

# Proposed Amendments

## Proposed Amendment 1: Rule 211.1 (amended)

**Summary:** The proposed amendments include any successors of the Southern Association of Colleges and Schools under Texas Occupations Code, Section 1701.151.

### 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 or its successors 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 or its successors 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 its successors, or an international college or university evaluated and accepted by a United States accredited college or university.

## **Proposed Amendment 2: Rule 211.26 (amended)**

**Summary:** This amendment is necessary to reflect who may get the audit report.

### **§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~~may 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 February 1, 2020~~[July 14, 2011]~~.

### Proposed Amendment 3: Rule 217.1 (amended)

**Summary:** This amendment is necessary to reflect statutory changes pursuant to HB 4468 (86R).

#### §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, acceptable to the Commission, 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) minimum 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; or
    - (C) for enrollment purposes in a basic peace officer academy only, has an honorable discharge from the armed forces of the United States after at least 24 months of active duty service.
  - (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 completed by the enrolling or appointing entity into the applicant's personal history. A background investigation shall include, at a minimum, the following:
    - (A) An enrolling entity shall:
      - (i) require completion of the Commission-approved personal history statement;
      - (ii) verify that the applicant meets each individual requirement for licensure under this rule based on the personal history statement and any other information known to the enrolling entity; and
      - (iii) contact all previous enrolling entities.
    - (B) In addition to subparagraph (A) of this paragraph, a law enforcement agency or law enforcement agency academy shall:
      - (i) require completion of a personal history statement that meets or exceeds the Commission-approved personal history statement.
      - (ii) contact at least three personal references;
      - (iii) contact all employers for at least the last ten years, if applicable;
      - (iv) contact the chief administrator or the chief administrator's designee at each of the applicant's previous law enforcement employers; and
      - (v) complete criminal history and driving records checks.
- ...
- (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. A jailer appointed on a temporary basis shall be enrolled in a basic jailer licensing course on or before the 90th day after their temporary appointment. 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 may not be renewed and expires:
- (1) 12 months from the original appointment date; or
  - (2) on completion of training and passing of the jailer licensing examination.
- ~~On expiration of a temporary license, a person is not eligible for a new temporary jailer license for one year.~~
- (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:
- (1) 12 months from the original appointment date; or
  - (2) on completion of training and passing of the telecommunicator licensing examination.
- On expiration of a temporary license, a person is not eligible for a new temporary telecommunicator license for one year.
- (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, 2020~~[May 1, 2018]~~.

## **Proposed Amendment 4: Rule 217.7 (amended)**

**Summary:** This amendment is necessary to clarify when the separation of the licensee must be submitted.

### **§217.7. Reporting Appointment and Separation of a Licensee.**

- (a) Before a law enforcement agency may appoint a person licensed or seeking a license as a peace officer, county jailer, or telecommunicator the agency head or designee must:
- (1) obtain the person's written consent for the agency to view the person's employment records;
  - (2) obtain a copy of the Personal Status Report (PSR) maintained by the commission;
  - (3) obtain a completed, signed, and notarized Personal History Statement (PHS);
  - (4) obtain a Computerized Criminal History (CCH) from TCIC and NCIC;
  - (5) obtain proof of eligibility after separation from the military, if applicable;
  - (6) conduct and document a background investigation;
  - (7) for peace officers, obtain proof of weapons qualification within the 12 months preceding appointment;
  - (8) for current licensees, electronically request and obtain the F-5 Return (F5R) from the commission, contact each of the person's previous law enforcement employers, and document the contact on the F5 return; and
  - (9) in addition to the requirements listed in this section:
    - (A) For a licensee with more than 180 days since their last appointment:
      - i. obtain a new declaration of psychological and emotional health (L3 Form);
      - ii. obtain a new declaration of the lack of any drug dependency or illegal drug use (L2 Form); and
      - iii. obtain new proof that the licensee has been fingerprinted and subjected to a search of local, state and U.S. national records and fingerprint files to disclose any criminal record.
    - (B) For a person's initial appointment:
      - i. obtain proof of meeting educational requirements;
      - ii. obtain proof of meeting U.S. citizenship requirements;
      - iii. obtain new proof that the person has been fingerprinted and subjected to a search of local, state and U.S. national records and fingerprint files to disclose any criminal record;

- iv. obtain a new declaration of psychological and emotional health (L3 Form), if more than 180 days from the graduation of the basic licensing course;
  - v. obtain a new declaration of medical eligibility and lack of any drug dependency or illegal drug use (L2 Form), if more than 180 days from the graduation of the basic licensing course; and
  - vi. submit an appointment application (L1 Form) and receive an approval of the application before the person discharges any duties related to the license sought.
- (10) For current licensees, submit a Statement of Appointment (L1 Form) within 7 days of the appointment.
- (b) When a person licensed by the commission separates from an agency, the agency shall, within 7 business days after any local employment appeals are exhausted:
  - (1) submit a Separation report (Form F5) to the commission; and
  - (2) provide a copy to the licensee in a manner prescribed by Texas Occupations Code section 1701.452.
- (c) A law enforcement agency that is given a signed consent form shall make the person's employment records available to a hiring law enforcement agency as authorized by Texas Occupations Code section 1701.451.
- (d) An agency must retain records kept under this section while the person is appointed and for a minimum of five years after the licensee's separation date with that agency. The records must be maintained under the control of the agency head or designee in a format readily accessible to the commission.
- (e) The effective date of this section is February 1, 2020~~[May 1, 2018]~~.

## **Proposed Amendment 5: Rule 218.3 (amended)**

**Summary:** This amendment is necessary to reflect statutory changes pursuant to S.B. 11 (86R), S.B.1827 (86R), H. B. 1415 (86R), H. B. 2195, (86R), H. B.1552 (86R), H.B. 3503 (86R), H.B. 1735 (86R), and H.B. 292 (86R).

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

- (a) Each licensee shall complete the legislatively mandated continuing education in this chapter. Each appointing agency shall allow the licensee the opportunity to complete the legislatively mandated continuing education in this chapter. This section does not limit the number or 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) Each 48 month cycle, at least 40 hours of continuing education for constables each 48 month cycle, as provided by the Bill Blackwood Law Enforcement Management Institute, and a 20 hour course of training in civil process to be provided by a public institution of higher education selected by the Commission.
- (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~~180 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).
- (9) Officers Carrying Epinephrine Auto-injectors: peace officers meeting the requirements of Occupations Code 1701.702 must first complete epinephrine auto-injector training.
- (10) Jailer Firearm Certification: jailers carrying a firearm as part of their assigned duties must first obtain the Jailer Firearms certificate before carrying a firearm.
- (11) University Peace Officers, Trauma-Informed Investigation Training: each university or college peace officer shall complete an approved course on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, and stalking.

- (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 years of being licensed.
  - (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 February 1, 2020~~[November 1, 2018]~~.

## **Proposed Amendment 6: Rule 218.9 (amended)**

**Summary:** This amendment is necessary to reflect who is required to complete the required firearms proficiency requirements.

### **§218.9. Continuing Firearms Proficiency Requirements.**

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

- (1) require each peace officer or firearm certified jailer 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 peace officer or jailer;
  - (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, 2020[February 1, 2016].

## **Proposed Amendment 7: Rule 219.2 (amended)**

**Summary:** This amendment is necessary to reflect the courses and years of service required.

### **§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, any other courses, as required 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) Any applicant may be denied because of disciplinary action, including suspension or revocation, or misconduct in another jurisdiction.
- (m) All documents must bear original certification seals or stamps.
- (n) The effective date of this section is February 1, 2020~~[July 12, 2012]~~.

## Proposed Amendment 8: Rule 219.11 (amended)

**Summary:** This amendment is necessary to reflect which license is being reactivated.

### §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~~ peace officer 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~~ peace officer 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 requirements to reactivate a jailer or telecommunicator license 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,
    - (iii) make application and submit any required fee(s); and
    - (iv) pass the licensing exam.
  - (3) If more than five years from last appointment:
    - (i) meet current licensing standards;
    - (ii) successfully complete the applicable basic licensing course;
    - (iii) make application and submit any required fee(s); and
    - (iv) pass the licensing exam.
- (i) The effective date of this section is February 1, 2020~~[February 1, 2016]~~..

## **Proposed Amendment 9: Rule 221.1 (amended)**

**Summary:** This amendment is necessary to reflect statutory changes pursuant to HB 971 (86R).

### **§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.
  - (1) The commission shall give credit toward proficiency certification for successful completion of hours or degrees at accredited colleges and universities or for military service.
- (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 February 1, 2020~~[July 14, 2011]~~.

## **Proposed Amendment 10: Rule 221.43 (amended)**

**Summary:** This amendment is necessary to reflect statutory changes pursuant to SB 11 (86R) and HB 2195 (86R).

### **§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~~ 180 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, 2020~~[February 1, 2016]~~.

## **Proposed Amendment 11: Rule 221.43 (new)**

**Summary:** This new rule is necessary to follow the requirements of HB 1552 and HB 3503.

### **§221.45 Jailer Firearm Certificate**

(a) To qualify for a jailer firearms certificate, an applicant must complete a course as approved by the commission, under Texas Occupations Code 1701.2561, be currently appointed as a jailer, and make application to the commission.

(b) Jailers carrying a firearm as part of their assigned duties must first obtain the jailer firearms certificate before carrying the firearm and must maintain current firearms qualifications as shown in 218.9.

(c) The effective date of this section is February 1, 2020.