

**Introduction:**

The Texas Commission on Law Enforcement Officer Standards and Education (Commission) proposes an amendment to §221.35 concerning Firearms Proficiency for Juvenile Probation Officers. Subsection (a) is amended to reflect an agency name change. Subsection (d) is amended to reflect the effective date of the changes.

These amendments are necessary to incorporate the statutory name change from Senate Bill 653 of the 82<sup>nd</sup> Legislative Session.

**Fiscal Note:**

The Commission has determined that for each year of the first five years the section as proposed will be in effect, there will be no effect on state or local governments as a result of administering this section.

**Public Benefit Cost Note:**

The Commission has determined that for each year of the first five years the section as proposed will be in effect, there will be a positive benefit to the public by correctly identifying the Juvenile Justice Department.

The Commission has determined that for each year of the first five years the section as proposed will be in effect, there will be no anticipated cost to small business, individuals, or both as a result of the proposed section.

**Request for Public Comment:**

Comments may be submitted electronically to [public.comment@tcleose.state.tx.us](mailto:public.comment@tcleose.state.tx.us) or in writing to Mr. Kim Vickers, Executive Director, Texas Commission on Law Enforcement Officer Standards and Education, 6330 E. Highway 290, Ste. 200, Austin, TX 78723-1035.

**Statutory Authority:**

The amendment is proposed under Texas Occupations Code, Chapter 1701, §1701.151, General Powers of the Commission; Rulemaking Authority, which authorizes the Commission to promulgate rules for administration of this chapter.

The rule amendment as proposed is in compliance with Texas Occupations Code, Chapter 1701, §1701.402 and §1701.259 as amended by Article 27, Senate Bill 1303 of the 82<sup>nd</sup> Legislative Session.

No other code, article, or statute is affected by this proposal.

**Rule Draft:**

§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;[Texas Juvenile Probation Commission;]

Proposed Order 12-30-§221.35 Firearms Proficiency for Juvenile Probation Officers

- (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 April 12, 2012. [July 15, 2010.]