

# PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

**Symbols in proposed rule text.** Proposed new language is indicated by underlined text. ~~Square brackets and strikethrough~~ indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

## TITLE 34. PUBLIC FINANCE

### PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

#### CHAPTER 20. STATEWIDE PROCUREMENT AND SUPPORT SERVICES

##### SUBCHAPTER E. SPECIAL CATEGORIES OF CONTRACTING

##### DIVISION 1. STATE SUPPORT SERVICES - MAIL AND PRINTING

#### 34 TAC §20.382

The Comptroller of Public Accounts proposes amendments to §20.382, concerning printing.

No legislation was enacted within the last four years that provides the statutory authority for the amendments.

The comptroller amends subsection (a) to remove unnecessary language that merely recites the statute. The revised language provides that §20.382 does not apply to institutions of higher education. The revised language aligns this section with Government Code, §2172.003(d).

The comptroller amends subsection (b) to streamline language. The revised language provides that the comptroller may assess and evaluate printing operations of state agencies and make recommendations to increase productivity and cost-effectiveness.

The comptroller amends subsection (c) to remove the outdated Council on Competitive Government's (CCG) Cost Methodology as a baseline for evaluating and comparing cost of state agency printing operations. CCG has been abolished. The new language provides all state agency print shops in Travis County shall operate under an interagency contract, and an interagency contract is the sole method through which the comptroller will authorize a state agency in Travis County to operate a print shop.

The comptroller amends subsection (d) to provide that the comptroller's review of print shop equipment purchases under §20.382 is optional. Subsection (d) now states that the comptroller may review state agency requisitions for new print shop equipment, including copiers and other printing devices. The new language also provides instruction on how to initiate the review, and lists written documentation the state agency may provide the comptroller for review. It eliminates items the comptroller will no longer review, because it is duplicative or irrelevant to the comptroller's review. The amendment renumbers the paragraphs in subsection (d) to adjust for the deleted language.

The comptroller amends subsection (f) to describe the comptroller's internet portal for obtaining quotes from print shops. Because the print shop portal has replaced the print shop roster formerly maintained by the comptroller, the amended subsection (f) no longer mentions the roster. The amended subsection (f) also provides that institutions of higher education and agencies with print shops outside Travis County may participate in the portal by entering an interagency agreement with the comptroller.

The comptroller deletes subsection (g). The comptroller maintains the online Centralized Master Bidders List as described in §20.107 of this title. Maintaining a printed listing as described in the former subsection (g) would merely duplicate the same information in a less useful format.

The amendment renumbers former subsection (h), to subsection (g).

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed amendments are in effect, the amended rule: will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will not increase or decrease the number of individuals subject to the rule's applicability; and will not positively or adversely affect this state's economy. This proposal amends an existing rule.

Mr. Reynolds also has determined that the proposed rule amendments would have no fiscal impact on the state government, units of local government, or individuals. The proposed amendments would benefit the public by improving the clarity and implementation of the section. There would be no anticipated economic cost to the public. The proposed amendments would have no fiscal impact on small businesses or rural communities.

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including any applicable data, research or analysis, to Gerard MacCrossan, P.O. Box 13528 Austin, Texas 78711 or to the email address: Gerard.MacCrossan@cpa.texas.gov The comptroller must receive your comments or other information no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held to receive comments on the proposed amendments. There is no physical location for this meeting. The meeting will be held at 10:00 a.m., Central Time, on Tuesday, February 10, 2026. To access the online public meeting by web browser, please enter the following URL into your browser: <https://txcpa.webex.com/txcpa/j.php?MTID=mc5da036d94cb39fac7c45cfeacf72d09>.

To join the meeting by computer or cell phone using the Webex app, use the access code 24868453987 and password SP-DRULES. Persons interested in providing comments at the public hearing may contact Mr. Gerard MacCrossan, Comptroller of Public Accounts, at Gerard.MacCrossan@cpa.texas.gov or by calling (512) 463-4468 by February 9, 2026.

These amendments are proposed under Government Code, §2172.003 which provides that the comptroller shall adopt rules for state agencies to implement Chapter 2172 regarding printing activities; and assess and evaluate those activities.

These amendments implement Government Code Chapter 2172.

§20.382. *Printing.*

(a) This section does not apply to institutions of higher education. [ Pursuant to Government Code, §2172.003, the comptroller may provide assistance to any state agency regarding their printing activities. Assistance can be provided by telephone, fax, letter, e-mail or in person.]

(b) The comptroller may assess [assesses] and evaluate [evaluates] printing operations of state agencies and [activities to ensure the best interests of the State of Texas are met. The comptroller may] make recommendations to [state agencies that will] increase [the] productivity and cost-effectiveness [of their printing operations. The assessment may include but is not limited to an appraisal of equipment, customer base, sales, printing volume, costs, and personnel].

(c) [The comptroller adopted the Council on Competitive Government's (CCG) Cost Methodology as a baseline for evaluating and comparing cost of state agency printing operations.] All state agency print shops in Travis County shall [(except higher education)] operate under an interagency contract [a Franchise Agreement ("Agreement")] with the comptroller. An interagency contract is the sole method through which the comptroller will authorize [, which allows state agencies currently operating a print shop to maintain direct control with general oversight provided by the comptroller through Franchise Agreements. Failure to sign the Agreement will eliminate the authority for] a state agency in Travis County to operate a print shop. [The Agreement requires each print shop to utilize the CCG Cost Methodology in determining the cost of printing. Each print shop shall provide quarterly data to the comptroller, which will summarize this information in quarterly and annual reports.]

(d) The comptroller may review [reviews] state agency requisitions for new print shop equipment, including copiers [copiers/duplicators] and other printing devices [used in quick copy operations]. To initiate [complete] the review, the state agency must provide written documentation to the comptroller. This documentation may include [but is not limited to]:

(1) a justification for [summary narrative justifying] the proposed purchase, rent, or lease of equipment;

[(2) a description of the method of finance;]

(2) [(3)] a list [detailing] of any [the model(s) of] printing equipment the agency [currently has that it] plans to replace [(if applicable)];

(3) [(4)] a list [detailing] of [the model(s) of] printing equipment the agency plans to acquire;

(4) [(5) a detailing of] current annual costs for any equipment to be replaced [(if applicable)];

(5) [(6) a detailing of] the estimated annual cost for the proposed equipment;

(6) [(7)] the cost benefit of proposed equipment;

(7) [(8)] the estimated volume of work which may be processed through the proposed equipment; and

[(9) a summary of the equipment(s) enhanced features;]

(8) [(10)] the number of hours per day the proposed equipment will run.[:]

[(11) the number of shifts the proposed equipment will be operated on a daily basis; and]

[(12) miscellaneous information that may be pertinent as a consequence of other information supplied by the agency.]

(e) The comptroller shall assist state agencies with expediting the production of printing and graphic arts by serving as a source of information, facilitating disputes, hosting meetings, or performing other services.

(f) The comptroller shall operate an internet portal that allows state agencies to request print shop services and receive cost quotes from authorized state agency print shops. Institutions of higher education and agencies with print shops outside Travis County may participate by entering an interagency agreement with the comptroller. [A roster of franchised print shops is maintained by the comptroller. This roster includes print shop equipment, facilities, special capabilities, and staffing. The roster will be provided to requesting entities.]

[(g) The comptroller will work with state agencies to ensure that printing services and supplies are purchased in the most economical manner possible. A vendor listing by commodity and services is maintained to maximize information regarding private sector suppliers. A summary vendor listing will be provided to requesting entities.]

(g) [(h)] The comptroller will work with state agencies to coordinate the consolidation of print shops when the agencies involved determine a consolidation is appropriate.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 29, 2025.

TRD-202504793

Don Neal

General Counsel, Operations and Support Legal Services

Comptroller of Public Accounts

Earliest possible date of adoption: February 8, 2026

For further information, please call: (512) 475-2220



## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### PART 6. TEXAS DEPARTMENT OF CRIMINAL JUSTICE

#### CHAPTER 151. GENERAL PROVISIONS

##### 37 TAC §151.52

The Texas Board of Criminal Justice (board) proposes amendments to §151.52, concerning Sick Leave Pool. The proposed amendments make minor grammatical updates.

Ron Steffa, Chief Financial Officer for the Texas Department of Criminal Justice (TDCJ), has determined that for each year of the first five years the proposed amendments will be in effect, enforcing or administering the proposed amendments will not have foreseeable implications related to costs or revenues for state or local government because the proposed amendments merely make minor grammatical updates.

Mr. Steffa has also determined that for each year of the first five-year period, there will not be an economic impact on persons required to comply with the rules because the proposed amendments merely make minor grammatical updates. There will not be an adverse economic impact on small or micro businesses or on rural communities. Therefore, no regulatory flexibility analysis is required.

The anticipated public benefit, as a result of enforcing the proposed amendments, will be to enhance clarity and public understanding. No cost will be imposed on regulated persons.

The proposed amendments will have no impact on government growth; no impact on local employment; no creation or elimination of a government program; no creation or elimination of employee positions; no increase or decrease in future legislative appropriations to the TDCJ; no increase or decrease in fees paid to the TDCJ; no new regulation and no effect on an existing regulation; no increase or decrease in the number of individuals subject to the rule; and no effect upon the economy. The proposed amendments will not constitute a taking.

Comments and information such as applicable data, research, or analysis related to the cost, benefit, or effect of the proposed amendments should be directed to the Office of the General Counsel, Texas Department of Criminal Justice, P.O. Box 4004, Huntsville, Texas 77342, [ogccomments@tdcj.texas.gov](mailto:ogccomments@tdcj.texas.gov). Written comments and informational submissions from the general public must be received within 30 days of the publication of this rule in the *Texas Register*.

The amendments are proposed under Texas Government Code §492.013, which authorizes the board to adopt rules; and §§661.001-.008, which establish a sick leave pool for state employees.

Cross Reference to Statutes: None.

*§151.52. Sick Leave Pool.*

(a) Definitions. "Sick Leave Pool Administrator" is the Human Resources Division director or designee.

(b) Procedures.

(1) All contributions to the Texas Department of Criminal Justice (TDCJ) sick leave pool are voluntary. Employees who contribute accrued sick leave hours to the TDCJ sick leave pool may not designate the contributed hours for use by a specific employee. An employee who contributes accrued sick leave hours to the sick leave pool may not withdraw the contributed hours of sick leave. There is no limitation for frequency of donations.

(2) An employee may only withdraw time from the sick leave pool in the case of catastrophic injury or illness of the employee or a member of the employee's immediate family. The sick leave pool administrator shall determine the amount of time that an employee may withdraw from the sick leave pool. Any sick leave pool time granted qualifies as medical or parental leave.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 23, 2025.

TRD-202504781

Stephanie Greger

General Counsel

Texas Department of Criminal Justice

Earliest possible date of adoption: February 8, 2026

For further information, please call: (936) 437-6700



**37 TAC §151.53**

The Texas Board of Criminal Justice (board) proposes amendments to §151.53, concerning Family Leave Pool. The proposed amendments make minor grammatical updates.

Ron Steffa, Chief Financial Officer for the Texas Department of Criminal Justice (TDCJ), has determined that for each year of the first five years the proposed amendments will be in effect, enforcing or administering the proposed amendments will not have foreseeable implications related to costs or revenues for state or local government because the proposed amendments merely make minor grammatical updates.

Mr. Steffa has also determined that for each year of the first five-year period, there will not be an economic impact on persons required to comply with the rules because the proposed amendments merely make minor grammatical updates. There will not be an adverse economic impact on small or micro businesses or on rural communities. Therefore, no regulatory flexibility analysis is required.

The anticipated public benefit, as a result of enforcing the proposed amendments, will be to enhance clarity and public understanding. No cost will be imposed on regulated persons.

The proposed amendments will have no impact on government growth; no impact on local employment; no creation or elimination of a government program; no creation or elimination of employee positions; no increase or decrease in future legislative appropriations to the TDCJ; no increase or decrease in fees paid to the TDCJ; no new regulation and no effect on an existing regulation; no increase or decrease in the number of individuals subject to the rule; and no effect upon the economy. The proposed amendments will not constitute a taking.

Comments and information such as applicable data, research, or analysis related to the cost, benefit, or effect of the proposed amendments should be directed to the Office of the General Counsel, Texas Department of Criminal Justice, P.O. Box 4004, Huntsville, Texas 77342, [ogccomments@tdcj.texas.gov](mailto:ogccomments@tdcj.texas.gov). Written comments and informational submissions from the general public must be received within 30 days of the publication of this rule in the *Texas Register*.

The amendments are proposed under Texas Government Code §492.013, which authorizes the board to adopt rules; and §661.022, which establishes guidelines for a family leave pool.

Cross Reference to Statutes: None.

*§151.53. Family Leave Pool.*

(a) Definitions. "Family Leave Pool Administrator" is the Human Resources Division director or designee.

(b) Procedures.

(1) All contributions to the Texas Department of Criminal Justice (TDCJ) family leave pool are voluntary. Employees who contribute accrued sick or vacation leave hours to the TDCJ family leave pool may not designate the contributed hours for use by a specific employee. An employee who contributes accrued sick or vacation leave hours to the family leave pool may not withdraw the contributed hours of sick or vacation leave. There is no limitation for frequency of donations.

(2) An employee may only withdraw time from the family leave pool in case of:

(A) the birth of a child;

(B) the placement of a foster child or adoption of a child under 18 years of age;

(C) the placement of any person 18 years of age or older requiring guardianship;

(D) a serious illness to an immediate family member or the employee, including a pandemic-related illness; or

(E) an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member.

(3) The family leave pool administrator shall determine the amount of time that an employee may withdraw from the family leave pool. Any family leave pool time granted qualifies as sick leave.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 23, 2025.

TRD-202504782

Stephanie Greger

General Counsel

Texas Department of Criminal Justice

Earliest possible date of adoption: February 8, 2026

For further information, please call: (936) 437-6700



## PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

### CHAPTER 211. ADMINISTRATION

#### 37 TAC §211.29

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §211.29, Responsibilities of Agency Chief Administrators. The proposed amended rule would require chief administrators to report the successful completion of field training and Personnel Orientation (#1999) by a licensee to the Commission. This will reduce delays for licensees in achieving basic proficiency certificates and will reduce administrative burdens for the Commission in issuing basic proficiency certificates. This will also allow the Commission to better track which law enforcement agencies are providing the required training to licensees.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended 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 amended rule will be in effect, there will be a positive benefit to the public by ensuring that required training is completed and reported. 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 amended 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 amended 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 expands an existing regulation by requiring reporting of completed required training, but does not 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 is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to 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 amended rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.402, Proficiency Certificates. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator. Texas Occupations Code §1701.402 requires law enforcement agencies to provide

training relating to employment issues that affect peace officer, telecommunicators, and county jailers and makes this training a requirement for a basic proficiency certificate.

The amended rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.402, Proficiency Certificates. No other code, article, or statute is affected by this proposal.

*§211.29. Responsibilities of Agency Chief Administrators.*

(a) An agency chief administrator is responsible for making any and all reports and submitting any and all documents required of that agency by the commission.

(b) An individual who is appointed or elected to the position of the chief administrator of a law enforcement agency shall notify the Commission of the date of appointment and title, through a form prescribed by the Commission within 30 days of such appointment.

(c) An agency chief administrator must comply with the appointment and retention requirements under Texas Occupations Code, Chapter 1701.

(d) An agency chief administrator must report to the commission within 30 days, any change in the agency's name, physical location, mailing address, electronic mail address, or telephone number.

(e) An agency chief administrator must report, in a standard format, incident-based data compiled in accordance with Texas Occupations Code §1701.164.

(f) Line of duty deaths shall be reported to the commission in current peace officers' memorial reporting formats.

(g) An agency chief administrator has an obligation to determine that all appointees are able to safely and effectively perform the essential job functions. An agency chief administrator may require a fit for duty review upon identifying factors that indicate an appointee may no longer be able to perform job-related functions safely and effectively. These factors should be based on objective evidence and a reasonable basis that the cause may be attributable to a medical or psychological condition or impairment.

(h) An agency chief administrator shall notify the commission of any failed medical (L-2) or psychological (L-3) examination within 30 days on a form prescribed by the commission. An agency chief administrator shall notify the commission upon a final determination of a failed fit-for-duty examination (FFDE) or drug screen within 30 days on a form prescribed by the commission.

(i) An agency must provide training on employment issues identified in Texas Occupations Code §1701.402 and field training. If successfully completed, the agency must report these trainings to the commission within 30 days.

(j) An agency must provide continuing education training required in Texas Occupations Code §1701.351 and §1701.352.

(k) Before an agency appoints any licensee to a position requiring a commission license it shall complete the reporting requirements of Texas Occupations Code §1701.451.

(l) An agency appointing a person who does not hold a commission license must file an application for the appropriate license with the commission.

(m) An agency must notify the commission electronically following the requirements of Texas Occupations Code §1701.452, when a person under appointment with that agency resigns or is terminated.

(n) An agency chief administrator must comply with orders from the commission regarding the correction of a report of resignation/termination or request a hearing from SOAH.

(o) An agency chief administrator must:

(1) at the time the agency becomes aware of an allegation of misconduct, as defined in the model policy required by Texas Occupations Code § 1701.4522(a)(1), that may result in suspension, demotion, or termination, initiate an appropriate administrative or criminal investigation into alleged misconduct of a licensee who was appointed by the law enforcement agency at the time the alleged misconduct occurred;

(2) ensure completion of the investigation into alleged misconduct in a timely manner consistent with the law enforcement agency's policies even if the licensee has separated from the law enforcement agency;

(3) submit a report of a completed investigation into alleged criminal misconduct for which criminal charges are filed against a licensee to the commission within 30 days after the investigation is completed on a form prescribed by the commission;

(4) submit a report of a completed investigation into alleged administrative misconduct to the commission in a timely manner, but not later than 30 days after the licensee's separation from the law enforcement agency, on a form prescribed by the commission;

(5) if the investigative findings or disciplinary action taken are appealed, notify the commission that the matter is under appeal and notify the commission of the disposition of an appeal within 30 days after receipt of the decision; and

(6) include documentation of the completed investigation in the licensee's personnel or department file, as appropriate.

(p) An agency chief administrator must:

(1) maintain a personnel file and department file for each licensee appointed with the law enforcement agency;

(2) submit to the commission a complete copy of the personnel file of a licensee within 30 days after separation of the licensee from the law enforcement agency in a manner prescribed by the commission; and

(3) submit to the commission a complete copy of the personnel file and department file of a licensee upon request as part of an ongoing investigation relating to the licensee.

(q) Except in the case of a commission error, an agency that wishes to report a change to any information within commission files about a licensee shall do so in a request to the commission, containing:

(1) the licensee's name, date of birth, last four digits of the social security number, or PID;

(2) the requested change; and

(3) the reason for the change.

(r) An agency chief administrator may not appoint an applicant subject to pending administrative action based on:

(1) enrollment or licensure ineligibility; or

(2) statutory suspension or revocation.

(s) The effective date of this section is April 1, 2026 [~~November 1, 2025~~].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 19, 2025.

TRD-202504770

Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

Earliest possible date of adoption: February 8, 2026

For further information, please call: (512) 936-7700



### 37 TAC §211.30

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §211.30, Chief Administrator Responsibilities for Misdemeanor Waivers. The proposed amended rule would allow chief administrators to request a waiver of the minimum standards for enrollment or initial licensure in 37 Texas Administrative Code §217.1 for individuals that have been convicted or placed on community supervision for a disqualifying Class C misdemeanor offense. The proposed amended rule also clarifies and streamlines the process for the Commission to approve or deny a waiver request, which allows the Executive Director to approve or deny a waiver request and allows a chief administrator to appeal a denied waiver request to the Commissioners.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended 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 amended rule will be in effect, there will be a positive benefit to the public by clarifying and streamlining the process for approving or denying a waiver request. 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 amended 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 amended 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 expand an existing regulation by expanding the classes of offenses for which a waiver may be sought to include Class C misdemeanors, but does not limit or repeal an existing regulation;

(7) the proposed rule does increase the number of individuals subject to the rule's applicability by expanding the classes of offenses for which a waiver may be sought to include Class C misdemeanors; and

(8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to 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 amended rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator.

The amended rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

#### *§211.30. Chief Administrator Responsibilities for Misdemeanor [Class A and B] Waivers.*

(a) A chief administrator may request the executive director to consider ~~[that]~~ an individual ~~[be considered]~~ for a waiver of ~~[either]~~ the minimum standards for enrollment or initial licensure ~~[requirements]~~ regarding an otherwise disqualifying ~~[Class A or B]~~ misdemeanor conviction or placement on community supervision ~~[deferred adjudication]~~. ~~[An individual is eligible for one waiver request. This request must be submitted at least 45 days prior to a regularly scheduled commission meeting.]~~

(b) A chief administrator is eligible to apply for a waiver five years after the date of the individual's conviction or placement on community supervision.

(c) The request must include:

(1) a complete description of the following mitigating factors:

(A) the applicant's history of compliance with the terms of community supervision;

(B) the applicant's continuing rehabilitative efforts not required by the terms of community supervision;

(C) the applicant's employment record;

(D) whether the disposition offense contains an element of actual or threatened bodily injury or coercion against another person under the Texas Penal Code or the law of the jurisdiction where the offense occurred;

(E) the required mental state of the disposition offense;

(F) whether the conduct resulting in the arrest resulted in the loss of or damage to property or bodily injury;

(G) the type and amount of restitution made by the applicant;

(H) the applicant's prior community service;

(I) the applicant's present value to the community;

(J) the applicant's post-arrest accomplishments;

(K) the applicant's age at the time of arrest; and

(L) the applicant's prior military history;

(2) all court and community supervision documents;

(3) the applicant's statement;

(4) all offense reports;

(5) victim(s) statement(s), if applicable;

(6) letters of recommendation;

(7) statement(s) of how the public or community would benefit;

(8) chief administrator's written statement of intent to hire the applicant as a full time employee;

(9) the applicant's personal history statement; and

(10) the agency's background investigation report of the applicant.

(d) Commission staff will review the request and notify the chief administrator if the request is incomplete. The chief administrator must provide any missing documents before the request can be considered complete [scheduled for a commission meeting]. ~~[Once a completed request is received, it will be placed on the agenda of a regularly scheduled commission meeting.]~~

(e) The Executive Director may approve or deny a completed waiver request. If approved, the Executive Director will present the waiver request to the commissioners for ratification at the next public meeting. If denied, the chief administrator may appeal to the commissioners for consideration at a public meeting.

(f) [(e)] The chief administrator will be notified of the meeting date and must be present to present the request to the commissioners. The applicant must be present at the meeting to answer questions about the request. Staff will present a report on the review process.

[(f)] After hearing the request, the commissioners will make a decision and take formal action to approve or deny the request.]

(g) If granted, a waiver is issued in the name of the applicant chief administrator, belongs to the sponsoring agency, is nontransferable without approval, and is without effect upon the subject's separation from the sponsoring agency [employment]. If separated and in the event of subsequent prospective law enforcement employment, a person may seek another waiver through the prospective hiring agency's chief administrator.

(h) The effective date of this section is April 1, 2026 ~~[August 1, 2025]~~.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 19, 2025.

TRD-202504771

Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

Earliest possible date of adoption: February 8, 2026

For further information, please call: (512) 936-7700



## CHAPTER 218. CONTINUING EDUCATION

### 37 TAC §218.3

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §218.3, Legislatively Required Continuing Education for Licensees. This proposed amended rule conforms with the amendments made to Texas Occupations Code §1701.253 and §1701.3525 made by Senate Bill 1852 (88R). The proposed amended rule would require individuals licensed as a reserve law enforcement officer or as a public security officer to complete Advanced Law Enforcement Rapid Response Training (ALERRT) continuing education every four-year cycle and ALERRT Level 1 not later than August 31, 2029.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended 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 amended rule will be in effect, there will be a positive benefit to the public by conforming with Texas Occupations Code §1701.253 and §1701.3525 to require active shooter response training for officers. 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 amended 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 amended 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 is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to 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 amended rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.253, School Curriculum, and Texas Occupations Code §1701.3525, Active Shooter Response Training Required for Officers. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator. Texas Occupations Code §1701.253 requires officers to complete ALERRT Level 1 not later than the end of the first full training period after licensure unless completed as part of a basic licensing course. Texas Occupations Code §1701.3525 requires officers to complete 16 hours of ALERRT continuing education each training period.

The amended rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.253, School Curriculum, and Texas Occupations Code §1701.3525, Active Shooter Response Training Required for Officers. No other code, article, or statute is affected by this proposal.

*§218.3. Legislatively Required Continuing Education for Licensees.*

(a) Each licensee shall complete the legislatively mandated continuing education in this chapter. Each appointing agency shall allow the licensee the opportunity to complete the legislatively mandated continuing education in this chapter. This section does not limit the number or hours of continuing education an agency may provide.

(b) Each training unit (2 years)

(1) Peace officers shall complete at least 40 hours of continuing education, to include the corresponding legislative update for that unit. Peace officers shall complete not less than 16 hours of training on responding to an active shooter as developed by the Advanced Law Enforcement Rapid Response Training Center at Texas State University-San Marcos. All peace officers shall complete ALERRT Level 1 training not later than August 31, 2027. Training for all chief administrators, who are licensed as peace officers, shall include ALERRT command and leadership training each training unit.

(2) Telecommunicators shall complete at least 20 hours of continuing education to include cardiopulmonary resuscitation training.

(c) Each training cycle (4 years)

(1) Peace officers who have not yet reached intermediate proficiency certification shall complete: Cultural Diversity (3939), Special Investigative Topics (3232), Crisis Intervention (3843) and De-escalation (1849).

(2) Individuals licensed as jailers shall complete Cultural Diversity (3939), unless the person has completed or is otherwise exempted from legislatively required training under another commission license or certificate.

(3) [(2)] Individuals licensed as reserve law enforcement officers[, jailers,] or public security officers shall complete:

(A) Cultural Diversity (3939), unless the person has completed or is otherwise exempted from legislatively required training under another commission license or certificate;[-]

(B) not less than 16 hours of training on responding to an active shooter as developed by the Advanced Law Enforcement Rapid Response Training Center at Texas State University-San Marcos; and

(C) ALERRT Level 1 training not later than August 31, 2029.

(d) Assignment specific training

(1) Police chiefs: individuals appointed as "chief" or "police chief" of a police department shall complete:

(A) For an individual appointed to that individual's first position as chief, the initial training program for new chiefs provided by the Bill Blackwood Law Enforcement Management Institute, not later than the second anniversary of that individual's appointment or election as chief; and

(B) At least 40 hours of continuing education for chiefs each 24-month unit, as provided by the Bill Blackwood Law Enforcement Management Institute.

(2) Constables: elected or appointed constables shall complete:

(A) For an individual appointed or elected to that individual's first position as constable, the initial training program for new constables provided by the Bill Blackwood Law Enforcement Management Institute, not later than the second anniversary of that individual's appointment or election as constable; and

(B) Each 48 month cycle, at least 40 hours of continuing education for constables, as provided by the Bill Blackwood Law Enforcement Management Institute and a 20 hour course of training in civil process to be provided by a public institution of higher education selected by the Commission.

(3) Deputy constables: each deputy constable shall complete a 20 hour course of training in civil process each training cycle. The commission may waive the requirement for this training if the constable, in the format required by TCOLE, requests exemption due to the deputy constable not engaging in civil process as part of their assigned duties.

(4) New supervisors: each peace officer assigned to their first position as a supervisor must complete new supervisor training within one year prior to or one year after appointment as a supervisor.



(5) School-based Law Enforcement Officers: School district peace officers and school resource officers providing law enforcement services at a school district must obtain a school-based law enforcement proficiency certificate within 180 days of the officer's commission or placement in the district or campus of the district.

(6) Eyewitness Identification Officers: peace officers performing the function of eyewitness identification must first complete the Eyewitness Identification training (3286).

(7) Courtroom Security Officers/Persons: any person appointed to perform courtroom security functions at any level shall complete the Courtroom Security course (10999) within 1 year of appointment.

(8) Body-Worn Cameras: peace officers and other persons meeting the requirements of Occupations Code 1701.656 must first complete Body-Worn Camera training (8158).

(9) Officers Carrying Epinephrine Auto-injectors: peace officers meeting the requirements of Occupations Code 1701.702 must first complete epinephrine auto-injector training.

(10) Jailer Firearm Certification: jailers carrying a firearm as part of their assigned duties must first obtain the Jailer Firearms certificate before carrying a firearm.

(11) University Peace Officers, Trauma-Informed Investigation Training: each university or college peace officer shall complete an approved course on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, and stalking.

(e) Miscellaneous training

(1) Human Trafficking: every peace officer first licensed on or after January 1, 2011, must complete Human Trafficking (3270) within 2 years of being licensed.

(2) Canine Encounters: every peace officer first licensed on or after January 1, 2016, must take Canine Encounters (4065) within 2 years of being licensed.

(3) Deaf and Hard of Hearing Drivers: every peace officer licensed on or after March 1, 2016, must complete Deaf and Hard of Hearing Drivers (7887) within 2 years of being licensed.

(4) Civilian Interaction Training: every peace officer licensed before January 1, 2018, must complete Civilian Interaction Training Program (CITP) within 2 years. All other peace officers must complete the course within 2 years of being licensed.

(5) Crisis Intervention Training: every peace officer licensed on or after April 1, 2018, must complete the 40 hour Crisis Intervention Training within 2 years of being licensed.

(6) Mental Health for Jailers: all county jailers must complete Mental Health for Jailers not later than August 31, 2021.

(f) The Commission may choose to accept an equivalent course for any of the courses listed in this chapter, provided the equivalent course is evaluated by commission staff and found to meet or exceed the minimum curriculum requirements of the legislatively mandated course.

(g) The commission shall provide adequate notice to agencies and licensees of impending non-compliance with the legislatively required continuing education.

(h) The chief administrator of an agency that has licensees who are in non-compliance shall, within 30 days of receipt of notice of non-compliance, submit a report to the commission explaining the reasons for such non-compliance.

(i) Licensees shall complete the legislatively mandated continuing education in the first complete training unit, as required, or first complete training cycle, as required, after being licensed.

(j) All peace officers must meet all continuing education requirements except where exempt by law.

(k) The effective date of this section is April 1, 2026 [~~September 1, 2024~~].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 19, 2025.

TRD-202504772

Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

Earliest possible date of adoption: February 8, 2026

For further information, please call: (512) 936-7700

◆ ◆ ◆