

## **PUBLICATION IN *TEXAS REGISTER***

The Texas Commission on Law Enforcement (Commission) adopts new 37 Texas Administrative Code §211.24, Licensee Service Report Database, without changes to the proposed text as published in the May 17, 2024 issue of the *Texas Register* (49 TexReg 3488-3489). The rule will not be republished.

This adopted new rule conforms with the addition of Texas Occupations Code §1701.205 made by Senate Bill 1445 (88R). Texas Occupations Code §1701.205 requires the Commission to establish a public database containing the service reports of each officer licensed by the Commission and to track each user's activity on the public database. It also requires the Commission to adopt rules to exclude the service report for certain officers from the public database if including the service report would create a safety risk for an undercover officer or an officer involved in an active sensitive operation. The adopted new rule outlines the process for an officer or a law enforcement agency to request that the service report for these certain officers be excluded from the public database and states how long certain user activity will be maintained by the Commission.

The public comment period began on May 17, 2024, and ended on June 20, 2024, at the conclusion of the public meeting of the Commission. No public comments were received regarding adoption of the new rule as proposed.

The new rule is adopted under Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, and §1701.205, Officer Personal Service Reports. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.205 requires the Commission to adopt rules to exclude from the public database service reports for certain officers.

The new rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, and §1701.205, Officer Personal Service Reports. No other code, article, or statute is affected by this adoption.

The adopted new rule has been reviewed by legal counsel and found to be a valid exercise of the Commission's legal authority.

### *§211.24. Licensee Service Report Database.*

(a) The commission will exclude from the public database established under Texas Occupations Code § 1701.205 the licensee service report (LSR) of certain officers if including the LSR in the public database would create a safety risk for an undercover officer or an officer involved in an active sensitive operation.

(b) An appointed officer or a law enforcement agency employing the officer may request, on a form prescribed by the commission, the LSR of the officer to be excluded from the public database.

(c) The commission, at the discretion of the executive director, may exclude the LSR of any licensee for good cause shown.

(d) The user activity required to be tracked on the public database will be maintained by the commission for a minimum of three years from creation.

(e) The effective date of this section is September 1, 2024.