

Texas Commission on Law Enforcement Officer Standards & Education



Law Enforcement Desk Reference

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Foreword

Dear Law Enforcement Administrator:

Your position as a law enforcement administrator will require you to know many things, not the least of which is the rules and regulations of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) that are directly related to the daily operation and management of your law enforcement organization. We, at TCLEOSE, would like to offer you any assistance that you may want in the proper regulation of your agency and management of your officer's records and training.

To assist you in your position, we are pleased to provide you this booklet containing information that we feel may help answer some basic questions regarding TCLEOSE, its procedures, rules and regulations, and statutes that may affect your management of your agency.

In this publication, we have included basic information about the agency, your responsibilities as a law enforcement administrator, and explanations of TCLEOSE processes used in the administration of a law enforcement agency.


As a law enforcement administrator, it is your responsibility to assure that you and your agency's officers receive required training, and that your agency adheres to Texas statutes, and the Rules and Regulations of TCLEOSE.

This publication explains the legislatively mandated training requirements for new and currently serving Chiefs of Police, Constables, Sheriffs and other law enforcement agency administrators as well as training cycle requirements.

If you have any questions, or if we may be of any assistance, please call or contact us by email or letter, and we will try to help you as best we can.

We encourage you to submit your questions in writing, and you can expect an answer to your questions in writing as well. This way we can be sure we understand your question, and provide you with the correct answer.

Sincerely,


Timothy Braaten
Executive Director
www.tcleose.state.tx.us

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The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) is a state agency created by an act of the 59th Legislature, which became effective on August 30, 1965.

Mission of TCLEOSE

To ensure a Texas where people are served by highly trained and ethical law enforcement and corrections personnel through screening, developing, and monitoring resources and setting standards.

Authority of TCLEOSE

TCLEOSE's statutory authority is codified in Occupations Code, Title 10 - Occupations Related to Law Enforcement and Security, Chapter 1701 - Law Enforcement Officers. Through the authority of Section 1701.151(2), TCLEOSE is empowered to establish minimum standards relating to competence and reliability, including education, training, physical, mental, and moral standards, for licensing as an officer, county jailer, or public security office. Through the authority of Section 1701.405, TCLEOSE certifies Telecommunicators.

Governance

TCLEOSE Commissioners are appointed to six-year terms by the Governor of the State of Texas, and are made up of three (3) chief law enforcement administrators, three (3) peace officers, and three (3) public members.

Board of Commissioners

<u>Member</u>	<u>Term Expires</u>	<u>Hometown</u>
Charles Hall, Presiding Officer	08-2011	Midland
Allan Cain, Secretary	08-2011	Carthage
Patt Scheckel-Hollingsworth	08-2011	Arlington
Johnny E. Lovejoy, II	08-2013	San Antonio
Stephen Griffith	08-2013	Sugar Land
Joel Richardson	08-2013	Canyon
Joseph Pennington	08-2015	Jersey Village
Melissa Goodwin	08-2015	Austin
Ruben Villescás	08-2015	Pharr

The Commissioners meet quarterly; usually in March, June, September, and December.

Overview of TCLEOSE

Each division is responsible for overseeing at least one specific statutory charge which include: establishing the minimum training and licensing requirements for law enforcement personnel, establishing the minimum requirements for proficiency certificates, licensing or contracting with entities to provide training, technical assistance, training provider evaluations, auditing agency records, taking disciplinary action against licensees who violate laws and/or rules, overseeing the achievement awards and the peace officer memorial.

Credentialing oversees the issuance of licenses and certificates, entering of training rosters, and the maintenance of licensee records.

Education oversees curriculum and licensing examination development and delivery, licensure or contract of training providers, evaluation of training providers, and accreditation.

Enforcement oversees the investigation of rule and criminal violators, audits of agency records, and monitors continuing education compliance.

Executive oversees open records requests, rule development, Peace Officer Memorial, flag distribution, and the Achievement Awards.

Field & Special oversees field service agents, statistical research, and trend analyses.

Fiscal & Staff Services oversees financial activities of TCLEOSE.

Legal oversees disciplinary action, separation appeals, and SOAH hearings.

TCLEOSE Service Obligation

You have the right to know how government performs its responsibilities. We are committed to help facilitate your requests for information as we learn of them. We strive to return telephone calls within 24 hours during the business week, if unavailable when the call is received. We attempt to answer all requests for information immediately on receipt, unless the information is unavailable, protected from disclosure, or compilation, analysis or research is required. Immediately on receipt means: while you are still on the telephone, unless a written response is requested or required; when an e-mail is actually read (please know that e-mail sent to staff members who travel frequently may not be read for several days or even weeks); written requests within 3 days during the business week, unless the request requires research, analysis, compilation, or is protected from disclosure in which case we will notify you of this circumstance. Open records requests should be made in writing. TCLEOSE complies with current law and interpretations provided by the State Attorney General's Office concerning this type of request. We respond to all such formal requests in the order of their receipt and without delay. You should be aware, however, that the TCLEOSE does not require that all requests for information be formalized and will provide available requested information without a formal request, if that meets your needs. Our public information representative can assist you in determining whether your request for information should be submitted in writing. Experience has demonstrated that most of the information requested by our diverse clientele is available at our website or can be communicated telephonically during the initial request. We are interested in knowing how well you think we perform. Please take the time to write to the Executive Director and tell him what you like; what you don't like, or changes you would like to see.

TCLEOSE Complaint Process

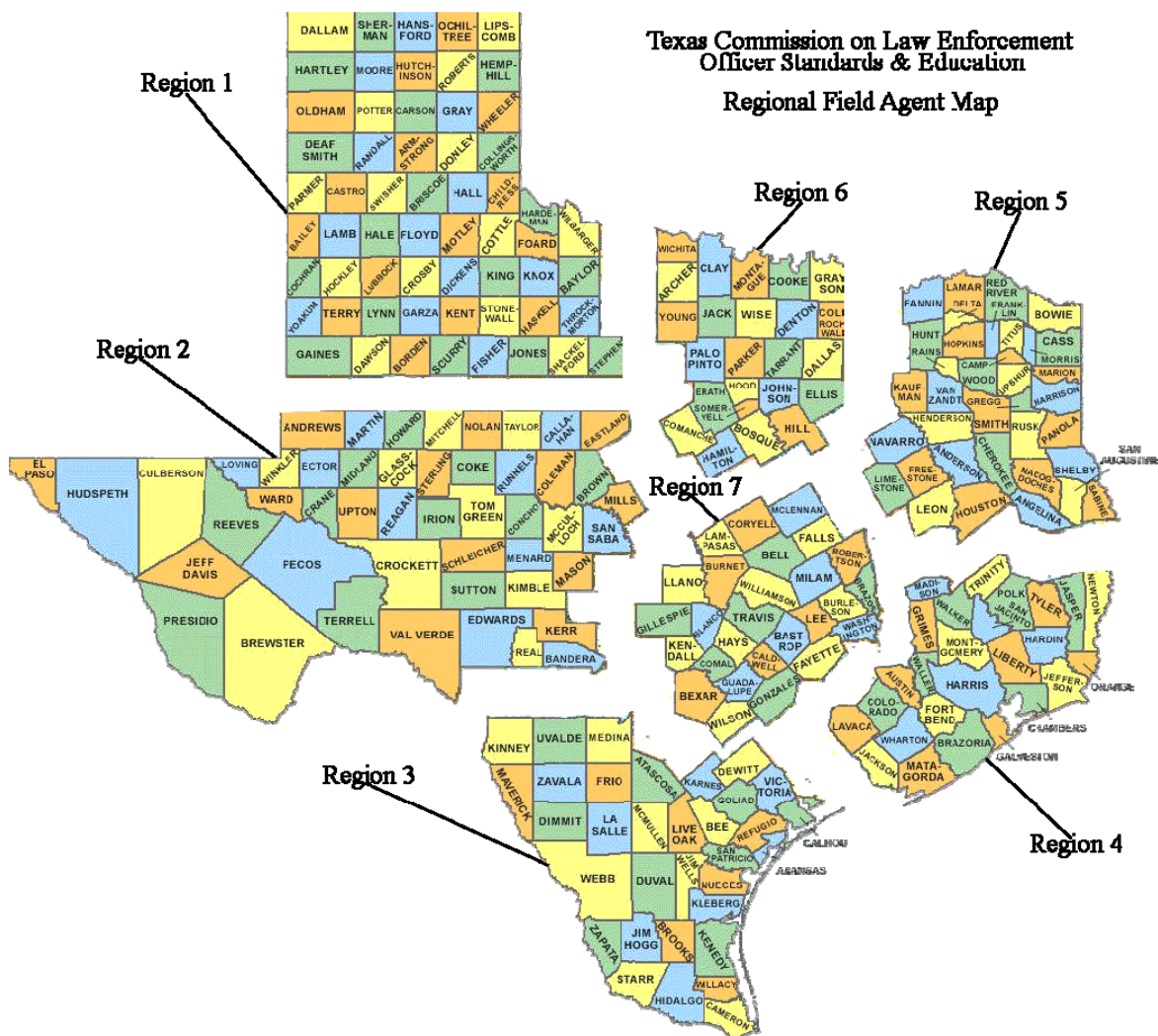
It is the policy of TCLEOSE and its Executive Director to receive courteously and investigate promptly your complaints concerning: the behavior and official acts of its employees; the quality and impact of its programs, services, and rules and; to the extent authorized by law, the actions of its licensees.

A complaint is considered a formal written allegation against: a member or employee of TCLEOSE; a TCLEOSE program, policy, or rule; an agency regulated by TCLEOSE; or an entity or person licensed by TCLEOSE. A complaint against an employee could result in disciplinary action, including termination of employment, when the allegation includes an infraction of TCLEOSE rules or procedure or an illegal act. Complaints against Commissioners, agencies, or licensees are dealt with according to statutory, jurisdictional, and procedural authority.

All complaints are acknowledged in writing. At the conclusion of an investigation, you are notified, in writing, of the outcome. When an investigation is not completed within 30 days of receipt of the complaint, a status report is sent to you every 30 days, until resolution, transfer to another authority, or other closure.

Field Service Agents

In 2006, the commission deployed four (4) Field Agents to four (4) regions based in Austin, Abilene, Sherman, and Palestine. The mission of the field agents is to provide an open method of communications between TCLEOSE and the law enforcement community to reinforce and promote voluntary compliance with state law and commission rules. In 2007, during the 80th legislature, TCLEOSE received additional funding and authorization to deploy three (3) additional agents based in Houston, Lubbock and Victoria. Today the Field Service Agents, located in seven (7) geographical locations, continue to perform a variety of tasks in support of the internal divisions of TCLEOSE as well as the law enforcement community they serve. Field Service Agent Contact information may be found at www.tcleose.state.tx.us under Field Services.



TCLEOSE Rule Overview

TCLEOSE has generated rules to enable it to fulfill the charges of 1701. The rules are divided into sections that group similar topics together.

Section	Title	Section	Title
211	Administration (includes definitions used throughout the rules)	221	Proficiency Certificates (requirements for certificates)
215	Training (requirements for training providers and enrollment standards)	223	Enforcement (actions taken by the TCLEOSE against licensees)
217	Licensing (basic training and other requirements for licensees)	225	Special Licenses (requirements for contract jailers and medical peace officers)
219	Examinations (requirements for attempting a licensing exam)	229	Peace Officer Memorial (requirements for inclusion on the Memorial)

Requirements for Licensure

Section 1701.153 requires the chief administrator to be responsible for compliance with the reporting standards and procedures prescribed by the commission (Rule 211.29).

Specific Statutes and Rules

Occupations Code (OC)

1701.152	Rules relating to hiring date of peace officer
1701.301	License required
1701.302	Certain elected law enforcement officers; license required
1701.303	License application; duties of appointing entity
1701.306	Psychological and physical examination
1701.307	Issuance of license
1701.308	Weapons proficiency
1701.309	Age requirement
1701.310	Appointment of county jailer; training required
1701.314	Exemption; officer appointed before September 1, 1970
1701.405	Telecommunicators
1701.406	County jail personnel
1701.551	Criminal penalty for appointment or retention of certain persons
1701.553	Criminal penalty for appointment or retention of persons with certain convictions

TCLEOSE Rules

211.29	Reporting responsibilities of agency chief administrator
217.1	Minimum standards for licensure
217.3	Application for license and initial report of appointment
217.7	Reporting the appointment and termination of a licensee

Required Training for Licensing

Section 1701.253 requires that TCLEOSE establish a preparatory course and identifies required topics to be included. TCLEOSE has established basic courses for each type of license issued. These basic courses are available through licensed law enforcement academies, licensed academic providers, or approved contractual training providers.

Section 1701.255 requires TCLEOSE to establish minimum qualifications for enrollment in a basic course. This section specifically prohibits a person from enrolling in a basic course if they are prohibited by law from being an officer or county jailer. In addition, there are specific educational requirements to be met before enrolling in a peace officer training program. This section also requires the establishment of minimum qualifications for any person to enroll in a training program that provides instruction in defensive tactics, arrest procedures, firearms, or use of a motor vehicle for law enforcement purposes (Rule 215.15). On March 1, 2003, U.S. citizenship was made a requirement to enter an academy and to be licensed.

Section 1701.304 requires TCLEOSE to conduct an examination for each license issued by TCLEOSE. Rule 219.1 establishes the eligibility requirements for attempting the licensing examinations. Rule 219.5 establishes the examinee requirements.

Basic Training Requirements

Peace Officer

According to Rule 217.1, peace officers are required to complete the current Basic Peace Officer Course (Course 1000) or the Academic Alternative Program (Course 1011) and pass the licensing examination prior to being licensed.

Out of State, Federal, and Military Police officers

Once an application has been approved, officers licensed in other states, selected federal officers (identified in 2.122 CCP), or military police officers may be permitted to attempt the state licensing exam after completing the Supplemental Peace Officer Course (Course 1018).

County Jailer

According to Rule 217.1, county jailers are required to complete the current Basic County Corrections Course (Course 1007) and pass the licensing examination prior to being licensed.

According to Rule 217.1(n), an individual may be appointed and licensed as a temporary jailer; however this temporary license expires one year from the date of appointment. An individual licensed as a temporary jailer must successfully complete the Basic County Corrections training course and pass the licensing examination before the temporary license expires. Once this temporary license expires it may not be renewed; however, not earlier than the first anniversary of the date that the temporary license expires and the corresponding appointment is closed, the sheriff may petition TCLEOSE for reinstatement of the person to a new temporary appointment (Section 1701.310(b)).

Section 1701.310 indicates that an individual that has completed the Texas Department of Criminal Justice corrections officer course is not required to complete the Basic County Corrections training course in order to be appointed as a part-time county jailer. Although the training requirement is met, individuals still must meet the other licensing requirements (testing, psychological, and medical evaluation).

Telecommunicator

Although not considered a license, Section 1701.405 requires individuals appointed or employed as a telecommunicator to successfully complete at least 40 hours of telecommunicator training. TCLEOSE, in cooperation with the Commission on State Emergency Communications, has developed a preparatory course to meet this requirement (course 1013).

Sections 1701.405(g) and (h) does allow for a person to be appointed on a temporary basis but they must satisfactorily complete an accredited telecommunicator training program before the first anniversary of the date the person is originally appointed. If they do not complete the training they shall be removed from the position. Once this temporary certification expires it may not be renewed; however, not earlier than the first anniversary of the date that the temporary certification expires and the corresponding appointment is closed, the chief administrator may petition TCLEOSE for reinstatement of the person to a new temporary appointment (Section 1701.405).

There is an exception to the requirement that telecommunicators must have a telecommunicator certification. If an agency has 20 or fewer employees or does not perform law enforcement services on a 24 hour basis, then telecommunicators for that agency are not required to have the certification (Section 1701.405 (e)).

Disqualification for Licensure – Criminal Conviction

Section 1701.312 specifically disqualifies a person from being licensed as an officer, public security officer, or county jailer if the person has ever been convicted of a felony offense. A felony conviction exists if the person has ever been adjudged guilty of a felony offense under the laws of Texas, another state, or the United States. For example, a person is convicted if they were adjudged guilty of a felony and then the judge suspended the sentence and placed the person on probation. The key phrase is “adjudged guilty” or “found guilty.” If the court’s judgment and sentence contains this language, it is considered to be a conviction, and the person is disqualified from licensing. The adjudication remains a conviction regardless of whether:

- (1) the sentence is subsequently probated and the person is discharged from community supervision;
- (2) the accusation, complaint, information, or indictment against the person is dismissed and the person is released from all penalties and disabilities resulting from the offense; or
- (3) the person is pardoned for the offense, unless the pardon is granted expressly for subsequent proof of innocence.

Under current Federal Statute (U.S. Code, Title 18, Crimes and Criminal Procedure, Part 1, Crimes, Chapter 44, Firearms, Sections 921(a)(33)(A)&(B), and 922(d)(g)&(h)) a person who has ever been convicted in any court of a crime involving domestic violence is prohibited from owning or possessing a firearm or ammunition. They may also be prohibited if they are currently subject to a protective order or restraining order issued by a Court.

In addition, Rule 217.1(a)(7) prohibits individuals convicted of family violence from being licensed.

Exercise caution in reviewing any conviction for a license applicant. Section 1701.553 provides that it is a state jail felony to appoint or retain a person who is a convicted felon (see also sections 1701.312 and 1701.313). Additionally, it is a criminal violation and a violation of TCLEOSE rules to make a false statement on a license application. Please be aware that a Computerized Criminal History (CCH) may be incomplete and it is suggested that if there is a question to rely on certified copies of court records and fingerprint identification.

Appointment of Chief Administrators, Peace Officers, and County Jailers

Licensing Standards

Section 1701.153 states that TCLEOSE shall set reporting standards and procedures for appointment and termination of officer and county jailers. It also provides that the chief administrative officer of a law enforcement agency is responsible for compliance with the reporting standards and procedures prescribed by TCLEOSE.

Section 1701.301 states that a person may not be appointed to serve as an officer, county jailer, or public security officer unless the person holds an appropriate license issued by TCLEOSE. Section 1701.551 establishes a criminal penalty for violation of section 1701.301.

Section 1701.303 specifically requires that a law enforcement agency or governmental entity must file the application for a person to be issued a license from TCLEOSE. An individual cannot apply for such license.

Medical Examination required

Section 1701.306 prohibits TCLEOSE from issuing a license to an officer or county jailer unless the person has undergone a psychological and emotional health examination, been screened for any trace of drug dependency or illegal drug use, and undergone a physical examination. Rule 217.1(a)(11) and (12) requires that these examinations must have been conducted within 180 days of the date of appointment. If the examinations were done due to the applicant beginning a law enforcement academy, the examinations remain valid until 180 days after graduation from the academy. Medical and drug screening is documented on an L-2 form, while the psychological and emotional health examination is documented on an L-3 form.

Statement of Elected/Appointed Officer (Pre-Oath Statement)

The Texas Constitution, Article 16, Section 1(c), requires that all elected or appointed public officials must file a statement before taking office. Local agencies must file this statement with their official records; however, state agencies must file with the Secretary of State. A copy of the statement should be retained in the officer's file to readily establish proof of compliance with this Constitutional requirement.

Oath of Office

The Oath of Office may not be taken until a Statement of Elected/Appointed Officer has been filed. The oath may be administered by anyone authorized under the provisions of Texas Government Code 602.002 or 602.006 – commonly used officials are notaries and judges. The

oath should be filed with the county clerk, city clerk, etc. A bond may be required by statute or by the appointing agency. The oath should state to what position (peace officer or reserve) the person is being appointed. A copy of the document should be retained in the officer's file to readily establish proof of compliance with this Constitutional requirement.

Constitutionally Elected Officials

There are exceptions to the usual requirement for licensing. The exceptions involve law enforcement officers elected under the Texas Constitution.

Constables who took office before September 1, 1985 and have continued holding the same office without a break in service are not required to comply with Chapter 1701, Occupations Code. Individuals who are in office within these circumstances are not required to be licensed, and are not required to demonstrate weapons proficiency.

Constables who took office between September 1, 1985 and August 30, 1999 had two years from the date of taking office to obtain a peace officer license. Constables must also meet the other requirements of Chapter 1701 Occupations Code.

In 1999, the 76th Legislature amended Section 86.0021, Local Government Code to provide that Constables who take office on or after August 30, 1999 have 270 days to obtain a license and submit it to the commissioner's court.

Sheriffs who took office before January 1, 1994 and have continued holding the same office without a break in service are not required to comply with Chapter 1701, Occupations Code. Individuals who are in office within these circumstances are not required to be licensed, are not required to obtain continuing education related to a license, and are not required to demonstrate weapons proficiency.

Sheriffs who take office on or after January 1, 1994, have two years from the date of taking office to obtain a peace officer license.

Elected officials (sheriffs, constables, and elected chiefs of police) have one other exception. They are the only peace officers who are allowed to sign their own L-1 appointing document. All other peace officers must have their L-1 signed by the chief administrator of the agency, or in the case of an appointed chief of police the L-1 must be signed by the chief's appointing authority. Examples include city managers, airport managers, or ISD superintendents.

Municipal Chiefs of Police

Effective September 1, 1997 Section 96.641 of the Education Code requires the chief of a municipal department to be licensed not later than one year after the date appointed. Chiefs of other types of agencies, such as airport police or school police, may be non-licensed chief administrators.

Required TCLEOSE Licensing Paperwork

In order for an individual to be initially issued a peace officer or jailer license, the appointing agency must fill out a License Application (L-1 Form). The agency submitting the license application is required to maintain all supporting documentation to prove the applicant meets the minimum standards for licensing for a minimum of five years (217.3(e)).

Please be aware that false statements on any TCLEOSE form may result in revocation of the license(s) of the person making such statement, and may also result in criminal charges.

Contract Jailers

In 1997, the 75th Legislature amended Section 511.0092(f)(2) of the Government Code to require that employees of counties, municipalities, or private vendors who operate a contract jail to hold federal prisoners and prisoners from jurisdictions other than Texas must be licensed by TCLEOSE. These jailers must meet the same paperwork requirements as County Jailers.

Beginning in March 2004, as part of this requirement, licensees or agencies are required to submit a fee for each licensing action requested of TCLEOSE (i.e., a fee is required for the initial appointment, an additional fee is required for a change in agency).

Initial Appointment of Peace Officers, County Jailers, and Contract Jailers

Required documentation includes the following:

- A copy of the Appointment of Licensee (L-1) or the original if it was submitted through TCLEDDS;

Note that once you have obtained the L-1 form, you must complete all information requested, and forward the original signed and notarized form to TCLEOSE, and retain a copy for your records. If the L-1 is submitted through TCLEDDS the issuing agency should print an original copy of the form to keep in the officer's file. The L-1 form is a two sided form, and both sides must be completed, dated, signed and notarized. All applicants must sign the affidavit on page two (2) of the L-1 form.

- An original Licensee Medical Condition (L-2) form completed by a licensed physician, attesting to the lack of drug dependency or illegal drug use of the applicant;
- An original Licensee Psychological Health (L-3) form completed by a qualified licensed psychologist, attesting to the emotional and psychological health of the applicant. The appointing agency shall select the psychologist or psychiatrist to conduct the evaluation;
- A copy of a Criminal History Check;

Note that simply submitting the applicant's fingerprints to DPS does not constitute a Criminal History Check. The Criminal History Check documentation should include, if necessary, certified copies of court records pertaining to any past criminal offenses on the individual's record.

- Copies of returned fingerprint cards from Texas DPS and FBI or an electronic return from the F.A.S.T. system;
- Proof of minimum education;

- a copy of the applicant's previous and most recent military separation (DD-214) if discharged from the military;

- Proof of United States citizenship, or naturalization; and

Accepted forms of proof of citizenship or naturalization include a certified copy of a birth certificate, a passport, certificate of citizenship, passport card, or naturalization papers.

- A Weapons Proficiency or Qualification statement or form (no standard TCLEOSE form is used.) This weapons proficiency statement is only used for peace officers.

You must provide documentation that the officer has a weapons qualification according to TCLEOSE Rule 217.7, within the last twelve months.

Initial Appointment for Telecommunicators:

In order for an individual to be issued a Telecommunicator Certification, the appointing agency must fill out a Telecommunicator Application (T-1 Form). The agency submitting the application is required to maintain all supporting documentation to prove the applicant meets the minimum standards.

Appointment of Peace Officer or County Jailer already TCLEOSE licensed:

The appointing agency administrator must insure that these steps are followed and the proper documentation is forwarded to TCLEOSE. If the individual is already licensed, the agency must;

- conduct a criminal background check;
- have written consent to view the applicant's employment record(s);
- obtain a copy of any service or education reports retained by the Commission (utilizing the F-5R form); and
- contact each of the applicant's previous employers (Section 1701.451(a)(2)).

The Occupations Code further requires that the hiring agency conduct a background check in the manner prescribed by TCLEOSE. It also requires that an agency that previously employed the applicant shall make employment records available if a proper consent form is provided.

Less than 180 Day break in service

If the applicant has ***less than a 180-day break in service:***

The agency shall generate and retain the following documentation for the individual's file:

- A copy of the Appointment of Licensee (L-1) or the original if it was submitted through TCLEDDS;
Note that once you have obtained the L-1 form, you must complete all information requested, and forward the original signed and notarized form to TCLEOSE, and retain a copy for your records. If the L-1 is submitted through TCLEDDS the issuing agency should print an original copy of the form to keep in the officer's file. The L-1 form is a two sided form, and both sides must be completed, dated, signed and notarized. All applicants must sign the affidavit on page two (2) of the L-1 form.

- A copy of an F5-R request and return;

Note that an F5-R (Pre-Employment Request) is a letter that must be generated by the hiring agency. Before hiring or appointing an individual previously licensed in Texas, state statutes require that the hiring agency must contact TCLEOSE requesting any law enforcement employment separation reports (F-5 forms) relating to the applicant. This request should be submitted on department letterhead, and may be submitted by mail, fax, or email. (The wording for the request is in the Appendix of this booklet. Please use this format or cut-and-paste the format onto your letterhead from our website.) State statutes further require that the hiring agency obtain a return from TCLEOSE of the requested information before the applicant may legally be appointed.

- A Weapons Proficiency or Qualification statement or form (no standard TCLEOSE form is used.) This weapons proficiency statement is only used for peace officers.

You must provide documentation that the officer has a weapons qualification according to TCLEOSE Rule 217.7, within the last twelve months.

More than a 180-day break in service

If the license holder has **more than a 180-day break in service:**

The agency shall generate and retain the following documentation for the individual's file:

- A copy of the Appointment of Licensee (L-1) or the original if it was submitted through TCLEDDS;

Note that once you have obtained the L-1 form, you must complete all information requested, and forward the original signed and notarized form to TCLEOSE, and retain a copy for your records. If the L-1 is submitted through TCLEDDS the issuing agency should print an original copy of the form to keep in the officer's file. The L-1 form is a two sided form, and both sides must be completed, dated, signed and notarized. All applicants must sign the affidavit on page two (2) of the L-1 form.

- An original Licensee Medical Condition (L-2) form completed by a licensed physician, attesting to the lack of drug dependency or illegal drug use of the applicant;
- An original Licensee Psychological Health (L-3) form completed by a qualified licensed psychologist, attesting to the emotional and psychological health of the applicant. The appointing agency shall select the psychologist or psychiatrist to conduct the evaluation;
- A copy of a Criminal History Check;

Note that simply submitting the applicant's fingerprints to DPS does not constitute a Criminal History Check. The Criminal History Check documentation should include, if necessary, certified copies of court records pertaining to any past criminal offenses on the individual's record.

- Copies of returned fingerprint cards from Texas DPS and FBI or an electronic return from the F.A.S.T. system;

- Proof of minimum education;
- a copy of the applicant's previous and most recent military separation (DD-214) if discharged from the military;
- Proof of United States citizenship, or naturalization; and

Accepted forms of proof of citizenship or naturalization include a certified copy of a birth certificate, a passport, certificate of citizenship, passport card, or naturalization papers.

- A Weapons Proficiency or Qualification statement or form (no standard TCLEOSE form is used.) This weapons proficiency statement is only used for peace officers.

You must provide documentation that the officer has a weapons qualification according to TCLEOSE Rule 217.7, within the last twelve months.

Appointment of New Chief Administrators already TCLEOSE licensed:

The agency shall generate and retain the following documentation for the individual's file:

- A copy of the Appointment of Licensee (L-1) or the original if it was submitted through TCLEDDS. Please mark the specific block for the position of Chief of Police;

Note that once you have obtained the L-1 form, you must complete all information requested, and forward the original signed and notarized form to TCLEOSE, and retain a copy for your records. If the L-1 is submitted through TCLEDDS the issuing agency should print an original copy of the form to keep in the officer's file. The L-1 form is a two sided form, and both sides must be completed, dated, signed and notarized. All applicants must sign the affidavit on page two (2) of the L-1 form.

If the new chief administrator is appointed from outside of the agency, then all previously noted requirements for appointing a previously TCLEOSE licensed officer apply.

Reporting Separation or Termination of Appointment

Peace Officers and County Jailers

Section 1701.452 requires the agency to report the separation or termination of a licensee and requires the chief administrator to provide an explanation of the circumstances under which the person resigned or was terminated. There are designations for the types of separation, which must be identified when submitting the termination form to TCLEOSE. The separation choices are:

- Honorably Discharged;
- Generally Discharged; or
- Dishonorably Discharged

Each of these choices has multiple options to further describe the exact nature of the separation.

In 2006, Section 1701.452 was amended by the 80th Legislature to require the agency to provide TCLEOSE and the licensee notification of termination (F-5) within 7 business days.

According to Rule 217.7, the agency is required to report such separation utilizing the current TCLEOSE form (F-5).

The agency must provide the affected person with a copy of the report either in person or by certified mail.

Section 1701.454 provides that this report is not public information (open record), unless the person resigned or was terminated due to substantiated incidents of excessive force or violations of the law other than traffic offenses.

In 2006, Section 1701.4521 was added by the 80th Legislature to require TCLEOSE to suspend the license of an officer (peace officer or reserve) that has been dishonorably discharged if the officer has previously been dishonorably discharged from another law enforcement agency.

Telecommunicators

Telecommunicator separations will be reported using the same form as appointment (T-1).

Continuing Education

Chiefs of Police

In 1997, the 75th Legislature amended the Texas Education Code by adding Section 96.641, Initial Training and Continuing Education for Police Chiefs. This section took effect on September 1, 1997.

A newly elected or appointed police chief must complete an 80-hour course for new chiefs not later than the second anniversary of appointment or election as chief of police. This training program must be obtained through the Bill Blackwood Law Enforcement Management Institute.

Until the new chief completes this new chief's training program, all other required training for peace officers under chapter 1701 still applies. After the new chief completes the required training program in the first two-year time period, the statute exempts the chief from the requirement of continuing education for peace officers under Subchapter H of Chapter 1701, Occupations Code during that training unit.

In 2006, Section 96.641 was amended by the 80th Legislature to require TCLEOSE to establish a uniform 24-month continuing education period for all chiefs of police. This section of the Education Code additionally requires each chief of police to complete 40 hours of management training each 24-month period. The training topics must relate to law enforcement management issues and must be provided through the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT) at Sam Houston State University. This training program is entitled Chief's Continuing Education.

Other than the new chief's training or the Chief's Continuing Education course, chiefs of police are exempt from other training requirements under Chapter 1701. Section 96.64 (1) (i), Education Code provides that failure to complete the required training makes a person ineligible to continue to serve as chief.

Constables

In 2005, the 79th Legislature created an Initial and Continuing Education training requirement for all newly elected constables by amending Section 1701.3545. The training requirements took effect on June 18, 2005 and the training program at Sam Houston State University was in place January 1, 2006.

A newly elected or appointed constable must complete a 40-hour course for new constables not later than the second anniversary of appointment or election as constable. This training program must be obtained through the Bill Blackwood Law Enforcement Management Institute.

In 2006, Section 1701.3545 was amended by the 80th Legislature to require TCLEOSE to establish a uniform 48 month continuing education period for all constables.

Each constable must complete a specifically designed constable's training program each 48-month period. This training program must be provided through the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT) at Sam Houston State University, and is entitled Constable's Continuing Education.

The commission by law shall forward to the attorney general's office documentation for each constable who does not comply with the constable training requirements. A constable who does

not comply forfeits the office and the attorney general shall institute a quo warranto proceeding under Chapter 66 of the Civil Practice and Remedies Code to remove the constable from office.

Peace Officer

Once an individual is licensed there are required training course(s) that must be completed in order to keep the license active. The 77th Legislature (2001) modified the continuing education requirements established by the 74th Legislature (1995). The revised statute continued the 40-hour continuing education requirement for each 24-month training unit for peace officers, but shifted the requirements for the mandatory courses to only once in the 48-month training cycle beginning September 1, 2001.

The 24-month training unit for continuing education begins on September 1st of each odd-numbered year and ends on August 31st of the next odd-numbered year (for example: September 1, 2001 to August 31, 2003.)

A 48-month training cycle is composed of two 24-month training units beginning September 1, 2001. TCLEOSE sends notices of impending non-compliance prior to the end of the current training unit/cycle.

Section 1701.351 required each peace officer licensee to complete 40 hours of continuing education training each 24 month unit, included as part of that training shall be a TCLEOSE developed training and education program that covers recent changes to the laws of this state and of the United States pertaining to peace officers (Course 3181).

Section 1701.352 requires each peace officer licensee holding only a basic proficiency certificate to complete within each 48 month training cycle not more than 20 hours of education and training that contain learning objectives developed by TCLEOSE regarding:

1. Civil Rights
2. Racial Sensitivity
3. Cultural Diversity
4. Recognition and documentation of cases that involve:
 - a. Child Abuse,
 - b. Child Neglect,
 - c. Family Violence,
 - d. Sexual Assault, and
 - e. Issues Concerning Sex Offender Characteristics; and
5. De-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

The TCLEOSE Cultural Diversity course (3939) covers the Civil Rights, Racial Sensitivity, and Cultural Diversity issues.

The TCLEOSE Special Investigative Topics course (3232) covers the investigative topics of: Child Abuse and Child Neglect; Family Violence; Sexual Assault; and Issues Concerning Sex Offender Characteristics.

Also, the Sexual Assault Family Violence Investigator Course (SAFVIC) provided by the Texas Municipal Police Association (TMPA) meets the investigative topic requirement in the training cycle in which it was completed.

If an agency head determines that the investigative topics are inconsistent with an officer's assigned duties, Section 1701.352 allows for alternative training to be provided in order to meet the 40-hour requirement. The chief administrator must notify TCLEOSE that an officer will be completing training other than the investigative topics.

The TCLEOSE Crisis Intervention Update (Course 3843) covers the de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments topics.

Section 1701.352 requires that a person appointed to their first supervisory position in law enforcement must complete a training program on supervision issues (Course 3737) as part of their 40-hour continuing education program within two years after appointment to the supervisory position.

Deputy Constables

Section 1701.354 requires that each deputy constable complete a 20-hour course of instruction in civil process (3101, 3131) each 48-month cycle as a part of the continuing education program for peace officers as outlined above.

The 79th Legislature made allowances for deputy constables that have assignments not involving civil process to be granted training waivers. TCLEOSE may waive the requirement for the civil process training if a hardship exists.

NOTE: A reserve deputy constable who holds a peace officer license is required to complete the civil process training along with the other required courses.

Jailer, Reserve Officer, & Public Security Officer

Each individual that holds a reserve officer, jailer, or public security officer license must complete the cultural diversity part of the training in the 48-month training cycle, including the following topics:

1. Civil Rights,
2. Racial Sensitivity, and
3. Cultural Diversity

The TCLEOSE Cultural Diversity course (3939) covers the Civil Rights, Racial Sensitivity, and Cultural Diversity issues.

Failure to Meet Continuing Education Requirements

All individuals that do not meet all continuing education requirements during the 24 month training units or the 48 month training cycle are subject to administrative action on the last day of the unit or cycle (Rule 217.11(j)). There are criminal penalties (Section 1701.551) for appointing or retaining someone as a peace officer or county jailer if the individual is not currently licensed.

Anyone whose license is suspended must meet the current licensing standards, complete the current training cycle's continuing education requirements, and submit an application with the required reinstatement fee for each license held to have the license(s) reinstated (Rule 223.17).

Proficiency Certificate Requirements

Rule 221.1 identifies the general requirements for proficiency certificates. Applicants for any TCLEOSE proficiency certificates must meet these requirements. The commission shall cancel and recall any certificate issued in error. Section 221 of the rules identifies the specific requirements, including application and fee requirements, for each certificate available. Active license or appointment is not required for Mental Health Officer Proficiency, Firearms Instructor Proficiency, Firearms Proficiency for Community Supervision Officers, Firearms Proficiency for Juvenile Probation Officers, or Instructor Proficiency.

Training points are no longer used for determining certificate qualification; certificate requirements are now based on training hours.

Licensees may also submit an F-7 Report of College Education in order to receive credit for hours obtained during the pursuit of an academic degree. In order for college hours to be accepted by TCLEOSE, the college or university must be accredited according to the definition set forth in Rule 211.1(3). Each college semester hour is converted to 20 training hours: Example: 35 college hours: $35 \times 20 = 700$. So a person with 400 training hours plus 700 college hours would have a total of 1100 training hours.

College hours granted for completion of the Basic Peace Officer Course will not be applied until a degree is awarded.

Peace Officer Proficiency

Basic Certificate – (effective June 1, 2004) requires one year of experience and completion of a field training program (Course 3722). In addition, the employing department must report completion of Personnel Orientation (Course 1999) (required by section 1701.402(b) effective 9/1/97) which covers: civil service; compensation, including overtime compensation, and vacation time; personnel files and other employee records; management-employee relations in law enforcement organizations; work-related injuries; complaints and investigations of employee misconduct; and disciplinary actions and the appeal of disciplinary actions. When an officer qualifies for a Basic Certificate, it will be automatically generated by TCLEDDS and mailed to the officer's department.

Intermediate Certificate – licensee must have been issued a Basic Peace Officer Certificate. If the basic peace officer certificate was issued or qualified for on or after January 1, 1987, the licensee must also complete all eleven of the current intermediate peace officer certification courses once during career:

- Child Abuse and Investigation (2105);
- Crime Scene Investigation (2106);
- Use of Force (2107);
- Arrest, Search and Seizure (2108);
- Spanish for Law Enforcement (2109 or 2110);
- Asset Forfeiture (3255),
- Racial Profiling (3256)
 - o or Combined Asset Forfeiture and Racial Profiling (3257),
- Identity Crimes (3277);
- Crisis Intervention Techniques (3840, 3841, or 4001);
- Special Investigative Topics (3232); and
- Cultural Diversity (3939).

When an officer qualifies for an Intermediate Certificate, it will be automatically generated by TCLEDDS and mailed to the officer's department.

A Basic Peace Officer Certificate plus:	
Training Hours/Education	Years of Experience
400	8
800	6
1200	4
Associate's degree	4
2400	2
Bachelor's degree or higher degree	2

Advanced Certificate – licensee must have been issued a Basic and Intermediate Peace Officer Certificate. If the Intermediate proficiency certificate was earned before September 1, 2006, the officer must complete the commission approved course of instruction in Crisis Intervention Techniques (Course 3841) once in career. The requirements are based on training hours and/or education and years of experience. When an officer qualifies for an Advanced Certificate, it will be automatically generated by TCLEDDS and mailed to the officer's department.

An Intermediate Peace Officer Certificate plus:	
Training Hours/Education	Years of Experience
800	12
1200	9
Associate's degree	6
2400	6
Bachelor's degree or higher degree	5

Master Certificate – licensee must have been issued a Basic, Intermediate, and Advanced Peace Officer Certificate. The requirements are based on training hours and/or education and years of experience. When an officer qualifies for a Master Certificate, it will be automatically generated by TCLEDDS and mailed to the officer's department.

An Advanced Peace Officer Certificate plus:	
Training Hours/Education	Years of Experience
1200	20
2400	15
3300	12
Associate's degree	12
4000	10
Bachelor's degree	9
Master's degree	7
Doctoral degree/JD	5

County Jailer Proficiency

Basic Certificate – requires one year of experience and completion of a field training program (Course 3721). In addition, the employing department must report completion of Personnel Orientation (Course 1999) (required by section 1701.402(b) effective 9/1/97) which covers: civil service; compensation, including overtime compensation, and vacation time; personnel files and other employee records; management-employee relations in law enforcement organizations; work-related injuries; complaints and investigations of employee misconduct; and disciplinary actions and the appeal of disciplinary actions. When a county jailer qualifies for a Basic Certificate, it will be automatically generated by TCLEDDS and mailed to the jailer's department.

Intermediate Certificate – licensee must have been awarded a Basic Jail Certificate. If the basic jailer certificate was issued or qualified for on or after March 1, 1993, the applicant must complete training related to the management and operation of a correctional facility, including county jails (3507); and all five of the current intermediate jailer certification courses once in career, which include:

- Suicide Detection and Prevention in Jails (3501);
- Inmate Rights and Privileges (3502);
- Interpersonal Communications in the Correctional Setting (3503);
- Use of Force in a Jail Setting (3504); and
- Spanish for Law Enforcement (2109 or 2110).

When a county jailer qualifies for an Intermediate Certificate, it will be automatically generated by TCLEDDS and mailed to the jailer’s department.

A Basic Jailer Certificate plus: Training Hours/Education	Years of Experience
400	6
800	4
1200	2
Associate’s degree	2
2400	1
Bachelor’s or higher degree	1

Advanced Certificate – licensee must have been issued a Basic and Intermediate Jailer Certificate. The requirements are based on training hours and/or education and years of experience. When a county jailer qualifies for an Advanced Certificate, it will be automatically generated by TCLEDDS and mailed to the jailer’s department.

An Intermediate Jailer Certificate plus: Training Hours/Education	Years of Experience
800	8
1200	6
Associate’s degree	6
2400	4
Bachelor’s or higher degree	4

Masters Certificate – licensee must have been issued a Basic, Intermediate, and Advanced Jailer Certificate. The requirements are based on training hours and/or education and years of experience. When a county jailer qualifies for a Master Certificate, it will be automatically generated by TCLEDDS and mailed to the jailer’s department.

An Advanced Jailer Certificate plus: Training Hours/Education	Years of Experience
1200	20
2400	15
3300	12
Associate’s degree	12
4000	10
Bachelor’s degree	9
Master’s degree	7
Doctoral degree/JD	5

Telecommunicator Proficiency

Basic Certificate – successful completion of a TCLEOSE developed course 1013, completion of a departmental field-training course (reported as Course 3720), and one year of experience. When a telecommunicator qualifies for a Basic Certificate, it will be automatically generated by TCLEDDS and mailed to the person's department.

Intermediate Certificate – a Basic certificate, at least two years experience, 120 hours of training, and if the basic telecommunications certificate was issued, or qualified for, on or after January 1, 2000, these courses:

- Cultural Diversity (course 3939),
- Ethics for Law Enforcement (course 3920),
- Crisis Communications (course 2120),
- Spanish for Law Enforcement (course 2109), and one of these courses:
 - o TCIC/NCIC for Full Access Operators (course 3802), NLETS/TLETS (course 3809 or 3811), or
 - o Criminal Law (course 3100).

The course numbers above reflect examples of courses that can be used to meet the requirements; other courses may also be applicable.

When a telecommunicator qualifies for an Intermediate Certificate, it will be automatically generated by TCLEDDS and mailed to the person's department.

Advanced Certificate – an Intermediate certificate, at least four years of experience and 240 training hours. When a telecommunicator qualifies for an Advanced Certificate, it will be automatically generated by TCLEDDS and mailed to the person's department.

Additional Certificates

Investigative Hypnosis Proficiency Certificate - currently commissioned or appointed as a peace officer and successful completion of the current basic investigative hypnosis course; and passing the examination.

Standardized Field Sobriety Testing Practitioner (S.F.S.T.) - currently commissioned or appointed as a peace officer and successful completion of the current National Highway Traffic Safety Administration (NHTSA) approved SFST Practitioner Course.

Standardized Field Sobriety Testing (S.F.S.T.) Instructor Proficiency - currently commissioned or appointed as a peace officer with at least three years' experience as a S.F.S.T. practitioner; current instructor license or certificate issued by the commission, successful completion of the commission approved S.F.S.T. Instructor Course or Drug Recognition Expert (DRE) Instructor Course, completion of a S.F.S.T. Instructor Update Course or DRE Update Course within the last two (2) years. An S.F.S.T. Instructor proficiency certificate will be valid for two (2) years from date of issue. After that time period, the applicant must re-qualify.

Mental Health Officer Proficiency – currently appointed as a peace officer, county jailer, or justice of the peace; at least two years experience as a peace officer, county jailer, or justice of the peace; if not currently a commissioned peace officer or county jailer an applicant must meet the current enrollment standards; if an applicant is a commissioned peace officer or jailer an

applicant must not ever have had a license or certificate issued by the commission suspended or revoked; if an applicant is a commissioned peace officer or county jailer an applicant must have met the continuing education requirements for the previous training cycle; successful completion of a training course in emergency first aid and lifesaving techniques (Red Cross or equivalent); and successful completion of the current mental health officer training course and passing the examination.

Firearms Instructor Proficiency - at least three years' experience as a licensee or a firearms instructor; current instructor license or certificate issued by the commission; and successful completion of the commission's firearms instructor course., or a firearms instructor course that meets or exceeds the minimum standards established and approved by TCLEOSE.

Firearms Proficiency for Community Supervision Officers - currently employed as a community supervision officer, probation officer or parole officer by the Texas Department of Criminal Justice (TDCJ) or a community supervision and corrections department; and successful completion of the TCLEOSE current firearms training program for community supervision officers.

NOTE: The holder of a certificate issued under this section must meet the firearms proficiency requirements at least once every 12 months. Certificates issued under this section expire two years from date of issuance. Upon expiration, a supervision officer may apply for issuance of a renewal certificate. Agencies must report officers as authorized to carry firearms or not using the application form.

Firearms Proficiency for Juvenile Probation Officers - currently employment as a juvenile probation officer by the Texas Juvenile Probation Commission and successful completion of the TCLEOSE current firearms training program for juvenile probation officers.

NOTE: The holder of a certificate issued under this section must meet the firearms proficiency requirements at least once every 12 months. Certificates issued under this section expire two years from date of issuance. Upon expiration, a supervision officer may apply for issuance of a renewal certificate. Agencies must report officers as authorized to carry firearms or when authorization has been discontinued. The same form will serve both actions.

Academic Recognition Award - currently commissioned or appointed, at least two years experience as either a peace officer, reserve, jailer, or a telecommunicator; and graduation from an accredited college or university with at least a bachelor's degree.

Civil Process Proficiency - currently commissioned or appointed as a peace officer, at least three years full-time salaried experience serving civil process; successful completion of 40 hours of civil process training, with at least 20 hours completed in the current training cycle; and passing the examination.

Instructor Proficiency - substantial experience in teaching or in the special field or subject area to be taught, to include:

- two years' experience as a peace officer, telecommunicator, or jailer;
- a bachelor's degree and two years of teaching experience; or
- a graduate degree; and
- successfully completed an instructor training course or its equivalent, as determined by the executive director.

Special Investigator Certificate - currently commissioned or appointed as a peace officer, at least two years full time salaried experience as a peace officer; an intermediate peace officer certificate; and successful completion of the current family violence and sexual assault investigator certification course(s).

Professional Achievement Awards

Each year, TCLEOSE accepts nominations for the annual Law Enforcement Achievement Awards provided for in Section 1701.401.

Created in 1989, the awards are presented to selected peace officers, reserve peace officers, jailers or custodial officers who are licensed by TCLEOSE. To be eligible for an award, nominees should exceed the normal expectations of job performance through acts of valor, public service, or professional achievement.

The nominations must be submitted by an elected official of the state, an elected official of a political subdivision, an administrator of a law enforcement agency, or a person holding a current license issued by TCLEOSE.

The nominations must be received by December 31 each year to be eligible for consideration. A committee of law enforcement representatives assembled from agencies and associations reviews the nomination packets. Each member of the committee rates each nominee using a numerical scale. The ratings are compiled and totaled to determine the recipients of the awards. Not more than twenty awards total may be issued each year. TCLEOSE encourages you to nominate worthy persons for these awards.

The awards program is conducted in the State Capitol in May each year. Nomination packets are available on the TCLEOSE website under Forms & Applications.

Training Provider Requirements

Section 1701.153 states that TCLEOSE shall set reporting standards and procedures for the activities of licensed training schools. It also provides that the chief administrative officer of a licensed training school is responsible for compliance with the reporting standards and procedures prescribed by TCLEOSE.

Section 1701.254 provides that TCLEOSE may visit and inspect a school conducting a training course for officers, county jailers, or recruits and make necessary evaluations to determine if the school complies with TCLEOSE rules. It further provides that TCLEOSE shall develop a risk assessment method to determine the relative performance of schools conducting training courses for officers, county jailers, or recruits. That risk assessment must include: scores of students enrolled in a school on the basic peace officer examination, past inspections records, self-assessment in a non-inspection year, and random element to ensure periodic inspection of each school.

Rule 215.1 identifies what types of training providers may be issued credentials and for how long.

Rule 215.3 identifies the requirements for becoming a licensed academy.

Rule 215.5 identifies the requirements for becoming a contractual training provider.

Rule 215.6 identifies the requirements for becoming a licensed academic alternative program.

Rule 215.7 requires that all training providers must establish and maintain an advisory board. It also describes the requirements for membership and identifies the duties of an advisory board.

Rule 215.9 requires all training providers to appoint a training coordinator. It also describes the requirements and identifies the duties of a training coordinator.

Rules 215.11 and 215.13 identify the components of evaluations and risk assessments for training providers.

Audits of Agency Records

TCLEOSE conducts random audits of agency records to determine compliance with the licensing and reporting requirements established by Chapter 1701 of the Texas Occupations Code and TCLEOSE Rules. An audit is an examination or review of various records. TCLEOSE staff members assigned to conduct an audit of agency officer records will visit the agency and inspect or review agency records. The agency records are compared with TCLEOSE records to reconcile any differences. Differences between agency and TCLEOSE records may reflect personnel who have not been reported as appointed or terminated or differences in training obtained or needed. Should differences be found, the appropriate forms may be executed to correct the discrepancies.

Section 1701.162 requires that all law enforcement agencies be audited at least once every five years. Agencies with deficiencies will be evaluated more frequently, as determined by the commission.

Rule 217.3(e) requires that the report of appointment or license application records must be retained for a minimum of five years after the licensee's termination date with that agency.

Each agency is responsible for the maintenance of the files on each person appointed. This requires having the original or copy of the document on file and readily accessible to TCLEOSE.

Failure to maintain these records is a violation of TCLEOSE rules. Violation of a rule is punishable by suspension of license.

Texas Peace Officer's Memorial

The Memorial authorized by the 71st Legislature in 1989 and dedicated on May 10, 1999, is a monument of honor and remembrance to Texas Peace Officers and Correctional Officers who have died in the line of duty. TCLEOSE was charged with the responsibility of ensuring that each of those officers is recognized appropriately for their service and ultimate sacrifice. The monument contains the names of those officers who have been killed in the line of duty since the commissioning of the first Texas Peace Officers.

The Memorial stands at the west wall of the Sam Houston State Office building on the northeast quadrant of the Capitol grounds. TCLEOSE continues to accept contributions for the maintenance of the monument and, unfortunately, for the addition of names.

State Flag Distribution

Section 1701.161 requires TCLEOSE, when requested by next of kin of a deceased peace officer, to provide a state flag without charge, if the peace officer was a current or honorably retired Texas peace officer.

A letter and a certificate from the Governor of Texas accompany the flag, along with a letter from the Executive Director of TCLEOSE.

In a line-of-duty death, if the required information is received with enough time to permit delivery, the flag should be available for the funeral service – even if the other items are not ready. To begin the process, call the TCLEOSE office at (512) 936-7700 or your regional Field Service Agent. When there is a desire to incorporate the flag into the funeral service, calling at the earliest possible time is encouraged. If the flag is not needed for a funeral service, the completed request may be faxed to (512) 936-7714, ATTN: Texas State Flag Request, or mailed to:

**TCLEOSE
ATTN: Texas State Flag Request
6330 E Highway 290, Suite 200
Austin, Texas 78723-0135**

Statutory Requirements

Racial Profiling Reporting Requirements

In 2009, the 81st Legislature created Section 1701.164 which required chief administrators to report to TCLEOSE incident-based racial profiling data as provided by CCP 2.132 and 2.134. The report must be made in a prescribed standard format. Actual data collection begins January 1, 2010.

Section 1701.501 was amended to require TCLEOSE to revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of the reporting requirements of CCP 2.132 and 2.134.

Additionally, Section 1701.507 created an administrative penalty for law enforcement agencies or governmental entities that violate racial profiling requirements. The administrative penalty provides for a fine not to exceed \$1000 per day per violation, and shall be assessed in a proceeding conducted in accordance with Chapter 2001, Government Code.

Disciplinary Actions on Licensees

Section 1701.501 provides that TCLEOSE may establish procedures for the revocation of licenses, suspensions of licenses and reprimands to licensees or adopt other necessary enforcement procedures for a violation of Chapter 1701, Occupations Code, or a TCLEOSE rule. Rules 223.15 and 223.19 contain provisions for these actions.

In 2006, 1701.501 was amended by the 80th Legislature to allow TCLEOSE to revoke a license of a constitutionally elected officer if the officer is convicted of a felony or a criminal offense directly involving the person's duties as an officer.

Rules 211.27 and 211.29 require the reporting of an arrest, charge, or indictment for a criminal offense above the grade of Class C misdemeanor by both the appointing agency and the licensee. The licensee is also required to provide TCLEOSE with final disposition documents within 30 days of the effective date of the disposition.

TCLEOSE rules specifically provide for revocation and/or suspension of licenses when a licensee is convicted or placed on deferred adjudication community supervision for a criminal offense above the level of a class C misdemeanor, or any family violence offense. If a licensee receives deferred adjudication for a felony or misdemeanor or is convicted of a misdemeanor at any level and the offense is directly related to the duties of peace officer, reserve, or county jailer, TCLEOSE may move to revoke the license.

Section 1701.502 provides that TCLEOSE shall immediately revoke the license of a person who is convicted of a felony. This is a statutory revocation and is applicable when TCLEOSE receives a certified copy of court documents showing a licensee has been convicted of a felony. If a licensee receives deferred adjudication community supervision for a felony, the license is immediately suspended upon receipt of certified court documents. Section 1701.504, provides that a person is not entitled to a hearing if the conviction or deferred adjudication is for a felony. When a statutory revocation or suspension is issued, a notice is sent to the licensee and the last appointing agency stating the cause for such action. If the licensee responds and can provide evidence the information of conviction or deferred adjudication is incorrect, TCLEOSE may review the information and proceed as necessary. Otherwise, a final order is prepared and presented to the Commissioners for final action.

If a license is subject to suspension for a misdemeanor conviction, the licensee is entitled to a hearing conducted by an Administrative Law Judge appointed by the State Office of Administrative Hearings (SOAH). In order to preserve the right to a hearing a person whose license is proposed to have action taken must file an answer either consenting to the penalty recommended or request a contested case hearing within 20 days after the date the licensee is provided with notice of the petition to take action on any licenses (Rule 223.3).

Rule 223.13 provides that a licensee may voluntarily surrender any license for a specific period of time, or permanently, as part of an employee termination agreement, part of a plea bargain to a criminal charge, part of an agreed settlement to TCLEOSE action, or for any other reason. The surrender template must include a summary of the reason for the surrender.

When a license has been suspended and the term of suspension has expired, the licensee can seek reinstatement of the license (Rule 223.17). Reinstatement requires payment of a reinstatement fee. If the license has been suspended for a period of time that causes the licensee to have been out of service as a peace officer for more than two years, the licensee must apply for and receive authorization to reactivate the peace officer license by passing the peace officer licensing exam. If the licensee fails the exam three times, a new completion of the current basic peace officer course is required to become eligible to retest.

Note: In addition to all other requirements, the individual must meet all current licensing standards.

TCLEOSE may deny a license, certificate, or acknowledgment if the applicant does not meet the minimum requirements for issuance of such license, certificate, or acknowledgment.