, revoked, deactivated, or otherwise invalidated. Mere possession of the physical document does not necessarily mean that the person:

  (1) currently holds, has ever held, or has any of the powers of the office indicated on the document; or

  (2) still holds an active, valid license or certificate.

(c) The effective date of this section is October 28, 2010.

§211.25. Date of Appointment.

(a) If a proper report of appointment is received by the commission for the appointment as a peace officer, county jailer, or telecommunicator, the commission shall accept the date of appointment that is reported to the commission by the appointing agency.

(b) The effective date of this section is February 1, 2016.

§211.26. Law Enforcement Agency Audits.

(a) All law enforcement agencies shall be audited at least once every five years. Agencies with deficiencies will be evaluated more frequently, as determined by the commission.

(b) The commission may use the following information in auditing an agency:

- (1) commission records to include but not limited to:
  - (A) applications;
  - (B) appointment records;
  - (C) separation records; and
  - (D) training records.
- (2) history of previous violations;
- (3) reports from past audits;
- (4) on-site audits;
- (5) reports and complaints from licensees, other law enforcement agencies, and citizens; and
- (6) observations by commission staff.

(c) The results of the audit will be forwarded to the chief administrator and governing body.

(d) If deficiencies are identified, the chief administrator must report to the commission in writing within 30 days what steps are being taken to correct deficiencies and on what date they expect to be in compliance.

(e) The commission may conduct a follow-up audit to verify the correction of deficiencies identified in subsection (d) of this section.

(f) Failure to correct deficiencies identified in subsection (d) may result in the imposition of administrative penalties and/or other disciplinary action as provided in §223.1 and §223.2 of this title.

(g) The effective date of this section is July 14, 2011.

§211.27. Reporting Responsibilities of Individuals.

(a) Within thirty days, a licensee or person meeting the requirements of a licensee shall report to the commission:

- (1) any name change;
- (2) a permanent mailing address other than an agency address;
- (3) all subsequent address changes;
- (4) an arrest, charge, or indictment for a criminal offense above the grade of Class C misdemeanor, or for any Class C misdemeanor involving the duties and responsibilities of office or family violence, including the name of the arresting agency, the style, court, and cause number of the charge or indictment, if any;
- (5) the final disposition of the criminal action; and
- (6) receipt of a dishonorable or other discharge based on misconduct which bars future military service.

(b) The effective date of this section is February 1, 2014.

§211.28. Responsibility of a Law Enforcement Agency to Report an Arrest.

(a) When an agency receives information that it has arrested or charged an individual that is required to report under §211.27 of this title for any offense above a Class C misdemeanor, or for any Class C misdemeanor involving the duties and responsibilities of office or family violence, the chief administrator or their designee must report such arrest to the commission in the format currently prescribed by the commission within 30 business days of notice of the arrest, including the:

(1) name, date of birth and PID of licensee (if available);

(2) name, address, and telephone number of the arresting agency;

(3) date and nature of the arrest;

(4) arresting agency incident, booking, or arrest number; and

(5) name, address, and telephone number of the court in which such charges are filed or such arrest is filed.

(b) The effective date of this section is July 14, 2011.

§211.29. Responsibilities of Agency Chief Administrators.

(a) An agency chief administrator is responsible for making any and all reports and submitting any and all documents required of that agency by the commission.

(b) An individual who is appointed or elected to the position of the chief administrator of a law enforcement agency shall notify the Commission of the date of appointment and title, through a form prescribed by the Commission within 30 days of such appointment.

(c) An agency chief administrator must comply with the appointment and retention requirements under Texas Occupations Code, Chapter 1701.

(d) An agency chief administrator must report to the commission within 30 days, any change in the agency's name, physical location, mailing address, electronic mail address, or telephone number.

(e) An agency chief administrator must report, in a standard format, incident-based data compiled in accordance with Texas Occupations Code §1701.164.

(f) Line of duty deaths shall be reported to the commission in current peace officers' memorial reporting formats.

(g) An agency chief administrator has an obligation to determine that all appointees are able to safely and effectively perform the essential job functions. An agency chief administrator may require a fit for duty review upon identifying factors that indicate an appointee may no longer be able to perform job-related functions safely and effectively. These factors should be based on objective evidence and a reasonable basis that the cause may be attributable to a medical or psychological condition or impairment.

(h) An agency must provide training on employment issues identified in Texas Occupations Code §1701.402 and field training.

(i) An agency must provide continuing education training required in Texas Occupations Code §1701.351 and §1701.352.

(j) Before an agency appoints any licensee to a position requiring a commission license it shall complete the reporting requirements of Texas Occupations Code §1701.451.

(k) An agency appointing a person who does not hold a commission license must file an application for the appropriate license with the commission.

(l) An agency must notify the commission electronically following the requirements of Texas Occupations Code §1701.452, when a person under appointment with that agency resigns or is terminated.

(m) An agency chief administrator must comply with orders from the commission regarding the correction of a report of resignation/termination or request a hearing from SOAH.

(n) An agency shall notify the commission electronically within 30 days, when it receives information that a person under appointment with that agency has been arrested, charged, indicted, or convicted for any offense above a Class C misdemeanor, or for any Class C misdemeanor involving the duties and responsibilities of office or family violence.

(o) Except in the case of a commission error, an agency that wishes to report a change to any information within commission files about a licensee shall do so in a request to the commission, containing:

(1) the licensees name, date of birth, last four digits of the social security number, or PID;

(2) the requested change; and

(3) the reason for the change.

(p) An agency chief administrator may not appoint an applicant subject to pending administrative action based on:

(1) enrollment or licensure ineligibility; or

(2) statutory suspension or revocation.

(q) The effective date of this section is February 1, 2016.

§211.30. Chief Administrator Responsibilities for Class A and B Waivers.

(a) A chief administrator may request the executive director that an individual be considered for a waiver of either the enrollment or initial licensure requirements regarding an otherwise disqualifying Class A or B misdemeanor conviction or deferred adjudication. An individual is eligible for one waiver request. This request must be submitted at least 45 days prior to a regularly scheduled commission meeting.

(b) A chief administrator is eligible to apply for a waiver five years after the date of 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; and
(8) chief administrator's written statement of intent to hire the applicant as a full time employee.

(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 scheduled for a commission meeting. Once a completed request is received, it will be placed on the agenda of a regularly scheduled commission meeting.

(e) 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.

(f) After hearing the request, the commissioners will make a decision and take formal action to approve or deny the request.

(g) If granted, a waiver is issued in the name of the applicant chief administrator, belongs to the sponsoring agency, nontransferable, and is without effect upon the subject's separation from employment. 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, 2014.

§211.31. Memorandum of Understanding on Continuity of Care.

(a) The commission adopts, by reference, a memorandum of understanding that establishes its responsibilities to institute a continuity of care program for offenders who are mentally impaired, elderly, physically disabled, terminally ill or significantly ill, as also adopted by the Texas Correctional Office on Offenders with Mental and Medical Impairments and the Texas Commission on Jail Standards. Copies of the memorandum of understanding may be obtained from the commission.

(b) The effective date of this section is June 1, 2006.

§211.33. Law Enforcement Achievement Awards.

(a) The commission shall issue achievement awards to qualified peace officers, reserve law enforcement officers, jailers, or telecommunicators licensed by the commission and; hereinafter, will be referred to as the nominees. A nominee for the achievement award must meet the following criteria:

(1) must have maintained, on a continuous basis, an average job performance during the individual's employment or appointment;

(2) must have exhibited relevant characteristics of the following:

(A) valor - an act of personal heroism or bravery which exceeds the normal expectations of job performance, such as placing one's own life in jeopardy to save another person's life, prevent serious bodily injury to another, or prevent the consequences of a criminal act;

(B) public service - when an individual, through initiative, creates or participates in a program or system which has a significant positive impact on the general population of a community which would exceed the normal expectations of job performance; or

(C) professional achievement - when an individual, through personal initiative, fixity of purpose, persistence, or endeavor, creates a program or system which has a significant positive impact on the law enforcement profession which would exceed the normal expectations of job performance;

(3) must have held a license at the time the qualifying act was performed;

(4) shall not ever have had a license suspended, revoked, cancelled, or voluntarily surrendered; and

(5) must not be in violation of Occupations Code, Chapter 1701 or rules of the commission.

(b) The nominations/recommendations for the achievement awards shall be filed as follows:

(1) received by the commission on or before December 31st of each year;

(2) must have been submitted by one of the following:

(A) an elected official of the state;

(B) an elected official of a political subdivision;

(C) an administrator of a law enforcement agency; or

(D) any person holding a current license issued by the commission; and

(3) shall be supported by acceptable evidence of the nominee's qualifications for the award. Such evidence may consist of evaluations, police reports, newspaper clippings, eyewitness accounts, or other valid, confirmable evidence, consisting of certified copies of documents and sworn affidavits.

(c) A committee shall be appointed by the executive director for the purpose of reviewing recommendations. Upon completion of the review, the committee will forward to the executive director nominees for consideration. The executive director will provide a list to the commissioners who will then make the final determination of who merits awards at a regularly scheduled meeting.

(d) The effective date of this section is February 1, 2014.

§211.35. Tuition Reimbursement for Commission Employees.

(a) Before a Commission employee may receive reimbursement for tuition, the reimbursement must be approved by the Executive Director.

(b) The effective date of this section is February 1, 2016.

Chapter 215: Training and Educational Providers

§215.1. Commission Authorization of Training Providers.

(a) The commission may enter into a contract with:

(1) a law enforcement academy training provider;

(2) a law enforcement association, distance education, or proprietary training provider; or

(3) an academic alternative training provider.

(b) To enter into a contract with the commission, a training provider must be approved after completing all requirements for application and eligibility.

(c) A training provider applicant must use the electronic application process and submit any required fee.

(d) The effective date of this section is February 1, 2014.

§215.2. General Application and Approval Process.

(a) In addition to all other respective entity specific application requirements of this chapter, training provider applicants must comply with the provisions of this section.

(b) All training provider applicants must pass an inspection of facilities and instructional materials. The inspection shall be conducted by commission staff or by a team of training provider coordinators as appointed by the executive director.

(c) A training provider applicant must have and maintain:

(1) qualified instructors and staff to conduct successful training;

(2) instructional resources to conduct successful training, to include, but not limited to, convenient access to a law enforcement reference library or sufficient number of computers for student and staff use;

(3) access to current and appropriate teaching tools and electronic equipment, including video players, projection equipment, computer hardware, software, and the Internet;

(4) a proprietary interest in or a written contract providing for a firing range suitable for the course of fire required in the current basic peace officer course, with safety rules clearly posted, secure storage and first aid equipment while on the premises; and

(5) a proprietary interest in or a written contract providing for at least one facility to conduct police driving training, to include at least one law enforcement automobile for training.

(d) A training provider applicant shall submit:

(1) documentation of compliance with the electronic reporting requirements of §1701.1523 of the Texas Occupations Code;

(2) documentation that an advisory board has already been appointed as required by this chapter and §1701.252 of the Texas Occupations Code;

(3) advisory board minutes that show the advisory board has complied with the requirements of this chapter;

(4) the name and PID of the proposed training coordinator;

(5) documentation that the training coordinator is in compliance with all responsibilities required under law; and

(6) at the request of the executive director, submit each board member's resume for approval. Law enforcement training providers excepted, applicants may alternatively submit at least one copy of the learning objectives of each course covered by the contract.

(e) The chief administrator and proposed training coordinator of a law enforcement academy, law enforcement association, distance education, or proprietary training provider applicant must appear before the commissioners to respond to questions prior to action being taken on the application.

(f) The dean or chair and the proposed training coordinator of an academic alternative applicant must appear before the commissioners to respond to questions prior to action being taken on the application.

(g) The effective date of this section is February 1, 2014.

§215.3. Law Enforcement Academy Training Provider.

(a) In addition to any other application requirements under this chapter, a law enforcement academy training provider applicant shall comply with all provisions of this section.

(b) An entity applying for a law enforcement academy training provider contract must be based on at least one of the following sponsoring organizations:

(1) a law enforcement agency with a minimum of 75 full-time paid peace officers, county jailers, or telecommunicators under current appointment;

(2) an institution recognized by the Texas Higher Education Coordinating Board; or

(3) a regional planning commission or councils of governments' (COG) board. The commission will enter into only one academy contract within each regional planning commission or councils of governments' area at any one time.

(c) A law enforcement academy training provider applicant shall submit:

(1) the proposed formal name of the academy, which must not misrepresent the status of the academy or be confusing to law enforcement or to the public;

(2) a proposed course schedule to show that training will be conducted on a continuing basis;

(3) a schedule of tuition and fees that will be charged, if any;

(4) the physical location and a description of the proposed training facility and any satellite sites; and

(5) documentation of any contract an academy may have as cosponsor with law enforcement agencies and other entities to conduct continuing education classes or basic county corrections training.

(d) A training needs assessment must be completed and submitted for commission approval and shall include:

(1) a description of whom the academy will serve, including the identity of each law enforcement agency the academy expects to serve, the number of officers the academy expects to train annually from each agency, and the basis for the academy's expectations;

(2) the number and types of courses that will be offered; and

(3) proof of notification by e-mail to all academies within the regional planning commission or councils of governments' area of their intent to apply for an academy contract and what specific training needs the applicant intends to meet.

(e) The effective date of this section is February 1, 2014.

§215.5. Other Training Providers.

(a) In addition to any other application requirements under this chapter, a law enforcement association, distance education, or proprietary training provider applicant shall comply with all provisions of this section.

(b) A law enforcement association, distance education, or proprietary training provider applicant shall submit a schedule of tuition and fees that will be charged, if any.

(c) A training needs assessment must be completed and submitted for commission approval and shall include:

(1) what specific training needs are to be addressed by the proposed contract; and

(2) the number and types of courses that will be offered during the first quarter of the executed contract.

(d) The effective date of this section is February 1, 2014.

§215.6. Academic Alternative Training Provider.

(a) In addition to any other application requirements under this chapter, an academic alternative applicant shall comply with all provisions of this section.

(b) A Texas college or university that is accredited by the Southern Association of Colleges and Schools (SACS) and which has a criminal justice or law enforcement program approved by the Texas Higher Education Coordinating Board (THECB) may make application to conduct training for licensees under a training provider contract.

(c) An academic alternative applicant shall submit:

(1) documentation of approval from THECB for a criminal justice or law enforcement program;

(2) a proposed course schedule to show that training will be conducted;

(3) documentation of any contractual provision the applicant may have with a contract academy to provide the sequence courses; and

(4) provisions for the Registrar to approve all students qualified for the state basic licensing exam in a timely manner.

(d) A training needs assessment must be submitted to the commission for approval and must include:

(1) a description of whom the alternative academic provider will serve and the number of students they expect to train annually;

(2) the basis for these expectations; and

(3) proof of notification by e-mail to all academies within the area of the applicant's intent to apply for an academic alternative provider contract.

(e) An academic alternative program shall conduct a comprehensive review subject to commission approval prior to licensing exam.

(f) The effective date of this section is February 1, 2014.

§215.7. Training Provider Advisory Board.

(a) All training providers approved by the commission must establish and maintain an advisory board, as required by §1701.252 of the Texas Occupations Code. The board must have at least three members who are appointed by the sponsoring organization. Board membership must not fall below a quorum for more than 30 days. A quorum of the advisory board is defined as a minimum of 51% of the voting membership.

(b) The board may have members who are law enforcement personnel; however, one-third of the members must be public members, as defined in §1701.052 of the Texas Occupations Code, having the same qualification as any commissioner who is required by law to be a member of the general public. The chief administrator, or head of the sponsoring organization, and the designated training coordinator may only serve as ex-officio, non-voting members. Board members are required to successfully complete the commission developed advisory board training course within one year of appointment to an advisory board.

(c) The chief administrator, or head or the sponsoring organization, may appoint a board chair, or the board may elect a board member to serve as the board chair. The board may elect other officers and set its own rules of procedure. A quorum must be present in order to conduct business.

(d) A board must meet at least once each calendar year. More frequent meetings may be called by the board chair, the training coordinator, or the person who appoints the board.

(e) A board will keep written minutes of all meetings. These minutes must be retained for at least five years and a copy forwarded to the commission upon request.

(f) Board members will be appointed by the following authority:

(1) for an agency academy, by the chief administrator as defined in §211.1 of this title;

(2) for a college academy, by the dean or other person who appoints the training coordinator;

(3) for a regional academy, by the head of the council of governments or other sponsoring entity holding the academy contract from names submitted by chief administrators from that area;

(4) for a contractual training provider, by the chief administrator; or

(5) for an academic alternative provider, by the dean or other person who appoints the training coordinator.

(g) A member may be removed by the appointing authority.

(h) A board is generally responsible for advising on the development of curricula and any other related duty that may be required by the commission.

(i) The board must, as specific duties:

(1) discharge its responsibilities and otherwise comply with commission rules;

(2) set policies and procedures for the academy with the consent of the chief administrator;

(3) advise on the need to study, evaluate, and identify specific training needs;

(4) advise on the determination of the types, frequency, and location of courses to be offered;

(5) advise on the establishment of the standards for admission, prerequisites, minimum and maximum class size, attendance, and retention; and

(6) advise on the order of preference among employees or prospective appointees of the sponsoring organization and other persons, if any.

(j) No person may be admitted to a training course without meeting the admission standards. The admission standards for licensing courses must be available for review by the commission upon request.

(k) A board may, when discharging its responsibilities, request that a report be made or some other information be provided to them by a training or course coordinator.

(l) The effective date of this section is November 1, 2014.

§215.9. Training Coordinator.

(a) A training coordinator must hold a valid instructor license or certificate and must be a full-time paid employee.

(b) The training coordinator must:

(1) ensure compliance with commission rules and guidelines:

(2) prepare, maintain, and submit the following reports within the time frame specified:
  (A) reports of training:
    (i) basic licensing course shall be submitted prior to students attempting a licensing exam; and
    (ii) within 30 days of completion of continuing education course;
  (B) self-assessment reports as required by the commission;
  (C) a copy of advisory board minutes during an on-site evaluation;
  (D) training calendars-schedules must be available for review and posted on the internet, or another public venue,_no later than 30 days prior to the beginning of each calendar quarter or academic semester. A continually updated and posted (live) calendar will meet this requirement;
  (E) any other reports or records as requested by the commission;
(3) be responsible for the administration and conduct of each course, including those conducted at ancillary sites, and specifically:
  (A) appointing and supervising qualified instructors;
  (B) maintaining course schedules and training files. At a minimum, training files shall contain:
    (i) complete lesson plan;
    (ii) clear learning objectives;
    (iii) instructor biography indicating subject matter expertise and teaching experience;
    (iv) approved class roster and original sign-in sheet; and
    (v) course evaluation;
  (C) enforcing all admission, attendance, retention, and other standards set by the commission and approved by the advisory board;
  (D) securing and maintaining all facilities necessary to meet the inspection standards of this section;
  (E) controlling the discipline and demeanor of each student and instructor during class;
  (F) distributing a current version of the Texas Occupations Code, Chapter 1701 and commission rules to all students at the time of admission to any course that may result in the issuance of a license;
  (G) distributing learning objectives to all students at the beginning of each course;
  (H) ensuring that all learning objectives are taught and evaluated;
  (I) proctoring or supervising all examinations to ensure fair, honest results; and
  (J) maintaining training files, records of tests, and other evaluation instruments for a period of five years.
(4) receive all commission notices on behalf of the training provider and forward each notice to the appointing authority; and

(5) attend or have a designee attend each academy coordinator's workshop conducted by the commission. No person may serve as a representative for more than one provider per conference. Each representative must be affiliated with the training provider.

(c) If the position of training coordinator becomes vacant, upon written request from the chief administrator of the training provider the commission may, at the discretion of the executive director, waive the requirements for a period not to exceed six months.

(d) Upon written request from the chief administrator of a training provider that does not have a full-time paid staff, the commission may, at the discretion of the executive director, waive the requirements in subsection (a) of this section.

(e) The effective date of this section is February 1, 2016.

§215.11. Training Provider Evaluations.

(a) All training providers shall be evaluated periodically and randomly. Providers with deficiencies will be evaluated more frequently, as determined by the commission.

(b) The commission may use the following information in assessing the performance of training providers:

(1) licensing examination results;
(2) reports from past evaluation records;
(3) self-assessment reports;
(4) on-site evaluations;
(5) reports and evaluations from students, law enforcement agencies, and citizens;
(6) commission records;
(7) course records;
(8) observations by commission staff;
(9) information used as risk assessment factors; and
(10) any other relevant information about performance and practices.

(c) The results of the evaluation will be forwarded to the chief administrator, training coordinator, and advisory board chair.

(d) The effective date of this section is July 6, 2009.

§215.13. Risk Assessment.

(a) A training provider may be found at risk and placed on at-risk probationary status if:

(1) for those providing licensing courses, the passing rate on a licensing exam for first attempts for any three consecutive state fiscal years is less than 80 percent of the students attempting the licensing exam;

(2) courses taught by academic alternative providers are not conducted in compliance with Higher Education Program Guidelines accepted by the commission;

(3) commission required learning objectives are not taught;

(4) lesson plans for classes conducted are not on file;

(5) examination and other evaluative scoring documentation is not on file;

(6) the training provider submits false reports to the commission;
(7) the training provider makes repeated errors in reporting;
(8) the training provider does not respond to commission requests for information;
(9) the training provider does not comply with commission rules or other applicable law;
(10) the training provider does not achieve the goals identified in its application for a contract;
(11) the training provider does not meet the needs of the officers and law enforcement agencies served; or
(12) the commission has received sustained complaints or evaluations from students or the law enforcement community concerning the quality of training or failure to meet training needs for the service area.

(b) A training provider may be found at risk and placed on at-risk probationary status if:
(1) the contractor provides licensing courses and fails to comply with the passing rates in subsection (a)(1) of this section;
(2) lesson plans for classes conducted are not on file;
(3) examination and other evaluative scoring documentation is not on file;
(4) the provider submits false reports to the commission;
(5) the provider makes repeated errors in reporting;
(6) the provider does not respond to commission requests for information;
(7) the provider does not comply with commission rules or other applicable law;
(8) the provider does not achieve the goals identified in its application for a contract;
(9) the provider does not meet the needs of the officers and law enforcement agencies served; or
(10) the commission has received sustained complaints or evaluations from students or the law enforcement community concerning the quality of training or failure to meet training needs for the service area.

(c) An academic alternative provider may be found at risk and placed on at-risk probationary status if:
(1) the academic alternative provider fails to comply with the passing rates in subsection (a)(1) of this section;
(2) courses are not conducted in compliance with Higher Education Program Guidelines accepted by the commission;
(3) the commission required learning objectives are not taught;
(4) the program submits false reports to the commission;
(5) the program makes repeated errors in reporting;
(6) the program does not respond to commission requests for information;
(7) the program does not comply with commission rules or other applicable law;
(8) the program does not achieve the goals identified in its application for a contract;
(9) the program does not meet the needs of the students and law enforcement agencies served; or

(10) the commission has received sustained complaints or evaluations from students or the law enforcement community concerning the quality of education or failure to meet education needs for the service area.

(d) If at risk, the chief administrator of the sponsoring organization, or the training coordinator, must report to the commission in writing within 30 days what steps are being taken to correct deficiencies and on what date they expect to be in compliance.

(e) The chief administrator of the sponsoring organization, or the training coordinator, shall report to the commission the progress toward compliance within the timelines provided in the management response as provided in subsection (d) of this section.

(f) The commission shall place providers found at-risk on probationary status for one year. If the provider remains at-risk after a 12-month probationary period, the commission shall begin the revocation process. If a provider requests a settlement agreement, the commission may enter into an agreement in lieu of revocation.

(g) A training or educational program placed on at-risk probationary status must notify all students and potential students of their at-risk status.

(h) The effective date of this section is February 1, 2016.

§215.17. General Contract Procedures and Provisions.

(a) Once an application is approved, the commission and a training provider may enter into a training provider contract for a term no longer than five years.

(b) To renew a contract, the training provider must apply to the commission using the current renewal application and at least six months prior to expiration of a contract.

(c) The commission may renew a training provider contract for any term deemed appropriate and dependent upon an evaluation which includes an assessment of the provider's compliance with: commission standards; terms of the contract; and program performance.

(d) A contract may approve courses and the number of times they will be offered.

(e) The commission will award training credit for any course conducted by a training provider unless:

(1) training was not conducted as required by contract or commission rules;

(2) courses were not conducted in compliance with other applicable governing standards, including Texas Higher Education Coordinating Board (THECB) guidelines;

(3) training is not related to a commission license;

(4) an advisory board, academy, training coordinator, course coordinator, or instructor failed to discharge any responsibility required by contract or commission rule;

(5) credit was claimed by deceitful or untruthful means;

(6) distance education courses of a proprietary nature, equivalency, or the distance education portion of a basic licensing course were not submitted and approved under commission distance education guidelines; or

(7) the training provider has not complied with terms of a contract.

(f) Once under contract, the chief administrator of the sponsoring organization or the training coordinator must submit a written report within thirty days of:
  (1) any change in the chief administrator or training coordinator;
  (2) any failure to meet commission rules and standards by the academy, training coordinator, instructors, or advisory board;
  (3) when non-compliance with federal or state requirements is discovered;
  (4) any change in name, physical location, mailing address, electronic mail address, or telephone number; or
  (5) any change in the department dean, Southern Association of Colleges and Schools, or THECB status for academic alternative training providers.

(g) The effective date of this section is February 1, 2014.

§215.19. Contract Cancellation, Suspension, and Termination.

(a) The commission may cancel a contract issued in error or based on false or incorrect information.

(b) The commission may suspend operation of a contract for a training provider's noncompliance with the terms of the contract or any commission rule or law. Operation of the contract may be suspended for a period of time, including a period pending outcome of an investigation or until remedial compliance with applicable standards has been met.

(c) The commission may terminate a training provider contract if the:
  (1) training coordinator intentionally or knowingly submits, or causes the submission of, a falsified document or a false written statement or representation to the commission;
  (2) provider has not met the needs of the communities or agencies it serves;
  (3) provider fails to comply with any term of a contract or violation of a commission rule or law, including when a provider has been classified as at risk under this chapter for a twelve-month period without complying with commission rules;
  (4) provider has failed to conduct training within a calendar year without a waiver from the commission; or
  (5) provider has lost accreditation, including Southern Association of Colleges and Schools or Texas Higher Education Coordinating Board approval.

(d) A contract may be terminated with ten days written notice by the commission or training provider. A training provider contract shall incorporate by reference all requirements and standards under Texas Occupations Code Chapter 1701, commission rules, and any other applicable law.

(e) The effective date of this section is February 1, 2014.

Chapter 217: Enrollment, Licensing, Appointment, and Separation

§217.1. Minimum Standards for Enrollment and Initial Licensure.

(a) In order for an individual to enroll in any basic licensing course the provider must have on file documentation that the individual meets eligibility for licensure and:

(1) a high school diploma;

(2) a high school equivalency certificate; or

(3) for the basic peace officer training course, an honorable discharge from the armed forces of the United States after at least 24 months of active duty service;

(b) The commission shall issue a license to an applicant who meets the following standards:

(1) age requirement:

(A) for peace officers and public security officers, is 21 years of age; or 18 years of age if the applicant has received:

(i) an associate's degree; or 60 semester hours of credit from an accredited college or university; or

(ii) has received an honorable discharge from the armed forces of the United States after at least two years of active service;

(B) for jailers and telecommunicators is 18 years of age;

(2) minimum educational requirements:

(A) has passed a general educational development (GED) test indicating high school graduation level; or

(B) holds a high school diploma;

(3) is fingerprinted and is subjected to a search of local, state and U.S. national records and fingerprint files to disclose any criminal record;

(4) has never been on court-ordered community supervision or probation for any criminal offense above the grade of Class B misdemeanor or a Class B misdemeanor within the last ten years from the date of the court order;

(5) is not currently charged with any criminal offense for which conviction would be a bar to licensure;

(6) has never been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years;

(7) has never been convicted or placed on community supervision in any court of an offense involving family violence as defined under Chapter 71, Texas Family Code;

(8) for peace officers, is not prohibited by state or federal law from operating a motor vehicle;

(9) for peace officers, is not prohibited by state or federal law from possessing firearms or ammunition;

(10) has been subjected to a background investigation;

(11) examined by a physician, selected by the appointing or employing agency, who is licensed by the Texas Medical Board. The physician must be familiar with the duties appropriate to the type of license sought and appointment to be made.

The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of appointment by the agency to be:

(A) physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought;

(B) show no trace of drug dependency or illegal drug use after a blood test or other medical test; and

(C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory medical exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;

(12) examined by a psychologist, selected by the appointing, employing agency, or the academy, who is licensed by the Texas State Board of Examiners of Psychologists. This examination may also be conducted by a psychiatrist licensed by the Texas Medical Board. The psychologist or psychiatrist must be familiar with the duties appropriate to the type of license sought. The individual must be declared by that professional, on a form prescribed by the commission, to be in satisfactory psychological and emotional health to serve as the type of officer for which the license is sought. The examination must be conducted pursuant to professionally recognized standards and methods. The examination process must consist of a review of a job description for the position sought; review of any personal history statements; review of any background documents; at least two instruments, one which measures personality traits and one which measures psychopathology; and a face to face interview conducted after the instruments have been scored. The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of the appointment by the agency;

(A) the commission may allow for exceptional circumstances where a licensed physician performs the evaluation of psychological and emotional health. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; or

(B) the examination may be conducted by qualified persons identified by Texas Occupations Code § 501.004. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; and

(C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory psychological exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;

(13) has never received a dishonorable or other discharge based on misconduct which bars future military service;
(14) has not had a commission license denied by final order or revoked;
(15) is not currently on suspension, or does not have a surrender of license currently in effect;
(16) meets the minimum training standards and passes the commission licensing examination for each license sought;
(17) is a U.S. citizen.

(c) For the purposes of this section, the commission will construe any court-ordered community supervision, probation or conviction for a criminal offense to be its closest equivalent under the Texas Penal Code classification of offenses if the offense arose from:
(1) another penal provision of Texas law; or
(2) a penal provision of any other state, federal, military or foreign jurisdiction.

(d) A classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas laws.

(e) A person must meet the training and examination requirements:
(1) training for the peace officer license consists of:
(A) the current basic peace officer course(s);
(B) a commission recognized, POST developed, basic law enforcement training course, to include:
(i) out of state licensure or certification; and
(ii) submission of the current eligibility application and fee; or
(C) a commission approved academic alternative program, taken through a licensed academic alternative provider and at least an associate's degree.
(2) training for the jailer license consists of the current basic county corrections course(s) or training recognized under Texas Occupations Code §1701.310;
(3) training for the public security officer license consists of the current basic peace officer course(s);
(4) training for telecommunicator license consists of telecommunicator course; and
(5) passing any examination required for the license sought while the exam approval remains valid.

(f) The commission may issue a provisional license, consistent with Texas Occupations Code §1701.311, to an agency for a person to be appointed by that agency. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a provisional license. A provisional license is issued in the name of the applicant; however, it is issued to and shall remain in the possession of the agency. Such a license may neither be transferred by the applicant to another agency, nor transferred by the agency to another applicant. A provisional license may not be reissued and expires:

(1) 12 months from the original appointment date;
(2) on leaving the appointing agency; or
(3) on failure to comply with the terms stipulated in the provisional license approval.

(g) The commission may issue a temporary jailer license, consistent with Texas Occupations Code §1701.310. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a temporary jailer license. A temporary jailer license expires:
(1) 12 months from the original appointment date; or
(2) on completion of training and passing of the jailer licensing examination.

(h) The commission may issue a temporary telecommunicator license, consistent with Texas Occupations Code § 1701.405. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a temporary telecommunicator license. A temporary telecommunicator license expires 12 months from the original appointment date.

(i) A person who fails to comply with the standards set forth in this section shall not accept the issuance of a license and shall not accept any appointment. If an application for licensure is found to be false or untrue, it is subject to cancellation or recall.

(j) The effective date of this section is February 1, 2016.

§217.3. Application for License and Initial Report of Appointment.

(a) An agency appointing an individual who does not hold a commission license must file an application for the appropriate license with the commission. The application must be approved with a license issuance date before the individual is appointed or commissioned. The application must be completed, signed, and filed with the commission by the agency's chief administrator or designee.

(b) An application for a license or initial report of appointment must be submitted in an application format currently accepted by the commission.

(c) An agency that files an application for licensing must keep on file and in a format readily accessible to the commission a copy of the documentation necessary to show each licensee appointed by that agency met the minimum standards for licensing, including weapons proficiency for peace officers.

(d) An agency must retain records required under subsection (c) of this section for a minimum of five years after the licensee's termination date with that agency. The records must be maintained in a format readily accessible to the commission.

(e) An agency failing to appoint an individual within 30 days after submitting an application must report a termination of employment in the current commission format.

(f) The effective date of this section is January 17, 2013.

§217.5. Denial and Cancellation.

(a) The commission may deny an application for any license and may refuse to accept a report of appointment if the:

(1) applicant has not been reported to the commission as meeting all minimum standards, including any training or testing requirements;

(2) applicant has not affixed any required signature;

(3) required forms or documentation are incomplete, illegible, or are not attached;

(4) application is not submitted or signed by a chief administrator, or designee with authority to appoint the applicant to the position reported;

(5) application is not submitted by the appointing agency or entity;

(6) agency reports the applicant in a capacity that does not require the license sought;

(7) agency fails to provide documentation, if requested, of the agency's creation or authority to appoint persons in the capacity of the license sought or the agency is without such authority; or

(8) application contains a false assertion by any person; or

(9) applicant is subject to pending administrative action against a commission-issued license.

(b) An agency chief administrator or school district may not appoint an applicant subject to pending administrative action based on:

(1) enrollment or licensure ineligibility; or

(2) statutory suspension or revocation.

(c) If an application is found to be incorrect or subject to denial under subsection (a) of this section, any license issued to the applicant by the commission is subject to cancellation.

(d) Any such document may expire or be cancelled, surrendered, suspended, revoked, deactivated, or otherwise invalidated. Mere possession of the physical document does not necessarily mean that the person:

(1) currently holds, has ever held, or has any of the powers of the office indicated on the document; or

(2) still holds an active, valid license, or certificate.

(e) The effective date of this section is February 1, 2014.

§217.7. Reporting Appointment and Separation of a Licensee.

(a) Before a law enforcement agency may hire a person licensed under Texas Occupations Code Chapter 1701, the agency head or the agency head's designee must:

(1) make a request to the commission for any employment termination report(s) regarding the person maintained by the commission under this chapter; and

(2) submit to the commission in a manner prescribed by the commission confirmation that the agency:

(A) conducted in the manner prescribed by the commission a background investigation of the person on a form that meets or exceeds the form prescribed by the commission;

(B) obtained the person's written consent on a form prescribed by the commission for the agency to view the person's employment records;

(C) obtained from the commission any service or education records regarding the person maintained by the commission; and

(D) contacted each of the person's previous law enforcement employers.

(b) A request submitted electronically under this section must contain identifying information, acceptable to the commission, for verification.

(c) A law enforcement agency that obtains a consent form described by subsection (a)(2)(B) of this section shall make the person's employment records available to a hiring law enforcement agency on request.

(d) An agency that appoints an individual with less than a 180-day break in service who already holds a valid, active license appropriate to that position must notify the commission of such appointment not later than 30 days after the date of appointment. The appointing agency must have on file:

(1) documentation that the agency has met the requirements in subsection (a) of this section; and

(2) documentation that a peace officer is compliant with weapons qualification standards within the last 12 months.

(e) If the appointment is made after a 180-day break in service, the agency must have the following on file and readily accessible to the commission:

(1) documentation that the agency has met the requirements in subsection (a) of this section;

(2) a new criminal history check by name, sex, race and date of birth from both TCIC and NCIC;

(3) a new declaration of psychological and emotional health;

(4) a new declaration of lack of any drug dependency or illegal drug use;

(5) one completed applicant fingerprint card or, pending receipt of such card, an original sworn, notarized affidavit by the applicant of their complete criminal history; such affidavit to be maintained by the agency while awaiting the return of completed applicant fingerprint card; and

(6) for peace officers, weapons qualification standards within the last 12 months.

(f) When an individual licensed by the commission separates from appointment with an agency, the agency shall submit a report to the commission and to the licensee in the currently prescribed commission format that reports the separation. The report shall be submitted no later than the seventh business day after the licensee resigns, retires, is terminated, or separates from the agency and if applicable, exhausts all administrative appeals available to the licensee.

(g) Agencies must report the employment and separation of telecommunicators on a form prescribed by the commission. The reports must be submitted under the following guidelines:

(1) within 30 days of employment; or

(2) no later than the seventh business day after separation and if applicable, after all administrative appeals are exhausted.

(h) An agency must retain records kept under this section for a minimum of five years after the licensee's termination date with that agency. The records must be maintained in a format readily accessible to the commission.

(i) All information submitted under subsection (f) of this section is exempt from disclosure under the Public Information Act, Texas Government Code Chapter 552, unless the individual resigned or was terminated due to substantiated incidents of excessive force or violations of the law other than traffic offenses, and is subject to subpoena only in a judicial proceeding.

(j) The effective date of this section is February 1, 2014.

§217.8. Contesting an Employment Termination Report.

(a) A person who is the subject of an employment termination report is entitled to file a petition contesting information included in the employment termination report. The written petition for correction of the report must be filed with the executive director on a form currently prescribed by the commission and a copy must be served on the law enforcement agency.

(b) A petition described in subsection (a) of this section must be received by the executive director not later than the 30th day after the person receives a copy of the report of separation.

(c) Upon receipt of the petition the executive director will refer the dispute to SOAH.

(d) A proceeding conducted pursuant to subsection (c) of this section is a contested case under Chapter 2001, Texas Government Code. The parties to the proceeding shall be the person contesting the employment termination and the chief administrative officer of the law enforcement agency. The Commission is not considered a party in a proceeding conducted by SOAH. The chief administrative officer of the law enforcement agency shall have the burden of proof by a preponderance of the evidence. Following the contested case hearing, the administrative law judge shall issue a final order on the petition.

(e) If the alleged misconduct is not supported by a preponderance of the evidence, the administrative law judge shall order the commission to change the report. The commission shall send the changed report to the law enforcement agency that prepared the original employment termination report. The law enforcement agency shall replace the original employment termination report with the changed report.

(f) Any party to a proceeding described in subsection (d) of this section may file exceptions to the administrative law judge's final order in accordance with SOAH rules and procedures.

(g) The results of a hearing described in subsection (d) of this section are enforceable by the commission pursuant to Chapter 1701, Texas Occupations Code and Chapter 2001, Texas Government Code.

(h) The results of a hearing described in subsection (d) of this section are appealable in accordance with Chapter 2001, Texas Government Code.

(i) A chief administrative officer of a law enforcement agency who fails to comply with the results of a hearing after all appeals available to the agency have been exhausted is subject to disciplinary action pursuant to Chapter 1701, Texas Occupations Code, and Chapter 223 of this title.

(j) All information submitted under subsection (d) of this section is exempt from disclosure under the Public Information Act, Chapter 552, Texas Government Code, unless the individual resigned or was terminated due to substantiated incidents of excessive force or violations of law other than traffic offenses, and is subject to subpoena only in a judicial proceeding.

(k) The effective date of this section is February 1, 2014.

§217.27. Appointment Eligibility of a Telecommunicator.

(a) A chief administrator shall not appoint or employ a person as a telecommunicator unless the person: holds a telecommunicator license; or agrees to obtain the license not later than the first anniversary of the date of employment.

(b) A person employed to act as a telecommunicator who has not obtained a license to act as a telecommunicator may not continue to act as a telecommunicator after the first anniversary of the date of employment unless the person obtains the license.

(c) Notwithstanding §1701.405, Texas Occupations Code, an officer is not required to obtain a telecommunicator license to act as a telecommunicator.

(d) The effective date of this section is February 1, 2014.

Chapter 218: Continuing Education

§218.1. Continuing Education Credit for Licensees.

(a) A continuing education course is any training course that is recognized by the commission, specifically:
   (1) legislatively required continuing education curricula and learning objectives developed by the commission;
   (2) training in excess of basic licensing course requirements;
   (3) training courses consistent with assigned duties; or
   (4) training not included in a basic licensing course.

(b) A law enforcement agency submitting continuing education courses under the chief administrator's approval through a departmental report of training, must have the following on file and readily accessible to the commission:
   (1) lesson plans; or
   (2) certificate of completion with hours indicated on the certificate;
   (3) attendees' critique of the course that includes:
      (A) written evaluation of the instructor; and
      (B) an assessment of how this training was applicable to their assigned duties;

(4) number of students attending from the agency;
(5) copy of course outline (if available); and
(6) copy of available handouts.

(c) The commission may refuse credit for:
(1) a course that does not contain a final examination or other skills test, if appropriate, as determined by the training provider;
(2) annual firearms proficiency;
(3) an out-of-state course not approved by that state's POST;
(4) training that fails to meet any commission established length and published learning objectives;
(5) an instructor claiming credit for a basic licensing course or more than one presentation of a non-licensing course by an instructor, per 24 month unit of a training cycle;
(6) course(s) claimed by deceitful means;
(7) courses provided by the same training provider and taken more than two times within one training unit; or
(8) legislatively mandated or certification courses reported by unlicensed or non-contractual training providers.

(d) The training provider or agency must report to the commission and keep on file in a format readily accessible to the commission, a copy of all continuing education course training reports.

(e) The effective date of this section is February 1, 2014.

§218.3. Legislatively Required Continuing Education for Licensees.

(a) Individuals appointed as peace officers shall complete at least 40 hours of continuing education training and must complete a training and education program that covers recent changes to the laws of this state and of the United States pertaining to peace officers every 24-month unit of a training cycle.

(b) Each agency that appoints or employs peace officers, reserve law enforcement officers, jailers, or public security officers shall provide each peace officer, reserve law enforcement officer, jailer, or public security officer whom it appoints or employs with a continuing education program at least once every 48-month training cycle. Part of this training program consists of topics selected by the agency. This section does not limit the number of hours of continuing education an agency may provide.

(c) A state agency, county, special district, or municipality that appoints or employs a telecommunicator shall provide training to the telecommunicator of not less than 20 hours during each 24-month period of employment. The training must be approved by the commission and consist of topics selected by the commission and the employing entity. This section does not limit the number of hours of continuing education an agency may provide.

(d) Part of the legislatively required peace officer training in every 48-month training cycle must include the curricula and learning objectives developed by the commission, to include:

(1) for an officer holding a basic proficiency certificate or less, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; and

(C) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and

(ii) issues concerning sex offender characteristics; and

(2) supervision issues for each peace officer appointed to their first supervisory position, this training must be completed within 24 months following the date of appointment as a supervisor.

(e) Individuals licensed as reserve law enforcement officers, jailers, or public security officers shall meet the training requirements for civil rights, racial sensitivity, and cultural diversity in every 48-month training cycle unless the person has completed or is otherwise exempted from legislative required training under another commission license or certificate.

(f) A peace officer first licensed on or after January 1, 2011, must complete a basic training program on the trafficking of persons within one year of licensure.

(g) For appointed or elected constables:

(1) An individual appointed or elected to that individual's first position as constable must complete at least 40 hours of initial training for new constables in accordance with Texas Occupations Code § 1701.3545(c).

(2) Each constable must complete at least 40 hours of continuing education in accordance with Texas Occupations Code § 1701.3545(b), each 48-month cycle.

(h) Each deputy constable shall also complete a 20 hour course of training in civil process during each current training cycle.

(i) In accordance with Texas Occupations Code § 1701.358, individuals appointed as "chief" or "police chief" of a police department:

(1) A newly appointed or elected police chief shall complete the initial training program for new chiefs not later than the second anniversary of that individual's appointment or election as chief.

(2) Each police chief must receive at least 40 hours of continuing education provided by the Bill Blackwood Law Enforcement Management Institute each 24-month unit.

(j) The commission shall provide adequate notice to agencies and licensees of impending non-compliance with the legislatively required continuing education.

(k) The chief administrator of an agency that has licensees who are in non-compliance shall, within 30 days of receipt of notice of non-compliance, submit a report to the commission explaining the reasons for such non-compliance.

(l) The commission may take disciplinary action against a licensee for failure to complete the legislatively required continuing education program at least once every training unit.

(m) The commission may take disciplinary action against a licensee for failure to complete the appropriate training within a training cycle.

(n) Individuals licensed as peace officers shall complete the legislatively required continuing education program required under this section beginning in the first complete 24-month unit immediately following the date of licensing.

(o) Individuals licensed as county jailers shall complete the legislatively required continuing education program required under this section beginning in the first complete 48-month cycle immediately following the date of licensing.

(p) All peace officers must meet all continuing education requirements except where exempt by law.

(q) The effective date of this section is June 1, 2014.

§218.5. Reporting Legislatively Required Continuing Education.

(a) Each agency, academy, or training provider shall maintain proof of a licensee's completion of legislatively required continuing education training in a format currently accepted by the commission. The report of training shall be submitted to the commission within 30 days following completion of the training. Failure to report training to the commission within 30 days is a violation of commission rules. Upon receipt of a properly completed report of training, the commission will make the appropriate entry into the training records of the licensee.

(b) The chief administrator of an agency that has licensees who are in non-compliance shall, within 30 days of receipt of notice of non-compliance, submit a report to the commission explaining the reasons for such non-compliance.

(c) The effective date of this section is February 1, 2014.

§218.7. Waiver of Legislatively Required Continuing Education.

(a) The executive director may waive the legislatively required continuing education for a licensee, as required by the Texas Occupations Code, Chapter 1701, if the licensee demonstrates the existence of mitigating circumstances justifying the licensee's failure to obtain the legislatively required continuing education.

(b) Mitigating circumstances are defined as:

(1) catastrophic illness or injury that prevents the licensee from performing active duty for longer than 12 months; or

(2) active duty with the armed forces of the United States, or a reserve component of the armed forces of the United States for a time period in excess of 12 months.

(c) A request for a waiver of the legislatively required continuing education due to mitigating circumstances shall be in writing, accompanied by verifying documentation, and shall be submitted to the executive director with a copy to the chief administrator of the licensee's appointing agency not less than 30 days prior to the end of the training unit.

(d) Absent mitigating circumstances, a request for a waiver under this section shall be submitted to the executive director not less than 90 days prior to the end of the training unit.

(e) The commission may waive the requirement for civil process training if not less than 90 days prior to the end of the training cycle:

(1) the constable requests a waiver for the deputy constable based on a representation that the deputy constable's duty assignment does not involve civil process responsibilities; or

(2) the constable or deputy constable requests a waiver because of hardship and the commission determines that a hardship exists.

(f) Within 20 days of receiving a request for a waiver under this section, the executive director shall notify the licensee and the chief administrator of the licensee's appointing agency, whether the request has been granted or denied.

(g) A licensee, whose request for a waiver under this section is denied, is entitled to a hearing in accordance with Texas Government Code, Chapter 2001. The licensee must request a hearing within 20 days of the waiver being denied. In a hearing pursuant to this subsection, the licensee is the petitioner and the executive director is the respondent. The burden of proof shall be on the licensee to show why he or she is entitled to a waiver of the legislatively required continuing education requirement.

(h) The effective date of this section is February 1, 2014.

§218.9. Continuing Firearms Proficiency Requirements.

(a) Each agency or entity that employs at least one peace officer shall:

(1) require each peace officer that it employs to successfully complete the current firearms proficiency requirements at least once each calendar year for each type of firearm carried;

(2) designate a firearms proficiency officer to be responsible for the documentation of annual firearms proficiency. The documentation for each officer shall include:

(A) date of qualification;

(B) identification of officer;

(C) firearm manufacturer, model;

(D) results of qualifying; and

(E) course(s) of fire;

(3) keep on file and in a format readily accessible to the commission a copy of all records of this proficiency.

(b) The annual firearms proficiency requirements shall include:

(1) an external inspection by the proficiency officer, range officer, firearms instructor, or gunsmith to determine the safety and functioning of the weapon(s);
(2) a proficiency demonstration in the care and cleaning of the weapon(s) used; and
(3) a course of fire that meets or exceeds the minimum standards.

(c) The minimum standards for the annual firearms proficiency course of fire shall be:
(1) handguns - a minimum of 50 rounds, fired at ranges from point-blank to at least 15 yards with at least 20 rounds at or beyond seven yards, including at least one timed reload;
(2) shotguns - a minimum of five rounds of ammunition fired at a range of at least 15 yards;
(3) precision rifles - a minimum of 20 rounds of ammunition fired at a range of at least 100 yards; however, an agency may, in its discretion, allow a range of less than 100 yards but not less than 50 yards if the minimum passing percentage is raised to 90;
(4) patrol rifles - a minimum of 30 rounds of ammunition fired at a range of at least 50 yards, including at least one timed reload; however, an agency may, in its discretion, allow a range of less than 50 yards but not less than 10 yards if the minimum passing percentage is raised to 90;
(5) fully automatic weapons - a minimum of 30 rounds of ammunition fired at ranges from seven to at least 10 yards, including at least one timed reload, with at least 25 rounds fired in full automatic (short bursts of two or three rounds), and at least five rounds fired semi-automatic, if possible with the weapon.

(d) The minimum passing percentage shall be 70 for each firearm.

(e) The executive director may, upon written agency request, waive a peace officer's demonstration of weapons proficiency based on a determination that the requirement causes a hardship.

(f) The effective date of this section is February 1, 2016.

§218.11. Child Safety Check Alert List Training.

(a) An education and training program on the Texas Crime Information Center's child safety check alert list will include instruction relating to:
(1) the procedures for placing a child or other person on the child safety check alert list;
(2) the manner in which an officer should interact with a child or other person on the child safety check alert list whom the officer locates; and
(3) the procedures for removing a child or other person from the child safety check alert list.

(b) The training program will be made available to employees in the child protective services division of the Department of Family and Protective Services, including caseworkers, supervisors, and special investigators.

(c) The effective date of this section is February 1, 2016.

Chapter 219: Prelicensing, Reactivation, Tests, and Endorsements

§219.1. Eligibility to Take State Examinations.

(a) An individual may not take a licensing exam for a license they actively hold.

(b) To be eligible to take a state licensing exam, an individual must:

- (1) have successfully completed a commission-approved basic licensing course or academic alternative program;
- (2) meet the requirements for reactivation if the individual is currently licensed;
- (3) meet the requirements for reinstatement if the individual is currently licensed;
- (4) meet the requirements if an individual is an out of state peace officer, federal criminal investigator, or military; or
- (5) be eligible to take the county corrections licensing exam as provided in Texas Occupations Code, Chapter 1701, §1701.310.

(c) To maintain eligibility to attempt a licensing exam the applicant must meet the minimum standards for enrollment and initial licensure.

(d) An eligible examinee will be allowed three attempts to pass the examination. All attempts must be completed within 180 days from the completion date of the licensing course. Any remaining attempts become invalid on the 181st day from the completion date of the licensing course, or if the examinee passes the licensing exam. If an attempt is invalidated for any other reason, that attempt will be counted as one of the three attempts.

(e) The examinee must repeat the basic licensing course for the license sought if:

- (1) the examinee fails all three attempts to pass the licensing exam;
- (2) the examinee fails to complete all three attempts within 180 days from the completion date of the licensing course; or
- (3) the examinee is dismissed from an exam for cheating. If dismissed from an exam for cheating, all remaining attempts are invalidated.

(f) An examinee that is required to repeat a basic licensing course under the provisions in subsection (e) of this section will not be allowed to repeat an academic alternative program.

(g) If an individual is not licensed within 2 years from the date of their successful completion of the licensing exam, the basic licensing course must be repeated.

(h) When applicable and in addition to this section, school marshal licenses are subject to the requirements of Chapter 227 of this title.

(i) The effective date of this section is February 1, 2016.

§219.2. Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police.

(a) To be eligible to take a state licensing examination, an out of state, federal criminal investigator, or military police must comply with all provisions of §219.1 of this chapter and this section.

(b) A prospective out-of-state peace officer, federal criminal investigator, or military police applicant for peace officer licensing in Texas must:

(1) meet all statutory licensing requirements of the state of Texas and the rules of the commission;

(2) successfully complete a supplementary peace officer training course, the curriculum of which is developed by the commission; and

(3) successfully pass the Texas Peace Officer Licensing Examination as provided in §219.1 of this chapter.

(c) Requirements (Peace Officers): Applicants who are peace officers from other U.S. states must meet the following requirements:

(1) provide proof of successful completion of a state POST-approved (or state licensing authority) basic police officer training academy;

(2) have honorably served (employed, benefits eligible) as a sworn full time paid peace officer for 2 continuous years within the 4 years prior to application. Service time applied to this section must have been obtained following completion of a state POST approved basic training course;

(3) be subject to continued employment or eligible for re-hire (excluding retirement); and

(4) the applicant's license or certificate must never have been, nor currently be in the process of being, surrendered, suspended, or revoked.

(d) Requirements (Federal): The Texas Code of Criminal Procedures Section 2.122 recognizes certain named criminal investigators of the United States as having the authority to enforce selected state laws by virtue of their authority. These individuals are deemed to have the equivalent training for licensure consideration.

(e) Qualifying Federal Officers must:

(1) have successfully completed an approved federal agency law enforcement training course (equivalent course topics and hours) at the time of initial certification or appointment;

(2) have honorably served (employed, benefits eligible) in one of the aforementioned federal full time paid capacities for 2 continuous years within the 4 years prior to application. Service time applied to this section must have been obtained following completion of a federal agency law enforcement approved basic training course; and

(3) be subject to continued employment or eligible for re-hire (excluding retirement).

(f) Requirements (Military): Must have a military police military occupation specialty (MOS) or air force specialty code (AFSC) classification approved by the commission.

(g) Qualifying military personnel must provide proof of:

(1) successfully completed basic military police course for branch of military served; and

(2) active duty service for 2 continuous years within the 4 years prior to application. Service time applied to this section must have been obtained following completion of an approved basic military police course.

(h) The applicant must make application and submit any required fee(s) in the format currently prescribed by the commission to take the peace officer licensing exam. The applicant must comply with the provisions of §219.1 of this chapter when attempting the licensing exam.

(i) Required documents must accompany the application:

(1) a certified or notarized copy of the basic training certificate for a peace officer, a certified or notarized copy of a federal agent's license or credentials, or a certified or notarized copy of the peace officer license or certificate issued by the state POST or proof of military training;

(2) a notarized statement from the state POST, current employing agency or federal employing agency revealing any disciplinary action(s) that may have been taken against any license or certificate issued by that agency or any pending action;

(3) a notarized statement from each applicant's employing agency confirming time in service as a peace officer or federal officer or agent;

(4) a certified or notarized copy of the applicant's valid state-issued driver's license;

(5) a certified copy of the applicant's military discharge (DD-214), if applicable; and

(6) for applicants without a valid Texas drivers license, a passport-sized color photograph (frontal, shoulders and face), signed with the applicant's full signature on the back of the photograph.

(j) The commission may request that applicants submit a copy of the basic and advanced training curricula for equivalency evaluation and final approval.

(k) All out-of-state, federal, and military applicants will be subject to a search of the National Decertification Database (NDD), NCIC/TCIC, and National Criminal History Databases to establish eligibility.

(l) All documents must bear original certification seals or stamps.

(m) The effective date of this section is July 12, 2012.

§219.3. Examination Administration.

(a) Each examination may be given by a test administrator or by one or more proctors under the direction of the test administrator. Each administrator or proctor shall be either:

(1) a member of the commission staff; or

(2) another person designated by the executive director.

(b) A member of the commission staff, a test administrator, or a proctor shall:

(1) comply with testing agreements;

(2) set the date, time, and location of the examination;

(3) control entrance to and exit from the examination site;

(4) verify photo identification;

(5) bar admission to or dismiss any examinee who is not eligible to sit for the examination;

(6) prohibit written material or electronic devices into the examination room

(7) ensure that the examination remains secure and is conducted under conditions warranting honest results;
(8) not communicate any of the content of an examination to another at any time;
(9) not copy, or in any way reproduce any part of the examination;
(10) not assist examinees with the exam;
(11) monitor the examination while in progress; and
(12) dismiss any examinee suspected of cheating and immediately report the dismissal for cheating to the commission.

(c) The effective date of this section is January 1, 2012.

§219.5. Examinee Requirements.

(a) In order to attempt an examination, an examinee must:
(1) present PID;
(2) present a valid photo ID;
(3) report on time;
(4) not disrupt the examination;
(5) comply with all the written and verbal instructions of the proctor; and
(6) shall not:
(A) bring any written material into the examination room;
(B) bring any electronic devices into the examination room;
(C) share, copy, or in any way reproduce any part of the examination;
(D) engage in any deceptive or fraudulent act to gain admission; or
(E) solicit, encourage, direct, assist or aid another person to violate any provision of this section or to compromise the integrity of the examination.

(b) Requests for accommodation shall be made according to the following procedures:
(1) Individuals with diagnosed disabilities may request reasonable accommodation 90 days prior to the scheduling of the initial licensing examination per applicable laws. Special accommodations will not be granted after the third failed attempt.
(2) Request for accommodation shall be made in a written, notarized format, 90 days prior to the scheduling of a licensing examination, preferably before an endorsement is issued. These requests should be submitted to the commission for review and determination. Request responses will be mailed no later than 60 days after receipt of request. Incomplete request packages will be returned without review.
(3) Requested documents include:
(A) A letter from the Academy Coordinator documenting accommodations made during the basic licensing course.
(B) Documentation should include a diagnosis of the learning disability, conducted within two years of accommodation request. The diagnosis must include prescribed accommodation parameters.

(C) The diagnosis must be conducted by a certified specialist or a documented health professional or educational specialist trained in the disability (i.e., Dyslexia Testing Specialist or a documented health professional or educational specialist trained in dyslexic training and assessment).

(4) The commission should be notified in writing if an individual who has applied for an accommodation decides not to utilize the accommodation or to withdraw a request for review. A waiver of accommodation must be signed by applicant prior to scheduling of licensing examination.

(5) An appeal can be made by the applicant in writing no later than two weeks after a denial determination. The appeal must outline the rationale behind the appeal and a list of further accommodations being requested for consideration. The Appeal will be reviewed by the Executive Director for consideration. Final determinations will be mailed to applicant no more than 30 days after receipt of the appeal.

(c) The commission may deny or revoke any license or certificate held by a person who violates any of the provisions of this section. The commission may file a criminal complaint against any individual who steals or attempts to steal any portion of the examination, reproduces without permission any part of the examination, or who engages in any fraudulent act relating to the examination process.

(d) The effective date of this section is June 1, 2014.

§219.7. Scoring of Examinations.

(a) All official grading and notification shall come from the Austin office of the commission. A notice containing the results will be mailed to the examinee or faxed to the training coordinator or chief administrator.

(b) The examination results forwarded to training coordinators shall include analyses of the examinees' performances.

(c) For a score to be or remain valid the examinee must:

(1) complete the answer sheet, or otherwise record the answers, as instructed; and

(2) continue to meet current enrollment standards.

(d) An examination score expires two years from the date of its entry into commission records.

(e) The commission may deny, revoke, or suspend any license or certificate held by a person who violates or attempts to violate any provisions of this section.

(f) If the commission invalidates an examination score for any reason, it may also, in the discretion of the executive director and for good cause shown, require a reexamination to obtain a substitute valid score.

(g) Unless provided otherwise by rule, the minimum passing percentage on each examination shall be 70. The commission may, in its discretion, invalidate any question.

(h) The effective date of this section is March 1, 2008.

§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 person with less than 10 years of full-time service are:
  (1) If less than two years from last appointment:
    (i) meet current licensing standards;
    (ii) successfully complete continuing education requirements; and
    (iii) make application and submit any required fee(s) in the format currently prescribed by the commission.
  (2) If two years but less than five years from last appointment:
    (i) meet current licensing standards;
    (ii) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course;
    (iii) make application and submit any required fee(s); and
    (iv) pass the licensing exam.
  (3) If more than five years but less than ten years from last appointment:
    (i) meet current licensing standards;
    (ii) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course and a skills assessment course;
    (iii) make application and submit any required fee(s); and
    (iv) pass the licensing exam.
  (4) Ten years or more from last appointment:
    (i) meet current enrollment standards;
    (ii) meet current licensing standards;
    (iii) successfully complete the applicable basic licensing course;
    (iv) make application and submit any required fee(s); and
    (v) pass the licensing exam.

(e) The requirements to reactivate a license for a person with 10 years but less than 15 years of full-time service are:
  (1) If less than two years from last appointment:
    (i) meet current licensing standards;
    (ii) successfully complete continuing education requirements; and
    (iii) make application and submit any required fee(s) in the format currently prescribed by the commission.
  (2) If two years but less than five years from last appointment:

(i) meet current licensing standards;
(ii) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course;
(iii) make application and submit any required fee(s); and
(iv) pass the reactivation exam.

(3) If more than five years from last appointment:
(i) meet current licensing standards;
(ii) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course and a skills assessment course;
(iii) make application and submit any required fee(s); and
(iv) 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 effective date of this section is February 1, 2016.

§219.25. License Requirements for Persons with Military Special Forces Training.

(a) In this section, "special forces" means a special forces component of the United States armed forces, including:
(1) the United States Army Special Forces;
(2) the United States Navy SEALs;
(3) the United States Air Force Pararescue;
(4) the United States Marine Corps Force Reconnaissance; and
(5) any other component of the United States Special Operations Command approved by the commission.

(b) An applicant qualifies to take the basic licensing examination if the applicant:
(1) meets minimum licensing standards;
(2) has provided military service records documenting that the applicant has served in the special forces;
(3) successfully completes a training course developed for special forces veterans; and
(4) completes a supplemental peace officer training course.

(c) The effective date of this section is May 1, 2016.

Chapter 221: Proficiency Certificates

§221.1. Proficiency Certificate Requirements.

(a) The commission shall issue proficiency certificates in accordance with the Texas Occupations Code §1701.402. Commission certificates issued pursuant to §1701.402 are neither required nor a prerequisite for establishing proficiency or training.

(b) To qualify for proficiency certificates, applicants must meet all the following proficiency requirements:

(1) submit any required application currently prescribed by the commission, requested documentation, and any required fee;

(2) have an active license or appointment for the corresponding certificate (not a requirement for Mental Health Officer Proficiency, Retired Peace Officer and Federal Law Enforcement Officer Firearms Proficiency, Firearms Instructor Proficiency, Firearms Proficiency for Community Supervision Officers, Firearms Proficiency for Juvenile Probation Officers or Instructor Proficiency);

(3) must not have license(s) under suspension by the commission within the previous 5 years;

(4) meet the continuing education requirements for the previous training cycle;

(5) for firearms related certificates, not be prohibited by state or federal law or rule from attending training related to firearms or from possessing a firearm; and

(6) academic degree(s) must be issued by an accredited college or university.

(c) The commission may refuse an application if:

(1) an applicant has not been reported to the commission as meeting all minimum standards, including any training or testing requirements;

(2) an applicant has not affixed any required signature;

(3) required forms are incomplete;

(4) required documentation is incomplete, illegible, or is not attached; or

(5) an application contains a false assertion by any person.

(d) The commission shall cancel and recall any certificate if the applicant was not qualified for its issue and it was issued:

(1) by mistake of the commission or an agency; or

(2) based on false or incorrect information provided by the agency or applicant.

(e) If an application is found to be false, any license or certificate issued to the appointee by the commission will be subject to cancellation and recall.

(f) The issuance date of a proficiency certificate may be changed upon submission of an application along with documentation supporting the proposed date of eligibility and payment of any required fee.

(g) The effective date of this section is July 14, 2011.

§221.3. Proficiency Certificates.

(a) To qualify for a basic, intermediate, advanced, or master proficiency certificate, an applicant must meet all current proficiency requirements set by the commission.

(b) The effective date of this section is February 1, 2016.

§221.7. Investigative Hypnosis Proficiency.

(a) To qualify for an investigative hypnosis proficiency certificate, an applicant must meet all proficiency requirements including:

  (1) successful completion of the current basic investigative hypnosis course; and

  (2) pass the approved examination for investigative hypnosis proficiency.

(b) A certificate is valid for two years.

(c) To keep the certificate valid, the holder must successfully complete an update course once every two years.

(d) If the certificate becomes invalid, a holder may obtain a new certificate under the application standards in this section.

(e) The effective date of this section is October 17, 2013.

§221.11. Mental Health Officer Proficiency.

(a) To qualify for a mental health officer proficiency certificate, an applicant must meet the following requirements:

  (1) currently appointed as a peace officer, county jailer, or justice of the peace;

  (2) at least two years experience as a peace officer, county jailer, or justice of the peace;

  (3) if not currently a commissioned peace officer or county jailer, an applicant must meet the current enrollment standards;

  (4) if an applicant is a commissioned peace officer or county jailer, an applicant must not ever have had a license or certificate issued by the commission suspended or revoked;

  (5) if an applicant is a commissioned peace officer or county jailer, an applicant must have met the continuing education requirements for the previous training cycle;

  (6) successful completion of a training course in emergency first aid and lifesaving techniques (Red Cross or equivalent); and

  (7) successful completion of the current mental health officer training course and pass the approved examination for mental health officer proficiency.

(b) The effective date of this section is January 14, 2010.

§221.19. Firearms Instructor Proficiency.

(a) To qualify for a firearms instructor proficiency certificate, an applicant must meet all proficiency requirements including:

  (1) at least three years' experience as a licensee or a firearms instructor;

  (2) holds a current instructor license or certificate issued by the commission; and

(3) successful completion of the commission's firearms instructor course, or a firearms instructor course that meets or exceeds the minimum standards established and approved by the commission.

(b) The effective date of this section is June 1, 2006.

§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.

(d) The effective date of this section is July 15, 2010.

§221.23. Academic Recognition Award.

(a) To qualify, an applicant for an academic recognition award must meet all proficiency requirements including:

(1) at least two years experience as either a peace officer, reserve, jailer, or a telecommunicator; and

(2) graduation from an accredited college or university with at least an associate's degree.

(b) The award consists of a certificate and a uniform ribbon, pin, or other insignia.

(c) The commissioning agency retains authority to permit the wearing and placement of the ribbon, pin, or other insignia.

(d) The effective date of this section is March 1, 2008.

§221.25. Civil Process Proficiency.

(a) To qualify, an applicant for a civil process proficiency certificate must meet all proficiency requirements including:

(1) at least three years full-time experience in a constable or sheriff's office working with civil process;

(2) successful completion of 40 hours of civil process training, with at least 20 hours completed in the current training cycle; and

(3) pass the approved examination for civil process proficiency.

(b) A certificate will become invalid at the end of a training cycle unless the holder successfully completes a 20 hour course of training in civil process during the training cycle.

(c) If the certificate becomes invalid, a holder may obtain a new certificate under the application standards in this section.

(d) The effective date of this section is September 1, 2016.

§221.27. Instructor Proficiency.

(a) To qualify, an applicant for an instructor proficiency certificate must meet all proficiency requirements, and must have:

  (1) substantial experience in teaching or in the special field or subject area to be taught, to include:

    (A) two years' experience as a peace officer, telecommunicator, or jailer;

    (B) a bachelor's degree and two years of teaching experience; or

    (C) a graduate degree;

  (2) successfully completed an instructor training course or its equivalent, as determined by the executive director; and

  (3) submitted a completed application, in the format currently prescribed by the commission, and any required fee.

(b) The commission may require documentation of any instructor training or experience by certificates, diplomas, transcripts, letters of verification, or other supporting documents to be submitted upon commission request.

(c) The effective date of this section is March 1, 2001.

§221.28. Advanced Instructor Proficiency.

(a) To qualify for an advanced instructor proficiency certificate, an applicant must meet all proficiency requirements including:

  (1) holding a TCOLE Instructor license/certificate for at least three years; and

  (2) successful completion of the commission's advanced instructor course.

(b) The effective date of this section is February 1, 2014.

§221.29. Sexual Assault/Family Violence Investigator Certificate.

(a) To qualify for a sexual assault/family violence investigator certificate, an applicant must meet all proficiency requirements, including:

  (1) at least two years experience as a peace officer;

  (2) an intermediate peace officer certificate; and

  (3) successful completion of the current family violence and sexual assault investigator certification course(s) reported by the approved training provider.

(b) A certificate is valid for two years.

(c) To keep the certificate valid, the holder must successfully complete an update course or be assigned primarily as a sexual assault/family violence investigator by the appointing chief administrator once every two years.

(d) If the certificate becomes invalid, a holder may obtain a new certificate under the application standards in this section.

(e) The effective date of this section is May 2, 2013.

§221.31. Retired Peace Officer and Federal Law Enforcement Officer Firearms Proficiency.

(a) The head of a state or local law enforcement agency may allow an honorably retired peace officer the opportunity to demonstrate weapons proficiency in accordance with Occupations Code §1701.357.

(b) The head of a state law enforcement agency may allow an honorably retired federal criminal investigator or a qualified retired law enforcement officer the opportunity to demonstrate weapons proficiency in accordance with Occupations Code §1701.357.

(c) The minimum qualification requirements shall be the same as §218.9 of this title.

(d) The effective date of this section is November 1, 2014.

§221.33. SFST Instructor Proficiency.

(a) To qualify for an SFST instructor proficiency certificate, an applicant must meet all proficiency requirements including:

(1) successful completion of the NHTSA SFST Practitioner course;

(2) at least three years' experience as a SFST practitioner;

(3) current instructor license or certificate issued by the commission;

(4) successful completion of the commission approved SFST Instructor Course or Drug Recognition Expert (DRE) Instructor Course;

(5) completion of a SFST Instructor Update Course or DRE Update Course within the last two (2) years;

(6) demonstrated proficiency in administration of SFST before a certified SFST Instructor or NHTSA representative; and

(7) submit a completed application, in the format currently prescribed by the commission, and any required fee.

(b) An SFST Instructor proficiency certificate will be valid for two (2) years from date of issue. After that time period, the applicant must re-qualify.

(c) The effective date of this section is February 24, 2011.

§221.35. Firearms Proficiency for Juvenile Probation Officers.

(a) To qualify for a firearms proficiency certificate for juvenile probation officers, an applicant must meet the following requirements, including:

(1) current employment as a juvenile probation officer for at least one year by the county juvenile probation department;

(2) active certification as a juvenile probation officer by the Texas Juvenile Justice Department;

(3) successful completion of the commission's current firearms training program for juvenile probation officers;

(4) documentation from each chief administrative officer that has authorized the applicant's participation in the juvenile probation officer firearms proficiency training program that the applicant has been subjected to a complete search of local, state and national records to disclose any criminal record or criminal history; and

(5) written documentation from each chief administrative officer that has authorized the applicant's participation in the juvenile probation officer firearms proficiency training program that the applicant has been examined by a psychologist, selected by the current appointing/employing agency, who is licensed by the Texas State Board of Examiners of Psychologists. The applicant must be declared in writing by that professional to be in satisfactory psychological and emotional health to serve as the type of juvenile probation officer for which the certificate is sought.

(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 the date of issuance. Within forty-five days of the expiration of a certificate, a juvenile probation officer may apply for the issuance of a renewal. Juvenile probation officers must meet the requirements in subsections (a)(1), (a)(2) and (b) of this section in order to renew the certificate.

(d) The effective date of this section is July 15, 2010.

§221.37. Cybercrime Investigator Proficiency.

(a) To qualify, an applicant for a cybercrime investigator proficiency certificate must meet all proficiency requirements, and must have:

(1) at least two years experience as a peace officer;

(2) successful completion of the current cybercrimes investigator certification course(s); and

(3) submitted a completed application, in the format currently prescribed by the commission, and any required fee.

(b) A certificate is valid for two years.

(c) To keep the certificate valid, the holder must successfully complete an update course or be assigned primarily as a cybercrime investigator by the appointing chief administrator once every two years.

(d) If the certificate becomes invalid, a holder may obtain a new certificate under the application standards in this section.

(e) The effective date of this section is January 17, 2013.

§221.39. Crime Prevention Specialist Proficiency.

(a) To qualify, an applicant for a crime prevention specialist proficiency certificate must meet all proficiency requirements including:

(1) at least one year experience serving in a crime prevention assignment;

(2) successful completion of required courses; and

(3) pass an approved examination for crime prevention specialist proficiency.

(b) A certificate is valid for two years.

(c) To keep the certificate valid, the holder must successfully complete an update course or be assigned primarily as a crime prevention specialist by the appointing chief administrator once every two years.

(d) If the certificate becomes invalid, a holder may obtain a new certificate under the application standards in this section.

(e) The effective date of this section is January 17, 2013.

§221.41. Court Security Specialist Certificate.

(a) To qualify for a court security specialist certificate, an applicant must meet all proficiency requirements, including:

(1) be a licensed peace officer or jailer; and

(2) successful completion of commission approved courses.

(b) A certificate is valid for two years.

(c) To keep the certificate valid, the holder must successfully complete an update course or be assigned primarily as a court security practitioner by the appointing chief administrator once every two years.

(d) If the certificate becomes invalid, a holder may obtain a new certificate under the application standards in this section.

(e) The effective date of this section is May 2, 2013.

§221.43. School-Based Law Enforcement Proficiency Certificate.

(a) To qualify for a school-based law enforcement proficiency certificate, an applicant must complete a course approved by the commission under Texas Occupations Code §1701.262.

(b) School district peace officers and school resource officers providing law enforcement at a school district with an enrollment of 30,000 or more students must obtain a school-based law enforcement proficiency certificate within 120 days of the officer's commission or placement in the district or campus of the district.

(c) The effective date of this section is February 1, 2016.

Chapter 223: Enforcement

§223.1. License Action and Notification.

(a) The holder of a commission issued license or certificate can–be sent notice of any hearing, or other action or matter before the commission at:

(1) the address of the agency shown in commission records to have the holder under current or last appointment;

(2) the address shown on the Texas driver's license record of the holder;

(3) the last known address on record with the commission; or

(4) any other address requested by the holder in a written request to the executive director.

(b) An action by the commission to deny, suspend, or revoke one license operates against any other commission license or certificate held by the same person.

(c) The effective date of this section is February 1, 2016.

§223.2. Administrative Penalties.

(a) In addition to any other action or penalty authorized by law, the commission may impose an administrative penalty against a law enforcement agency or governmental entity, including a school district, for violations of commission statutes or rules.

(b) In determining total penalty amounts, the commission shall consider:

(1) the seriousness of the violation;

(2) the respondent's history of violations;

(3) the amount necessary to deter future violations;

(4) efforts made by the respondent to correct the violation; and

(5) any other matter that justice may require.

(c) The following is a nonexclusive list of the per day per violation base penalty amounts for:

(1) Appointing an unlicensed person as a peace officer, jailer, or telecommunicator, $1,000;

(2) Appointing or employing an unlicensed or ineligible person as a school marshal, $1,000;

(3) Appointing as a peace officer or jailer a person disqualified because of criminal history, $1,000;

(4) Appointing a person who does not meet minimum licensing or appointment standards as a peace officer or jailer, $750;

(5) Appointing or continued appointment of a person as a peace officer or jailer with a revoked, suspended, or cancelled license or who is otherwise ineligible for appointment or licensure, $1,000;

(6) Failing to timely submit any required appointment documents, $350;

(7) Failing to timely submit any required appointment, notice, or separation documents related to school marshals, $1000;

(8) Failing to timely submit or deliver an F-5 Report of Separation, $350;

(9) Failing to timely submit racial profiling data to the commission, $1,000;

(10) Failing to timely report to the commission the reason(s) a license holder(s) appointed by the law enforcement agency or governmental entity are not in compliance with continuing education standards, $250;

(11) Failing to timely comply with substantive provisions of any order(s) issued under commission statutes or rules, $750;

(12) Failing to timely comply with technical provisions of any order(s) issued under commission statutes or rules, $350;

(13) Failing to timely comply with required audit procedures, $350;

(14) Failing to timely submit or maintain any document(s) as required by commission statutes or rules, $250;

(15) Other noncompliance with commission statutes or rules not involving fraud, deceit, misrepresentation, intentional disregard of governing law, or actual or potential harm to the public or integrity of the regulated community as a whole, $200.

(d) In determining the total penalty amount, the commission may consider the following aggravating factors:

(1) the severity and frequency of violations;

(2) multiple or previous violations;

(3) actual or potential harm to public safety;

(4) whether the violation could constitute criminal activity;

(5) evidence of an intent to defraud, deceive, or misrepresent; and

(6) any other aggravating factors existing in a particular case.

(e) In determining the total penalty amount, the commission may consider the following mitigating factors:

(1) immediacy and degree of corrective action; and

(2) any other matter that justice may require.

(f) The presence of mitigating factors does not constitute a requirement of dismissal of a violation of commission statutes or rules.

(g) Subject to final approval of the commission, the executive director has the discretion to enter into an agreed order. In return for compromise and settlement, the total penalty amount in an agreed order may be calculated using a base amount below those listed in this rule.

(h) The commission will provide written notice to a law enforcement agency or governmental entity of any alleged violations.

(i) By written answer, a law enforcement agency or governmental entity may request a hearing challenging the allegations set forth in the notice letter. Failure to file an answer within twenty days after being provided written notice may result in the entry of a default order. The default order may include additional penalties for failing to respond to the notice letter or failing to correct any alleged violations.

(j) The effective date of this section is February 1, 2014.

§223.3. Answer Required.

(a) In order to preserve the right to a hearing as described under this subchapter, an answer must be filed not later than 20 days after the date the respondent receives notice of the executive director's petition or notice of violation. Failure to file a timely answer may result in the issuance of a default order.

(b) The answer may be in the form of a general denial as that term is used in the district courts of the State of Texas.

(c) The commission may grant the default order or refer the case to SOAH for a contested case hearing.

(d) If a person files a timely answer as required by this section, but fails to appear at the contested case hearing after receiving timely and adequate notice, the executive director may move for default judgment against the respondent as provided by SOAH rules.

(e) The effective date of this section is February 1, 2016.

§223.5. Contested Cases and Hearings.

(a) Contested cases, hearings and appeals will be conducted pursuant to the Administrative Procedure Act, Texas Government Code, Chapter 2001.

(b) The commission may consider exceptions or briefs filed within 20 days after a party's notification of a proposal for decision. Responses are due within 15 days after exceptions are filed.

(c) All or part of the proceedings of a contested case will be transcribed upon the written request of a party with cost to that party, unless the executive director provides otherwise.

(d) Any party who appeals a final decision must pay all preparation costs for the original or certified copy of the record of any proceeding to be submitted to the court.

(e) The commission may assess transcript costs to one or more parties.

(f) The effective date of this section is February 1, 2016.

§223.13. Surrender of License.

(a) A licensee may surrender a license:

(1) as part of an employee termination agreement;

(2) as part of a plea bargain to a criminal charge;

(3) as part of an agreed settlement to commission action; or

(4) for any other reason.

(b) A license may be surrendered either permanently or for a stated term.

(c) Effective dates:

(1) the beginning date for any surrender shall be the date stated in the request or, if none, the date it was received by the commission;

(2) a term surrender shall have its ending date stated in the request; and

(3) any request without a stated ending date shall be construed as a permanent surrender.

(d) A licensee may surrender any license by sending, or causing to be sent, a signed, notarized, written request to the executive director, who may accept or reject the request. The signed written request shall indicate that the licensee understands and has knowledge of the consequences of the document being signed. The executive director may accept requests for surrender submitted to the commission in any other form that indicates the licensee intends to surrender the license to the commission. The executive director may liberally construe the intent of any request. The surrender of one commission-issued license operates as a surrender of all commission-issued licenses. The surrender should include a summary of the reason for the surrender.

(e) If accepted, the licensee is no longer licensed:
  (1) effective on the beginning date of the surrender; and
  (2) except for permanent surrenders, until such person applies for and meets the requirements of a new license.
(f) The effective date of this section is February 1, 2014.

§223.14. Construction of Other Laws.

(a) A criminal disposition under the law of Texas, another state, federal, military, tribal, or foreign jurisdiction, will be construed under the closest equivalent under the Texas Penal Code classification of offenses.
(b) A classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas laws.
(c) The effective date of this section is February 1, 2016.

§223.15. License Suspension.

(a) Unless revocation is required, the commission may suspend a license or certificate for violating any provision of the Texas Occupations Code, Chapter 1701 or commission rule.
(b) The license of a person charged with a felony and placed on community supervision shall be suspended for thirty years.
(c) The license of a person convicted or placed on community supervision for any offense above the grade of Class C misdemeanor may be suspended for 10 years.
(d) A suspension based on a Class A misdemeanor shall be at least 120 days.
(e) A suspension based on a Class B misdemeanor shall be at least 60 days.
(f) The license of a person who fails to comply with legislative continuing education requirements may be suspended:
  (1) up to 90 days for first-time noncompliance;
  (2) up to 180 days for second-time noncompliance; and
  (3) one year for third-time noncompliance.
(g) The commission may suspend the license of a person who has previously received two written reprimands from the commission.
(h) Factors the commission may consider in determining a term of suspension include:
  (1) the seriousness of the conduct resulting in the arrest;
  (2) the required mental state of the disposition offense;
  (3) 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;
  (4) the licensee's previous violations of commission statutes or rules;
  (5) actual or potential harm to public safety, including personal injury and property damage, resulting from the conduct resulting in the arrest;
  (6) aggravating evidence existing in a particular case; and

(7) evidence used in rebuttal to mitigating factors.

(i) A suspension can begin no sooner than the date of the statute or rule violation.

(j) A suspension or probation may be ordered to run concurrently or consecutively with any other suspension or probation.

(k) The effective date of this section is February 1, 2016.

§223.16. Probation and Mitigating Factors.

(a) The commission may consider probating a suspension term or issue a written reprimand based on proof of the following mitigating factors:

(1) the licensee's history of compliance with the terms of court-ordered community supervision;

(2) the licensee's post-arrest continuing rehabilitative efforts not required by the terms of community supervision;

(3) the licensee's post-arrest employment record; and

(4) the type and amount of any post-arrest, non-court ordered restitution made by the licensee.

(b) The commission may impose reasonable terms of probation, including:

(1) continued employment requirements;

(2) special reporting conditions;

(3) special document submission conditions;

(4) voluntary duty requirements; or

(5) any other reasonable term of probation.

(c) A probated or suspended license remains as such until:

(1) the term of suspension has expired;

(2) all other terms of probation have been fulfilled; and

(3) a written request for reinstatement has been received and accepted by the commission from the licensee unless the probation has been revoked by the commission for violation of probation; or

(4) revoked.

(d) A suspended license remains suspended until:

(1) the term of suspension has expired and the term of court-ordered community supervision has been completed; and

(2) a written request for reinstatement has been received from the licensee and accepted by the commission; or

(3) the remainder of the suspension is probated and the license is reinstated.

(e) The effective date of this section is February 1, 2016.

§223.17. Reinstatement of a License.

(a) To reinstate a suspended or probated license for a licensee that meets current training requirements and has continually maintained legislatively required continuing education for the duration of the suspension or probation, a licensee must:

(1) make application for reinstatement in the format currently prescribed by the commission; and
(2) submit any required fee(s).

(b) A licensee that does not meet current training requirements, or has failed to continually maintain the legislatively required continuing education for the duration of the suspension or probation, must meet the following requirements:
(1) If less than two years from last appointment held:
(A) meet current licensing standards;
(B) successfully complete legislatively required continuing education; and
(C) make application and submit any required fee(s) in the format currently prescribed by the commission.
(2) If two years but less than five years from last appointment held:
(A) meet current licensing standards;
(B) successfully complete a supplementary peace officer training course approved by the commission;
(C) make application and submit any required fee(s) in the format currently prescribed by the commission; and
(D) pass the licensing exam.
(3) If five years or more from last appointment held:
(A) meet current enrollment standards;
(B) meet current licensing standards;
(C) successfully complete the basic licensing course for the license sought;
(D) make application and submit any required fee(s) in the format currently prescribed by the commission; and
(E) pass the licensing exam.

(c) The effective date of this section is February 1, 2016.

§223.18. Suspension Following Felony Arrest.

(a) The commission may suspend the license of a person arrested or indicted for a felony offense which would constitute an immediate peril to the public health, safety or welfare if the person were to remain licensed during the pendency of criminal proceedings.

(b) By virtue of their nature, the following felony arrests constitute immediate peril:
(1) Sexual offenses;
(2) Assaultive offenses; and
(3) Offenses directly relating to the duties and responsibilities of any related office held by that person.

(c) In determining whether any other felony arrest creates an immediate peril to the public health, safety or welfare, factors the commission may consider include:
(1) the seriousness of the conduct resulting in the arrest;
(2) the required mental state of the alleged offense;

(3) whether the alleged 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;
(4) the licensee's previous violations of commission statutes or rules;
(5) actual or potential harm to public safety resulting from the conduct resulting in the arrest; and
(6) aggravating circumstances existing in a particular case.

(d) If an offense constitutes immediate peril, the commission will notify the person of the summary suspension order and the intention to initiate proceedings.

(e) If a person does not receive notice of the intent to initiate proceedings within 30 days of the commission's order, the person may appeal to the Travis County district court.

(f) A person may request a hearing regarding the summary suspension within 20 days after the summary suspension order is received. Otherwise, the license may be suspended until final disposition of the case.

(g) The effective date of this section is February 1, 2016.

§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 who is noncompliant for the third time in obtaining continuing education shall be revoked.

(e) The license of a person who has received a dishonorable or other discharge based on misconduct which bars future military service shall be revoked.

(f) 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.

(g) 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.

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

(i) 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.

(j) 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.

(k) 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.

(l) If granted, the executive director shall inform the commissioners of such action no later than at their next regular meeting.

(m) If denied, the holder of a revoked license may petition the commission for a hearing to determine reinstatement based upon the same proof.

(n) The effective date of this section is February 1, 2016.

Chapter 225: Specialized Licenses

§225.1. Issuance of Jailer License through a Contract Jail Facility.

(a) The commission shall issue a jailer license to an individual appointed by a contract jail facility who meets all the minimum standards for jailer licensure, and submits both the current commission application and any required fees.

(b) A contract jail facility that appoints an individual who already holds a valid, active jailer license shall meet the appointment requirements of §217.7 of this title (relating to Reporting the Appointment and Termination of a Licensee), including submitting any required fee.

(c) A contract jail facility that appoints an individual with a 180-day break in service shall meet the appointment requirements of §217.7 of this title, including submitting any required fee.

(d) The commission shall issue a temporary jailer license to an individual appointed by a contract jail facility who meets all the minimum standards for licensure except for training and testing, and submits both the current commission application and any required fees. A temporary jailer license expires 12 months from the appointment date.

(e) Individuals licensed as jailers appointed by a contract jail facility shall meet the continuing education requirements in Chapter 218 of this title.

(f) The effective date of this section is September 1, 2016.

§225.3. Issuance of Peace Officer License through a Medical Corporation.

(a) The commission shall issue a peace officer license to an individual appointed by a medical corporation who meets all the minimum standards for peace officer licensure, and submits both the current commission application and any required fees.

(b) A medical corporation that appoints an individual who already holds a valid, active peace officer license shall meet the appointment requirements of §217.7 (relating to Reporting the Appointment and Termination of a Licensee), including submitting any required fee.

(c) A medical corporation that appoints an individual with a 180-day break in service shall meet the appointment requirements of §217.7 of this title, including submitting any required fee.

(d) Individuals licensed as peace officers appointed by a medical corporation shall meet the continuing education requirements in Chapter 218 of this title.

(e) The effective date of this section is September 1, 2016.

Chapter 227: School Marshals

§227.1. Appointing Entity Responsibilities.

(a) A school district or public junior college shall:

(1) submit and receive approval for an application to appoint a person as a school marshal;

(2) upon authorization, notify the commission using approved format prior to appointment;

(3) report to the commission, within seven days, when a person previously authorized to act as a school marshal is no longer employed with the school district or public junior college;

(4) report to the commission, within seven days, when a person previously authorized to act as a school marshal is no longer authorized to do so by the school district, public junior college, commission standards, another state agency, or under other law; and

(5) immediately report to the commission a school marshal's violation of any commission standard, including the discharge of a firearm carried under the authorization of this chapter outside of a training environment.

(b) A school district or public junior college shall not appoint or employ an ineligible person as a school marshal.

(c) For five years, the school district or public junior college must retain documentation that the district or junior college has met all requirements under law in a format readily accessible to the commission. This requirement does not relieve a school district or public junior college from retaining all other relevant records not otherwise listed.

(d) The effective date of this section is February 1, 2016.

§227.3. School Marshal Licensing and Reporting Requirements.

(a) To be eligible for appointment as a school marshal, an applicant shall:

(1) successfully complete all prerequisite commission training;

(2) pass the state licensing exam;

(3) be employed and appointed by an authorized school district; and

(4) meet all statutory requirements, including psychological fitness.

(b) Once appointed, a school marshal shall:

(1) immediately report to the commission and school district or public junior college any circumstance which would render them unauthorized to act as a school marshal by virtue of their employment with the school district or public junior college, failure to meet the standards of the commission, another state agency, or under law;

(2) immediately report to the commission any violation of applicable commission standards, including any discharge of a firearm carried under the authorization of this chapter outside of training environment; and

(3) comply with all requirements under law, including Texas Education Code, §37.0811.

(c) The effective date of this section is February 1, 2016.

§227.5. School Marshal Training Entities.

(a) A school marshal training program is open to any employee of a school district, open-enrollment charter school, or public junior college who holds a license to carry a handgun issued under Texas Government Code, Chapter 411, Subchapter H.

(b) The training program must be preapproved and conducted by commission staff or approved provider. The training program shall include 80 hours of instruction designed to:

(1) emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings;

(2) educate a trainee about legal issues relating to the duties of peace officers and the use of force or deadly force in the protection of others;

(3) introduce the trainee to effective law enforcement strategies and techniques;

(4) improve the trainee's proficiency with a handgun; and

(5) enable the trainee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.

(c) The effective date of this section is February 1, 2016.

§227.7. School Marshal Renewals.

(a) A school marshal license expires on the person's birth date following the second anniversary of initial licensure or renewal.

(b) The commission may renew the license of a person who has:
  (1) successfully completed a renewal course designed and administered by the commission which will not exceed a combined 16 hours of classroom and simulation training;
  (2) passed a commission exam;
  (3) demonstrated handgun proficiency as required by the commission; and
  (4) demonstrated psychological fitness.

(c) The effective date of this section is February 1, 2014.

§227.9. License Action.

(a) The commission shall immediately revoke a school marshal license if the license holder's ability to carry a handgun has been suspended or revoked by the Texas Department of Public Safety.

(b) A person whose school marshal license is revoked may obtain recertification by:
  (1) furnishing proof to the commission that the person's handgun license has been reinstated; and
  (2) completing initial training to the satisfaction of the commission staff, paying the fee for the training, and demonstrating psychological fitness on the psychological examination.

(c) If a school marshal license holder violates any commission standard, the commission shall immediately suspend the license for ten years. Mitigating factors are inapplicable to a suspension action under this chapter.

(d) The effective date of this section is February 1, 2016.

Chapter 229: Texas Peace Officers' Memorial Monument

§229.1. Eligibility for Memorial Monument.

(a) A person is eligible to have the person's name on the memorial if the person was killed in the line of duty and was:
  (1) a law enforcement officer or peace officer for this state or a political subdivision of this state under Article 2.12, Code of Criminal Procedure, or other law;
  (2) a federal law enforcement officer or special agent performing duties in this state, including those officers under Article 2.122, Code of Criminal Procedure;
  (3) a corrections or detention officer or county or municipal jailer employed or appointed by a municipal, county, or state penal institution in this state; or
  (4) a Texas peace officer who, in historical perspective, would be eligible under any of the preceding criteria.

(b) The effective date of this section is February 1, 2014.

§229.3. Specific Eligibility of Memorial Monument.

(a) An officer identified in §229.1 of this chapter is eligible for inclusion on the memorial if the fatal incident:

(1) was a direct result of a line of duty, on or off duty incident;
(2) was an indirect result but directly attributed to a line of duty, on or off duty incident; or
(3) was a direct result of a felonious assault on the officer, perpetrated because of the officer's status, regardless of duty status.

(b)The effective date of this section is February 1, 2014.

§229.5. Determination Standards.

(a) The commission, through its executive director, will receive documents and reports to establish a deceased officer's eligibility for inclusion on the memorial.

(b) The executive director shall make every effort to confirm the authenticity of documents and information submitted to the commission and shall cause research to be conducted concerning the reported deaths of officers.

(c) Examples of documents, reports, and petitions which the commission and the executive director should attempt to obtain include, but are not limited to:
(1) certified copy of the Law Enforcement Agency incident report or other records;
(2) certified copy of the Coroner's report;
(3) sworn affidavit completed by the law enforcement agency chief executive officer or any other person with knowledge of the incident accepting responsibility for the information submitted, accompanied by a description detailing the incident and death;
(4) certified copy of statements of witnesses to the fatal incident;
(5) an original letter or petition of a family member with verified supporting documents;
(6) reproduced documents verified by a state or county historical commission chairperson;
(7) news articles or other published materials supported by documents listed above; or
(8) any other documentation which would reasonably substantiate a finding by the commission.

(d) The commission shall review the recommendations of the executive director concerning names of deceased officers for inclusion on the memorial at a regularly scheduled meeting and make its final determination. The commission may waive rules for good cause in making its final determination, and nothing in this chapter shall be interpreted as limiting the commission's authority to determine inclusion or exclusion based on the facts of the incident.

(e) The effective date of this section is July 6, 2009.

§229.7. Deaths Not Included.

(a) An officer whose death is attributed to natural causes, is not eligible for inclusion, except when a medical condition arises out of a specific response to a violation of the law or an

emergency situation causing an officer's death, or causing the officer's death during or after a period of hospitalization following the specific response to the violation of the law or emergency situation.

(b) An officer whose death is attributed to any of the following is not eligible for inclusion:

(1) when caused as a result of or during the officer's commission of a crime;

(2) as a direct result of the officer's voluntary alcohol or controlled substance abuse; or

(3) when caused by the officer's intention to bring about the officer's own death.

(c) The effective date of this section is July 6, 2009.

II. CHAPTER 1701 TEXAS OCCUPATIONS CODE, 84TH LEGISLATURE 2015[2]

§1701.001. DEFINITIONS

(1) "Commission" means the Texas Commission on Law Enforcement.

(2) "County jailer" means a person employed as a county jail guard under Section 85.005, Local Government Code.

(3) "Officer" means a peace officer or reserve law enforcement officer.

(4) "Peace officer" means a person elected, employed, or appointed as a peace officer under Article 2.12, Code of Criminal Procedure, or other law.

(5) "Public security officer" means a person employed or appointed as an armed security officer by this state or a political subdivision of this state. The term does not include a security officer employed by a private security company that contracts with this state or a political subdivision of this state to provide security services for the entity.

(6) "Reserve law enforcement officer" means a person designated as a reserve law enforcement officer under Section 85.004, 86.012, or 341.012, Local Government Code, or Section 60.0775, Water Code.

(7) "Telecommunicator" means a person acknowledged by the commission and employed by or serving a law enforcement agency that performs law enforcement services on a 24-hour basis who receives, processes, and transmits public safety information and criminal justice data for the agency by using a base radio station on a public safety frequency regulated by the Federal Communications Commission or by another method of communication.

(8) "School marshal" means a person employed and appointed by the board of trustees of a school district, the governing body of an open-enrollment charter school, or the governing board of a public junior college under Article 2.127, Code of Criminal Procedure, and in accordance with and having the rights provided by Section 37.0811, Education Code.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2005, 79th Leg., Ch. 173 (H.B. 340), Sec. 2, eff. May 27, 2005.
Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. 3823), Sec. 1, eff. September 1, 2011.
Acts 2013, 83rd Leg., R.S., Ch. 655 (H.B. 1009), Sec. 6, eff. June 14, 2013.
Acts 2015, 84th Leg., R.S., Ch. 1144 (H.B. 386), Sec. 4, eff. September 1, 2015.

§1701.002. APPLICATION OF SUNSET ACT

The Texas Commission on Law Enforcement is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2021.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 1, eff. September 1, 2009.
Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 1.02, eff. May 18, 2013.

[2] Statutes are current as of the Regular Session of the 84th Legislature, June 2015.

§1701.003. APPLICATION OF CHAPTER

(a) Except as expressly provided by this chapter, this chapter does not:
  (1) limit the powers or duties of a municipality or county; or
  (2) affect Chapter 143, Local Government Code.

(b) This chapter does not affect a constable or other officer or county jailer elected under the Texas Constitution before September 1, 1985, and does not affect a person who held the office of sheriff before January 1, 1994.

(c) This chapter does not prevent an employing agency from establishing qualifications and standards for hiring or training officers, county jailers, or telecommunicators that exceed the commission's minimum standards.

(d) A provision of this chapter applying to issuance or revocation of a peace officer license applies to issuance or revocation of a public security officer license.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. 3823), Sec. 2, eff. September 1, 2011.

§1701.004. REFERENCE TO COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION

A reference in law to the Commission on Law Enforcement Officer Standards and Education or the Texas Commission on Law Enforcement Officer Standards and Education means the Texas Commission on Law Enforcement.

Added by Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 1.03, eff. May 18, 2013.

SUBCHAPTER B. TEXAS COMMISSION ON LAW ENFORCEMENT

§1701.051. COMMISSION MEMBERSHIP

(a) The Texas Commission on Law Enforcement is an agency of this state and consists of nine members appointed by the governor with the advice and consent of the senate as follows:
  (1) three members who are sheriffs, constables, or chiefs of police;
  (2) three members who:
    (A) are licensed under this chapter, two of whom are peace officers who, at the time of appointment, hold nonsupervisory positions with a law enforcement agency; and
    (B) have been licensed under this chapter for the five years preceding the date of appointment; and
  (3) three members who represent the public.

(b) Appointments to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(c) A public officer appointed to the commission serves on the commission as an additional duty of the office.

(d) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 35(1), eff. September 1, 2009.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 35(1), eff. September 1, 2009.
Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 1.05, eff. May 18, 2013.

§1701.052. ELIGIBILITY OF PUBLIC MEMBERS

A person is not eligible for appointment as a public member of the commission if the person or the person's spouse:

(1) is registered, certified, or licensed by an occupational regulatory agency in the field of law enforcement;

(2) is employed by or participates in the management of a business entity or other organization regulated by the commission or receiving funds from the commission;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the commission or receiving funds from the commission;

(4) uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses; or

(5) is an officer, employee, or paid consultant of a law enforcement labor union.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS

(a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a commission member and may not be an employee of the commission employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of law enforcement or county corrections; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of law enforcement or county corrections.

(c) A person may not be a member of the commission or act as the general counsel to the commission or the agency if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the commission's operation.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 2, eff. September 1, 2009.

§1701.054. TERMS; VACANCY

(a) Appointed commission members serve staggered six-year terms. Every two years:
  (1) the term of one of the members appointed under Section 1701.051(a)(1) expires;
  (2) the term of one of the members appointed under Section 1701.051(a)(2) expires; and
  (3) the term of one of the members appointed under Section 1701.051(a)(3) expires.

(b) A vacancy in an office of a member of the commission shall be filled for the unexpired term.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.055. OFFICERS; QUORUM; VOTING

(a) The governor shall designate a commission member to serve as the commission's presiding officer. The presiding officer serves in that capacity at the will of the governor.

(b) At its first meeting after appointment of members to serve regular terms, the commission shall elect an assistant presiding officer and a secretary from its appointed members.

(c) Five members constitute a quorum.

(d) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1224, Sec. 6, eff. September 1, 2011.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2011, 82nd Leg., R.S., Ch. 1224 (S.B. 542), Sec. 1, eff. September 1, 2011.
Acts 2011, 82nd Leg., R.S., Ch. 1224 (S.B. 542), Sec. 6, eff. September 1, 2011.

§1701.056. GROUNDS FOR REMOVAL

(a) It is a ground for removal from the commission that a member:
  (1) does not have at the time of taking office the qualifications required by Section 1701.051(a) or 1701.052;
  (2) does not maintain during service on the commission the qualifications required by Section 1701.051(a) or 1701.052;
  (3) is ineligible for membership under Section 1701.053;
  (4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or
  (5) is absent from more than half of the regularly scheduled commission meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the commission.

(b) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the commission's presiding officer of the potential ground. The presiding

officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the commission, who shall notify the governor and the attorney general that a potential ground for removal exists.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 3, eff. September 1, 2009.

§1701.057. COMPENSATION; REIMBURSEMENT

(a) A commission member may not receive compensation for service on the commission.

(b) A commission member is entitled to reimbursement for actual and necessary expenses incurred in performing functions under this chapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.058. MEETINGS

(a) The commission shall meet at least once during each biennium to receive public comment on training and standards for officers and county jailers. Within a reasonable time after the meeting, the commission shall report to the governor and legislature findings and recommendations resulting from the meeting.

(b) The commission may meet at other times and places in this state that the commission considers proper. The presiding officer may call a meeting on the officer's own motion and shall call a meeting on the written request of five members.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.059. TRAINING

(a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the commission;

(2) the programs, functions, rules, and budget of the commission;

(3) the results of the most recent formal audit of the commission;

(4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and

(5) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(c) A person appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 4, eff. September 1, 2009.

§1701.060. APPLICATION OF OPEN RECORDS LAW AND ADMINISTRATIVE PROCEDURE LAW

Except as provided by Sections 1701.502 and 1701.503, the commission is subject to Chapters 551 and 2001, Government Code.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

SUBCHAPTER C. EXECUTIVE DIRECTOR AND PERSONNEL

§1701.101. EXECUTIVE DIRECTOR

The commission may employ an executive director.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.102. PERSONNEL

The commission may employ personnel necessary to perform commission functions.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.103. DIVISION OF RESPONSIBILITIES

The commission shall develop and implement policies that clearly define the policy-making responsibilities of the commission and the management responsibilities of the executive director and the staff of the commission.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.104. QUALIFICATIONS AND STANDARDS OF CONDUCT INFORMATION

The executive director or the executive director's designee shall provide, as often as necessary, to the commission's members and employees information regarding their:

(1) qualifications for office or employment under this chapter; and
(2) responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.105. CAREER LADDER PROGRAM; PERFORMANCE EVALUATIONS

(a) The executive director or the executive director's designee shall develop an intra-agency career ladder program that addresses opportunities for mobility and advancement for employees within the agency. The program must require intra-agency posting of all positions concurrently with any public posting.

(b) The executive director or the executive director's designee shall develop a system of annual performance evaluations that are based on documented employee performance. All merit pay for commission employees must be based on this system.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.106. EQUAL EMPLOYMENT OPPORTUNITY POLICY; REPORT

(a) The executive director or the executive director's designee shall prepare and maintain a written policy statement to ensure implementation of an equal employment opportunity program under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies related to recruitment, evaluation, selection, appointment, training, and promotion of personnel that are in compliance with requirements of Chapter 21, Labor Code;

(2) a comprehensive analysis of the commission workforce that meets federal and state laws, rules, and regulations and instructions promulgated directly from those laws, rules, and regulations;

(3) procedures by which a determination can be made of underuse in the commission workforce of all persons for whom federal or state laws, rules, and regulations and instructions promulgated directly from those laws, rules, and regulations encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of underuse.

(b) A policy statement prepared under Subsection (a) must:

(1) cover an annual period;

(2) be updated annually;

(3) be reviewed by the Commission on Human Rights for compliance with Subsection (a)(1); and

(4) be filed with the governor.

(c) The governor shall deliver a biennial report to the legislature based on the information received under Subsection (b). The report may be made separately or as a part of other biennial reports to the legislature.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

SUBCHAPTER D. POWERS AND DUTIES OF COMMISSION

§1701.151. GENERAL POWERS OF COMMISSION; RULEMAKING AUTHORITY

The commission may:

(1) adopt rules for the administration of this chapter and for the commission's internal management and control;

(2) establish minimum standards relating to competence and reliability, including education, training, physical, mental, and moral standards, for licensing as an officer, county jailer, public security officer, or telecommunicator;

(3) report to the governor and legislature on the commission's activities, with recommendations on matters under the commission's jurisdiction, and make other reports that the commission considers desirable;

(4) require a state agency or a county, special district, or municipality in this state that employs officers, telecommunicators, or county jailers to submit reports and information;

(5) contract as the commission considers necessary for services, facilities, studies, and reports required for:

  (A) cooperation with municipal, county, special district, state, and federal law enforcement agencies in training programs; and

  (B) performance of the commission's other functions; and

(6) conduct research and stimulate research by public and private agencies to improve law enforcement and police administration.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. 3823), Sec. 3, eff. September 1, 2011.
Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 1, eff. January 1, 2014.

§1701.152. RULES RELATING TO HIRING DATE OF PEACE OFFICER

The commission may not adopt or enforce a rule that sets the date of appointment of a peace officer at a later date than the date that appears on employment records of the hiring law enforcement agency.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.1521. USE OF TECHNOLOGY

The commission shall implement a policy requiring the commission to use appropriate technological solutions to improve the commission's ability to perform its functions. The policy must ensure that the public is able to interact with the commission on the Internet.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 7, eff. September 1, 2009.

§1701.1522. ALTERNATIVE DISPUTE RESOLUTION

(a) The commission shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of commission rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the commission's jurisdiction.

(b) The commission's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The commission shall designate a trained person to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures, as implemented by the commission.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 7, eff. September 1, 2009.

§1701.1523. ELECTRONIC SUBMISSION OF FORMS, DATA, AND DOCUMENTS

The commission by rule shall:

(1) develop and establish a system for the electronic submission of forms, data, and documents required to be submitted to the commission under this chapter; and

(2) once that system is established, require law enforcement agencies to submit to the commission electronically any form, data, or document required to be submitted to the commission under this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 7, eff. September 1, 2009.

§1701.1524. RULES RELATING TO CONSEQUENCES OF CRIMINAL CONVICTION OR DEFERRED ADJUDICATION

(a) The commission by rule shall establish guidelines consistent with this chapter that are necessary to comply with Chapter 53 to the extent that chapter applies to persons licensed under this chapter.

(b) In its rules under this section, the commission shall list the offenses for which a conviction would constitute grounds for the commission to take action under Section 53.021 or for which placement on deferred adjudication community supervision would constitute grounds for the commission to take action under this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 7, eff. September 1, 2009.

§1701.153. REPORTS FROM AGENCIES AND SCHOOLS

(a) The commission shall establish reporting standards and procedures for:

(1) the appointment or employment and the termination of officers, county jailers, and telecommunicators by law enforcement agencies;

(2) the activities of licensed training schools; and

(3) other matters the commission considers necessary for the administration of this chapter.

(b) The commission shall furnish each agency and licensed training school with the required reporting forms, including access to electronic submission forms when the system under Section 1701.1523 is established.

(c) The chief administrative officer of a law enforcement agency or licensed training school is responsible for compliance with the reporting standards and procedures prescribed by the commission.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 5, eff. September 1, 2009.
Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. 3823), Sec. 4, eff. September 1, 2011.

§1701.154. FEES

The commission may establish reasonable and necessary fees for the administration of this chapter, including reasonable and necessary fees for the administration of Section 1701.257.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.155. GIFTS AND GRANTS

The commission may accept grants or gifts from private individuals, foundations, or the federal government.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.156. LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION FUND

(a) The law enforcement officer standards and education fund account is in the general revenue fund.

(b) The commission shall use the account in administering this chapter and performing other commission duties established by law.

(c) The Department of Public Safety may use money appropriated to the department from the account to award grants to local law enforcement agencies for training on incident-based reporting systems to be used for reporting information and statistics concerning criminal offenses committed in this state. The department shall adopt rules governing the award of grants by the department under this subsection.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1158, Sec. 87, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 35(2), eff. September 1, 2009.

Acts 2015, 84th Leg., R.S., Ch. 448 (H.B. 7), Sec. 33, eff. September 1, 2015.

§1701.157. MONEY ALLOCATED AND USED FOR TRAINING OR CONTINUING EDUCATION

(a) Not later than March 1 of each calendar year, the comptroller shall allocate money deposited during the preceding calendar year in the general revenue fund to the credit of the law enforcement officer standards and education fund account for expenses related to the continuing education of persons licensed under this chapter as follows:

(1) 20 percent of the money is allocated to all local law enforcement agencies in this state in equal shares; and

(2) 80 percent of the money is allocated to all local law enforcement agencies in this state in a share representing a fixed amount for each position in the agency, as of January 1 of the preceding calendar year, that is reserved to a person who:

(A) is licensed under this chapter;

(B) works as a peace officer or telecommunicator, as defined by Section 1701.001,on the average of at least 32 hours a week; and

(C) is compensated by a political subdivision of this state at least at the minimum wage and is entitled to all employee benefits offered to a peace officer by the political subdivision.

(a-1) Subsection (a) does not apply to money appropriated to the Department of Public Safety from the account for the purpose of awarding grants to local law enforcement agencies for training on incident-based reporting systems under Section 1701.156(c).

(b) To provide the necessary information for an allocation of money under Subsection (a), a local law enforcement agency must report to the comptroller not later than November 1 of the preceding calendar year:

(1) the number of agency positions described by Subsection (a)(2) authorized as of January 1 of the year the report is due;

(2) the number of agency positions described by Subsection (a)(2) filled as of January 1 of the year the report is due;

(3) the percentage of the money received by the agency under Subsection (a) pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due that was used by the agency before the date of the allocation made by the comptroller under Subsection (a) on or before March 1 of the year the report is due;

(4) the number of training hours received during the 12-month or approximately 12-month period described by Subdivision (3) that were funded by money received by the agency pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due; and

(5) that the agency has complied with the requirements of this section regarding the use of any money received by the agency pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due.

(c) The head of a law enforcement agency shall maintain a complete and detailed record of money received and spent by the agency under this section. Money received under this section is subject to audit by the comptroller. Money spent under this section is subject to audit by the state auditor.

(d) A local law enforcement agency shall use money received under Subsection (a) only as necessary to ensure the continuing education of persons licensed under this chapter or to provide necessary training, as determined by the agency head, to full-time fully paid law enforcement support personnel in the agency.

(e) A local law enforcement agency may not use money received under Subsection (a) to replace funds that are provided to the agency by the county or municipality having jurisdiction over the agency on a recurring basis for training law enforcement officers and support personnel.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 6, eff. September 1, 2009.
Acts 2015, 84th Leg., R.S., Ch. 448 (H.B. 7), Sec. 34, eff. September 1, 2015.
Acts 2015, 84th Leg., R.S., Ch. 792 (H.B. 2680), Sec. 1, eff. September 1, 2015.
Acts 2015, 84th Leg., R.S., Ch. 792 (H.B. 2680), Sec. 2, eff. September 1, 2015.

§1701.159. ACTIVE AND INACTIVE PEACE OFFICERS

(a) The commission shall establish a list of active licensed peace officers and a list of inactive licensed peace officers who leave the employment of a law enforcement agency.

(b) A retired peace officer as defined by Section 1701.3161 continues to hold as an inactive license the license the retired officer held at the time the retired officer last served as an elected, appointed, or employed peace officer unless the license was revoked for cause under Section 1701.501.

(c) A retired peace officer who holds an inactive license may not serve as a peace officer unless the person reactivates the license as provided by Section 1701.316 or 1701.3161.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2007, 80th Leg., R.S., Ch. 878 (H.B. 1955), Sec. 1, eff. June 15, 2007.

§1701.160. AUTHORITY TO COMMISSION INVESTIGATORS AS PEACE OFFICERS

The commission may commission certified peace officers as investigators employed by the commission for the limited purpose of assisting the commission in administering this chapter.

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 14.501(a), eff. Sept. 1, 2001.

§1701.161. PROVISION OF STATE FLAG TO NEXT OF KIN OF DECEASED PEACE OFFICER

(a) If the next of kin of a deceased peace officer requests a state flag, the commission shall:
  (1) provide a state flag, at no cost to the next of kin, if the peace officer was:
    (A) a current peace officer at the time of the officer's death; or
    (B) an honorably retired peace officer who voluntarily terminated employment with a law enforcement agency of this state or a political subdivision of this state; and
  (2) notify the office of the governor of the death of the peace officer.

(b) The commission may apply for and accept gifts and grants from public and private entities on behalf of the Texas peace officer flag account.

(c) The commission shall deposit any gift or grant accepted by the commission under Subsection (b) to the credit of the Texas peace officer flag account. The Texas peace officer flag account is a special account in the general revenue fund. Money in the account may be appropriated only to the commission for the purpose of implementing this section. Interest earned on money in the Texas peace officer flag account shall be credited to the account.

Added by Acts 2001, 77th Leg., ch. 476, Sec. 5, eff. Sept. 1, 2001.
Amended by:
Acts 2005, 79th Leg., Ch. 744 (H.B. 2769), Sec. 4, eff. September 1, 2005.

§1701.162. RECORDS AND AUDIT REQUIREMENTS

(a) The commission is entitled to access records maintained under Sections 1701.303, 1701.306, and 1701.310 by an agency hiring a person to be an officer or county jailer, including records that relate to age, education, physical standards, citizenship, experience, and other matters relating to competence and reliability, as evidence of qualification for licensing of an officer or county jailer.

(b) The commission shall audit the records described by Subsection (a) of each law enforcement agency at least once every five years.

(c) The commission by rule shall develop and establish a framework for the audits conducted by the commission under Subsection (b) that:
  (1) addresses the types of documents subject to audit;
  (2) provides a schedule for additional risk-based inspections based on:
    (A) whether there has been a prior violation by the law enforcement agency;
    (B) the inspection history of the agency; and
    (C) any other factor the commission by rule considers appropriate;
  (3) provides timelines for complying with an audit request or correcting a violation found during the audit process; and
  (4) establishes sanctions for failing to comply with an audit request or to correct a violation found during the audit process.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 7, eff. September 1, 2009.

§1701.163. INFORMATION PROVIDED BY COMMISSIONING ENTITIES

(a) This section applies only to an entity authorized by statute or by the constitution to create a law enforcement agency or police department and commission, appoint, or employ officers that first creates a law enforcement agency or police department and first begins to commission, appoint, or employ officers on or after September 1, 2009.

(b) The entity shall submit to the commission on creation of the law enforcement agency or police department information regarding:

- (1) the need for the law enforcement agency or police department in the community;
- (2) the funding sources for the law enforcement agency or police department;
- (3) the physical resources available to officers;
- (4) the physical facilities that the law enforcement agency or police department will operate, including descriptions of the evidence room, dispatch area, and public area;
- (5) law enforcement policies of the law enforcement agency or police department, including policies on:
  - (A) use of force;
  - (B) vehicle pursuit;
  - (C) professional conduct of officers;
  - (D) domestic abuse protocols;
  - (E) response to missing persons;
  - (F) supervision of part-time officers; and
  - (G) impartial policing;
- (6) the administrative structure of the law enforcement agency or police department;
- (7) liability insurance; and
- (8) any other information the commission requires by rule.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 7, eff. September 1, 2009.

§1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES

The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 8, eff. September 1, 2009.

SUBCHAPTER E. PUBLIC INTEREST INFORMATION AND COMPLAINT PROCEDURES

§1701.201. PUBLIC INTEREST INFORMATION

(a) The commission shall prepare information of public interest describing the regulatory functions of the commission and the procedures by which public complaints are filed with and resolved by the commission.

(b) The commission shall make the information available to the public and appropriate state agencies.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.202. COMPLAINTS

(a) The commission by rule shall establish a comprehensive procedure for each phase of the commission's jurisdictional complaint enforcement process, including:

(1) complaint intake;

(2)investigation;

(3) adjudication and relevant hearings;

(4) appeals;

(5) the imposition of sanctions; and

(6) public disclosure.

(b) On request, a license holder may obtain information regarding a complaint made against the license holder under this chapter, including a complete copy of the complaint file. On receipt of a request under this subsection, the commission shall provide the requested information in a timely manner to allow the license holder time to respond to the complaint.

(c) The commission shall ensure that detailed information regarding the commission's complaint enforcement process described by this section is available on any publicly accessible Internet website and in any appropriate printed materials maintained by the commission.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 9, eff. September 1, 2009.

§1701.203. RECORDS OF COMPLAINTS

(a) The commission shall maintain a system to promptly and efficiently act on jurisdictional complaints filed with the commission. The commission shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The commission shall make information available describing its procedures for complaint investigation and resolution.

(c) The commission shall periodically notify the parties to the complaint of the status of the complaint until final disposition.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 10, eff. September 1, 2009.

§1701.2035. TRACKING AND ANALYSIS OF COMPLAINT AND VIOLATION DATA

(a) The commission shall develop and implement a method for:
  (1) tracking complaints filed with the commission through their final disposition, including:
    (A) the reason for each complaint;
    (B) how each complaint was resolved; and
    (C) the subject matter of each complaint that was not within the jurisdiction of the commission and how the commission responded to the complaint; and
  (2) tracking and categorizing the sources and types of complaints filed with the commission and of violations of this chapter or a rule adopted under this chapter.

(b) The commission shall analyze the complaint and violation data maintained under Subsection (a) to identify trends and areas that may require additional regulation or enforcement.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 11, eff. September 1, 2009.

§1701.204. PUBLIC PARTICIPATION

(a) The commission shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the commission's jurisdiction.

(b) The commission shall prepare and maintain a written plan that describes how a person who does not speak English may be provided reasonable access to the commission's programs and services.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

SUBCHAPTER F. TRAINING PROGRAMS AND SCHOOLS

§1701.251. TRAINING PROGRAMS; INSTRUCTORS

(a) The commission shall establish and maintain training programs for officers, county jailers, and telecommunicators. The training shall be conducted by the commission staff or by other agencies and institutions the commission considers appropriate.

(b) The commission may authorize reimbursement for a political subdivision or state agency as authorized by the legislature for expenses incurred in attending a training program.

(c) The commission may:
  (1) issue or revoke the license of a school operated by or for this state or a political subdivision of this state specifically for training officers, county jailers, recruits, or telecommunicators;

(2) operate schools and conduct preparatory, in-service, basic, and advanced courses in the schools, as the commission determines appropriate, for officers, county jailers, recruits, and telecommunicators;

(3) issue a license to a person to act as a qualified instructor under conditions that the commission prescribes; and

(4) consult and cooperate with a municipality, county, special district, state agency or other governmental agency, or a university, college, junior college, or other institution, concerning the development of schools and training programs for officers, county jailers, and telecommunicators.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 2, eff. January 1, 2014.

§1701.252. PROGRAM AND SCHOOL REQUIREMENTS; ADVISORY BOARD

(a) Unless a school has created an advisory board for developing a curriculum, the commission may not issue a license to the school or approve a training program or course for officers or county jailers other than a program created by the Bill Blackwood Law Enforcement Management Institute of Texas.

(b) At least one-third of the members of an advisory board under Subsection (a) must be public members who meet the qualifications required of a public member of the commission.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.253. SCHOOL CURRICULUM

(a) The commission shall establish minimum curriculum requirements for preparatory and advanced courses and programs for schools subject to approval under Section 1701.251(c)(1).

(b) In establishing requirements under this section, the commission shall require courses and programs to provide training in:

(1) the investigation and documentation of cases that involve:

(A) child abuse or neglect;

(B) family violence; and

(C) sexual assault;

(2) issues concerning sex offender characteristics; and

(3) crime victims' rights under Chapter 56, Code of Criminal Procedure, and Chapter 57, Family Code, and the duty of law enforcement agencies to ensure that a victim is afforded those rights.

(c) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on civil rights, racial sensitivity, and cultural diversity for persons licensed under this chapter.

(d) Training in documentation of cases required by Subsection (b) shall include instruction in:

(1) making a written account of the extent of injuries sustained by the victim of an alleged offense;

(2) recording by photograph or videotape the area in which an alleged offense occurred and the victim's injuries; and

(3) recognizing and recording a victim's statement that may be admissible as evidence in a proceeding concerning the matter about which the statement was made.

(e) As part of the minimum curriculum requirements relating to the vehicle and traffic laws of this state, the commission shall require an education and training program on laws relating to the operation of motorcycles and to the wearing of protective headgear by motorcycle operators and passengers. In addition, the commission shall require education and training on motorcycle operator profiling awareness and sensitivity training.

(f) Training for officers and recruits in investigation of cases required by Subsection (b)(1)(B) shall include instruction in preventing dual arrest whenever possible and conducting a thorough investigation to determine which person is the predominant aggressor when allegations of family violence from two or more opposing persons are received arising from the same incident.

(g) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on asset forfeiture under Chapter 59, Code of Criminal Procedure, for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

(h) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

(i) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on identity theft under Section 32.51, Penal Code, for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

(j) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this section or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(k) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program for officers licensed under this chapter that covers the laws of this state and of the United States pertaining to peace officers.

Text of section as added by Acts 2015, 84th Leg., R.S., Ch. 31 (H.B. 593), Sec. 1.

For text of section as added by Acts 2015, 84th Leg., R.S., Ch. 642 (S.B. 1987), Sec. 2, see other Sec. 1701.253(l).

(l) As part of the minimum curriculum requirements, the commission shall require an officer licensed by the commission on or after January 1, 2016, to complete a canine encounter training program established by the commission under Section 1701.261. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.

Text of section as added by Acts 2015, 84th Leg., R.S., Ch. 642 (S.B. 1987), Sec. 2.

For text of section as added by Acts 2015, 84th Leg., R.S., Ch. 31 (H.B. 593), Sec. 1, see other Sec. 1701.253(l).

(l) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on procedures for interacting with drivers who are deaf or hard of hearing, as defined by Section 81.001, Human Resources Code, including identifying specialty license plates issued to individuals who are deaf or hard of hearing under Section 504.204, Transportation Code. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 657, Sec. 4, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 897, Sec. 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 929, Sec. 5, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 947, Sec. 4, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1034, Sec. 14, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 14.007, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1326, Sec. 8, eff. Sept. 1, 2003.
Amended by:
Acts 2005, 79th Leg., Ch. 393 (S.B. 1473), Sec. 3, eff. September 1, 2005.
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 12, eff. September 1, 2009.

§1701.254. RISK ASSESSMENT AND INSPECTIONS

(a) The commission may visit and inspect a school conducting a training course for officers, county jailers, telecommunicators, or recruits and make necessary evaluations to determine if the school complies with this chapter and commission rules.

(b) The commission shall develop a risk assessment method to determine the relative performance of schools conducting training courses for officers, county jailers, telecommunicators, or recruits. The commission shall base its schedule for inspection of schools on the results of the risk assessment.

(c) The risk assessment method must:

(1) consider the scores of students enrolled in a school on the basic peace officer examination;
(2) consider the past inspection records of a school;
(3) consider a self-assessment performed by a school in a noninspection year; and
(4) include a random element to ensure periodic inspection of each school.

(d) The commission by rule shall establish a system for placing a training provider on at-risk probationary status. The rules must prescribe:
(1) the criteria to be used by the commission in determining whether to place a training provider on at-risk probationary status;
(2) a procedure and timeline for imposing corrective conditions on a training provider placed on at-risk probationary status and for notifying the provider regarding those conditions; and
(3) a procedure for tracking a training provider's progress toward compliance with any corrective conditions imposed on the provider by the commission under this subsection.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 13, eff. September 1, 2009.
Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. 3823), Sec. 5, eff. September 1, 2011.

§1701.255. ENROLLMENT QUALIFICATIONS

(a) The commission by rule shall establish minimum qualifications for a person to enroll in a training program under Section 1701.251(a) that provides instruction in defensive tactics, arrest procedures, firearms, or use of a motor vehicle for law enforcement purposes.

(b) A person who is disqualified by law to be an officer or county jailer may not enroll in a training program described by Subsection (a).

(c) A person may not enroll in a peace officer training program under Section 1701.251(a) unless the person has received:
(1) a high school diploma;
(2) a high school equivalency certificate; or
(3) an honorable discharge from the armed forces of the United States after at least 24 months of active duty service.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1441, Sec. 1, eff. Sept. 1, 2001.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 14, eff. September 1, 2009.

§1701.256. INSTRUCTION IN WEAPONS PROFICIENCY REQUIRED

A peace officer training program under Section 1701.251(a) must provide instruction in weapons proficiency.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.257. FIREARMS TRAINING PROGRAM FOR SUPERVISION OFFICERS

(a) The commission and the Texas Department of Criminal Justice by rule shall adopt a memorandum of understanding that establishes each agency's respective responsibilities in developing a basic training program in the use of firearms by community supervision and corrections department officers and parole officers. The program established under the memorandum of understanding must provide instruction in:

(1) legal limitations on the use of firearms and on the powers and authority of the officers;

(2) range firing and procedure;

(3) firearms safety and maintenance; and

(4) other topics determined by each agency to be necessary for the responsible use of firearms by the officers.

(b) The commission shall administer the training program and shall issue a certificate of firearms proficiency to each community supervision and corrections department officer or parole officer the commission determines has successfully completed the program.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.258. EDUCATION AND TRAINING PROGRAMS ON TRAFFICKING OF PERSONS

(a) The commission by rule shall require an officer first licensed by the commission on or after January 1, 2011, to complete within a reasonable time after obtaining the license a one-time basic education and training program on the trafficking of persons. The program must:

(1) consist of at least four hours of training; and

(2) include a review of the substance of Sections 20A.02 and 43.05, Penal Code.

(b) The commission shall make available to each officer a voluntary advanced education, instruction, and training program on the trafficking of persons and compelling prostitution prohibited under Sections 20A.02 and 43.05, Penal Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 1002 (H.B. 4009), Sec. 5, eff. September 1, 2009.

§1701.259. FIREARMS TRAINING PROGRAM FOR JUVENILE PROBATION OFFICERS

(a) The commission and the Texas Juvenile Probation Commission by rule shall adopt a memorandum of understanding that establishes a training program in the use of firearms by juvenile probation officers. The memorandum of understanding must establish a program that provides instruction in:

(1) legal limitations on the use of firearms and on the powers and authority of juvenile probation officers;

(2) range firing and procedure, and firearms safety and maintenance; and

(3) other topics determined by the commission and the Texas Juvenile Probation Commission to be necessary for the responsible use of firearms by juvenile probation officers.

(b) The commission shall administer the training program and shall issue a certificate of firearms proficiency to each juvenile probation officer the commission determines has successfully completed the program described by Subsection (a).

(c) The commission may establish reasonable and necessary fees for the administration of this section.

(d) This section does not affect the sovereign immunity of the state, an agency of the state, or a political subdivision of the state.

Added by Acts 2009, 81st Leg., R.S., Ch. 794 (S.B. 1237), Sec. 5, eff. June 19, 2009.
Redesignated from Occupations Code, Section 1701.258 by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 27.001(47), eff. September 1, 2011.

§1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY HANDGUN; CERTIFICATION OF ELIGIBILITY FOR APPOINTMENT AS SCHOOL MARSHAL

(a) The commission shall establish and maintain a training program open to any employee of a school district, open-enrollment charter school, or public junior college who holds a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code. The training may be conducted only by the commission staff or a provider approved by the commission.

(b) The commission shall collect from each person who participates in the training program identifying information that includes the person's name, the person's date of birth, the license number of the license issued to the person under Subchapter H, Chapter 411, Government Code, and the address of the person's place of employment.

(c) The training program shall include 80 hours of instruction designed to:

(1) emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings;

(2) educate a trainee about legal issues relating to the duties of peace officers and the use of force or deadly force in the protection of others;

(3) introduce the trainee to effective law enforcement strategies and techniques;

(4) improve the trainee's proficiency with a handgun; and

(5) enable the trainee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.

(d) The commission, in consultation with psychologists, shall devise and administer to each trainee a psychological examination to determine whether the trainee is psychologically fit to carry out the duties of a school marshal in an emergency shooting or situation involving an active shooter. The commission may license a person under this section only if the results of the examination indicate that the trainee is psychologically fit to carry out those duties.

(e) The commission shall charge each trainee a reasonable fee to cover the cost to the commission of conducting the program. The commission shall charge each person seeking renewal of a school marshal license a reasonable fee to cover the cost to the commission of renewing the person's license.

(f) The commission shall license a person who is eligible for appointment as a school marshal who:

(1) completes training under this section to the satisfaction of the commission staff; and

(2) is psychologically fit to carry out the duties of a school marshal as indicated by the results of the psychological examination administered under this section.

(g) A person's license under this section expires on the first birthday of the person occurring after the second anniversary of the date the commission licenses the person. A renewed school marshal license expires on the person's birth date, two years after the expiration of the previous license.

(h) A person may renew the school marshal license under this section by:

(1) successfully completing a renewal course designed and administered by the commission, which such license renewal training will not exceed 16 hours combined of classroom and simulation training;

(2) demonstrating appropriate knowledge on an examination designed and administered by the commission;

(3) demonstrating handgun proficiency to the satisfaction of the commission staff; and

(4) demonstrating psychological fitness on the examination described in Subsection (d).

(i) The commission shall revoke a person's school marshal license if the commission is notified by the Department of Public Safety that the person's license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, has been suspended or revoked. A person whose school marshal license is revoked may obtain recertification by:

(1) furnishing proof to the commission that the person's concealed handgun license has been reinstated; and

(2) completing the initial training under Subsection (c) to the satisfaction of the commission staff, paying the fee for the training, and demonstrating psychological fitness on the psychological examination described in Subsection (d).

(j) The commission shall submit the identifying information collected under Subsection (b) for each person licensed by the commission under this section to:

(1) the director of the Department of Public Safety;

(2) the person's employer, if the person is employed by a school district, open-enrollment charter school, or public junior college;

(3) the chief law enforcement officer of the local municipal law enforcement agency if the person is employed at a campus of a school district, open-enrollment charter school, or public junior college located within a municipality;

(4) the sheriff of the county if the person is employed at a campus of a school district, open-enrollment charter school, or public junior college that is not located within a municipality; and

(5) the chief administrator of any peace officer commissioned under Section 37.081 or 51.203, Education Code, if the person is employed at a school district or public junior college that has commissioned a peace officer under either section.

(k) The commission shall immediately report the expiration or revocation of a school marshal license to the persons listed in Subsection (j).

(l) All information collected or submitted under this section is confidential, except as provided by Subsection (j), and is not subject to disclosure under Chapter 552, Government Code.

Added by Acts 2013, 83rd Leg., R.S., Ch. 655 (H.B. 1009), Sec. 5, eff. June 14, 2013.
Amended by:
Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 35, eff. January 1, 2016.
Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 36, eff. January 1, 2016.
Acts 2015, 84th Leg., R.S., Ch. 1144 (H.B. 386), Sec. 3, eff. September 1, 2015.
Acts 2015, 84th Leg., R.S., Ch. 1176 (S.B. 996), Sec. 2, eff. June 19, 2015.

Text of section as added by Acts 2015, 84th Leg., R.S., Ch. 31 (H.B. 593), Sec. 2.

For text of section as added by Acts 2015, 84th Leg., R.S., Ch. 725 (H.B. 1338), Sec. 1, see other Sec. 1701.261.

§1701.261. CANINE ENCOUNTER TRAINING PROGRAM

(a) The commission shall establish a statewide comprehensive education and training program on canine encounters and canine behavior. The training program must consist of at least four hours of classroom instruction and practical training, developed and approved by the commission, that addresses:

(1) handling canine-related calls, anticipating unplanned encounters with canines, and using humane methods and tools in handling canine encounters;

(2) recognizing and understanding canine behavior;

(3) state laws related to canines;

(4) canine conflict avoidance and de-escalation;

(5) use of force continuum principles in relation to canines;

(6) using nonlethal methods, tools, and resources to avoid and defend against a canine attack; and

(7) a general overview of encounters with other animals.

(b) At least once every four years, the commission shall review the content of the training program under this section and update the program as necessary.

(c) Notwithstanding Sections 1701.253(l) and 1701.402(l), an officer who has completed at least four hours of a canine encounter training program is not required to complete the program under this section.

Added by Acts 2015, 84th Leg., R.S., Ch. 31 (H.B. 593), Sec. 2, eff. September 1, 2015.

Text of section as added by Acts 2015, 84th Leg., R.S., Ch. 725 (H.B. 1338), Sec. 1.

For text of section as added by Acts 2015, 84th Leg., R.S., Ch. 31 (H.B. 593), Sec. 2, see other Sec. 1701.261.

§1701.261. ACQUIRED AND TRAUMATIC BRAIN INJURIES TRAINING

(a) In this section, "first responder" has the meaning assigned by Section 421.095, Government Code.

(b) The commission, in collaboration with the office of acquired brain injury of the Health and Human Services Commission and the Texas Traumatic Brain Injury Advisory Council, shall establish and maintain a training program for peace officers and first responders that provides information on:

(1) the effects of an acquired brain injury and of a traumatic brain injury; and

(2) techniques to interact with persons who have an acquired brain injury or a traumatic brain injury.

Added by Acts 2015, 84th Leg., R.S., Ch. 725 (H.B. 1338), Sec. 1, eff. September 1, 2015.

Text of section as added by Acts 2015, 84th Leg., R.S., Ch. 1258 (H.B. 2684), Sec. 2.

For text of section as added by Acts 2015, 84th Leg., R.S., Ch. 725 (H.B. 1338), Sec. 1, see other Sec. 1701.262.

For text of section as added by Acts 2015, 84th Leg., R.S., Ch. 1056 (H.B. 2053), Sec. 7, see other Sec. 1701.262.

§1701.262. TRAINING FOR SCHOOL DISTRICT PEACE OFFICERS AND SCHOOL RESOURCE OFFICERS

(a) In this section:

(1) "Center" means the Texas School Safety Center at Texas State University.

(2) "Institute" means an institute dedicated to providing training to law enforcement and the development of law enforcement policies, such as the Law Enforcement Management Institute of Texas at Sam Houston State University or the Caruth Police Institute.

(3) "School district peace officer" means a peace officer commissioned under Section 37.081, Education Code.

(4) "School resource officer" has the meaning assigned by Section 1701.601.

(b) The commission, in consultation with an institute or the center, shall create, adopt, and distribute a model training curriculum for school district peace officers and school resource officers.

(c) The curriculum developed under this section must incorporate learning objectives regarding:

(1) child and adolescent development and psychology;

(2) positive behavioral interventions and supports, conflict resolution techniques, and restorative justice techniques;

(3) de-escalation techniques and techniques for limiting the use of force, including the use of physical, mechanical, and chemical restraints;

(4) the mental and behavioral health needs of children with disabilities or special needs; and

(5) mental health crisis intervention.

(d) Before adopting and distributing any curriculum under this section, the commission shall provide a 30-day period for public comment.

(e) The commission shall provide the curriculum developed under this section and any supplemental education materials created for the curriculum to:

(1) school district police departments;

(2) law enforcement agencies that place peace officers in a school as school resource officers under a memorandum of understanding; and

(3) any entity that provides training to school district peace officers or school resource officers.

(f) The commission shall review curriculum developed and adopted under this section and update subject matter contained in the curriculum as needed at least once every four years.

Added by Acts 2015, 84th Leg., R.S., Ch. 1258 (H.B. 2684), Sec. 2, eff. June 20, 2015.

Text of section as added by Acts 2015, 84th Leg., R.S., Ch. 725 (H.B. 1338), Sec. 1.

For text of section as added by Acts 2015, 84th Leg., R.S., Ch. 1056 (H.B. 2053), Sec. 7, see other Sec. 1701.262.

For text of section as added by Acts 2015, 84th Leg., R.S., Ch. 1258 (H.B. 2684), Sec. 2, see other Sec. 1701.262.

§1701.262. TRAUMA AFFECTED VETERANS TRAINING

(a) In this section, "veteran" means a person who has served in:

(1) the army, navy, air force, coast guard, or marine corps of the United States; or

(2) the Texas National Guard as defined by Section 431.001, Government Code.

(b) The commission, in collaboration with the Texas Veterans Commission, shall establish and maintain a training program for peace officers that provides information on veterans with combat-related trauma, post-traumatic stress, post-traumatic stress disorder, or a traumatic brain injury. An officer may not complete the training under this subsection by taking an online course.

Added by Acts 2015, 84th Leg., R.S., Ch. 725 (H.B. 1338), Sec. 1, eff. September 1, 2015.

Text of section as added by Acts 2015, 84th Leg., R.S., Ch. 1056 (H.B. 2053), Sec. 7.

For text of section as added by Acts 2015, 84th Leg., R.S., Ch. 725 (H.B. 1338), Sec. 1, see other Sec. 1701.262.

For text of section as added by Acts 2015, 84th Leg., R.S., Ch. 1258 (H.B. 2684), Sec. 2, see other Sec. 1701.262.

§1701.262. TRAINING PROGRAM RELATING TO CHILD SAFETY CHECK ALERT LIST

(a) The commission by rule shall establish an education and training program on the Texas Crime Information Center's child safety check alert list. The program must include instruction relating to:

(1) the procedures for placing a child or other person on the child safety check alert list;

(2) the manner in which an officer should interact with a child or other person on the child safety check alert list whom the officer locates; and

(3) the procedures for removing a child or other person from the child safety check alert list.

(b) The commission shall make the training program available to employees in the child protective services division of the Department of Family and Protective Services, including caseworkers, supervisors, and special investigators.

Added by Acts 2015, 84th Leg., R.S., Ch. 1056 (H.B. 2053), Sec. 7, eff. September 1, 2015.

§1701.263. EDUCATION AND TRAINING PROGRAM FOR SCHOOL DISTRICT PEACE OFFICERS AND SCHOOL RESOURCE OFFICERS

(a) In this section:

(1) "School district peace officer" has the meaning assigned by Section 1701.262.

(2) "School resource officer" has the meaning assigned by Section 1701.601.

(b) The commission by rule shall require a school district peace officer or a school resource officer who is commissioned by or who provides law enforcement at a school district with an enrollment of 30,000 or more students to successfully complete an education and training program described by this section before or within 120 days of the officer's commission by or placement in the district or a campus of the district. The program must:

(1) consist of at least 16 hours of training;

(2) be approved by the commission; and

(3) provide training in accordance with the curriculum developed under Section 1701.262 in each subject area listed in Subsection (c) of that section.

(b-1) Notwithstanding Subsection (b) or a rule adopted under that section, a school district peace officer or school resource officer is not required to successfully complete the education and training program required by this section if the officer has successfully completed the advanced training course conducted by the National Association of School Resource Officers or a training course equivalent to that advanced training course, as determined by the commission.

(c) The education and training program required under this section may not require a peace officer to pass an examination, except that the commission shall administer an examination to qualify officers to provide the education and training to other officers. The examination to qualify officers to provide the education and training must test the officer's knowledge and recognition of the subject areas listed in Section 1701.262(c).

(d) The commission shall issue a professional achievement or proficiency certificate to a peace officer who completes the education and training program under this section.

Added by Acts 2015, 84th Leg., R.S., Ch. 1258 (H.B. 2684), Sec. 2, eff. June 20, 2015.

SUBCHAPTER G. LICENSE REQUIREMENTS; DISQUALIFICATIONS AND EXEMPTIONS

§1701.301. LICENSE REQUIRED

Except as provided by Sections 1701.310, 1701.311, and 1701.405, a person may not appoint or employ a person to serve as an officer, county jailer, school marshal, public security officer, or telecommunicator unless the person holds an appropriate license issued by the commission.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 3, eff. January 1, 2014.

§1701.302. CERTAIN ELECTED LAW ENFORCEMENT OFFICERS; LICENSE REQUIRED

(a) An officer, including a sheriff, elected under the Texas Constitution or a statute or appointed to fill a vacancy in an elective office must obtain a license from the commission not later than the second anniversary of the date the officer takes office.

(b) The commission shall establish requirements for issuing the license and for revocation, suspension, or denial of the license.

(c) An officer to whom this section applies who does not obtain the license by the required date or does not remain licensed is incompetent and is subject to removal from office under Section 665.052, Government Code, or another removal statute.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.303. LICENSE APPLICATION; DUTIES OF APPOINTING ENTITY

(a) A law enforcement agency or governmental entity that hires a person for whom a license is sought must file an application with the commission as provided by commission rule.

(b) A person who appoints an officer or county jailer licensed by the commission shall notify the commission not later than the 30th day after the date of the appointment. If the person appoints an individual who previously served as an officer or county jailer and the appointment occurs after the 180th day after the last date of service as an officer or county jailer, the person must have on file for the officer or county jailer in a form readily accessible to the commission:

(1) new criminal history record information;

(2) a new declaration of psychological and emotional health and lack of drug dependency or illegal drug use; and

(3) two completed fingerprint cards.

(c) A person who appoints or employs a telecommunicator licensed by the commission shall notify the commission not later than the 30th day after the date of the appointment or employment. If the person appoints or employs an individual who previously served as a telecommunicator and the appointment or employment occurs after the 180th day after the last date of service as a telecommunicator, the person must have on file in a form readily accessible to the commission:

(1) new criminal history record information; and

(2) two completed fingerprint cards.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 4, eff. January 1, 2014.

§1701.304. EXAMINATION

(a) The commission shall conduct an examination for each type of license issued by the commission at least four times each year at times and places designated by the commission. The commission shall:
   (1) prescribe the content of an examination for each type of license;
   (2) include in each examination a written examination that tests the applicant's knowledge of the appropriate occupation; and
   (3) prescribe standards for acceptable performance on each examination.

(b) The commission by rule shall establish minimum qualifications for a person to be examined under this section. A person who is disqualified by law to be an officer or county jailer may not take an examination under this section.

(c) A law enforcement agency may request the commission to conduct examinations required by this chapter in the jurisdiction served by the agency. The commission may conduct the examinations in the jurisdiction if:
   (1) the commission determines that doing so will not place a significant hardship on the commission's resources; and
   (2) the requesting law enforcement agency reimburses the commission for additional costs incurred in conducting the examination in the agency's jurisdiction.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.305. EXAMINATION RESULTS

(a) The commission shall notify each examinee of the examination results not later than the 30th day after the date the examination is administered. If an examination is graded or reviewed by a national testing service, the commission shall notify each examinee of the examination results not later than the 14th day after the date the commission receives the results from the testing service.

(b) If notice of the results of an examination graded or reviewed by a national testing service will be delayed for longer than 90 days after the examination date, the commission shall notify each examinee of the reason for the delay before the 90th day.

(c) If requested in writing by a person who fails an examination, the commission shall provide to the person an analysis of the person's performance on the examination.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.306. PSYCHOLOGICAL AND PHYSICAL EXAMINATION

(a) The commission may not issue a license to a person unless the person is examined by:

(1) a licensed psychologist or by a psychiatrist who declares in writing that the person is in satisfactory psychological and emotional health to serve as the type of officer for which a license is sought; and

(2) a licensed physician who declares in writing that the person does not show any trace of drug dependency or illegal drug use after a blood test or other medical test.

(b) An agency hiring a person for whom a license is sought shall select the examining physician and the examining psychologist or psychiatrist. The agency shall prepare a report of each declaration required by Subsection (a) and shall maintain a copy of the report on file in a format readily accessible to the commission. A declaration is not public information.

(c) The commission shall adopt rules that:

(1) relate to appropriate standards and measures to be used by a law enforcement agency in reporting the declarations made under Subsection (a); and

(2) provide for exceptional circumstances in the administration of the examination of the applicant's psychological and emotional health, including permitting the examination to be made by a qualified licensed physician instead of a psychologist or psychiatrist.

(d) The commission may order an applicant to submit to an examination described by Subsection (a) by a psychologist, psychiatrist, or physician appointed by the commission if the commission:

(1) has cause to believe that a law enforcement agency failed to follow commission rules relating to an examination; or

(2) discovers that the applicant has submitted a false declaration.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2011, 82nd Leg., R.S., Ch. 1224 (S.B. 542), Sec. 2, eff. September 1, 2011.

§1701.307. ISSUANCE OF OFFICER OR COUNTY JAILER LICENSE

(a) The commission shall issue an appropriate officer or county jailer license to a person who, as required by this chapter:

(1) submits an application;

(2) completes the required training;

(3) passes the required examination;

(4) is declared to be in satisfactory psychological and emotional health and free from drug dependency or illegal drug use; and

(5) demonstrates weapons proficiency.

(b) The commission may issue a permanent license to a person who meets the requirements of this chapter and the rules prescribed by the commission to serve as an officer.

(c) The commission may issue a temporary or permanent license to a person to serve as a county jailer.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2007, 80th Leg., R.S., Ch. 878 (H.B. 1955), Sec. 2, eff. June 15, 2007.
Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 5, eff. January 1, 2014.
Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 6, eff. January 1, 2014.

§1701.3071. ISSUANCE OF TELECOMMUNICATOR LICENSE

(a) The commission shall issue a telecommunicator license to a person who:

(1) submits an application;

(2) completes the required training;

(3) passes the required examination; and

(4) meets any other requirement of this chapter and the rules prescribed by the commission to qualify as a telecommunicator.

(b) The commission may issue a temporary or permanent license to a person to act as a telecommunicator.

Added by Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 7, eff. January 1, 2014.

§1701.3075. QUALIFIED APPLICANT AWAITING APPOINTMENT

(a) A person who meets the requirements set forth in Section 1701.307(a) has the same reporting responsibilities toward the commission under rules adopted by the commission as a license holder who has already been appointed as a peace officer.

(b) The commission may determine that a person who meets the requirements under Section 1701.307(a) is ineligible for appointment as a peace officer based on events that occur after the person meets the requirements in Section 1701.307(a) but before the person is appointed.

Added by Acts 2009, 81st Leg., R.S., Ch. 701 (H.B. 2799), Sec. 1, eff. September 1, 2009.

§1701.308. WEAPONS PROFICIENCY

The commission shall require a person applying for a peace officer license to demonstrate weapons proficiency.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.309. AGE REQUIREMENT

The commission by rule shall set 21 years of age as the minimum age for obtaining a license as an officer. The rules must provide that a person at least 18 years of age may be issued a license as an officer if the person has:

(1) completed and received credit for at least 60 hours of study at an accredited college or university or received an associate degree from an accredited college or university; or

(2) received an honorable discharge from the United States armed forces after at least two years of service.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.310. APPOINTMENT OF COUNTY JAILER; TRAINING REQUIRED

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission.

(b) A county jailer appointed on a temporary basis who does not satisfactorily complete the preparatory training program before the first anniversary of the date that the person is appointed shall be removed from the position. A temporary appointment may not be renewed, except that not earlier than the first anniversary of the date that a person is removed under this subsection, the sheriff may petition the commission for reinstatement of the person to a temporary appointment.

(c) A county jailer serving under permanent appointment before September 1, 1979, regardless of whether the person's employment was terminated before that date because of failure to satisfy standards adopted under Chapter 511, Government Code, is not required to meet a requirement of this section as a condition of continued employment or promotion unless:

(1) in an attempt to meet the standards the person took an examination and failed or was not allowed to finish the examination because the person acted dishonestly in regard to the examination;

(2) the person forged a document purporting to show that the person meets the standards; or

(3) the person seeks a new appointment as a county jailer on or after September 1, 1984.

(d) A county jailer serving under permanent appointment before September 1, 1979, is eligible to attend training courses in the operation of a county jail, subject to commission rules.

(e) A person trained and certified by the Texas Department of Criminal Justice to serve as a corrections officer in that agency's correctional institutions division is not required to complete the training requirements of this section to be appointed a part-time county jailer. Examinations under Section 1701.304 and psychological examinations under Section 1701.306 apply.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.502(a), eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 25.142, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 1224 (S.B. 542), Sec. 3, eff. September 1, 2011.

§1701.311. PROVISIONAL LICENSE FOR WORKFORCE SHORTAGE

(a) The commission shall adopt rules to allow a law enforcement agency to petition for issuance of a provisional license for an officer if the agency proves that it has a workforce shortage.

(b) Except in an emergency, a peace officer holding a provisional license may not be required to work at the peace officer's employing agency and attend a commission-approved basic preparatory school for more than a total of 40 hours a week.

(c) An agency employing a peace officer who holds a provisional license may contract with the peace officer for reimbursement of the cost of a basic preparatory training course if the peace officer voluntarily resigns from the agency before a date specified in the contract that is not later

than the first anniversary of the date the officer is appointed. The contract must state the cost of the course.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.312. DISQUALIFICATION: FELONY CONVICTION OR PLACEMENT ON COMMUNITY SUPERVISION

(a) A person who has been convicted of a felony is disqualified to be an officer, public security officer, telecommunicator, or county jailer, and the commission may not issue a license to, and a law enforcement agency may not appoint or employ, the person.

(b) For purposes of this section and Section 1701.502, a person is convicted of a felony if a court enters an adjudication of guilt against the person on a felony offense under the laws of this or another state or the United States, regardless of whether:

(1) the sentence is subsequently probated and the person is discharged from community supervision;

(2) the accusation, complaint, information, or indictment against the person is dismissed and the person is released from all penalties and disabilities resulting from the offense; or

(3) the person is pardoned for the offense, unless the pardon is granted expressly for subsequent proof of innocence.

(c) The commission, on receipt of a certified copy of a court's judgment under Article 42.011, Code of Criminal Procedure, shall note on the person's licensing records the conviction or community supervision indicated by the judgment.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. 3823), Sec. 6, eff. September 1, 2011.

§1701.313. DISQUALIFICATION: CONVICTION OF BARRATRY

(a) A person who has been convicted of barratry under Section 38.12, Penal Code, is disqualified to be an officer, telecommunicator, or county jailer, and the commission may not issue a license to the person.

(b) For purposes of this section and Section 1701.503, a person is convicted of barratry if a court enters an adjudication of guilt against the person regardless of whether:

(1) the sentence is subsequently probated and the person is discharged from community supervision;

(2) the accusation, complaint, information, or indictment against the person is dismissed following community supervision; or

(3) the person is pardoned for the offense, unless the pardon is granted expressly for subsequent proof of innocence.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. 3823), Sec. 7, eff. September 1, 2011.

§1701.314. EXEMPTION: OFFICER APPOINTED BEFORE SEPTEMBER 1, 1970

A peace officer serving under a permanent appointment before September 1, 1970, is not required to obtain a license as a condition of tenure, continued employment, or promotion unless the officer seeks a new appointment. The officer is eligible to attend peace officer training courses subject to commission rules.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.315. LICENSE REQUIREMENTS FOR PERSONS WITH MILITARY SPECIAL FORCES TRAINING

(a) In this section, "special forces" means a special forces component of the United States armed forces, including:
- (1) the United States Army Special Forces;
- (2) the United States Navy SEALs;
- (3) the United States Air Force Pararescue;
- (4) the United States Marine Corps Force Reconnaissance; and
- (5) any other component of the United States Special Operations Command approved by the commission.

(b) The commission shall adopt rules to allow an applicant to qualify to take an examination described by Section 1701.304 if the applicant:
- (1) has served in the special forces;
- (2) has successfully completed a special forces training course and provides to the commission documentation verifying completion of the course;
- (3) completes a supplemental peace officer training course; and
- (4) completes any other training required by the commission after the commission has reviewed the applicant's military training.

(c) Commission rules adopted under Subsection (b) shall include rules:
- (1) to determine acceptable forms of documentation that satisfy the requirements of Subsection (b);
- (2) under which the commission may waive any other license requirement for an applicant described by Subsection (b) based on other relevant military training the applicant has received, as determined by the commission, including intelligence or medical training; and
- (3) to establish an expedited application process for an applicant described by Subsection (b).

(d) The commission shall review the content of the training course for each special forces component described by Subsection (a) and in adopting rules under Subsection (b) specify the training requirements an applicant who has completed that training course must complete and the training requirements from which an applicant who has completed that training course is exempt.

Added by Acts 2013, 83rd Leg., R.S., Ch. 66 (S.B. 162), Sec. 4, eff. May 18, 2013.

§1701.316. REACTIVATION OF PEACE OFFICER LICENSE

(a) The commission shall adopt rules establishing requirements for reactivation of a peace officer's license after a break in employment.

(b) The commission may consider employment as a peace officer in another state in determining whether the person is required to obtain additional training or testing.

(c) The commission shall reactivate a peace officer's license after a break in employment if the former license holder:

- (1) completed at least 10 years of full-time service as a peace officer in good standing before the break in employment;
- (2) meets current licensing standards;
- (3) successfully completes:
  - (A) an online or in-person supplemental peace officer course of not more than 120 hours; and
  - (B) other in-person training requirements of not more than 40 hours;
- (4) passes a peace officer reactivation examination;
- (5) files an application; and
- (6) pays any required fees

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2015, 84th Leg., R.S., Ch. 347 (H.B. 872), Sec. 1, eff. September 1, 2015.

§1701.3161. REACTIVATION OF PEACE OFFICER LICENSE: RETIRED PEACE OFFICERS

(a) In this section, "retired peace officer" means a person who served as a peace officer in this state who:

- (1) is not currently serving as an elected, appointed, or employed peace officer under Article 2.12, Code of Criminal Procedure, or other law;
- (2) was eligible to retire from a law enforcement agency in this state or was ineligible to retire only as a result of an injury received in the course of the officer's employment with the law enforcement agency; and
- (3) is eligible to receive a pension or annuity for service as a law enforcement officer in this state or is ineligible to receive a pension or annuity only because the law enforcement agency that employed the officer does not offer a pension or annuity to its employees.

(b) The commission shall adopt rules for the reactivation of a retired peace officer's license after a break in employment. The rules must allow a retired peace officer to reactivate the officer's license by completing the continuing education requirements prescribed by Section 1701.351 and completing any other continuing education requirement imposed by law in lieu of successfully completing any examination required by the commission for reactivation.

(c) The commission may waive the reinstatement fee established for the reactivation of a peace officer's license for a retired peace officer who is eligible for reactivation as provided by Subsection (b).

Added by Acts 2007, 80th Leg., R.S., Ch. 878 (H.B. 1955), Sec. 3, eff. June 15, 2007.

§1701.317. LIMITATION ON INFORMATION REQUIRED FOR LICENSE RENEWAL

The requirements and procedures adopted by the commission for the renewal of a license issued under this chapter:

(1) may not require an applicant to provide unchanged criminal history information already included in one or more of the applicant's previous applications for licensure or for license renewal filed with the commission; and

(2) may require the applicant to provide only information relevant to the period occurring since the date of the applicant's last application for licensure or for license renewal, as applicable, including information relevant to any new requirement applicable to the license held by the applicant.

Added by Acts 2009, 81st Leg., R.S., Ch. 332 (H.B. 846), Sec. 2, eff. September 1, 2009.

SUBCHAPTER H. CONTINUING EDUCATION AND YEARLY WEAPONS PROFICIENCY

§1701.351. CONTINUING EDUCATION REQUIRED FOR PEACE OFFICERS

(a) Each peace officer shall complete at least 40 hours of continuing education programs once every 24 months. The commission may suspend the license of a peace officer who fails to comply with this requirement.

(a-1) As part of the continuing education programs under Subsection (a), a peace officer must complete a training and education program that covers recent changes to the laws of this state and of the United States pertaining to peace officers.

(b) The commission by rule shall provide for waiver of the requirements of this section when mitigating circumstances exist.

(c) The commission shall credit a peace officer with meeting the continuing education requirements of this section if during the relevant 24-month period the peace officer serves on active duty as a member of the United States military for at least 12 months or serves as an elected member of the legislature. Credit for continuing education under this subsection does not affect any requirement to demonstrate continuing weapons proficiency under Section 1701.355.

(d) A peace officer who is second in command to a police chief of a law enforcement agency and who attends a continuing education program for command staff provided by the Bill Blackwood Law Enforcement Management Institute of Texas under Section 96.641, Education Code, is exempt from the continuing education requirements of this subchapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1157, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1236 (H.B. 1438), Sec. 1, eff. June 18, 2005.

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 15, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 602 (S.B. 244), Sec. 3, eff. September 1, 2011.

§1701.352. CONTINUING EDUCATION PROGRAMS

(a) The commission shall recognize, prepare, or administer continuing education programs for officers and county jailers.

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

- (1) topics selected by the agency; and
- (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:
  - (A) civil rights, racial sensitivity, and cultural diversity;
  - (B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; and
  - (C) unless determined by the agency head to be inconsistent with the officer's assigned duties:
    - (i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and
    - (ii) issues concerning sex offender characteristics.

(c) A course provided under Subsection (b) may use instructional materials developed by the agency or its trainers or by entities having training agreements with the commission in addition to materials included in curricula developed by the commission.

(d) A peace officer who is appointed or will be appointed to the officer's first supervisory position must receive in-service training on supervision as part of the course provided for the officer under Subsection (b) not earlier than the 12th month before the date of that appointment or later than the first anniversary of []the date of that appointment.

(e) The commission may require a state, county, special district, or municipal agency that appoints or employs a reserve law enforcement officer, county jailer, or public security officer to provide each of those persons with education and training in civil rights, racial sensitivity, and cultural diversity at least once every 48 months.

(f) Training in documentation of cases required by Subsection (b) shall include instruction in:

- (1) making a written account of the extent of injuries sustained by the victim of an alleged offense;
- (2) recording by photograph or videotape the area in which an alleged offense occurred and the victim's injuries; and
- (3) recognizing and recording a victim's statement that may be admissible as evidence in a proceeding concerning the matter about which the statement was made.

(g) The training and education program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments under Subsection (b)(2)(B) may not be provided as an online course. The commission shall:

- (1) determine best practices for interacting with persons with mental impairments, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas; and

(2) review the education and training program under Subsection (b)(2)(B) at least once every 24 months.

(h) The commission shall require a state, county, special district, or municipal agency that employs telecommunicators to provide each telecommunicator with 24 hours of crisis communications instruction approved by the commission. The instruction must be provided on or before the first anniversary of the telecommunicator's first day of employment.

(i) A state agency, county, special district, or municipality that appoints or employs a telecommunicator shall provide training to the telecommunicator of not less than 20 hours during each 24-month period of employment. The training must be approved by the commission and consist of topics selected by the commission and the employing entity.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1157, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 16, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. 3823), Sec. 8, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 8, eff. January 1, 2014.

Acts 2015, 84th Leg., R.S., Ch. 418 (H.B. 3211), Sec. 1, eff. June 10, 2015.

§1701.353. CONTINUING EDUCATION PROCEDURES

(a) The commission by rule shall adopt procedures to:

(1) ensure the timely and accurate reporting by agencies and persons licensed under this chapter of information related to training programs offered under this subchapter, including procedures for creating training records for license holders; and

(2) provide adequate notice to agencies and license holders of impending noncompliance with the training requirements of this subchapter so that the agencies and license holders may comply within the 24-month period or 48-month period, as appropriate.

(b) The commission shall require agencies to report to the commission in a timely manner the reasons that a license holder is in noncompliance after the agency receives notice by the commission of the license holder's noncompliance. The commission shall, following receipt of an agency's report or on a determination that the agency has failed to report in a timely manner, notify the license holder by certified mail of the reasons the license holder is in noncompliance and that the commission at the request of the license holder will hold a hearing as provided by this subsection if the license holder fails to obtain the required training within 60 days after the date the license holder receives notice under this subsection. The commission shall conduct a hearing consistent with Section 1701.504 if the license holder claims that:

(1) mitigating circumstances exist; or

(2) the license holder failed to complete the required training because the license holder's employing agency did not provide an adequate opportunity for the license holder to attend the required training course.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1236 (H.B. 1438), Sec. 2, eff. June 18, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1224 (S.B. 542), Sec. 4, eff. September 1, 2011.

§1701.354. CONTINUING EDUCATION FOR DEPUTY CONSTABLES

(a) If the commission requires a state, county, special district, or municipal agency that employs a deputy constable to provide the deputy constable with a training program under Section 1701.352, the commission shall require the deputy constable to attend at least 20 hours of instruction in civil process.

(b) The commission shall adopt rules and procedures concerning a civil process course, including rules providing for:

(1) approval of course content and standards; and

(2) issuance of course credit.

(c) The commission may waive the instruction requirements for a deputy constable under this section:

(1) if a constable requests a waiver for the deputy constable based on a representation that the deputy constable's duty assignment does not involve civil process responsibilities; or

(2) if the deputy constable requests a waiver because of hardship and the commission determines that a hardship exists.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2005, 79th Leg., Ch. 735 (H.B. 2574), Sec. 1, eff. June 17, 2005.
Acts 2005, 79th Leg., Ch. 954 (H.B. 1588), Sec. 3, eff. June 18, 2005.
Reenacted by Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 12.001, eff. September 1, 2007.

§1701.3545. INITIAL TRAINING AND CONTINUING EDUCATION FOR CONSTABLES

(a) A public institution of higher education selected by the commission shall establish and offer a program of initial training and a program of continuing education for constables. The curriculum for each program must relate to law enforcement management and civil process issues. The institution selected under this subsection shall develop the curriculum for the programs. The curriculum must be approved by the commission.

(b) Each constable must complete at least 40 hours of continuing education provided by the selected institution under this section each 48-month period. The commission by rule shall establish a uniform 48-month continuing education training period.

(c) An individual appointed or elected to that individual's first position as constable must complete at least 40 hours of initial training for new constables in accordance with Subsections (d) and (e).

(d) A newly appointed or elected constable shall complete the initial training program for new constables not later than the second anniversary of that individual's appointment or election as constable. The initial training program for new constables is in addition to the initial training required by this chapter. The commission by rule shall establish that the first continuing education training period for an individual under Subsection (b) begins on the first day of the first uniform continuing education training period that follows the date the individual completed the initial training program.

(e) The institution selected under Subsection (a) by rule may provide for the waiver of:

(1) all or part of the required 40 hours of initial training for new constables to the extent the new constable has satisfactorily completed equivalent training during the 24 months preceding the individual's appointment or election; or

(2) the continuing education requirements of Subsection (b) for an individual who has satisfactorily completed equivalent continuing education during the preceding 24 months.

(f) An individual who is subject to the continuing education requirements of Subsection (b) is exempt from other continuing education requirements under this subchapter.

(g) The commission shall establish procedures to annually determine the status of the peace officer license of each elected constable and to ensure that constables comply with this section. The commission shall forward to the attorney general's office documentation for each constable who does not comply with this section. A constable who does not comply with this section forfeits the office and the attorney general shall institute a quo warranto proceeding under Chapter 66, Civil Practice and Remedies Code, to remove the constable from office.

(h) To the extent of a conflict between this section and any other law, this section controls.

Added by Acts 2005, 79th Leg., Ch. 954 (H.B. 1588), Sec. 2, eff. June 18, 2005.
Amended by:
Acts 2007, 80th Leg., R.S., Ch. 622 (H.B. 487), Sec. 1, eff. June 15, 2007.

§1701.355. CONTINUING DEMONSTRATION OF WEAPONS PROFICIENCY

(a) An agency that employs one or more peace officers shall designate a firearms proficiency officer and require each peace officer the agency employs to demonstrate weapons proficiency to the firearms proficiency officer at least annually. The agency shall maintain records of the weapons proficiency of the agency's peace officers.

(b) On request, the commission may waive the requirement that a peace officer demonstrate weapons proficiency on a determination by the commission that the requirement causes a hardship.

(c) The commission by rule shall define weapons proficiency for purposes of this section.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 222 (S.B. 1303), Sec. 1, eff. September 1, 2009.
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 18, eff. September 1, 2009.

§1701.356. CERTAIN OFFICERS: REACTIVATION AND CONTINUING EDUCATION NOT REQUIRED

(a) An honorably retired commissioned officer of the Department of Public Safety who is a special ranger under Section 411.023, Government Code, may not be required to undergo training under Section 1701.352(b).

(b) An honorably retired commissioned officer of the Department of Public Safety who is a special ranger under Section 411.023, Government Code, or a retired state employee and who holds a permanent license issued before January 1981 and that was current on January 1, 1995:

(1) has the same rights and privileges as any other peace officer of this state;
(2) holds, notwithstanding Section 1701.316, an active license unless the license is revoked, suspended, or probated by the commission for a violation of this chapter; and
(3) is not subject to Section 1701.351.

(c) An honorably retired commissioned officer of the Department of Public Safety who is a special ranger under Section 411.023, Government Code, or who is a special Texas Ranger under Section 411.024, Government Code, may not be required to undergo training under Section 1701.253(j).

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14.009, eff. Sept. 1, 2003.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 920 (H.B. 2991), Sec. 2, eff. June 19, 2009.

§1701.357. WEAPONS PROFICIENCY FOR CERTAIN RETIRED PEACE OFFICERS AND FEDERAL LAW ENFORCEMENT OFFICERS AND FOR FORMER RESERVE LAW ENFORCEMENT OFFICERS

(a) This section applies only to:
(1) a peace officer;
(2) a federal criminal investigator designated as a special investigator under Article 2.122, Code of Criminal Procedure;
(3) a qualified retired law enforcement officer who is entitled to carry a concealed firearm under 18 U.S.C. Section 926C and is not otherwise described by Subdivision (1) or (2); and
(4) a former reserve law enforcement officer who served in that capacity not less than a total of 15 years with one or more state or local law enforcement agencies.

(b) The head of a state or local law enforcement agency may allow an honorably retired peace officer an opportunity to demonstrate weapons proficiency if the retired officer provides to the agency a sworn affidavit stating that:
(1) the officer:
(A) honorably retired after not less than a total of 15 years of service as a commissioned officer with one or more state or local law enforcement agencies; or
(B) before completing 15 years of service as a commissioned officer with one or more state or local law enforcement agencies, separated from employment with the agency or agencies and is a qualified retired law enforcement officer, as defined by 18 U.S.C. Section 926C;
(2) the officer's license as a commissioned officer was not revoked or suspended for any period during the officer's term of service as a commissioned officer; and
(3) the officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun.

(b-1) The head of a state or local law enforcement agency may allow a person who served as a reserve law enforcement officer as described by Subsection (a)(4) an opportunity to demonstrate weapons proficiency if the person provides to the agency a sworn affidavit stating that:

(1) the person served not less than a total of 15 years as a reserve law enforcement officer with one or more state or local law enforcement agencies;

(2) the person's appointment as a reserve law enforcement officer was not revoked or suspended for any period during the person's term of service; and

(3) the person has no psychological or physical disability that would interfere with the person's proper handling of a handgun.

(c) The agency shall establish written procedures for the issuance or denial of a certificate of proficiency under this section. The agency shall issue the certificate to a retired officer who satisfactorily demonstrates weapons proficiency under Subsection (b), provides proof that the officer is entitled to receive a pension or annuity for service with a state or local law enforcement agency or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the retired officer does not offer a pension or annuity to its retired employees, and satisfies the written procedures established by the agency. The agency shall issue the certificate to a person described by Subsection (a)(4) who satisfactorily demonstrates weapons proficiency under Subsection (b-1). The agency shall maintain records of any person who holds a certificate issued under this section.

(c-1) For purposes of Subsection (c), proof that a retired officer is entitled to receive a pension or annuity or is not entitled to receive a pension or annuity only because the agency that last employed the retired officer does not offer a pension or annuity may include a retired peace officer identification card issued under Subchapter H, Chapter 614, Government Code.

(d) A certificate issued under this section expires on the second anniversary of the date the certificate was issued. A person to whom this section applies may request an annual evaluation of weapons proficiency and issuance of a certificate of proficiency as needed to comply with applicable federal or other laws.

(e) The head of a state or local law enforcement agency may set and collect fees to recover the expenses the agency incurs in performing duties under this section.

(f) The amount of a fee set by a county law enforcement agency under Subsection (e) is subject to the approval of the commissioners court of the county. A county law enforcement agency that collects a fee under Subsection (e) shall deposit the amounts collected to the credit of the general fund of the county.

(g) A county law enforcement agency must obtain approval of the program authorized by this section from the commissioners court of the county before issuing a certificate of proficiency under this section.

(h) The head of a state law enforcement agency may allow an honorably retired federal criminal investigator or a qualified retired law enforcement officer to whom this section applies an opportunity to demonstrate weapons proficiency in the same manner as, and subject to the same requirements applicable to, an honorably retired peace officer as described by this section. The agency shall issue a certificate of proficiency to an honorably retired federal criminal investigator or a qualified retired law enforcement officer who otherwise meets the requirements of this section and shall maintain records regarding the issuance of that certificate.

(i) On request of an honorably retired officer who holds a certificate of proficiency under this section, the head of the state or local law enforcement agency from which the officer retired shall issue to the retired officer identification that indicates that the officer honorably retired from the agency. An identification under this subsection must include a photograph of the retired officer.

(j) On request of a person described by Subsection (a)(4) who holds a certificate of proficiency under this section, the head of the state or local law enforcement agency at which the person last served as a reserve law enforcement officer shall issue to the person identification that indicates the person's status. An identification under this subsection must include a photograph of the person.

Added by Acts 2003, 78th Leg., ch. 325, Sec. 1, eff. Sept. 1, 2003.
Amended by:
Acts 2005, 79th Leg., Ch. 1093 (H.B. 2110), Sec. 2, eff. September 1, 2005.
Acts 2005, 79th Leg., Ch. 1179 (S.B. 578), Sec. 1, eff. September 1, 2005.
Acts 2007, 80th Leg., R.S., Ch. 1187 (H.B. 638), Sec. 2, eff. September 1, 2007.
Acts 2009, 81st Leg., R.S., Ch. 428 (H.B. 2068), Sec. 1, eff. June 19, 2009.
Acts 2013, 83rd Leg., R.S., Ch. 1080 (H.B. 3370), Sec. 2, eff. September 1, 2013.
Acts 2013, 83rd Leg., R.S., Ch. 1080 (H.B. 3370), Sec. 3, eff. September 1, 2013.

§1701.358. INITIAL TRAINING AND CONTINUING EDUCATION FOR POLICE CHIEFS

A police chief shall complete the initial training and continuing education required under Section 96.641, Education Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1224 (S.B. 542), Sec. 5, eff. September 1, 2011.

SUBCHAPTER I. PROFESSIONAL TRAINING AND RECOGNITION

§1701.401. PROFESSIONAL ACHIEVEMENT

(a) In this section:
  (1) "Professional achievement" includes an instance in which an individual through personal initiative, fixity of purpose, persistence, or endeavor creates a program or system that has a significant positive impact on the law enforcement profession that exceeds the normal expectations of job performance.
  (2) "Public service" includes an instance in which an individual through initiative creates or participates in a program or system that has a significant positive impact on the general population of a community that exceeds the normal expectations of job performance.
  (3) "Valor" includes an act of personal heroism or bravery that exceeds the normal expectations of job performance, including placing one's own life in jeopardy to save another person's life, to prevent serious bodily injury to another, or to prevent the consequences of a criminal act.

(b) The commission shall issue certificates that recognize professional achievement. For this purpose the commission shall use the employment records of the employing agency.

(c) The commission shall adopt rules for issuing achievement awards to peace officers, reserve peace officers, jailers, custodial officers, or telecommunicators who are licensed by the commission. The commission's rules shall require recommendations from an elected official of this state or a political subdivision, an administrator of a law enforcement agency, or a person holding a license issued by the commission.

(d) The awards shall be given in the name of this state and presented at the State Capitol during May of each year. At a minimum the award shall consist of a document, an appropriate medal, and a ribbon suitable for wearing on a uniform.

(e) The awards shall be issued in three areas: valor, public service, and professional achievement.

(f) The commission may present awards relating to not more than a total of 20 incidents and accomplishments each year.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 174 (H.B. 1492), Sec. 1, eff. May 27, 2009.
Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 9, eff. January 1, 2014.

§1701.402. PROFICIENCY CERTIFICATES

(a) The commission shall issue certificates that recognize proficiency based on law enforcement training, education, and experience. For this purpose the commission shall use the employment records of the employing agency.

(b) As a requirement for a basic proficiency certificate, the commission shall require completion of local courses or programs of instruction on federal and state statutes that relate to employment issues affecting peace officers, telecommunicators, and county jailers, including:

(1) civil service;

(2) compensation, including overtime compensation, and vacation time;

(3) personnel files and other employee records;

(4) management-employee relations in law enforcement organizations;

(5) work-related injuries;

(6) complaints and investigations of employee misconduct; and

(7) disciplinary actions and the appeal of disciplinary actions.

(c) An employing agency is responsible for providing the training required by this section.

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on asset forfeiture established by the commission under Section 1701.253(g).

(e) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(h).

(f) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on identity theft established by the commission under Section 1701.253(i).

(g) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program described by Section 1701.253 regarding de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(h) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on investigative topics established by the commission under Section 1701.253(b).

(i) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on civil rights, racial sensitivity, and cultural diversity established by the commission under Section 1701.253(c).

(j) As a requirement for an intermediate or advanced proficiency certificate issued by the commission on or after January 1, 2011, an officer must complete the basic education and training program on the trafficking of persons described by Section 1701.258(a).

(k) As a requirement for an intermediate or advanced proficiency certificate issued by the commission on or after January 1, 2015, an officer must complete an education and training program on missing and exploited children. The commission by rule shall establish the program. The program must:

(1) consist of at least four hours of training;

(2) include instruction on reporting an attempted child abduction to the missing children and missing persons information clearinghouse under Chapter 63, Code of Criminal Procedure;

(3) include instruction on responding to and investigating situations in which the Internet is used to commit crimes against children; and

(4) include a review of the substance of Chapters 20 and 43, Penal Code.

(l) As a requirement for an intermediate or advanced proficiency certificate issued by the commission on or after January 1, 2016, an officer must complete the canine encounter training program established by the commission under Section 1701.261.

(m) As a requirement for an intermediate or advanced proficiency certificate issued by the commission on or after January 1, 2016, an officer must complete an education and training program on the Texas Crime Information Center's child safety check alert list established by the commission under Section 1701.262.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 929, Sec. 6, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 947, Sec. 5, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 14.008, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1326, Sec. 9, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 393 (S.B. H1473H), Sec. 4, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 1002 (H.B. H4009H), Sec. 6, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. H3389H), Sec. 17, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. H1303H), Sec. 27.001(48), eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. H3823H), Sec. 9, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 571 (S.B. H742H), Sec. 9, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 31 (H.B. 593), Sec. 3, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1056 (H.B. 2053), Sec. 8, eff. September 1, 2015.

§1701.403. INVESTIGATIVE HYPNOSIS

(a) The commission may establish minimum requirements for the training, testing, and certification of peace officers who use investigative hypnosis.

(b) A peace officer may not use a hypnotic interview technique unless the officer:

(1) completes a training course approved by the commission; and

(2) passes an examination administered by the commission that is designed to test the officer's knowledge of investigative hypnosis.

(c) The commission may issue a professional achievement or proficiency certificate to an officer who meets the requirements of Subsection (b).

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.404. CERTIFICATION OF OFFICERS FOR MENTAL HEALTH ASSIGNMENTS

(a) The commission by rule may establish minimum requirements for the training, testing, and certification of special officers for offenders with mental impairments.

(b) The commission may certify a sheriff, sheriff's deputy, constable, other peace officer, county jailer, or justice of the peace as a special officer for offenders with mental impairments if the person:

(1) completes a training course in emergency first aid and lifesaving techniques approved by the commission;

(2) completes a training course administered by the commission on mental health issues and offenders with mental impairments; and

(3) passes an examination administered by the commission that is designed to test the person's:

(A) knowledge and recognition of the characteristics and symptoms of mental illness, mental retardation, and mental disabilities; and

(B) knowledge of mental health crisis intervention strategies for people with mental impairments.

(c) The commission may issue a professional achievement or proficiency certificate to an officer, county jailer, or justice of the peace who meets the requirements of Subsection (b).

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1131 (H.B. 2093), Sec. 1, eff. September 1, 2009.

§1701.405. TELECOMMUNICATORS

(a) In this section:

(2) "Emergency" means the occurrence or imminent threat of damage, injury, or loss of life or property resulting from an extraordinary natural or man-made cause.

(1) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 855, Sec. 12, eff. September 1, 2011.

(3) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 855, Sec. 12, eff. September 1, 2011.

(b) This state or a political subdivision of this state may not employ a person to act as a telecommunicator unless the person:

(1) has had at least 40 hours of telecommunicator training as determined by the commission;

(2) is at least 18 years of age;

(3) holds a high school diploma or high school equivalency certificate; and

(4) holds a license to act as a telecommunicator or agrees to obtain the license not later than the first anniversary of the date of employment.

(b-1) A person employed to act as a telecommunicator who has not obtained a license to act as a telecommunicator under this chapter may not continue to act as a telecommunicator after the first anniversary of the date of employment unless the person obtains the license.

(b-2) Notwithstanding this section, an officer is not required to obtain a telecommunicator license to act as a telecommunicator.

(c) The commission shall accredit telecommunicator training programs that fulfill the minimum requirements for a telecommunicator. The commission shall adopt rules providing for the accreditation of telecommunicator training programs developed and taught by the Department of Public Safety, an institution of higher education, including a junior college, community college, or technical school, or any other entity approved by the commission.

(d) A person who completes an accredited training program under this section may, by letter to the commission, request a written acknowledgment from the commission that the person has met the minimum requirements for a telecommunicator as determined by the commission. The request must be accompanied, in accordance with commission rules, by evidence of satisfactory completion of an accredited telecommunicator training program. On a determination by the commission that the person meets the minimum requirements for a telecommunicator, the commission shall issue the written acknowledgment to the person.

(e) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 855, Sec. 12, eff. September 1, 2011.

(f) A person performing the duties of a telecommunicator and serving under permanent appointment on and before September 1, 1987, is not required to meet the requirements of this section as a condition of continued employment.

(g) Notwithstanding this section, a person may be appointed or serve as a telecommunicator on a temporary or probationary basis or may perform the duties of a telecommunicator in an emergency.

(h) A person appointed on a temporary or probationary basis after September 1, 1987, who does not satisfactorily complete an accredited telecommunicator training program before the first anniversary of the date the person is originally appointed shall be removed from the position. The person's temporary or probationary appointment may not be extended for more than one year except that not earlier than the first anniversary of the date the person is removed under this subsection, the employing agency may petition the commission for reinstatement of the person to temporary or probationary employment.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. H3823H), Sec. 10, eff. September 1, 2011.
Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. H3823H), Sec. 12, eff. September 1, 2011.
Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. H1951H), Sec. 10, eff. January 1, 2014.

SUBCHAPTER J. EMPLOYMENT RECORDS

§1701.451. PREEMPLOYMENT REQUEST FOR EMPLOYMENT TERMINATION REPORT AND SUBMISSION OF BACKGROUND CHECK CONFIRMATION FORM

(a) Before a law enforcement agency may hire a person licensed under this chapter, the agency head or the agency head's designee must:

(1) make a request to the commission for any employment termination report regarding the person that is maintained by the commission under this subchapter; and

(2) submit to the commission on the form prescribed by the commission confirmation that the agency:

(A) conducted in the manner prescribed by the commission a criminal background check regarding the person;

(B) obtained the person's written consent on a form prescribed by the commission for the agency to view the person's employment records;

(C) obtained from the commission any service or education records regarding the person maintained by the commission; and

(D) contacted each of the person's previous law enforcement employers.

(a-1) A law enforcement agency that obtains a consent form described by Subsection (a)(2)(B) shall make the person's employment records available to a hiring law enforcement agency on request.

(b) The commission by rule shall establish a system for verifying an electronically submitted request required by Subsection (a)(1).

(c) If the commission receives from a law enforcement agency a request that complies with Subsections (a)(1) and (b), the commission employee having the responsibility to maintain any employment termination report regarding the person who is the subject of the request shall release the report to the agency.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2005, 79th Leg., Ch. 1298 (H.B. 2677), Sec. 1, eff. September 1, 2005.
Acts 2007, 80th Leg., R.S., Ch. 1068 (H.B. 2445), Sec. 1, eff. September 1, 2007.
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 19, eff. September 1, 2009.

§1701.452. EMPLOYMENT TERMINATION REPORT

(a) The head of a law enforcement agency or the head's designee shall submit a report to the commission on a form prescribed by the commission regarding a person licensed under this chapter who resigns or retires from employment with the law enforcement agency, whose appointment with the law enforcement agency is terminated, or who separates from the law enforcement agency for any other reason. The report must be submitted by the head or the designee not later than the seventh business day after the date the license holder:

(1) resigns, retires, is terminated, or separates from the agency; and

(2) exhausts all administrative appeals available to the license holder, if applicable.

(b) The head of a law enforcement agency or the head's designee shall include in the report required under Subsection (a) a statement on whether the license holder was honorably

discharged, generally discharged, or dishonorably discharged and, as required by the commission, an explanation of the circumstances under which the person resigned, retired, or was terminated. For purposes of this subsection:

(1) "Honorably discharged" means a license holder who, while in good standing and not because of pending or final disciplinary actions or a documented performance problem, retired, resigned, or separated from employment with or died while employed by a law enforcement agency.

(2) "Generally discharged" means a license holder who:

(A) was terminated by, retired or resigned from, or died while in the employ of a law enforcement agency and the separation was related to a disciplinary investigation of conduct that is not included in the definition of dishonorably discharged; or

(B) was terminated by or retired or resigned from a law enforcement agency and the separation was for a documented performance problem and was not because of a reduction in workforce or an at-will employment decision.

(3) "Dishonorably discharged" means a license holder who:

(A) was terminated by a law enforcement agency or retired or resigned in lieu of termination by the agency in relation to allegations of criminal misconduct; or

(B) was terminated by a law enforcement agency or retired or resigned in lieu of termination by the agency for insubordination or untruthfulness.

(c) The commission by rule may further specify the circumstances that constitute honorably discharged, dishonorably discharged, and generally discharged within the definitions provided by Subsection (b).

(d) The head of the law enforcement agency from which a license holder resigns, retires, is terminated, or separates for reasons other than death, or the head's designee, shall provide to the license holder a copy of the report. The report must be provided to the license holder not later than the seventh business day after the date the license holder:

(1) resigns, retires, is terminated, or separates from the agency; and

(2) exhausts all administrative appeals available to the license holder, if applicable.

(e) If the person who is the subject of the employment termination report is deceased, the head of the law enforcement agency or the head's designee on request shall provide a copy of the report to the person's next of kin not later than the seventh business day after the date of the request.

(f) The head of a law enforcement agency or the head's designee satisfies the obligation to provide the report required under Subsection (d) or (e) by sending by certified mail:

(1) the report required under Subsection (d) to the last known address of the license holder if the license holder is not otherwise available; or

(2) the report required under Subsection (e) to the last known address of the next of kin if the next of kin who requested the report is not otherwise available.

(g) The head of a law enforcement agency or the head's designee must submit a report under this section each time a person licensed under this chapter resigns, retires, is terminated, or separates for any other reason from the agency. The report is an official government document.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2005, 79th Leg., Ch. 1298 (H.B. 2677), Sec. 2, eff. September 1, 2005.
Acts 2007, 80th Leg., R.S., Ch. 1068 (H.B. 2445), Sec. 2, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 399 (S.B. 545), Sec. 1, eff. September 1, 2011.

§1701.4521. LICENSE SUSPENSION FOR OFFICER DISHONORABLY DISCHARGED

(a) The commission shall suspend the license of an officer licensed under this chapter on notification that the officer has been dishonorably discharged if the officer has previously been dishonorably discharged from another law enforcement agency.

(b) An officer whose license is suspended under this section may appeal the suspension in writing to the commission not later than the 30th day after the date the officer is suspended.

(c) After a commission determination, the commission may revoke or reinstate the officer's license in accordance with rules or procedures adopted by the commission under this chapter related to revocation or reinstatement of a license. The commission shall revoke the officer's license if the officer does not appeal the suspension before the 30th day after the date the officer is suspended.

(d) The commission's decision does not affect:

(1) the employment relationship between an officer licensed under this chapter and a law enforcement agency; or

(2) any disciplinary action taken against an officer licensed under this chapter by a law enforcement agency.

Added by Acts 2007, 80th Leg., R.S., Ch. 1068 (H.B. 2445), Sec. 3, eff. September 1, 2007.

§1701.4525. PETITION FOR CORRECTION OF REPORT; HEARING

(a) A person who is the subject of an employment termination report maintained by the commission under this subchapter may contest information contained in the report by submitting to the law enforcement agency and to the commission a written petition on a form prescribed by the commission for a correction of the report not later than the 30th day after the date the person receives a copy of the report. On receipt of the petition, the commission shall refer the petition to the State Office of Administrative Hearings.

(b) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 399, Sec. 6, eff. September 1, 2011.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 399, Sec. 6, eff. September 1, 2011.

(d) A proceeding to contest information in an employment termination report is a contested case under Chapter 2001, Government Code.

(e) In a proceeding to contest information in an employment termination report for a report based on alleged misconduct, an administrative law judge shall determine if the alleged misconduct occurred by a preponderance of the evidence regardless of whether the person who is the subject of the report was terminated or the person resigned, retired, or separated in lieu of termination. If the alleged misconduct is not supported by a preponderance of the evidence, the administrative law judge shall order the commission to change the report. The commission shall send the changed report to the law enforcement agency that prepared the original employment termination report. The law enforcement agency shall replace the original employment termination report with the changed report.

(e-1) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 109, Sec. 3, eff. September 1, 2013.

(f) The commission shall adopt rules for the administration of this section.

(g) The commission is not considered a party in a proceeding conducted by the State Office of Administrative Hearings under this section.

Added by Acts 2005, 79th Leg., Ch. 1298 (H.B. 2677), Sec. 3, eff. September 1, 2005.
Amended by:
Acts 2007, 80th Leg., R.S., Ch. 1068 (H.B. 2445), Sec. 4, eff. September 1, 2007.
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 20, eff. September 1, 2009.
Acts 2011, 82nd Leg., R.S., Ch. 399 (S.B. 545), Sec. 3, eff. September 1, 2011.
Acts 2011, 82nd Leg., R.S., Ch. 399 (S.B. 545), Sec. 6, eff. September 1, 2011.
Acts 2013, 83rd Leg., R.S., Ch. 109 (S.B. 965), Sec. 1, eff. September 1, 2013.
Acts 2013, 83rd Leg., R.S., Ch. 109 (S.B. 965), Sec. 2, eff. September 1, 2013.
Acts 2013, 83rd Leg., R.S., Ch. 109 (S.B. 965), Sec. 3, eff. September 1, 2013.

§1701.453. MAINTENANCE OF REPORTS AND STATEMENTS

The commission shall maintain a copy of each report and statement submitted to the commission under this subchapter until at least the 10th anniversary of the date on which the report or statement is submitted.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 21, eff. September 1, 2009.

§1701.454. CONFIDENTIALITY

(a) All information submitted to the commission under this subchapter is confidential and is not subject to disclosure under Chapter 552, Government Code, unless the person resigned or was terminated due to substantiated incidents of excessive force or violations of the law other than traffic offenses.

(b) Except as provided by this subchapter, a commission member or other person may not release information submitted under this subchapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 182, Sec. 1, eff. Sept. 1, 2001.
Amended by:
Acts 2005, 79th Leg., Ch. 1298 (H.B. 2677), Sec. 4, eff. September 1, 2005.
Acts 2011, 82nd Leg., R.S., Ch. 399 (S.B. 545), Sec. 4, eff. September 1, 2011.

§1701.455. SUBPOENA

Information submitted to the commission under this subchapter is subject to subpoena only in a judicial proceeding.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 399 (S.B. 545), Sec. 5, eff. September 1, 2011.

§1701.456. IMMUNITY FROM LIABILITY

(a) The commission is not liable for civil damages for providing information contained in a report or statement maintained by the commission under this subchapter if the commission released the information as provided by this subchapter.

(b) A law enforcement agency, agency head, or other law enforcement official is not liable for civil damages for a report made by that agency or person if the report is made in good faith.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2005, 79th Leg., Ch. 1298 (H.B. 2677), Sec. 5, eff. September 1, 2005.

§1701.457. LIMITATION ON COMMISSION AUTHORITY

This subchapter does not authorize the commission to review disciplinary action taken by a law enforcement agency against a person licensed under this chapter or to issue a subpoena to compel the production of a document prepared or maintained by the agency in connection with a disciplinary matter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.458. VENUE

Venue for the prosecution of an offense under Section 37.10, Penal Code, that arises from a report required under this subchapter lies in the county where the offense occurred or in Travis County.

Added by Acts 2007, 80th Leg., R.S., Ch. 1068 (H.B. 2445), Sec. 5, eff. September 1, 2007.

SUBCHAPTER K. DISCIPLINARY PROCEDURES

§1701.501. DISCIPLINARY ACTION

(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:
   (1) this chapter;
   (2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or
   (3) a commission rule.

(b) The commission may establish procedures for the revocation of a license issued under this chapter.

(c) The commission by rule may adopt other necessary enforcement procedures.

(d) The commission may revoke a license issued under this chapter to an officer elected under the Texas Constitution only if the officer is convicted of:
  (1) a felony; or
  (2) a criminal offense directly involving the person's duties as an officer.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2007, 80th Leg., R.S., Ch. 279 (H.B. 488), Sec. 1, eff. September 1, 2007.
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 22, eff. September 1, 2009.

§1701.502. FELONY CONVICTION OR PLACEMENT ON COMMUNITY SUPERVISION

(a) The commission shall immediately revoke the license of a person licensed under this chapter who is convicted of a felony.
(b) The commission shall immediately suspend the license of a person licensed under this chapter who is charged with a felony and is placed on community supervision regardless of whether the court defers further proceedings without entering an adjudication of guilt.
(c) The commission may reinstate, as provided by commission rules, a license that is suspended under Subsection (b) when the license holder is released from community supervision.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.503. BARRATRY CONVICTION

The commission shall immediately revoke the license of a person licensed under this chapter who is convicted of barratry under Section 38.12, Penal Code.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.504. HEARING

(a) Except as provided by Sections 1701.502 and 1701.503, if the commission proposes to suspend or revoke a person's license, the person is entitled to a hearing conducted by the State Office of Administrative Hearings.
(b) If the commission proposes to refuse to renew a person's license, the person is entitled to a hearing conducted by the State Office of Administrative Hearings.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.505. ADMINISTRATIVE PROCEDURE

(a) Proceedings for a disciplinary action are governed by Chapter 2001, Government Code.
(b) Rules of practice adopted by the commission under Section 2001.004, Government Code, applicable to the proceedings for a disciplinary action may not conflict with rules adopted by the State Office of Administrative Hearings.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.506. APPEAL

(a) A person dissatisfied with an action of the commission may appeal the action under Chapter 2001, Government Code. The court shall set the matter for hearing not earlier than 10 days after written notice of the appeal is given to the commission and the commission's attorney.

(b) The court may suspend an action of the commission pending a hearing. The order suspending the action takes effect when served on the commission. The commission shall provide its attorney a copy of the petition and order.

(c) The attorney general or the district or county attorney shall represent the commission in the appeal.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.507. ADMINISTRATIVE PENALTIES

(a) In addition to other penalties imposed by law, a law enforcement agency or governmental entity that violates this chapter or a rule adopted under this chapter is subject to an administrative penalty in an amount set by the commission not to exceed $1,000 per day per violation. The administrative penalty shall be assessed in a proceeding conducted in accordance with Chapter 2001, Government Code.

(b) The amount of the penalty shall be based on:
   (1) the seriousness of the violation;
   (2) the respondent's history of violations;
   (3) the amount necessary to deter future violations;
   (4) efforts made by the respondent to correct the violation; and
   (5) any other matter that justice may require.

(c) The commission by rule shall establish a written enforcement plan that provides notice of the specific ranges of penalties that apply to specific alleged violations and the criteria by which the commission determines the amount of a proposed administrative penalty.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 23, eff. September 1, 2009.

SUBCHAPTER L. CRIMINAL PENALTY

Sec. 1701.551. CRIMINAL PENALTY FOR APPOINTMENT OR RETENTION OF CERTAIN PERSONS

(a) A person commits an offense if the person appoints or retains another person as an officer, county jailer, or telecommunicator in violation of Section 1701.301, 1701.303, 1701.306, or 1701.405.

(b) An offense under Subsection (a) is a misdemeanor punishable by a fine of not less than $100 and not more than $1,000.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 11, eff. January 1, 2014.

§1701.552. CRIMINAL PENALTY FOR APPOINTMENT OF PERSON NOT CERTIFIED FOR INVESTIGATIVE HYPNOSIS

(a) A person commits an offense if the person appoints or retains another person in violation of Section 1701.403.

(b) An offense under Subsection (a) is a misdemeanor punishable by a fine of not less than $100 and not more than $1,000.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

§1701.553. CRIMINAL PENALTY FOR APPOINTMENT OR RETENTION OF PERSONS WITH CERTAIN CONVICTIONS

(a) A person commits an offense if the person appoints, employs, or retains an individual as an officer, public security officer, telecommunicator, or county jailer in violation of Section 1701.312 or 1701.313.

(b) An offense under Subsection (a) is a state jail felony.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by:
Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. 3823), Sec. 11, eff. September 1, 2011.

§1701.554. VENUE

Venue for the prosecution of an offense that arises from a violation of this chapter or in connection with the administration of this chapter lies in the county where the offense occurred or in Travis County.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 24, eff. September 1, 2009.

SUBCHAPTER M. VISITING RESOURCE OFFICER IN PUBLIC SCHOOL

§1701.601. DEFINITION

In this subchapter, "school resource officer" means a peace officer who is assigned by the officer's employing political subdivision to provide:

(1) a police presence at a public school;

(2) safety or drug education to students of a public school; or

(3) other similar services.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 2, eff. Sept. 1, 2001.

§1701.602. LICENSE REQUIRED

A peace officer who is a visiting school resource officer in a public school must be licensed as provided by this chapter.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 2, eff. Sept. 1, 2001.

§1701.603. FIREARMS ACCIDENT PREVENTION PROGRAM

(a) A peace officer who is a visiting school resource officer in a public elementary school shall at least once each school year offer to provide instruction to students in a firearms accident prevention program, as determined by the school district.

(b) A firearms accident prevention program must include the safety message, "Stop! Don't Touch. Leave the Area. Tell an Adult.", and may include instructional materials from the National Rifle Association Eddie Eagle GunSafe Program, including animated videos and activity books.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 2, eff. Sept. 1, 2001.

SUBCHAPTER N. BODY WORN CAMERA PROGRAM

§1701.651. DEFINITIONS IN THIS SUBCHAPTER:

(1) "Body worn camera" means a recording device that is:

(A) capable of recording, or transmitting to be recorded remotely, video or audio; and

(B) worn on the person of a peace officer, which includes being attached to the officer's clothing or worn as glasses.

(2) "Department" means the Department of Public Safety of the State of Texas.

(3) "Private space" means a location in which a person has a reasonable expectation of privacy, including a person's home.

Added by Acts 2015, 84th Leg., R.S., Ch. 1134 (S.B. 158), Sec. 1, eff. September 1, 2015.

§1701.652. GRANTS FOR BODY WORN CAMERAS

(a) A police department of a municipality in this state, a sheriff of a county in this state who has received the approval of the commissioners court for the purpose, or the department may apply to the office of the governor for a grant to defray the cost of implementing this subchapter and to equip peace officers with body worn cameras if that law enforcement agency employs officers who:

(1) are engaged in traffic or highway patrol or otherwise regularly detain or stop motor vehicles; or

(2) are primary responders who respond directly to calls for assistance from the public.

(b) The office of the governor shall set deadlines for applications for grants under this chapter.

(c) Except as provided by Subsection (d), the office of the governor shall create and implement a matching grant program under which matching funds from federal, state, local, and other funding sources may be required as a condition of the grant. A law enforcement agency that receives a grant under this section is required to match 25 percent of the grant money.

(d) The department is eligible for grants under this subchapter but may not be made subject to any requirement for matching funds.

(e) The governor's office may conditionally award a grant to a law enforcement agency that has not adopted and implemented the policy under Section 1701.655 or implemented the training required under Section 1701.656, but money may not be disbursed to a law enforcement agency until the agency fully complies with those sections.

Added by Acts 2015, 84th Leg., R.S., Ch. 1134 (S.B. 158), Sec. 1, eff. September 1, 2015.

§1701.653. REPORTING

(a) As a condition of receiving a grant under this subchapter, a law enforcement agency annually shall report to the commission regarding the costs of implementing a body worn camera program, including all known equipment costs and costs for data storage.

(b) The commission shall compile the information submitted under Subsection (a) into a report and submit the report to the office of the governor and the legislature not later than December 1 of each year.

Added by Acts 2015, 84th Leg., R.S., Ch. 1134 (S.B. 158), Sec. 1, eff. September 1, 2015.

§1701.654. INTERAGENCY OR INTERLOCAL CONTRACTS.

(a) A law enforcement agency in this state may enter into an interagency or interlocal contract to receive body worn camera services and have the identified operations performed through a program established by the Department of Information Resources.

Added by Acts 2015, 84th Leg., R.S., Ch. 1134 (S.B. 158), Sec. 1, eff. September 1, 2015.

§1701.655. BODY WORN CAMERA POLICY

(a) A law enforcement agency that receives a grant to provide body worn cameras to its peace officers or that otherwise operates a body worn camera program shall adopt a policy for the use of body worn cameras.

(b) A policy described by Subsection (a) must ensure that a body worn camera is activated only for a law enforcement purpose and must include:

(1) guidelines for when a peace officer should activate a camera or discontinue a recording currently in progress, considering the need for privacy in certain situations and at certain locations;

(2) provisions relating to data retention, including a provision requiring the retention of video for a minimum period of 90 days;

(3) provisions relating to storage of video and audio, creation of backup copies of the video and audio, and maintenance of data security;
(4) guidelines for public access, through open records requests, to recordings that are public information;
(5) provisions entitling an officer to access any recording of an incident involving the officer before the officer is required to make a statement about the incident;
(6) procedures for supervisory or internal review; and
(7) the handling and documenting of equipment and malfunctions of equipment.

(c) A policy described by Subsection (a) may not require a peace officer to keep a body worn camera activated for the entire period of the officer's shift.

(d) A policy adopted under this section must be consistent with the Federal Rules of Evidence and Texas Rules of Evidence.

Added by Acts 2015, 84th Leg., R.S., Ch. 1134 (S.B. 158), Sec. 1, eff. September 1, 2015.

§1701.656. TRAINING

(a) Before a law enforcement agency may operate a body worn camera program, the agency must provide training to:
(1) peace officers who will wear the body worn cameras; and
(2) any other personnel who will come into contact with video and audio data obtained from the use of body worn cameras.

(b) The commission, in consultation with the department, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth Jr. Police Institute at Dallas, and the Texas Police Chiefs Association, shall develop or approve a curriculum for a training program under this section.

Added by Acts 2015, 84th Leg., R.S., Ch. 1134 (S.B. 158), Sec. 1, eff. September 1, 2015.

§1701.657. RECORDING INTERACTIONS WITH THE PUBLIC

(a) A peace officer equipped with a body worn camera shall act in a manner that is consistent with the policy of the law enforcement agency that employs the officer with respect to when and under what circumstances a body worn camera must be activated.

(b) A peace officer equipped with a body worn camera may choose not to activate a camera or may choose to discontinue a recording currently in progress for any nonconfrontational encounter with a person, including an interview of a witness or victim.

(c) A peace officer who does not activate a body worn camera in response to a call for assistance must include in the officer's incident report or otherwise note in the case file or record the reason for not activating the camera.

(d) Any justification for failing to activate the body worn camera because it is unsafe, unrealistic, or impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision.

Added by Acts 2015, 84th Leg., R.S., Ch. 1134 (S.B. 158), Sec. 1, eff. September 1, 2015.

§1701.658. USE OF PERSONAL EQUIPMENT

(a) If a law enforcement agency receives a grant under this subchapter, a peace officer who is employed by the agency and who is on duty may only use a body worn camera that is issued and maintained by that agency.

(b) Notwithstanding any previous policies, an agency may not allow its peace officers to use privately owned body worn cameras after receiving a grant under this subchapter.

(c) A peace officer who is employed by a law enforcement agency that has not received a grant or who has not otherwise been provided with a body worn camera by the agency that employs the officer may operate a body worn camera that is privately owned only if permitted by the employing agency.

(d) An agency that authorizes the use of privately owned body worn cameras under Subsection (c) must make provisions for the security and compatibility of the recordings made by those cameras.

Added by Acts 2015, 84th Leg., R.S., Ch. 1134 (S.B. 158), Sec. 1, eff. September 1, 2015.

§1701.659. OFFENSE

(a) A peace officer or other employee of a law enforcement agency commits an offense if the officer or employee releases a recording created with a body worn camera under this subchapter without permission of the applicable law enforcement agency.

(b) An offense under this section is a Class A misdemeanor.

Added by Acts 2015, 84th Leg., R.S., Ch. 1134 (S.B. 158), Sec. 1, eff. September 1, 2015.

§1701.660. RECORDINGS AS EVIDENCE

(a) Except as provided by Subsection (b), a recording created with a body worn camera and documenting an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted, destroyed, or released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded.

(b) A law enforcement agency may release to the public a recording described by Subsection (a) if the law enforcement agency determines that the release furthers a law enforcement purpose.

(c) This section does not affect the authority of a law enforcement agency to withhold under Section 552.108, Government Code, information related to a closed criminal investigation that did not result in a conviction or a grant of deferred adjudication community supervision.

Added by Acts 2015, 84th Leg., R.S., Ch. 1134 (S.B. 158), Sec. 1, eff. September 1, 2015.

§1701.661. RELEASE OF INFORMATION RECORDED BY BODY WORN CAMERA

(a) A member of the public is required to provide the following information when submitting a written request to a law enforcement agency for information recorded by a body worn camera:
   (1) the date and approximate time of the recording;
   (2) the specific location where the recording occurred; and
   (3) the name of one or more persons known to be a subject of the recording.

(b) A failure to provide all of the information required by Subsection (a) to be part of a request for recorded information does not preclude the requestor from making a future request for the same recorded information.

(c) Except as provided by Subsection (d), information recorded by a body worn camera and held by a law enforcement agency under this subchapter is not subject to the requirements of Section 552.021, Government Code.

(d) Information that is or could be used as evidence in a criminal prosecution is subject to the requirements of Section 552.021, Government Code.

(e) A law enforcement agency may:
   (1) seek to withhold information subject to Subsection (d) in accordance with procedures provided by Section 552.301, Government Code;
   (2) assert any exceptions to disclosure in Chapter 552, Government Code, or other law; or
   (3) release information requested in accordance with Subsection (a) after the agency redacts any information made confidential under Chapter 552, Government Code, or other law.

(f) A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

(g) The attorney general shall set a proposed fee to be charged to members of the public who seek to obtain a copy of a recording under this section. The fee amount must be sufficient to cover the cost of reviewing and making the recording. A law enforcement agency may provide a copy without charge or at a reduced charge if the agency determines that waiver or reduction of the charge is in the public interest.

(h) A recording is confidential and excepted from the requirements of Chapter 552, Government Code, if the recording:
   (1) was not required to be made under this subchapter or another law or under a policy adopted by the appropriate law enforcement agency; and
   (2) does not relate to a law enforcement purpose.

Added by Acts 2015, 84th Leg., R.S., Ch. 1134 (S.B. 158), Sec. 1, eff. September 1, 2015.

§1701.662. BODY WORN CAMERA RECORDINGS; REQUEST FOR ATTORNEY GENERAL DECISION

(a) Notwithstanding Section 552.301(b), Government Code, a governmental body's request for a decision from the attorney general about whether a requested body worn camera recording falls within an exception to public disclosure is considered timely if made not later than the 20th business day after the date of receipt of the written request.

(b) Notwithstanding Section 552.301(d), Government Code, a governmental body's response to a requestor regarding a requested body worn camera recording is considered timely if made not later than the 20th business day after the date of receipt of the written request.

(c) Notwithstanding Section 552.301(e), Government Code, a governmental body's submission to the attorney general of the information required by that subsection regarding a requested body worn camera recording is considered timely if made not later than the 25th business day after the date of receipt of the written request.

(d) Notwithstanding Section 552.301(e-1), Government Code, a governmental body's submission to a requestor of the information required by that subsection regarding a requested body worn camera recording is considered timely if made not later than the 25th business day after the date of receipt of the written request.

Added by Acts 2015, 84th Leg., R.S., Ch. 1134 (S.B. 158), Sec. 1, eff. September 1, 2015.

§1701.663. PRODUCTION OF BODY WORN CAMERA RECORDING IN RESPONSE TO VOLUMINOUS PUBLIC INFORMATION REQUESTS

(a) Notwithstanding Section 552.221(d), Government Code, an officer for public information who is employed by a governmental body and who receives a voluminous request in accordance with Section 1701.661(a) is considered to have promptly produced the information for purposes of Section 552.221, Government Code, if the officer takes the actions required under Section 552.221 before the 21st business day after the date of receipt of the written request.

(b) For purposes of this section, "voluminous request" includes:

(1) a request for body worn camera recordings from more than five separate incidents;

(2) more than five separate requests for body worn camera recordings from the same person in a 24-hour period, regardless of the number of incidents included in each request; or

(3) a request or multiple requests from the same person in a 24-hour period for body worn camera recordings that, taken together, constitute more than five total hours of video footage.

Added by Acts 2015, 84th Leg., R.S., Ch. 1134 (S.B. 158), Sec. 1, eff. September 1, 2015.

III. Cross-Reference for Commission Statutes and Rules

Rule	Title	Statute(s)
211.1	Definitions	Tex. Occ. Code § 1701.151
211.3	Public Information	1701.060, 201- 204
211.7	Meeting Dates and Procedures	1701.058
211.9	Execution of Orders Showing Action Taken at Commission Meetings	1701.060
211.11	Contemplated Rule Making	1701.204
211.13	Notice of Commission Rulemaking	TX Gov Code 2001.028
211.15	Specific Authority to Waive Rules	1701.151
211.16	Establishment of an Appointing Entity	1701.163
211.17	Fees and Payment	1701.154
211.19	Forms and Applications	1701.1523, 153, 154
211.21	Issuance of Duplicate or Delayed Documents	1701.154
211.23	Date of Licensing or Certification	1701.152
211.25	Date of Appointment	1701.152; 405
211.26	Law Enforcement Agency Audits	1701.162
211.27	Reporting Responsibilities of Individuals	1701.153, 307, 3075
211.28	Responsibility of a Law Enforcement Agency to Report an Arrest	1701.153, 3075
211.29	Responsibilities of Agency Chief Administrators	1701.164, 303; 551; 552; 553
211.30	Chief Administrator Responsibilities for Class B Waivers	1701.307
211.31	Memorandum of Understanding on Continuity of Care	1701.404
211.33	Law Enforcement Achievement Awards	1701.401
211.35	Tuition Reimbursement for Commission Employees	TX Govt Code 656.047; 656.048
215.1	Commission Authorization of Training Providers	1701.251
215.2	General Application and Approval Process	
215.3	Law Enforcement Academy Training Provider	1701.251
215.5	Other Training Providers	1701.251
215.6	Academic Alternative Training Provider	1701.251
215.7	Training Provider Advisory Board	1701.252
215.9	Training Coordinator	1701.251
215.11	Training Provider Evaluations	1701.254
215.13	Risk Assessment	1701.254

III. Cross-Reference for Commission Statutes and Rules

Rule	Title	Statute(s)
215.17	General Contract Procedures and Provisions	1701.251
215.19	Contract Cancellation, Suspension, and Termination	1701.251
217.1	Minimum Standards for Enrollment and Initial Licensure	1701.151, 251, 253, 255, 256, 306-312, 405
217.3	Application for License and Initial Report of Appointment	1701.301, 303, 307
217.5	Denial and Cancellation	1701.151
217.7	Reporting Appointment and Separation of a Licensee	1701.451, 452, 4521
217.8	Contesting an Employment Termination Report	1701.4525
217.27	Appointment Eligibility of a Telecommunicator	1701.405, 255
218.1	Continuing Education Credit for Licensees	1701.352, 353, 354
218.3	Legislatively Required Continuing Education for Licensees	1701.253, 351-354, 3545
218.5	Reporting Legislatively Required Continuing Education	1701.353
218.7	Waiver of Legislatively Required Continuing Education	1701.351
218.9	Continuing Firearms Proficiency Requirements	1701.308, 355
218.11	Child Safety Check Alert List Training	1701.262
219.1	Eligibility to Take State Examinations	1701.304
219.2	Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police	1701.307, 316
219.3	Examination Administration	1701.304
219.5	Examinee Requirements	1701.304
219.7	Scoring of Examinations	1701.305
219.11	Reactivation of a License	1701.316, 3161
219.25	License Requirements for Persons with Military Special Forces Training	1701.151
221.1	Proficiency Certificate Requirements	1701.257, 258, 402
221.3	Proficiency Certificates	1701.402; 405
221.7	Investigative Hypnosis Proficiency	1701.403
221.11	Mental Health Officer Proficiency	1701.404
221.19	Firearms Instructor Proficiency	1701.402
221.21	Firearms Proficiency for Community Supervision Officers	1701.257

III. Cross-Reference for Commission Statutes and Rules

Rule	Title	Statute(s)
221.23	Academic Recognition Award	1701.402
221.25	Civil Process Proficiency	1701.402
221.27	Instructor Proficiency	1701.251, 402
221.28	Advanced Instructor Proficiency	1701.151
221.29	Sexual Assault/Family Violence Investigator Certificate	1701.402
221.31	Retired Peace Officer Firearms Proficiency	1701.357
221.33	Standardized Field Sobriety Testing (S.F.S.T.) Instructor Proficiency	1701.402
221.35	Firearms Proficiency for Juvenile Probation Officers	1701.258
221.37	Cybercrime Investigator Proficiency	1701.402
221.39	Crime Prevention Specialist Proficiency	1701.402
221.41	Court Security Specialist Certificate	1701.402
221.43	School-Based Law Enforcement Proficiency Certificate	1701.262; 263; TX Ed Code 37.0812
223.1	License Action and Notification	1701.501
223.2	Administrative Penalties	1701.507
223.3	Answer Required	1701.501, 505
223.5	Contested Cases and Hearings	1701.505; TX Govt Code 2001.004
223.13	Surrender of License	1701.501
223.14	Construction of Other Laws	1701.312
223.15	License Suspension	1701.1524, 312; 4521, 501
223.16	Probation and Mitigating Factors	1701.1524; 312; 4521
223.17	Reinstatement of a License	1701.501; 502
223.18	Suspension Following Felony Arrest	TX Govt Code 2001.054
223.19	License Revocation	1701.4521; 502, 501
225.1	Issuance of Contract Jailer License through a Contract Jail Facility	1701.151, 251, 253, 256, 306, 307, 3075, 308-312, 451, 452
225.3	Issuance of Peace Officer License through a Medical Corporation	1701.151, 251, 253, 256, 306, 307, 3075, 308-312, 451, 452
227.1	Appointing Entity Responsibilities	1701.260; TX Ed Code 51.220; TX CCP 2.127

III. Cross-Reference for Commission Statutes and Rules

Rule	Title	Statute(s)
227.3	School Marshal Licensing and Reporting Requirements	1701.260; TX Ed Code 51.220; TX CCP 2.127
227.5	School Marshal Training Entities	1701.260; TX Ed Code 51.220; TX CCP 2.127
227.7	School Marshal Renewals	1701.151
227.9	License Action	1701.151; 260; TX Ed Code 51.220; TX CCP 2.127
229.1	Eligibility for Memorial Monument	Tex. Gov't Code §§ 3105.003, 004.
229.3	Specific Eligibility of Memorial Monument	Tex. Gov't Code § 3105.004
229.5	Determination Standards	Tex. Gov't Code § 3105.004
229.7	Deaths Not Included	Tex. Gov't Code § 3105.004

IV. PROFICIENCY CERTIFICATE REQUIREMENTS

Current proficiency certificate charts can be found on our website at:

http://www.tcole.texas.gov/content/proficiency-certificates

V. COMMISSION FEE SCHEDULE (UPDATED 3-27-2014)

APPLICATIONS AND RENEWALS	Fee
Duplicate Document (license, certificate, other)	$35.00
Reactivation of a License	$250.00
Reinstatement of a License	$250.00
Retiree Reactivation	$150.00
Exam Application	$150.00
Agency Number	$1000.00
Probation/Parole Agency Number	$100.00
Licensed Academy, Non-proprietary or governmental body	$1000.00 for 5 year contract
Academic Provider	$1000.00
Training Contractor, Non-proprietary or governmental body	$1000.00 for 5 year contract
Training Contractor, Proprietary	$1000.00 for 5 year contract
Photo License Identification	$35.00
LICENSES	
Peace Officer	$0
Jailer	$0
Temporary Jailer	$0
Telecommunicator	$0
Temporary Telecommunicator	$0
School Marshal	$50
APPOINTMENTS	
Jailer for a Contract Facility (Temporary or Jailer)	$100.00
Peace Officer for a Medical Facility	$100.00
LICENSEE CERTIFICATION LEVEL DOCUMENTATION	
Intermediate Peace Officer	$35.00
Advanced Peace Officer	$35.00
Master Peace Officer	$35.00
Intermediate Jailer	$35.00
Advanced Jailer	$35.00
Master Jailer	$35.00
PROFICIENCY CERTIFICATES AND RENEWALS	
Basic Peace Officer	$35.00
Basic Jailer	$35.00
Investigative Hypnosis	$35.00
Standardized Field Sobriety Testing (SFST) Instructor	$35.00
Mental Health Officer	$35.00
Basic Telecommunicator	$35.00
Intermediate Telecommunicator	$35.00
Advanced Telecommunicator	$35.00
Master Telecommunicator	$35.00
Firearms Instructor	$35.00
Firearms Proficiency for Community Supervision Officer/Parole	$35.00
Firearms Proficiency for Juvenile Probation Officers	$35.00
Civil Process	$35.00
Basic Instructor	$35.00
Advanced Instructor	$35.00

Sexual Assault/Family Violence Investigator	$35.00
Retired Federal/Out-of-state Officer Firearms	$35.00
Cybercrime Investigator Proficiency	$35.00
Crime Prevention Specialist	$35.00
Court Security Specialist	$35.00
Proficiency Eligibility Research	$75.00
Other Approved Certificates	$35.00
AWARDS	
Academic Recognition	$35.00
EXAM ADMINISTRATION	
All exams in Austin office	$25.00
Renewal application to be an exam site	$500.00 for 4 year contract
OTHER FEES	
For access and approval of My TCOLE Learning training by non-TCOLE Licensees	TBD per course or per year fee
Certified copies of records	$35.00
Business record affidavit	$35.00
Review of Curriculum	Number of Credit Hours: 1 to 4 $100 5 to 8 $200 9 to 16 $300 17 to 24 $400 25 to 40 $500 Over 40 $100 for each additional 16 hours or portion thereof
Processing of paper documents (per document)	$35.00
PROCESSING ELECTRONIC DOCUMENTS THROUGH DEPARTMENTAL REPORTING SYSTEM (PER DOCUMENT)	
Appointment of Licensee (L1)	$35.00
Pre Employment Separation Request (F5R)	$35.00
Separation of Licensee (F5)	$35.00
Reports of training	$35.00
Racial Profiling data (CD)	$35.00
COURSES	
All Paper Courses	$35.00
Identity Crimes (CD only)	$6.00
New courses and/or publications	Cost recovery