

## **SUMMARY OF PROPOSED RULE**

37 Tex. Admin. Code § 211.24. *Licensee Service Report Database.*

The proposed new rule would outline the process for an officer or law enforcement agency to request that the service report for certain officers be excluded from the public database and would state how long certain user activity will be maintained by the Commission.

## **RESUMEN DE LA NORMA PROPUESTA**

37 Tex. Admin. Code § 211.24. *Base de Datos de Informes de Servicio del Licenciario.*

La nueva regla propuesta describiría el proceso para que un agente o agencia de aplicación de la ley solicite que el informe de servicio de ciertos agentes sea excluido de la base de datos pública e indicaría durante cuánto tiempo la Comisión mantendrá cierta actividad del usuario.

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

The Texas Commission on Law Enforcement (Commission) proposes new 37 Texas Administrative Code §211.24, Licensee Service Report Database. This proposed new rule conforms with the addition of Texas Occupations Code §1701.205 made by Senate Bill 1445 (88R). The proposed new rule outlines the process for an officer or law enforcement agency to request that the service report for certain officers be excluded from the public database and states how long certain user activity will be maintained by the Commission.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed new rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposed amendment.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be a positive benefit to the public by conforming with Texas Occupations Code §1701.205 to establish a process to exclude service reports for certain officers from the public database. There will be no anticipated economic costs to persons required to comply with the proposed amendment.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposed amendment.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no effects to a local economy as a result of implementing the proposed amendment.

Mr. Beauchamp has determined the following:

- (1) the proposed rule does not create or eliminate a government program;
- (2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;

- (3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;
- (4) the proposed rule does not require an increase or decrease in fees paid to the agency;
- (5) the proposed rule does not create a new regulation;
- (6) the proposed rule does not expand, limit, or repeal an existing regulation;
- (7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) the proposed rule does not positively or adversely affect this state's economy.

The Commission will accept comments regarding the proposed new rule. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments may be submitted electronically to [public.comment@tcole.texas.gov](mailto:public.comment@tcole.texas.gov) or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The new rule is proposed pursuant to 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 proposed 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 proposal.

The proposed new rule has been reviewed by legal counsel and has been found to be within the Commission's authority to adopt.

*§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.