

**September 2009 Commission Meeting
Proposed Orders
Policy Summary**

Although these proposed orders have an effective date of January 14, 2010. The Commissioners voted unanimously, as a matter of policy, that the following orders be interpreted to be in effect as of September 3, 2009.

10-01-217.21 Firearms Proficiency Requirements

Subsection (a) is amended to require an agency that employs or appoints one officer to qualify at least once per year. Subsection (c)(3) is amended for clarification.

These amendments are necessary to incorporate the changes to Texas Occupations Code §1701.355 Continuing Demonstration of Weapons Proficiency from Senate Bill 1303.

10-02-221.11 Mental Health Officer Proficiency

Subsection (a) is amended to include eligibility to individuals licensed as county jailers. Subsection (a)(7) is amended to reflect the correct title of the required training course.

These amendments are necessary to incorporate the changes to Texas Occupations Code §1701.404 Certification of Officers for Mental Health Assignments from House Bill 2093.

10-06-211.27 Reporting Responsibilities of Individuals

The rule identifies the reporting requirements for individuals already licensed and those awaiting licensure. These requirements include: name and address changes; arrests, charges or indictments; final disposition of criminal actions; military separations and an effective date.

These changes are necessary to incorporate the changes to Texas Occupations Code §1701.307 from House Bill 2799.

§211.27. Reporting Responsibilities of Individuals.

(a) An individual who either is a licensee or meets the requirements of Texas Occupations Code §1701.307(a) must report to the commission, in a format prescribed by the commission, within 30 days:

(1) any name change;

(2) a permanent mailing address other than an agency address;

(3) all subsequent address changes;

(4) an arrest, charge, or indictment for a criminal offense above the grade of Class C misdemeanor, or for any Class C misdemeanor involving the duties and responsibilities of office or family violence, including the name of the arresting agency, the style, court, and cause number of the charge or indictment, if any;

(5) the final disposition of the criminal action; and

(6) all subsequent DD214s to the commission indicating any military discharge other than under honorable or general-under-honorable conditions.

(b) The effective date of this section is January 14, 2010.

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10-10-217.8 Contesting an Employment Termination Report

Subsection (a) is amended to clarify a reference to another rule. Subsection (d) is amended to reflect a procedural change. Subsection (e) is amended to identify the commission is not a party to these contested cases.

These amendments are necessary to incorporate the changes to Texas Occupations Code §1701.4525 from House Bill 3389, Section 20.

10-12-221.3 Peace Officer Proficiency

Subsection (a)(2) is amended to incorporate the course requirements for Basic Peace Officer certificates. Subsection (b)(2) is amended for a grammatical change. Subsection (b)(3) is amended to incorporate the course requirements for Intermediate Peace Officer certificates. Subsection (c)(2) is amended to incorporate the course requirements for Advanced Peace Officer certificates. Subsection (c)(3) is amended for a grammatical change.

These amendments are necessary to incorporate the changes to Texas Occupations Code §1701.402 from House Bill 3389, Section 17 and House Bill 4009, Section 6.

10-13-223.1 License Action and Notification

Subsection (a) is amended to identify violations by a licensee that the commission may take action on.

These amendments are necessary to incorporate the changes to Texas Occupations Code §1701.501 from House Bill 3389, Section 22.

10-14-223.2 Administrative Penalties (New rule)

Subsection (a) is added to identify that law enforcement or governmental agencies are subject to an administrative penalty. Subsection (b) is added to identify notification requirements of an administrative penalty. Subsection (c) is added to identify the criteria used to determine administrative penalties.

These amendments are necessary to incorporate the changes to Texas Occupations Code §1701.507 from House Bill 3389, Section 23.

223.2 Administrative Penalties

(a) In addition to other penalties imposed by law, a law enforcement agency or governmental entity that violates this chapter or a rule adopted under this chapter is subject to an administrative penalty in an amount set by the commission not to exceed \$1,000 per day per violation. The administrative penalty shall be assessed in a proceeding conducted in accordance with Chapter 2001, Government Code.

(b) The commission shall provide notice to the law enforcement agency a range of penalties that apply to the specific alleged violation(s) and the criteria used to determine the amount of the proposed administrative penalty.

(c) The amount of the penalty shall be based on:

- (1) the seriousness of the violation;
- (2) the respondent's history of violations;
- (3) the amount necessary to deter future violations;
- (4) efforts made by the respondent to correct the violation; and
- (5) any other matter that justice may require.

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(d) The effective date of this section is January 14, 2010.

10-16-221.1 Proficiency Certificate Requirements

Subsection (a) is added to clarify proficiency certificates issued by the commission. Subsection (b) is amended to include the Firearms Proficiency for Juvenile Probation officers. Subsection (c) is amended to identify the items that cause an application to be refused. Subsection (d) is amended to allow for cancelation of unqualified certificates. Subsection (e) is amended to allow for cancelation of false applications. Subsection (f) is amended to specify that academic degrees must be from an accredited college or university.

These amendments are necessary to incorporate the changes to Texas Occupations Code §1701.507 from House Bill 1237.

10-18-221.35 Firearms Proficiency for Juvenile Probation Officers (New rule)

Subsection (a) identifies the requirements for obtaining this proficiency certificate. Subsection (b) identifies the weapons proficiency requirements for juvenile probation officers. Subsection (c) identifies the expiration date for certificates issued under this section and stipulates requirements for renewal of the certificate for juvenile probation officers.

These amendments are necessary to incorporate the changes to Texas Occupations Code §1701.507 from House Bill 1237.

221.35 Firearms Proficiency for Juvenile Probation Officers

(a) To qualify for a firearms proficiency for juvenile probation officers certificate, an applicant must meet the following requirements, including:

(1) current employment as a juvenile probation officer by the Texas Juvenile Probation Commission; and

(2) successful completion of the commission's current firearms training program for juvenile probation officers.

(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. Upon 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) and (b) of this section in order to renew the certificate.

(d) The effective date of this section is January 14, 2010.