

## **Proposed Amendments**

### **Proposed Amendment 1: Rule 211.1 (amended)**

**Summary:** The proposed amendment clarifies which police chiefs must attend chiefs training through the Bill Blackwood Law Enforcement Management Institute of Texas as required under Texas Administrative Code, Section 1701.358 and Texas Education Code, Section 96.641.

#### **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.
- (49) Police Chief--The head of a police department. A police chief is a chief administrator as defined above.
  - (50) Police Department--A municipal police department, an independent school district police department, or a police department of a public or private institution of higher education. This does not include state agencies that are not institutions of higher education, county agencies, water districts, city marshals' offices, or any other type of law enforcement agency not listed above.

### **Proposed Amendment 2: Rule 218.3 (repeal)**

**Summary:** This repeal is being replaced with a new Rule 218.3

### **Proposed Amendment 3: Rule 218.3 (new)**

**Summary:** The new rule consolidates all legislatively required continuing education training requirements into one rule.

#### **§218.3. Legislatively Required Continuing Education for Licensees.**

- (a) Each agency that appoints licensees shall provide each licensee with a continuing education program to meet or exceed the requirements of this section. This section does not limit the number of hours of continuing education an agency may provide.
- (b) Each training unit (2 years)
- 1) Peace officers shall complete at least 40 hours of continuing education, to include the corresponding legislative update for that unit.

- 2) Telecommunicators shall complete at least 20 hours of continuing education.
- (c) Each training cycle (4 years)
1. Peace officers who have not yet reached intermediate proficiency certification shall complete: Cultural Diversity (3939), Special Investigative Topics (3232), Crisis Intervention (3843) and De-escalation (1849).
  - 2) Individuals licensed as reserve law enforcement officers, jailers, or public security officers shall complete Cultural Diversity (3939), unless the person has completed or is otherwise exempted from legislative required training under another commission license or certificate.
- (d) Assignment specific training
- 1) Police chiefs: individuals appointed as "chief" or "police chief" of a police department shall complete:
    - a. For an individual appointed to that individual's first position as chief, the initial training program for new chiefs provided by the Bill Blackwood Law Enforcement Management Institute, not later than the second anniversary of that individual's appointment or election as chief; and
    - b. At least 40 hours of continuing education for chiefs each 24-month unit, as provided by the Bill Blackwood Law Enforcement Management Institute.
  - 2) Constables: elected or appointed constables shall complete:
    - a. For an individual appointed or elected to that individual's first position as constable, the initial training program for new constables provided by the Bill Blackwood Law Enforcement Management Institute, not later than the second anniversary of that individual's appointment or election as constable.
    - b. At least 40 hours of continuing education for constables each 48 month cycle, as provided by the Bill Blackwood Law Enforcement Management Institute.
  - 3) Deputy constables: each deputy constable shall complete a 20 hour course of training in civil process each training cycle. The commission may waive the requirement for this training if the constable, in the format required by TCOLE, requests exemption due to the deputy constable not engaging in civil process as part of their assigned duties.
  - 4) New supervisors: each peace officer assigned to their first position as a supervisor must complete new supervisor training within one year prior to or one year after appointment as a supervisor.
  - 5) School-based Law Enforcement Officers: School district peace officers and school resource officers providing law enforcement services 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.

- 6) Eyewitness Identification Officers: peace officers performing the function of eyewitness identification must first complete the Eyewitness Identification training (3286).
  - 7) Courtroom Security Officers/Persons: any person appointed to perform courtroom security functions at any level shall complete the Courtroom Security course (10999) within 1 year of appointment (to be added September 1, 2019).
  - 8) Body Worn Cameras- peace officers and other persons meeting the requirements of Occupations Code 1701.656 must first complete Body-worn Camera training (8158).
- (e) Miscellaneous training
- 1) Human Trafficking: every peace officer first licensed on or after January 1, 2011, must complete Human Trafficking (3270), within 1 year after licensing.
  - 2) Canine Encounters: every peace officer first licensed on or after January 1, 2016, must take Canine Encounters (4065), within 2 years of being licensed.
  - 3) Deaf and Hard of Hearing Drivers: every peace officer licensed on or after March 1, 2016, must complete Deaf and Hard of Hearing Drivers (7887) within 2 years of being licensed.
  - 4) Civilian Interaction Training: every peace officer licensed before January 1, 2018, must complete Civilian Interaction Training Program (CITP) within 2 years. All other peace officers must complete the course within 2 years of being licensed.
  - 5) Crisis Intervention Training: every peace officer licensed on or after April 1, 2018, must complete the 40 hour Crisis Intervention Training within 2 years of being licensed.
  - 6) Mental Health for Jailers: all county jailers must complete Mental Health for Jailers not later than August 31, 2021.
- (f) The Commission may choose to accept an equivalent course for any of the courses listed in this chapter, provided the equivalent course is evaluated by commission staff and found to meet or exceed the minimum curriculum requirements of the legislatively mandated course.
- (g) The commission shall provide adequate notice to agencies and licensees of impending non-compliance with the legislatively required continuing education.

- (h) 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.
- (i) Licensees shall complete the legislatively mandated continuing education in the first complete training unit, as required, or first complete training cycle, as required, after being licensed.
- (j) All peace officers must meet all continuing education requirements except where exempt by law.
- (k) The effective date of this section is November 1, 2018.

### **Proposed Amendment 4: Rule 223.17 (amended)**

**Summary:** The proposed amendment mirrors the current reactivation process.

#### **§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 reactivation of a license requirement in the format currently prescribed by the commission. ~~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 November 1, 2018. ~~{February 1, 2016.}~~