



TABC COMMISSIONS

Enforcement Division

Policy Number: LE 10.00.00

Effective Date: 2/1/08

POLICY

The Texas Alcoholic Beverage Commission (TABC) will only carry the commissions of:

- certified peace officers (CPOs) currently employed with the TABC; and
- certified peace officers who have honorably retired from the TABC and meet the requirements for a special agent and/or special representative.

The Texas Attorney General has determined that peace officers may hold two law enforcement commissions. Thus, both currently employed and retired CPOs may hold a commission with another law enforcement agency while also holding a commission with the TABC.

RULES

Texas Alcoholic Beverage Code § 5.142. Special Inspectors or Representatives.

PROCEDURES

a. Requirements for Commission as a Special Agent or Representative.

1. Must be a person who is honorably retired as a peace officer from the TABC.
2. Must not have a police record or reputation that would prevent the applicant from being employed as a full-time peace officer in Texas.
3. Must not have a relationship with an alcoholic beverage business as prohibited by § 5.05 of the Alcoholic Beverage Code or otherwise have a direct or indirect interest in the alcoholic beverage industry.
4. Must meet the requirements set by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE).

b. Applying for Commission as a Special Agent or Representative.

1. Individuals Applying Less than 180 Days After Honorable Retirement. Applicants may be commissioned as a special agent or representative after the following documentation has been submitted and approved:
 - *Application for Special Agent Commission;*
 - *Enlistment and Oath of Office;*
 - *Special Agent Approval Process and Checklist;* and
 - *Identification Card Data Sheet.*

2. **Individuals Applying More than 180 Days After Honorable Retirement.** Applicants may be commissioned as a special agent or representative after the following documentation has been submitted and approved:

- *Application for Special Agent Commission;*
- *Enlistment and Oath of Office;*
- *Special Agent Approval Process and Checklist;*
- *Identification Card Data Sheet;*
- *Declaration of Medical Condition* (drug screen only);
- *Declaration of Psychological and Emotional Health;*
- two cleared fingerprint cards (FBI and DPS – 1 each); and
- a current criminal history record check (TCIC/NCIC).

c. Firearms Proficiency of a Special Agent or Representative.

1. Special agents or representatives will demonstrate firearms proficiency at least once each 12 months with the firearm that the special agent will carry.
2. Special agents or representatives will furnish the weapon and the ammunition.
3. Special agents or representatives will demonstrate firearms proficiency to a TABC firearms instructor or to a Federal firearms instructor.
4. Early each calendar year, the special agent or representative will contact his or her local TABC office to determine the dates and locations of firearm training for full-time agency personnel or to make other arrangements for demonstration of proficiency.
5. If a special agent or representative fails to demonstrate proficiency with a firearm during any 12-month period, the special agent or representative will not be authorized by his or her commission to carry a firearm until proficiency has been demonstrated.
6. A special agent or representative who, due to age, health or other valid reason, elects not to carry a firearm as part of his commission will certify under oath that no firearm will be carried under the authority of the special commission. A special agent or representative who takes this oath need not demonstrate firearms proficiency.

d. Issuance of a Special Agent or Representative's Commission.

1. Upon receiving a complete application packet, the Enforcement Division will review the forms and complete the criminal background check.
2. The chief of enforcement, or his or her designee, will review the application packet and will make a recommendation for approval or rejection in writing to the administrator.
3. The administrator will decide whether to approve an application.

- If the administrator approves an application, the TABC will issue a Certificate of Commission, a commission identification card, and a badge to the individual.
 - If the administrator rejects an application, the Enforcement Division will notify the individual via written correspondence of the reason for rejection.
4. Once the TABC authorizes an individual to be a special agent or representative, the Enforcement Headquarters will:
 - notify the local district office of the special commission;
 - submit all applicable information to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE); and
 - create a file for the special agent or representative that includes the application, any firearms proficiency documentation, and other pertinent information.
 5. A special commission expires on January 1st of the first odd-numbered year after appointment. The TABC will forward an application form to each current special agent or representative at least 60 days prior to the expiration date of the renewal.
 6. Special agents and representatives are not entitled to compensation from the state for service as a special agent or representative.
- e. Duties of a Special Agent or Representative.**
1. Special agents or representatives are subject to the order of the TABC and of the governor when called for service to the same extent as other law enforcement officers.
 2. Except when called to service by the TABC or the governor, special agents or representatives will not enforce any law in an official capacity except those designed to protect life and property.
 3. Special agents or representatives will not enforce a law regulating the use of a state highway by a motor vehicle.
 4. If a special agent or representative is involved in a situation that may directly or indirectly involve or reflect upon the TABC, he or she will immediately notify the nearest TABC district office supervisor and describe the situation.
 5. Special agents or representatives do not have authorization to and will not obtain information from criminal history or driver's license files or any other information that utilizes the Texas Law Enforcement Telecommunications System (TLETS) based solely on holding these commissions.
 6. Special agents or representatives must comply with the Private Security Act (PSA) when participating in private security, guard, investigative, or other similar work governed by the PSA. Questions concerning PSA regulations should be directed to the Texas Department of Public Safety Private Security Bureau at (512) 424-7710.
 7. Special agents or representatives will notify the Enforcement Division of any change in address or telephone number.

f. Revocation of a Special Agent or Representative's Commission.

1. The TABC or the administrator may revoke a special agent or representative's commission at any time for cause.
2. All applicable information relating to the revocation will be submitted to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE).

FORMS

Application for Special Agent Commission

Enlistment and Oath of Office

Special Agent Approval Process and Checklist

Identification Card Data Sheet

Declaration of Medical Condition, TCLEOSE L-2

Declaration of Psychological and Emotional Health, TCLEOSE L-3