

OCCUPATIONS CODE

TITLE 10. OCCUPATIONS RELATED TO LAW ENFORCEMENT AND SECURITY

CHAPTER 1701. LAW ENFORCEMENT OFFICERS

SUBCHAPTER A. GENERAL PROVISIONS

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1458](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 1701.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission on Law Enforcement.

(2) "County jailer" means a person employed as a county jail guard under Section [85.005](#), Local Government Code.

(2-a) "Misconduct" means:

(A) a violation of law; or

(B) any of the following that have been sustained by a law enforcement agency employing a license holder:

(i) a violation of a law enforcement agency policy for which the agency may suspend, demote, or terminate a license holder's employment; or

(ii) an allegation of untruthfulness against a license holder.

(3) "Officer" means a peace officer or reserve law enforcement officer.

(4) "Peace officer" means a person elected, employed, or appointed as a peace officer under Article [2A.001](#), Code of Criminal Procedure, or other law.

(5) "Public security officer" means a person employed or appointed as an armed security officer by this state or a political subdivision of this state. The term does not include a security officer employed by a private security company that contracts with this state or a political subdivision of this state to provide security services for the entity.

(6) "Reserve law enforcement officer" means a person designated as a reserve law enforcement officer under Section

85.004, 86.012, or 341.012, Local Government Code, or Section 60.0775, Water Code.

(7) "Telecommunicator" means a person acknowledged by the commission and employed by or serving a law enforcement agency that performs law enforcement services on a 24-hour basis who receives, processes, and transmits public safety information and criminal justice data for the agency by using a base radio station on a public safety frequency regulated by the Federal Communications Commission or by another method of communication.

(8) "School marshal" means a person who:

(A) is appointed to serve as a school marshal by:

(i) the board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code;

(ii) the governing body of a private school under Section 37.0813, Education Code; or

(iii) the governing board of a public junior college under Section 51.220, Education Code;

(B) is licensed under Section 1701.260; and

(C) has powers and duties described by Article 2A.008, Code of Criminal Procedure.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 173 (H.B. 340), Sec. 2, eff. May 27, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. 3823), Sec. 1, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 1.01, eff. May 18, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 655 (H.B. 1009), Sec. 6, eff. June 14, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1144 (S.B. 386), Sec. 4, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 988 (H.B. 867), Sec. 6, eff. June 15, 2017.

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.146, eff. January 1, 2025.

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 1, eff. September 1, 2023.

Sec. 1701.002. APPLICATION OF SUNSET ACT. The Texas Commission on Law Enforcement is subject to Chapter [325](#), Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2031.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 1, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. [686](#)), Sec. 1.02, eff. May 18, 2013.

Acts 2021, 87th Leg., R.S., Ch. 850 (S.B. [713](#)), Sec. 1.05(a), eff. June 16, 2021.

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 2, eff. September 1, 2023.

Sec. 1701.003. APPLICATION OF CHAPTER. (a) Except as expressly provided by this chapter, this chapter does not:

(1) limit the powers or duties of a municipality or county; or

(2) affect Chapter [143](#), Local Government Code.

(b) This chapter does not affect a constable or other officer or county jailer elected under the Texas Constitution before September 1, 1985, and does not affect a person who held the office of sheriff before January 1, 1994.

(c) This chapter does not prevent an employing agency from establishing qualifications and standards for hiring or training officers, county jailers, or telecommunicators that exceed the commission's minimum standards.

(d) A provision of this chapter applying to issuance or revocation of a peace officer license applies to issuance or revocation of a public security officer license.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. 3823), Sec. 2, eff. September 1, 2011.

Sec. 1701.004. REFERENCE TO COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION. A reference in law to the Commission on Law Enforcement Officer Standards and Education or the Texas Commission on Law Enforcement Officer Standards and Education means the Texas Commission on Law Enforcement. Added by Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 1.03, eff. May 18, 2013.

SUBCHAPTER B. TEXAS COMMISSION ON LAW ENFORCEMENT

Sec. 1701.051. COMMISSION MEMBERSHIP. (a) The Texas Commission on Law Enforcement is an agency of this state and consists of nine members appointed by the governor with the advice and consent of the senate as follows:

(1) three members who are sheriffs, constables, or chiefs of police;

(2) three members who:

(A) are licensed under this chapter, two of whom are peace officers who, at the time of appointment, hold nonsupervisory positions with a law enforcement agency; and

(B) have been licensed under this chapter for the five years preceding the date of appointment; and

(3) three members who represent the public.

(b) Appointments to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(c) A public officer appointed to the commission serves on the commission as an additional duty of the office.

(d) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 35(1), eff. September 1, 2009.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 35(1), eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 1.05, eff. May 18, 2013.

Sec. 1701.052. ELIGIBILITY OF PUBLIC MEMBERS. A person is not eligible for appointment as a public member of the commission if the person or the person's spouse:

(1) is registered, certified, or licensed by an occupational regulatory agency in the field of law enforcement;

(2) is employed by or participates in the management of a business entity or other organization regulated by the commission or receiving funds from the commission;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the commission or receiving funds from the commission;

(4) uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses; or

(5) is an officer, employee, or paid consultant of a law enforcement labor union.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a commission member and may not be an employee of the commission employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid

consultant of a Texas trade association in the field of law enforcement or county corrections; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of law enforcement or county corrections.

(c) A person may not be a member of the commission or act as the general counsel to the commission or the agency if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the commission's operation.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 2, eff. September 1, 2009.

Sec. 1701.054. TERMS; VACANCY. (a) Appointed commission members serve staggered six-year terms. Every two years:

(1) the term of one of the members appointed under Section 1701.051(a)(1) expires;

(2) the term of one of the members appointed under Section 1701.051(a)(2) expires; and

(3) the term of one of the members appointed under Section 1701.051(a)(3) expires.

(b) A vacancy in an office of a member of the commission shall be filled for the unexpired term.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.055. OFFICERS; QUORUM; VOTING. (a) The governor shall designate a commission member to serve as the commission's presiding officer. The presiding officer serves in that capacity at the will of the governor.

(b) At its first meeting after appointment of members to serve regular terms, the commission shall elect an assistant presiding officer and a secretary from its appointed members.

(c) Five members constitute a quorum.

(d) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1224, Sec. 6, eff. September 1, 2011.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1224 (S.B. 542), Sec. 1, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1224 (S.B. 542), Sec. 6, eff. September 1, 2011.

Sec. 1701.056. GROUNDS FOR REMOVAL. (a) It is a ground for removal from the commission that a member:

(1) does not have at the time of taking office the qualifications required by Section 1701.051(a) or 1701.052;

(2) does not maintain during service on the commission the qualifications required by Section 1701.051(a) or 1701.052;

(3) is ineligible for membership under Section 1701.053;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled commission meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the commission.

(b) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the commission's presiding officer of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the commission, who shall notify the governor and the attorney general that a potential ground for removal exists.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 3, eff.

September 1, 2009.

Sec. 1701.057. COMPENSATION; REIMBURSEMENT. (a) A commission member may not receive compensation for service on the commission.

(b) A commission member is entitled to reimbursement for actual and necessary expenses incurred in performing functions under this chapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.058. MEETINGS. (a) The commission shall meet at least once during each biennium to receive public comment on training and standards for officers and county jailers. Within a reasonable time after the meeting, the commission shall report to the governor and legislature findings and recommendations resulting from the meeting.

(b) The commission may meet at other times and places in this state that the commission considers proper. The presiding officer may call a meeting on the officer's own motion and shall call a meeting on the written request of five members.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.059. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

- (1) the law governing commission operations;
- (2) the programs, functions, rules, and budget of the commission;
- (3) the scope of and limitations on the rulemaking authority of the commission;
- (4) the results of the most recent formal audit of the commission;
- (5) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B) other laws applicable to members of a state policy-making body in performing their duties; and

(6) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(c) A person appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) The executive director of the commission shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each member of the commission. Each commission member shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 4, eff. September 1, 2009.

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 3, eff. September 1, 2023.

Sec. 1701.060. APPLICATION OF OPEN RECORDS LAW AND ADMINISTRATIVE PROCEDURE LAW. Except as provided by Sections [1701.502](#) and [1701.503](#), the commission is subject to Chapters [551](#) and [2001](#), Government Code.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

SUBCHAPTER C. EXECUTIVE DIRECTOR AND PERSONNEL

Sec. 1701.101. EXECUTIVE DIRECTOR. The commission may employ an executive director.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.102. PERSONNEL. The commission may employ personnel necessary to perform commission functions.
Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.103. DIVISION OF RESPONSIBILITIES. The commission shall develop and implement policies that clearly define the policy-making responsibilities of the commission and the management responsibilities of the executive director and the staff of the commission.
Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.104. QUALIFICATIONS AND STANDARDS OF CONDUCT INFORMATION. The executive director or the executive director's designee shall provide, as often as necessary, to the commission's members and employees information regarding their:

(1) qualifications for office or employment under this chapter; and

(2) responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.105. CAREER LADDER PROGRAM; PERFORMANCE EVALUATIONS. (a) The executive director or the executive director's designee shall develop an intra-agency career ladder program that addresses opportunities for mobility and advancement for employees within the agency. The program must require intra-agency posting of all positions concurrently with any public posting.

(b) The executive director or the executive director's designee shall develop a system of annual performance evaluations that are based on documented employee performance. All merit pay for commission employees must be based on this system.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.106. EQUAL EMPLOYMENT OPPORTUNITY POLICY; REPORT. (a) The executive director or the executive director's

designee shall prepare and maintain a written policy statement to ensure implementation of an equal employment opportunity program under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies related to recruitment, evaluation, selection, appointment, training, and promotion of personnel that are in compliance with requirements of Chapter 21, Labor Code;

(2) a comprehensive analysis of the commission workforce that meets federal and state laws, rules, and regulations and instructions promulgated directly from those laws, rules, and regulations;

(3) procedures by which a determination can be made of underuse in the commission workforce of all persons for whom federal or state laws, rules, and regulations and instructions promulgated directly from those laws, rules, and regulations encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of underuse.

(b) A policy statement prepared under Subsection (a) must:

(1) cover an annual period;

(2) be updated annually;

(3) be reviewed by the Commission on Human Rights for compliance with Subsection (a)(1); and

(4) be filed with the governor.

(c) The governor shall deliver a biennial report to the legislature based on the information received under Subsection (b). The report may be made separately or as a part of other biennial reports to the legislature.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

SUBCHAPTER D. POWERS AND DUTIES OF COMMISSION

Sec. 1701.151. GENERAL POWERS OF COMMISSION; RULEMAKING AUTHORITY. The commission may:

(1) adopt rules for the administration of this chapter

and for the commission's internal management and control;

(2) establish minimum standards relating to competence and reliability, including education, training, physical, and mental standards, for licensing as an officer, county jailer, public security officer, or telecommunicator;

(3) report to the governor and legislature on the commission's activities, with recommendations on matters under the commission's jurisdiction, and make other reports that the commission considers desirable;

(4) require a state agency or a county, special district, or municipality in this state that employs officers, telecommunicators, or county jailers to submit reports and information;

(5) contract as the commission considers necessary for services, facilities, studies, and reports required for:

(A) cooperation with municipal, county, special district, state, and federal law enforcement agencies in training programs; and

(B) performance of the commission's other functions; and

(6) conduct research and stimulate research by public and private agencies to improve law enforcement and police administration.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. [3823](#)), Sec. 3, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. [1951](#)), Sec. 1, eff. January 1, 2014.

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 4, eff. September 1, 2023.

Sec. 1701.152. RULES RELATING TO HIRING DATE OF PEACE OFFICER. The commission may not adopt or enforce a rule that sets the date of appointment of a peace officer at a later date than the date that appears on employment records of the hiring law enforcement agency.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.1521. USE OF TECHNOLOGY. The commission shall implement a policy requiring the commission to use appropriate technological solutions to improve the commission's ability to perform its functions. The policy must ensure that the public is able to interact with the commission on the Internet.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 7, eff. September 1, 2009.

Sec. 1701.1522. ALTERNATIVE DISPUTE RESOLUTION. (a) The commission shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of commission rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the commission's jurisdiction.

(b) The commission's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The commission shall designate a trained person to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures, as implemented by the commission.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 7, eff. September 1, 2009.

Sec. 1701.1523. ELECTRONIC SUBMISSION OF FORMS, DATA, AND DOCUMENTS. The commission by rule shall:

(1) develop and establish a system for the electronic submission of forms, data, and documents required to be submitted to the commission under this chapter; and

(2) once that system is established, require law enforcement agencies to submit to the commission electronically any form, data, or document required to be submitted to the commission under this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 7, eff. September 1, 2009.

Sec. 1701.1524. RULES RELATING TO CONSEQUENCES OF CRIMINAL CONVICTION OR DEFERRED ADJUDICATION. (a) The commission by rule shall establish guidelines consistent with this chapter that are necessary to comply with Chapter 53 to the extent that chapter applies to persons licensed under this chapter.

(b) In its rules under this section, the commission shall list the offenses for which a conviction would constitute grounds for the commission to take action under Section 53.021 or for which placement on deferred adjudication community supervision would constitute grounds for the commission to take action under this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 7, eff. September 1, 2009.

Sec. 1701.1525. RULES RELATED TO ACCEPTANCE OF CREDIT HOURS FOR COMPLETION OF CERTAIN HIGH SCHOOL COURSES. (a) The commission shall adopt rules that establish a procedure under which credit hours earned for the successful completion of high school courses that directly relate to law enforcement can be counted toward the hours of training required of an applicant for a peace officer license issued under Section 1701.307.

(b) The rules adopted under this section must require that an applicant submit to the commission a high school transcript that indicates the applicant earned an endorsement in the public services category, as described by Section 28.025(c-1), Education Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 1024 (H.B. 1545), Sec. 1,

eff. September 1, 2017.

Sec. 1701.153. REPORTS FROM AGENCIES AND SCHOOLS. (a) The commission shall establish reporting standards and procedures for:

(1) the appointment or employment and the termination of officers, county jailers, and telecommunicators by law enforcement agencies;

(2) the activities of licensed training schools; and

(3) other matters the commission considers necessary for the administration of this chapter.

(b) The commission shall furnish each agency and licensed training school with the required reporting forms, including access to electronic submission forms when the system under Section [1701.1523](#) is established.

(c) The chief administrative officer of a law enforcement agency or licensed training school is responsible for compliance with the reporting standards and procedures prescribed by the commission.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 5, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. [3823](#)), Sec. 4, eff. September 1, 2011.

Sec. 1701.154. FEES. The commission may establish reasonable and necessary fees for the administration of this chapter, including reasonable and necessary fees for the administration of Section [1701.257](#).

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.155. GIFTS AND GRANTS. The commission may accept grants or gifts from private individuals, foundations, or the federal government.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.156. LAW ENFORCEMENT OFFICER STANDARDS AND

EDUCATION FUND. (a) The law enforcement officer standards and education fund account is in the general revenue fund.

(b) The commission shall use the account in administering this chapter and performing other commission duties established by law.

(c) The Department of Public Safety may use money appropriated to the department from the account to award grants to local law enforcement agencies for training on incident-based reporting systems to be used for reporting information and statistics concerning criminal offenses committed in this state. The department shall adopt rules governing the award of grants by the department under this subsection.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1158, Sec. 87, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 35(2), eff. September 1, 2009.

Acts 2015, 84th Leg., R.S., Ch. 448 (H.B. 7), Sec. 33, eff. September 1, 2015.

Sec. 1701.157. MONEY ALLOCATED AND USED FOR TRAINING OR CONTINUING EDUCATION. (a) Not later than March 1 of each calendar year, the comptroller shall allocate money deposited during the preceding calendar year in the general revenue fund to the credit of the law enforcement officer standards and education fund account for expenses related to the continuing education of persons licensed under this chapter as follows:

(1) 20 percent of the money is allocated to all local law enforcement agencies in this state in equal shares; and

(2) 80 percent of the money is allocated to all local law enforcement agencies in this state in a share representing a fixed amount for each position in the agency, as of January 1 of the preceding calendar year, that is reserved to a person who:

(A) is licensed under this chapter;

(B) works as a peace officer or telecommunicator, as defined by Section 1701.001, on the average of at least 32 hours a week; and

(C) is compensated by a political subdivision of this state at least at the minimum wage and is entitled to all employee benefits offered to a peace officer or telecommunicator, as applicable, by the political subdivision.

(a-1) Subsection (a) does not apply to money appropriated to the Department of Public Safety from the account for the purpose of awarding grants to local law enforcement agencies for training on incident-based reporting systems under Section 1701.156(c).

(b) To provide the necessary information for an allocation of money under Subsection (a), a local law enforcement agency must report to the comptroller not later than November 1 of the preceding calendar year:

(1) the number of agency positions described by Subsection (a)(2) authorized as of January 1 of the year the report is due;

(2) the number of agency positions described by Subsection (a)(2) filled as of January 1 of the year the report is due;

(3) the percentage of the money received by the agency under Subsection (a) pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due that was used by the agency before the date of the allocation made by the comptroller under Subsection (a) on or before March 1 of the year the report is due;

(4) the number of training hours received during the 12-month or approximately 12-month period described by Subdivision (3) that were funded by money received by the agency pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due; and

(5) that the agency has complied with the requirements of this section regarding the use of any money received by the agency pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due.

(c) The head of a law enforcement agency shall maintain a complete and detailed record of money received and spent by the agency under this section. Money received under this section is

subject to audit by the comptroller. Money spent under this section is subject to audit by the state auditor.

(d) A local law enforcement agency shall use money received under Subsection (a) only as necessary to ensure the continuing education of persons licensed under this chapter or to provide necessary training, as determined by the agency head, to full-time fully paid law enforcement support personnel in the agency.

(e) A local law enforcement agency may not use money received under Subsection (a) to replace funds that are provided to the agency by the county or municipality having jurisdiction over the agency on a recurring basis for training law enforcement officers and support personnel.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 6, eff. September 1, 2009.

Acts 2015, 84th Leg., R.S., Ch. 448 (H.B. [7](#)), Sec. 34, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 792 (H.B. [2680](#)), Sec. 1, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 792 (H.B. [2680](#)), Sec. 2, eff. September 1, 2015.

Sec. 1701.159. ACTIVE AND INACTIVE PEACE OFFICERS. (a) The commission shall establish a list of active licensed peace officers and a list of inactive licensed peace officers who leave the employment of a law enforcement agency.

(b) A retired peace officer as defined by Section [1701.3161](#) continues to hold as an inactive license the license the retired officer held at the time the retired officer last served as an elected, appointed, or employed peace officer unless the license was revoked for cause under Section [1701.501](#).

(c) A retired peace officer who holds an inactive license may not serve as a peace officer unless the person reactivates the license as provided by Section [1701.316](#) or [1701.3161](#).

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 878 (H.B. [1955](#)), Sec. 1, eff. June 15, 2007.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [1321](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 1701.160. AUTHORITY TO COMMISSION INVESTIGATORS AS PEACE OFFICERS. The commission may commission certified peace officers as investigators employed by the commission for the limited purpose of assisting the commission in administering this chapter.

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 14.501(a), eff. Sept. 1, 2001.

Sec. 1701.161. PROVISION OF STATE FLAG TO NEXT OF KIN OF DECEASED PEACE OFFICER. (a) If the next of kin of a deceased peace officer requests a state flag, the commission shall:

(1) provide a state flag, at no cost to the next of kin, if the peace officer was:

(A) a current peace officer at the time of the officer's death; or

(B) an honorably retired peace officer who voluntarily terminated employment with a law enforcement agency of this state or a political subdivision of this state; and

(2) notify the office of the governor of the death of the peace officer.

(b) The commission may apply for and accept gifts and grants from public and private entities on behalf of the Texas peace officer flag account.

(c) The commission shall deposit any gift or grant accepted by the commission under Subsection (b) to the credit of the Texas peace officer flag account. The Texas peace officer flag account is a special account in the general revenue fund. Money in the account may be appropriated only to the commission for the purpose of implementing this section. Interest earned on money in the Texas peace officer flag account shall be credited to the account.

Added by Acts 2001, 77th Leg., ch. 476, Sec. 5, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 744 (H.B. [2769](#)), Sec. 4, eff. September 1, 2005.

Sec. 1701.162. RECORDS AND AUDIT REQUIREMENTS. (a) The commission is entitled to access records maintained under Sections [1701.303](#), [1701.306](#), and [1701.310](#) by an agency hiring a person to be an officer or county jailer, including records that relate to age, education, physical standards, citizenship, experience, and other matters relating to competence and reliability, as evidence of qualification for licensing of an officer or county jailer.

(b) The commission shall audit the records described by Subsection (a) of each law enforcement agency at least once every five years.

(c) The commission by rule shall develop and establish a framework for the audits conducted by the commission under Subsection (b) that:

(1) addresses the types of documents subject to audit;

(2) provides a schedule for additional risk-based inspections based on:

(A) whether there has been a prior violation by the law enforcement agency;

(B) the inspection history of the agency; and

(C) any other factor the commission by rule considers appropriate;

(3) provides timelines for complying with an audit request or correcting a violation found during the audit process; and

(4) establishes sanctions for failing to comply with an audit request or to correct a violation found during the audit process.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 7, eff. September 1, 2009.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [33](#), 89th Legislature,

Regular Session, for amendments affecting the following section.

Sec. 1701.163. MINIMUM STANDARDS FOR LAW ENFORCEMENT AGENCIES. The commission, with input from an advisory committee, shall by rule establish minimum standards with respect to the creation or continued operation of a law enforcement agency based on the function, size, and jurisdiction of the agency, including:

(1) a determination regarding the public benefit of creating the agency in the community;

(2) the sustainable funding sources for the agency;

(3) the physical resources available to officers, including:

(A) all standard duty firearms;

(B) less lethal force weapons, including a requirement of at least one per officer on duty;

(C) effective communications equipment;

(D) protective equipment, including a requirement of at least one bullet-resistant vest per officer on duty;

(E) officer uniforms; and

(F) patrol vehicles and associated equipment;

(4) the physical facilities of the agency, including any evidence room, dispatch area, or public area;

(5) the policies of the agency, including policies on:

(A) use of force;

(B) vehicle pursuit;

(C) professional conduct of officers;

(D) domestic abuse protocols;

(E) response to missing persons;

(F) supervision of part-time officers;

(G) impartial policing;

(H) active shooters; and

(I) barricaded subjects;

(6) the administrative structure of the agency;

(7) liability insurance; and

(8) any other standard the commission considers necessary.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 7,

eff. September 1, 2009.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 5, eff. September 1, 2023.

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article [2B.0055](#), Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2B.0054 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article [2B.0055](#), Code of Criminal Procedure.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 8, eff. September 1, 2009.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 2.147, eff. January 1, 2025.

Sec. 1701.165. ADVISORY COMMITTEES. (a) The commission by rule may establish advisory committees to make recommendations to the commission on programs, rules, and policies administered by the commission.

(b) In establishing an advisory committee under this section, the commission shall adopt rules, including rules regarding:

- (1) the purpose, role, responsibility, goals, and duration of the committee;
- (2) the size of and quorum requirement for the committee;
- (3) qualifications for committee membership;
- (4) appointment procedures for members;

(5) terms of service for members;
(6) training requirements for members;
(7) policies to avoid conflicts of interest by members;

(8) a periodic review process to evaluate the continuing need for the committee; and

(9) policies to ensure the committee does not violate any provision of Chapter 551, Government Code, applicable to the commission or the committee.

Added by Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. 1445), Sec. 6, eff. September 1, 2023.

Sec. 1701.166. SUBPOENA. (a) The commission may compel by subpoena the production for inspection or copying of a record described by Section 1701.162(a) that is relevant to the investigation of an alleged violation of this chapter or a commission rule.

(b) The commission, acting through the attorney general, may bring an action to enforce a subpoena issued under Subsection (a) against a person who fails to comply with the subpoena.

(c) Venue for an action brought under Subsection (b) is in a district court in:

(1) Travis County; or
(2) any county in which the commission may conduct a hearing.

(d) The court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena.

Added by Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. 1445), Sec. 6, eff. September 1, 2023.

Sec. 1701.167. POLICY REGARDING EXAMINATION OF LICENSE HOLDER OR APPLICANT. (a) The commission, with input from an advisory committee, shall adopt a model policy prescribing standards and procedures for the medical and psychological examination of a license holder or person for whom a license is sought by a law enforcement agency to ensure the license holder or person is able to perform the duties for which the license is

required. The model policy must:

(1) apply to examinations of:

(A) a person to whom Section 1701.306 applies;

(B) a person licensed as an officer or county jailer who is appointed as an officer or county jailer after the 180th day after the person's last date of service as an officer or county jailer;

(C) school marshals, as described by Section 1701.260; and

(D) a license holder, if ordered by the law enforcement agency employing the license holder for just cause;

(2) require, for an examination described by Subdivision (1)(D), that the employing agency:

(A) provide to the license holder written notice of the examination that includes the reasons for the examination not later than the 10th business day before the deadline to submit to the examination; and

(B) report to the commission, in the manner prescribed by the commission, the refusal of the license holder to submit to the examination within the period provided by Paragraph (A); and

(3) require the reporting to the commission, in the manner prescribed by the commission, of a license holder's failed examination, unless the license holder submits to and successfully completes an applicable treatment program within a reasonable time, as prescribed by the commission.

(b) Each law enforcement agency in this state shall adopt the model policy described by Subsection (a) or a substantively similar policy. A policy adopted by a law enforcement agency under this section must be submitted to the commission, and the commission shall maintain a copy of the policy.

(c) The providing of notice by a law enforcement agency to the commission of a license holder's refusal to submit to an examination does not preclude the agency employing the license holder from taking disciplinary action against the license holder, including termination of the license holder's employment with the agency.

(d) The commission shall issue an order requiring a license holder who refuses to submit to an examination required by a policy adopted under Subsection (b) to show cause for the license holder's refusal at a hearing on the order scheduled for not later than the 30th day after the date notice is served on the license holder. The commission shall provide notice under this section by personal service or by registered mail, return receipt requested.

(e) At the hearing, the license holder may appear in person and by counsel and present evidence to justify the license holder's refusal to submit to examination. After the hearing, the commission shall issue an order requiring the license holder to submit to an examination under this section or withdrawing the request for the examination.

(f) Unless the request is withdrawn, the commission may suspend or otherwise restrict the license of a license holder who refuses to submit to the examination.

(g) An appeal from the commission's order under this section is governed by Chapter [2001](#), Government Code.

(h) If the results of an examination under this section show that the license holder does not meet the standards of the policy adopted under Subsection (b), the commission shall suspend the license holder's license.

(i) Records relating to a request or order of the commission or a hearing or examination conducted under this section, including, if applicable, the identity of the person notifying the commission that a license holder may not meet the standards required by the policy adopted under Subsection (b), are confidential and not subject to disclosure under Chapter [552](#), Government Code.

(j) An order issued by the commission regarding a license holder that is based on information obtained during an examination under this section may only reference the statutory basis for the order and may not disclose the reason for the examination.

Added by Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 6, eff. September 1, 2023.

Sec. 1701.168. LICENSING STATUS DATABASE. (a) The

commission shall establish a database containing, for each officer licensed under this chapter:

(1) the officer's license status, including a record of any action taken against the officer by the commission; and

(2) personnel files, as described by Section [1701.4535](#), provided by each law enforcement agency that employs the officer.

(b) The commission shall make available to a law enforcement agency on request any relevant information maintained in the database for purposes of Sections [1701.303](#) and [1701.451\(a\)](#).

(c) On request of an officer, the commission shall provide to the officer free of charge any information maintained in the database regarding the officer, including any information relating to an investigation of misconduct by a law enforcement agency under the policy described by Section [1701.4522](#).

(d) Except as provided by Subsections (b) and (c), information maintained in the database established under this section is confidential and not subject to disclosure under Chapter [552](#), Government Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 6, eff. September 1, 2023.

Sec. 1701.169. LAW ENFORCEMENT DATABASE. The commission shall designate one or more national law enforcement databases that a law enforcement agency must access to complete the preemployment background check required under Sections [1701.303\(a\)](#), [1701.3035](#), and [1701.451\(a\)](#). A database designated under this section must be as comprehensive as possible.

Added by Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 6, eff. September 1, 2023.

Sec. 1701.170. SUBMISSION OF REVOKED LICENSE TO NATIONAL DATABASE. (a) The commission shall designate for purposes of this section a national database that serves as a registry for the revocation of officer licenses in several jurisdictions based on misconduct committed by the officer.

(b) The commission shall submit to the designated database

information necessary to create a record in the database for each officer license the commission revokes under Section [1701.501](#), [1701.502](#), or [1701.503](#).

Added by Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 6, eff. September 1, 2023.

SUBCHAPTER E. PUBLIC INTEREST INFORMATION AND COMPLAINT PROCEDURES

Sec. 1701.201. PUBLIC INTEREST INFORMATION. (a) The commission shall prepare information of public interest describing the regulatory functions of the commission and the procedures by which public complaints are filed with and resolved by the commission.

(b) The commission shall make the information available to the public and appropriate state agencies.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.202. COMPLAINTS. (a) The commission by rule shall establish a comprehensive procedure for each phase of the commission's jurisdictional complaint enforcement process, including:

- (1) complaint intake;
- (2) investigation;
- (3) adjudication and relevant hearings;
- (4) appeals;
- (5) the imposition of sanctions; and
- (6) public disclosure.

(b) Except as provided by Subsection (d), on request, a license holder is entitled to obtain information regarding a complaint made against the license holder under this chapter, including a complete copy of the complaint file. On receipt of a request under this subsection, the commission shall provide the requested information in a timely manner to allow the license holder time to respond to the complaint.

(c) The commission shall ensure that detailed information regarding the commission's complaint enforcement process described by this section is available on any publicly accessible Internet

website and in any appropriate printed materials maintained by the commission.

(d) The commission is not required to provide the identity of any nontestifying complainant in response to a request under Subsection (b).

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 9, eff. September 1, 2009.

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 7, eff. September 1, 2023.

Sec. 1701.203. RECORDS OF COMPLAINTS. (a) The commission shall maintain a system to promptly and efficiently act on jurisdictional complaints filed with the commission. The commission shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The commission shall make information available describing its procedures for complaint investigation and resolution.

(c) The commission shall periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize an investigation.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 10, eff. September 1, 2009.

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 8, eff. September 1, 2023.

Sec. 1701.2035. TRACKING AND ANALYSIS OF COMPLAINT AND VIOLATION DATA. (a) The commission shall develop and implement a method for:

(1) tracking complaints filed with the commission through their final disposition, including:

(A) the reason for each complaint;

(B) how each complaint was resolved; and

(C) the subject matter of each complaint that was not within the jurisdiction of the commission and how the commission responded to the complaint; and

(2) tracking and categorizing the sources and types of complaints filed with the commission and of violations of this chapter or a rule adopted under this chapter.

(b) The commission shall analyze the complaint and violation data maintained under Subsection (a) to identify trends and areas that may require additional regulation or enforcement.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 11, eff. September 1, 2009.

Sec. 1701.204. PUBLIC PARTICIPATION. (a) The commission shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the commission's jurisdiction.

(b) The commission shall prepare and maintain a written plan that describes how a person who does not speak English may be provided reasonable access to the commission's programs and services.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.205. OFFICER PERSONAL SERVICE REPORTS. (a) The commission shall establish a public database containing personal service reports of each officer licensed under this chapter. A service report must:

(1) include the information required by Subsection (b); and

(2) be compiled in a format that makes the information readily available to the public.

(b) Except as otherwise provided by this section, a service report must contain the following information with respect to each officer:

(1) the date the officer completed the basic training course;

(2) whether the officer is in compliance with continuing education requirements and the continuing education courses completed;

(3) the total hours of training the officer has completed; and

(4) the date the officer's license was issued.

(c) The commission shall adopt rules to exclude from the database personal service reports for certain officers if including the service report would create a safety risk for an undercover officer or an officer involved in an active sensitive operation. Rules adopted under this section must allow an officer described by this subsection or the law enforcement agency employing the officer to request, in a manner prescribed by the commission, the service report of the officer to be excluded from the database. A request to exclude an officer's personal service report under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

(d) The commission shall:

(1) require a person accessing information in the database to register as a user before accessing the database; and

(2) track each user's activity on the database, including the personal service reports the user accesses.

(e) The user information collected and maintained by the commission under Subsection (d) is confidential and not subject to disclosure under Chapter 552, Government Code, except as required to comply with a court order.

Added by Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. 1445), Sec. 9, eff. September 1, 2023.

SUBCHAPTER F. TRAINING PROGRAMS, SCHOOLS, AND POLICIES

Sec. 1701.251. TRAINING PROGRAMS; INSTRUCTORS. (a) The commission shall establish and maintain training programs for officers, county jailers, and telecommunicators. The training shall be conducted by the commission staff or by other agencies and institutions the commission considers appropriate.

(b) The commission may authorize reimbursement for a

political subdivision or state agency as authorized by the legislature for expenses incurred in attending a training program.

(c) The commission may:

(1) issue or revoke the license of a school operated by or for this state or a political subdivision of this state specifically for training officers, county jailers, recruits, or telecommunicators;

(2) operate schools and conduct preparatory, in-service, basic, and advanced courses in the schools, as the commission determines appropriate, for officers, county jailers, recruits, and telecommunicators;

(3) issue a license to a person to act as a qualified instructor under conditions that the commission prescribes; and

(4) consult and cooperate with a municipality, county, special district, state agency or other governmental agency, or a university, college, junior college, or other institution, concerning the development of schools and training programs for officers, county jailers, and telecommunicators.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. [1951](#)), Sec. 2, eff. January 1, 2014.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1620](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 1701.2515. CERTIFICATE REQUIRED TO PROVIDE ACTIVE SHOOTER TRAINING AT PUBLIC SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION. (a) In this section, "institution of higher education" has the meaning assigned by Section [61.003](#), Education Code.

(b) An individual or a legal entity may not provide active shooter training to peace officers of students or employees at a public primary or secondary school or an institution of higher education unless:

(1) the individual providing the instruction is certified by the commission under this section to provide the

training; and

(2) if the training is provided by a legal entity, both the legal entity and the individual providing the instruction on behalf of the legal entity are certified by the commission under this section to provide the training.

(c) The commission shall:

(1) establish a certification program for providers of active shooter training, including for individuals and legal entities; and

(2) issue a certificate to a provider who meets the qualifications of the program established under Subdivision (1).

(d) The commission shall adopt rules for the renewal of a certificate issued under this section. The commission may require continuing education for the renewal of the certificate.

Added by Acts 2023, 88th Leg., R.S., Ch. 1152 (S.B. 999), Sec. 3, eff. September 1, 2023.

Sec. 1701.252. PROGRAM AND SCHOOL REQUIREMENTS; ADVISORY BOARD. (a) Unless a school has created an advisory board for developing a curriculum, the commission may not issue a license to the school or approve a training program or course for officers or county jailers other than a program created by the Bill Blackwood Law Enforcement Management Institute of Texas.

(b) At least one-third of the members of an advisory board under Subsection (a) must be public members who meet the qualifications required of a public member of the commission.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 33 and H.B. 1620, 89th

Legislature, Regular Session, for amendments affecting the following section.

Sec. 1701.253. SCHOOL CURRICULUM. (a) The commission shall establish minimum curriculum requirements for preparatory and advanced courses and programs for schools subject to approval under Section 1701.251(c)(1).

(a-1) The commission by rule shall establish deadlines for

an officer to complete any minimum curriculum requirements that are not completed as part of the officer's basic training course.

(b) In establishing requirements under this section, the commission shall require courses and programs to provide training in:

(1) the recognition, investigation, and documentation of cases that involve child abuse and neglect, family violence, and sexual assault, including the use of best practices and trauma-informed response techniques to effectively recognize, investigate, and document those cases;

(2) issues concerning sex offender characteristics; and

(3) crime victims' rights under Chapter 56A, Code of Criminal Procedure, and Chapter 57, Family Code, and the duty of law enforcement agencies to ensure that a victim is afforded those rights.

(b-1) The commission shall consult with the Sexual Assault Survivors' Task Force established under Section 772.0064, Government Code, regarding minimum curriculum requirements for training in the investigation and documentation of cases that involve sexual assault or other sex offenses.

(b-2) Repealed by Acts 2023, 88th Leg., R.S., Ch. 460 (S.B. 1402), Sec. 6, eff. September 1, 2023.

(c) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on civil rights, racial sensitivity, and cultural diversity for persons licensed under this chapter.

(d) Training in documentation of cases required by Subsection (b) shall include instruction in:

(1) making a written account of the extent of injuries sustained by the victim of an alleged offense;

(2) recording by photograph or videotape the area in which an alleged offense occurred and the victim's injuries;

(3) recognizing and recording a victim's statement that may be admissible as evidence in a proceeding concerning the matter about which the statement was made; and

(4) recognizing and recording circumstances

indicating that a victim may have been assaulted in the manner described by Section [22.01\(b\)\(2\)\(B\)](#), Penal Code.

(e) As part of the minimum curriculum requirements relating to the vehicle and traffic laws of this state, the commission shall require an education and training program on laws relating to the operation of motorcycles and to the wearing of protective headgear by motorcycle operators and passengers. In addition, the commission shall require education and training on motorcycle operator profiling awareness and sensitivity training.

(f) Training for officers and recruits in investigation of cases required by Subsection (b)(1)(B) shall include instruction in preventing dual arrest whenever possible and conducting a thorough investigation to determine which person is the predominant aggressor when allegations of family violence from two or more opposing persons are received arising from the same incident.

(g) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on asset forfeiture under Chapter [59](#), Code of Criminal Procedure, for officers licensed under this chapter.

(h) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter.

(i) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on identity theft under Section [32.51](#), Penal Code, for officers licensed under this chapter.

(j) As part of the minimum curriculum requirements, the commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. The program must include instruction on interacting with persons with Alzheimer's disease and other dementias, including instruction on techniques for recognizing symptoms, communicating effectively, employing alternatives to physical restraints, and identifying signs of abuse, neglect, or exploitation. An officer may not satisfy the requirements of this

subsection or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(k) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program for officers licensed under this chapter that covers the laws of this state and of the United States pertaining to peace officers.

(l) As part of the minimum curriculum requirements, the commission shall require an officer licensed by the commission on or after January 1, 2016, to complete a canine encounter training program established by the commission under Section 1701.261.

(m) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on procedures for interacting with drivers who are deaf or hard of hearing, as defined by Section 81.001, Human Resources Code, including identifying specialty license plates issued to individuals who are deaf or hard of hearing under Section 504.204, Transportation Code.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

(o) As part of the minimum curriculum requirements, the commission shall require an officer to complete the civilian interaction training program developed under Section 1701.268.

(p) As part of the minimum curriculum requirements, the commission shall require an officer to complete the basic education and training program on the trafficking of persons developed under Section 1701.258(a).

Text of subsection as added by Acts 2023, 88th Leg., R.S., Ch. 102

(S.B. 1852), Sec. 1

(q) As part of the minimum curriculum requirements, the

commission shall require an officer to complete a training program of not less than 16 hours on responding to an active shooter as developed by the Advanced Law Enforcement Rapid Response Training Center at Texas State University--San Marcos. An officer shall complete the program not later than the last day of the first full continuing education training period that begins on or after the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course. Completion of a training program under this subsection satisfies any other requirement, other than a continuing education requirement under Section 1701.3525, for the officer to complete a training program on responding to active shootings, including under Section 37.0812(a), Education Code.

Text of subsection as added by Acts 2023, 88th Leg., R.S., Ch. 460
(S.B. 1402), Sec. 4

(q) As part of the minimum curriculum requirements, the commission shall require an officer to complete the basic education and training program developed under Section 1701.272. An officer shall complete the program not later than the last day of the first full continuing education training period after the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.

Text of subsection as added by Acts 2023, 88th Leg., R.S., Ch. 979
(S.B. 2429), Sec. 6, and Ch. 729 (H.B. 2660), Sec. 7

(q) As part of the minimum curriculum requirements, the commission shall establish a basic education and training program on missing children and missing persons, including instruction on the associated reporting requirements under Chapter 63, Code of Criminal Procedure. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.

(q) As part of the minimum curriculum requirements, the commission shall require an officer to complete a training program on responding to and investigating child fatalities, including the protocols for reporting and investigating child fatalities developed under Subchapter F, Chapter 264, Family Code, the differences between sudden unexpected infant death and sudden infant death syndrome, and the relevant regulations applicable to child-care facilities. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 657, Sec. 4, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 897, Sec. 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 929, Sec. 5, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 947, Sec. 4, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1034, Sec. 14, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 14.007, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1326, Sec. 8, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 393 (S.B. 1473), Sec. 3, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 12, eff. September 1, 2009.

Acts 2015, 84th Leg., R.S., Ch. 31 (H.B. 593), Sec. 1, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 642 (S.B. 1987), Sec. 2, eff. January 1, 2016.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 24.001(31), eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 513 (S.B. 30), Sec. 5, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 4.02, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 76 (S.B. [971](#)), Sec. 1, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 107 (S.B. [586](#)), Sec. 1, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 411 (H.B. [1590](#)), Sec. 4, eff. June 4, 2019.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. [4170](#)), Sec. 21.001(38), eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 2.57, eff. January 1, 2021.

Acts 2019, 86th Leg., R.S., Ch. 715 (H.B. [292](#)), Sec. 1, eff. September 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 102 (S.B. [1852](#)), Sec. 1, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 307 (H.B. [568](#)), Sec. 1, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 460 (S.B. [1402](#)), Sec. 4, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 460 (S.B. [1402](#)), Sec. 6, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 729 (H.B. [2660](#)), Sec. 7, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 979 (S.B. [2429](#)), Sec. 6, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1070 (S.B. [533](#)), Sec. 1, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 10, eff. September 1, 2023.

Sec. 1701.254. RISK ASSESSMENT AND INSPECTIONS. (a) The commission may visit and inspect a school conducting a training course for officers, county jailers, telecommunicators, or recruits and make necessary evaluations to determine if the school complies with this chapter and commission rules.

(b) The commission shall develop a risk assessment method to determine the relative performance of schools conducting training courses for officers, county jailers, telecommunicators, or

recruits. The commission shall base its schedule for inspection of schools on the results of the risk assessment.

(c) The risk assessment method must:

(1) consider the scores of students enrolled in a school on the basic peace officer examination;

(2) consider the past inspection records of a school;

(3) consider a self-assessment performed by a school in a noninspection year; and

(4) include a random element to ensure periodic inspection of each school.

(d) The commission by rule shall establish a system for placing a training provider on at-risk probationary status. The rules must prescribe:

(1) the criteria to be used by the commission in determining whether to place a training provider on at-risk probationary status;

(2) a procedure and timeline for imposing corrective conditions on a training provider placed on at-risk probationary status and for notifying the provider regarding those conditions; and

(3) a procedure for tracking a training provider's progress toward compliance with any corrective conditions imposed on the provider by the commission under this subsection.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 13, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. [3823](#)), Sec. 5, eff. September 1, 2011.

Sec. 1701.255. ENROLLMENT QUALIFICATIONS. (a) The commission by rule shall establish minimum qualifications for a person to enroll in a training program under Section [1701.251](#)(a) that provides instruction in defensive tactics, arrest procedures, firearms, or use of a motor vehicle for law enforcement purposes.

(b) A person who is disqualified by law to be an officer or county jailer may not enroll in a training program described by

Subsection (a).

(c) A person may not enroll in a peace officer training program under Section [1701.251](#)(a) unless the person has received:

- (1) a high school diploma;
- (2) a high school equivalency certificate; or
- (3) an honorable discharge from the armed forces of the United States after at least 24 months of active duty service.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1441, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 14, eff. September 1, 2009.

Sec. 1701.2551. BASIC PEACE OFFICER TRAINING COURSE. (a) The basic peace officer training course required as part of a peace officer training program under Section [1701.251](#)(a) may be no less than 720 hours.

(b) The basic peace officer training course must include training on:

(1) the prohibition against the intentional use of a choke hold, carotid artery hold, or similar neck restraint by a peace officer in searching or arresting a person, unless the officer reasonably believes the restraint is necessary to prevent serious bodily injury to or the death of the peace officer or another person;

(2) the duty of a peace officer to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if:

(A) the amount of force exceeds that which is reasonable under the circumstances; and

(B) the officer knows or should know that the other officer's use of force:

(i) violates state or federal law;

(ii) puts a person at risk of bodily injury, as that term is defined by Section [1.07](#), Penal Code, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and

(iii) is not required to apprehend the person suspected of committing an offense; and

(3) the duty of a peace officer who encounters an injured person while discharging the officer's official duties to immediately and as necessary request emergency medical services personnel to provide the person with emergency medical services and, while waiting for emergency medical services personnel to arrive, provide first aid or treatment to the person to the extent of the officer's skills and training, unless the request for emergency medical services personnel or the provision of first aid or treatment would expose the officer or another person to a risk of bodily injury or the officer is injured and physically unable to make the request or provide the treatment.

Added by Acts 2021, 87th Leg., R.S., Ch. 722 (H.B. [3712](#)), Sec. 2, eff. September 1, 2021.

Sec. 1701.256. INSTRUCTION IN WEAPONS PROFICIENCY REQUIRED. A peace officer training program under Section [1701.251](#)(a) must provide instruction in weapons proficiency. Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.2561. FIREARMS TRAINING FOR COUNTY JAILERS. (a) The commission shall develop a basic training program in the use of firearms by county jailers. The program must provide instruction in:

- (1) legal limitations on the use of firearms and on the powers and authority of jailers;
- (2) range firing and procedure;
- (3) firearms safety and maintenance; and
- (4) other topics determined by the commission to be necessary for the responsible use of firearms by jailers.

(b) The commission shall administer the training program and shall issue a certificate of firearms proficiency to each county jailer the commission determines has successfully completed the program.

(c) A county jailer who is issued a certificate of firearms proficiency and who maintains weapons proficiency in accordance

with Section 1701.355 may carry a firearm:

(1) during the course of performing duties as a county jailer, including while transporting persons confined in the county jail; and

(2) while traveling to or from the jailer's place of assignment.

Added by Acts 2019, 86th Leg., R.S., Ch. 1234 (H.B. 1552), Sec. 1, eff. September 1, 2019.

Added by Acts 2019, 86th Leg., R.S., Ch. 1368 (H.B. 3503), Sec. 1, eff. June 15, 2019.

Sec. 1701.257. FIREARMS TRAINING PROGRAM FOR SUPERVISION OFFICERS. (a) The commission and the Texas Department of Criminal Justice by rule shall adopt a memorandum of understanding that establishes each agency's respective responsibilities in developing a basic training program in the use of firearms by community supervision and corrections department officers and parole officers. The program established under the memorandum of understanding must provide instruction in:

(1) legal limitations on the use of firearms and on the powers and authority of the officers;

(2) range firing and procedure;

(3) firearms safety and maintenance; and

(4) other topics determined by each agency to be necessary for the responsible use of firearms by the officers.

(b) The commission shall administer the training program and shall issue a certificate of firearms proficiency to each community supervision and corrections department officer or parole officer the commission determines has successfully completed the program.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.258. EDUCATION AND TRAINING PROGRAMS ON TRAFFICKING OF PERSONS. (a) The commission by rule shall require an officer to complete a one-time basic education and training program on the trafficking of persons. The program must:

(1) consist of at least four hours of training; and

(2) include a review of the substance of Sections 20A.02 and 43.05, Penal Code.

(b) The commission shall make available to each officer a voluntary advanced education, instruction, and training program on the trafficking of persons and compelling prostitution prohibited under Sections 20A.02 and 43.05, Penal Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 1002 (H.B. 4009), Sec. 5, eff. September 1, 2009.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 715 (H.B. 292), Sec. 2, eff. September 1, 2019.

Sec. 1701.2581. VOLUNTARY ADVANCED EDUCATION AND TRAINING PROGRAM ON MISSING CHILDREN AND MISSING PERSONS. The commission shall make available to each officer a voluntary advanced education and training program on missing children and missing persons. The program must include instruction on the associated reporting requirements under Chapter 63, Code of Criminal Procedure.

Added by Acts 2023, 88th Leg., R.S., Ch. 729 (H.B. 2660), Sec. 8, eff. September 1, 2023.

Added by Acts 2023, 88th Leg., R.S., Ch. 979 (S.B. 2429), Sec. 7, eff. September 1, 2023.

Sec. 1701.259. FIREARMS TRAINING PROGRAM FOR JUVENILE PROBATION OFFICERS. (a) The commission and the Texas Juvenile Justice Department by rule shall adopt a memorandum of understanding that establishes a training program in the use of firearms by juvenile probation officers. The memorandum of understanding must establish a program that provides instruction in:

(1) legal limitations on the use of firearms and on the powers and authority of juvenile probation officers;

(2) range firing and procedure, and firearms safety and maintenance; and

(3) other topics determined by the commission and the department to be necessary for the responsible use of firearms by juvenile probation officers.

(b) The commission shall administer the training program and shall issue a certificate of firearms proficiency to each juvenile probation officer the commission determines has successfully completed the program described by Subsection (a).

(c) The commission may establish reasonable and necessary fees for the administration of this section.

(d) This section does not affect the sovereign immunity of the state, an agency of the state, or a political subdivision of the state.

Added by Acts 2009, 81st Leg., R.S., Ch. 794 (S.B. 1237), Sec. 5, eff. June 19, 2009.

Redesignated from Occupations Code, Section 1701.258 by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 27.001(47), eff. September 1, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 734 (H.B. 1549), Sec. 141, eff. September 1, 2015.

Sec. 1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY A HANDGUN; CERTIFICATION OF ELIGIBILITY FOR APPOINTMENT AS SCHOOL MARSHAL. (a) The commission shall establish and maintain a training program open to any employee of a school district, open-enrollment charter school, private school, or public junior college who holds a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code. The training may be conducted only by the commission staff or a provider approved by the commission.

(a-1) In this section, "private school" has the meaning assigned by Article 2A.008, Code of Criminal Procedure.

(b) The commission shall collect from each person who participates in the training program identifying information that includes the person's name, the person's date of birth, the license number of the license issued to the person under Subchapter H, Chapter 411, Government Code, and the address of the person's place of employment.

(c) The training program shall include 80 hours of instruction designed to:

(1) emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings;

(2) educate a trainee about legal issues relating to the duties of peace officers and the use of force or deadly force in the protection of others;

(3) introduce the trainee to effective law enforcement strategies and techniques;

(4) improve the trainee's proficiency with a handgun; and

(5) enable the trainee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.

(d) The commission, in consultation with psychologists, shall devise and administer to each trainee a psychological examination to determine whether the trainee is psychologically fit to carry out the duties of a school marshal in an emergency shooting or situation involving an active shooter. The commission may license a person under this section only if the results of the examination indicate that the trainee is psychologically fit to carry out those duties.

(e) The commission shall charge each trainee a reasonable fee to cover the cost to the commission of conducting the program. The commission shall charge each person seeking renewal of a school marshal license a reasonable fee to cover the cost to the commission of renewing the person's license.

(f) The commission shall license a person who is eligible for appointment as a school marshal who:

(1) completes training under this section to the satisfaction of the commission staff; and

(2) is psychologically fit to carry out the duties of a school marshal as indicated by the results of the psychological examination administered under this section.

(g) A person's license under this section expires on August 31 following the second anniversary of the date the commission licenses the person. A renewed school marshal license expires on August 31, two years after the expiration of the previous license.

(h) A person may renew the school marshal license under this section by:

(1) successfully completing a renewal course designed and administered by the commission, which such license renewal training will not exceed 16 hours combined of classroom and simulation training;

(2) demonstrating appropriate knowledge on an examination designed and administered by the commission;

(3) demonstrating handgun proficiency to the satisfaction of the commission staff; and

(4) demonstrating psychological fitness on the examination described in Subsection (d).

(i) The commission shall revoke a person's school marshal license if the commission is notified by the Department of Public Safety that the person's license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, has been suspended or revoked. A person whose school marshal license is revoked may obtain recertification by:

(1) furnishing proof to the commission that the person's handgun license has been reinstated; and

(2) completing the initial training under Subsection (c) to the satisfaction of the commission staff, paying the fee for the training, and demonstrating psychological fitness on the psychological examination described in Subsection (d).

(j) The commission shall submit the identifying information collected under Subsection (b) for each person licensed by the commission under this section to:

(1) the director of the Department of Public Safety;

(2) the person's employer, if the person is employed by a school district, open-enrollment charter school, private school, or public junior college;

(3) the chief law enforcement officer of the local municipal law enforcement agency if the person is employed at a campus of a school district, open-enrollment charter school, private school, or public junior college located within a municipality;

(4) the sheriff of the county if the person is employed

at a campus of a school district, open-enrollment charter school, private school, or public junior college that is not located within a municipality; and

(5) the chief administrator of any peace officer commissioned under Section [37.081](#) or [51.203](#), Education Code, if the person is employed at a school district or public junior college that has commissioned a peace officer under either section.

(k) The commission shall immediately report the expiration or revocation of a school marshal license to the persons listed in Subsection (j).

(l) All information collected or submitted under this section is confidential, except as provided by Subsection (j), and is not subject to disclosure under Chapter [552](#), Government Code. Added by Acts 2013, 83rd Leg., R.S., Ch. 655 (H.B. [1009](#)), Sec. 5, eff. June 14, 2013.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. [910](#)), Sec. 35, eff. January 1, 2016.

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. [910](#)), Sec. 36, eff. January 1, 2016.

Acts 2015, 84th Leg., R.S., Ch. 1144 (S.B. [386](#)), Sec. 3, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1176 (S.B. [996](#)), Sec. 2, eff. June 19, 2015.

Acts 2017, 85th Leg., R.S., Ch. 988 (H.B. [867](#)), Sec. 7, eff. June 15, 2017.

Acts 2021, 87th Leg., R.S., Ch. 90 (S.B. [785](#)), Sec. 1, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 2.148, eff. January 1, 2025.

Sec. 1701.261. CANINE ENCOUNTER TRAINING PROGRAM. (a) The commission shall establish a statewide comprehensive education and training program on canine encounters and canine behavior. The training program must consist of at least four hours of classroom instruction and practical training, developed and approved by the commission, that addresses:

(1) handling canine-related calls, anticipating unplanned encounters with canines, and using humane methods and tools in handling canine encounters;

(2) recognizing and understanding canine behavior;

(3) state laws related to canines;

(4) canine conflict avoidance and de-escalation;

(5) use of force continuum principles in relation to canines;

(6) using nonlethal methods, tools, and resources to avoid and defend against a canine attack; and

(7) a general overview of encounters with other animals.

(b) At least once every four years, the commission shall review the content of the training program under this section and update the program as necessary.

(c) Notwithstanding Sections [1701.253\(1\)](#) and [1701.402\(1\)](#), an officer who has completed at least four hours of a canine encounter training program is not required to complete the program under this section.

Added by Acts 2015, 84th Leg., R.S., Ch. 31 (H.B. [593](#)), Sec. 2, eff. September 1, 2015.

Sec. 1701.262. TRAINING FOR SCHOOL DISTRICT PEACE OFFICERS AND SCHOOL RESOURCE OFFICERS. (a) In this section:

(1) "Center" means the Texas School Safety Center at Texas State University.

(2) "Institute" means an institute dedicated to providing training to law enforcement and the development of law enforcement policies, such as the Law Enforcement Management Institute of Texas at Sam Houston State University or the Caruth Police Institute.

(3) "School district peace officer" means a peace officer commissioned under Section [37.081](#), Education Code.

(4) "School resource officer" has the meaning assigned by Section [1701.601](#).

(b) The commission, in consultation with an institute or the center, shall create, adopt, and distribute a model training

curriculum for school district peace officers and school resource officers.

(c) The curriculum developed under this section must incorporate learning objectives regarding:

- (1) child and adolescent development and psychology;
- (2) positive behavioral interventions and supports, conflict resolution techniques, and restorative justice techniques;
- (3) de-escalation techniques and techniques for limiting the use of force, including the use of physical, mechanical, and chemical restraints;
- (4) the mental and behavioral health needs of children with disabilities or special needs; and
- (5) mental health crisis intervention.

(d) Before adopting and distributing any curriculum under this section, the commission shall provide a 30-day period for public comment.

(e) The commission shall provide the curriculum developed under this section and any supplemental education materials created for the curriculum to:

- (1) school district police departments;
- (2) law enforcement agencies that place peace officers in a school as school resource officers under a memorandum of understanding; and
- (3) any entity that provides training to school district peace officers or school resource officers.

(f) The commission shall review curriculum developed and adopted under this section and update subject matter contained in the curriculum as needed at least once every four years.

Added by Acts 2015, 84th Leg., R.S., Ch. 1258 (H.B. [2684](#)), Sec. 2, eff. June 20, 2015.

Sec. 1701.263. EDUCATION AND TRAINING PROGRAM FOR SCHOOL DISTRICT PEACE OFFICERS AND SCHOOL RESOURCE OFFICERS. (a) In this section:

- (1) "School district peace officer" has the meaning assigned by Section [1701.262](#).

(2) "School resource officer" has the meaning assigned by Section [1701.601](#).

(b) The commission by rule shall require a school district peace officer or a school resource officer who is commissioned by or who provides law enforcement at a school district to successfully complete an education and training program described by this section before or within 180 days of the officer's commission by or placement in the district or a campus of the district. The program must:

- (1) consist of at least 16 hours of training;
- (2) be approved by the commission; and
- (3) provide training in accordance with the curriculum developed under Section [1701.262](#) in each subject area listed in Subsection (c) of that section.

(b-1) Notwithstanding Subsection (b) or a rule adopted under that section, a school district peace officer or school resource officer is not required to successfully complete the education and training program required by this section if the officer has successfully completed the advanced training course conducted by the National Association of School Resource Officers or a training course equivalent to that advanced training course, as determined by the commission.

(c) The education and training program required under this section may not require a peace officer to pass an examination, except that the commission shall administer an examination to qualify officers to provide the education and training to other officers. The examination to qualify officers to provide the education and training must test the officer's knowledge and recognition of the subject areas listed in Section [1701.262](#)(c).

(d) The commission shall issue a professional achievement or proficiency certificate to a peace officer who completes the education and training program under this section.

Added by Acts 2015, 84th Leg., R.S., Ch. 1258 (H.B. [2684](#)), Sec. 2, eff. June 20, 2015.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 464 (S.B. [11](#)), Sec. 24, eff. June 6, 2019.

Sec. 1701.264. ACQUIRED AND TRAUMATIC BRAIN INJURIES TRAINING. (a) In this section, "first responder" has the meaning assigned by Section [421.095](#), Government Code.

(b) The commission, in collaboration with the office of acquired brain injury of the Health and Human Services Commission and the Texas Traumatic Brain Injury Advisory Council, shall establish and maintain a training program for peace officers and first responders that provides information on:

(1) the effects of an acquired brain injury and of a traumatic brain injury; and

(2) techniques to interact with persons who have an acquired brain injury or a traumatic brain injury.

Added by Acts 2015, 84th Leg., R.S., Ch. 725 (H.B. [1338](#)), Sec. 1, eff. September 1, 2015.

Redesignated from Occupations Code, Section [1701.261](#) by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 24.001(32), eff. September 1, 2017.

Sec. 1701.265. TRAUMA AFFECTED VETERANS TRAINING. (a) In this section, "veteran" means a person who has served in:

(1) the army, navy, air force, coast guard, or marine corps of the United States; or

(2) the Texas National Guard as defined by Section [431.001](#), Government Code.

(b) The commission, in collaboration with the Texas Veterans Commission, shall establish and maintain a training program for peace officers that provides information on veterans with combat-related trauma, post-traumatic stress, post-traumatic stress disorder, or a traumatic brain injury. An officer may not complete the training under this subsection by taking an online course.

Added by Acts 2015, 84th Leg., R.S., Ch. 725 (H.B. [1338](#)), Sec. 1, eff. September 1, 2015.

Redesignated from Occupations Code, Section [1701.262](#) by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 24.001(32), eff. September 1, 2017.

Sec. 1701.266. TRAINING PROGRAM RELATING TO CHILD SAFETY CHECK ALERT LIST. (a) The commission by rule shall establish an education and training program on the Texas Crime Information Center's child safety check alert list. The program must include instruction relating to:

(1) the procedures for placing a child or other person on the child safety check alert list;

(2) the manner in which an officer should interact with a child or other person on the child safety check alert list whom the officer locates; and

(3) the procedures for removing a child or other person from the child safety check alert list.

(b) The commission shall make the training program available to employees in the child protective services division of the Department of Family and Protective Services, including caseworkers, supervisors, and special investigators.

Added by Acts 2015, 84th Leg., R.S., Ch. 1056 (H.B. 2053), Sec. 7, eff. September 1, 2015.

Redesignated from Occupations Code, Section 1701.262 by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 24.001(33), eff. September 1, 2017.

Sec. 1701.267. TRAINING PROGRAM FOR COURT SECURITY OFFICERS. (a) The commission, in consultation with the Office of Court Administration of the Texas Judicial System, shall develop a model court security curriculum for court security officers, as required by Chapter 158, Government Code, and provide the curriculum to any training program the commission approves to provide training to court security officers.

(b) The commission shall issue a certificate to each court security officer who completes the training program under this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 190 (S.B. 42), Sec. 24, eff. September 1, 2017.

Sec. 1701.268. CIVILIAN INTERACTION TRAINING PROGRAM.

(a) In this section, "board" means the State Board of Education.

(b) The commission and the board shall enter into a memorandum of understanding that establishes each agency's respective responsibilities in developing a training program, including training and testing materials, on proper interaction with civilians during traffic stops and other in-person encounters. The training program must include information regarding:

(1) the role of law enforcement and the duties and responsibilities of peace officers;

(2) a person's rights concerning interactions with peace officers;

(3) proper behavior for civilians and peace officers during interactions;

(4) laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws; and

(5) how and where to file a complaint against or a compliment on behalf of a peace officer.

(c) In developing the training program under this section, the commission and the board may consult with any interested party, including a volunteer work group convened for the purpose of making recommendations regarding the training program.

(d) Before finalizing a training program under this section, the commission and the board shall provide a reasonable period for public comment.

Added by Acts 2017, 85th Leg., R.S., Ch. 513 (S.B. 30), Sec. 6, eff. September 1, 2017.

Sec. 1701.269. TRAINING PROGRAM AND POLICIES FOR PEACE OFFICERS. (a) The commission, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas and other interested parties chosen by the commission, shall develop and maintain a model training curriculum and model policies for law enforcement agencies and peace officers.

(b) The model training curriculum and model policies

developed under Subsection (a) must include:

(1) curriculum and policies for banning the use of a choke hold, carotid artery hold, or similar neck restraint by a peace officer in searching or arresting a person, unless the officer reasonably believes the restraint is necessary to prevent serious bodily injury to or the death of the peace officer or another person;

(2) curriculum and policies regarding the duty of a peace officer to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if:

(A) the amount of force exceeds that which is reasonable under the circumstances; and

(B) the officer knows or should know that the other officer's use of force:

(i) violates state or federal law;

(ii) puts a person at risk of bodily injury, as that term is defined by Section 1.07, Penal Code, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and

(iii) is not required to apprehend the person suspected of committing an offense; and

(3) curriculum and policies regarding the duty of a peace officer who encounters an injured person while discharging the officer's official duties to immediately and as necessary request emergency medical services personnel to provide the person with emergency medical services and, while waiting for emergency medical services personnel to arrive, provide first aid or treatment to the person to the extent of the officer's skills and training, unless the request for emergency medical services personnel or the provision of first aid or treatment would expose the officer or another person to a risk of bodily injury or the officer is injured and physically unable to make the request or provide the treatment.

Added by Acts 2021, 87th Leg., R.S., Ch. 722 (H.B. 3712), Sec. 3, eff. September 1, 2021.

Sec. 1701.270. REQUIRED POLICIES FOR LAW ENFORCEMENT AGENCIES. Not later than the 180th day after the date the commission provides the model policies described by Section [1701.269](#)(b), each law enforcement agency in this state shall adopt a policy on the topics described by that subsection. A law enforcement agency may adopt the model policies developed by the commission under that subsection.

Added by Acts 2021, 87th Leg., R.S., Ch. 722 (H.B. [3712](#)), Sec. 3, eff. September 1, 2021.

Sec. 1701.271. TRAINING PROGRAM RELATING TO COUNTY JAILER INTERACTIONS WITH PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES. (a) The commission and the Commission on Jail Standards shall jointly develop, with the assistance of the advisory committee established under Section [511.022](#), Government Code, a training program for county jailers that consists of at least four hours of education and training on interacting with a person with an intellectual or developmental disability who is confined in a county jail, including techniques to assess a person for an intellectual or developmental disability.

(b) A county jailer who completes the training program may count the hours toward the jailer's continuing education requirements under this chapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 708 (H.B. [2831](#)), Sec. 3, eff. September 1, 2021.

Redesignated from Occupations Code, Section [1701.269](#) by Acts 2023, 88th Leg., R.S., Ch. 768 (H.B. [4595](#)), Sec. 24.001(33), eff. September 1, 2023.

Sec. 1701.272. TRAINING PROGRAM ON RESPONDING TO SEXUAL ABUSE OR ASSAULT. (a) The commission shall, in consultation with the Sexual Assault Survivors' Task Force established under Section [772.0064](#), Government Code, establish a basic education and training program on child sexual abuse and adult sexual assault, including the use of best practices and techniques to effectively recognize, investigate, and document those cases. The training program must consist of at least eight hours of instruction.

(b) The commission shall require an officer to complete the training program unless the officer has completed the training under Section 1701.253(q) or other training equivalent to the training program as determined by the commission.

Added by Acts 2023, 88th Leg., R.S., Ch. 460 (S.B. 1402), Sec. 5, eff. September 1, 2023.

SUBCHAPTER G. LICENSE REQUIREMENTS; DISQUALIFICATIONS AND EXEMPTIONS

Sec. 1701.301. LICENSE REQUIRED. Except as provided by Sections 1701.310, 1701.311, and 1701.405, a person may not appoint or employ a person to serve as an officer, county jailer, school marshal, public security officer, or telecommunicator unless the person holds an appropriate license issued by the commission.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 655 (H.B. 1009), Sec. 7, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 3, eff. January 1, 2014.

Sec. 1701.302. CERTAIN ELECTED LAW ENFORCEMENT OFFICERS; LICENSE REQUIRED. (a) Except as provided by Section 85.0011, Local Government Code, an officer, including a sheriff, elected under the Texas Constitution or a statute or appointed to fill a vacancy in an elective office must obtain a license from the commission not later than the second anniversary of the date the officer takes office.

(b) The commission shall establish requirements for issuing the license and for revocation, suspension, or denial of the license.

(c) An officer to whom this section applies who does not obtain the license by the required date or does not remain licensed is incompetent and is subject to removal from office under Section 665.052, Government Code, or another removal statute.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 201 (S.B. [1124](#)), Sec. 2, eff. September 1, 2023.

Sec. 1701.303. LICENSE APPLICATION; DUTIES OF APPOINTING ENTITY. (a) Before a law enforcement agency or governmental entity hires a person for whom a license is sought, the agency or entity must:

(1) review any information relating to the person available:

(A) in a database established under Section [1701.168](#);

(B) in a database designated under Section [1701.169](#); and

(C) if applicable, in a file provided to the commission under Section [1701.3035](#); and

(2) file an application with the commission as provided by commission rule.

(b) A person who appoints an officer or county jailer licensed by the commission shall notify the commission not later than the 30th day after the date of the appointment. If the person appoints an individual who previously served as an officer or county jailer and the appointment occurs after the 180th day after the last date of service as an officer or county jailer, the person must have on file for the license holder in a form readily accessible to the commission:

(1) new criminal history record information;

(2) a new declaration of psychological and emotional health and lack of drug dependency or illegal drug use; and

(3) new documentation that the license holder has been fingerprinted and subjected to a search of local, state, and national records and fingerprint files to disclose any criminal record of the license holder.

(c) A person who appoints or employs a telecommunicator licensed by the commission shall notify the commission not later than the 30th day after the date of the appointment or employment. If the person appoints or employs an individual who previously

served as a telecommunicator and the appointment or employment occurs after the 180th day after the last date of service as a telecommunicator, the person must have on file in a form readily accessible to the commission:

(1) new criminal history record information; and

(2) new documentation that the license holder has been fingerprinted and subjected to a search of local, state, and national records and fingerprint files to disclose any criminal record of the license holder.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. [1951](#)), Sec. 4, eff. January 1, 2014.

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 11, eff. September 1, 2023.

Sec. 1701.3035. OUT-OF-STATE LICENSE HOLDERS. (a) Before issuing an officer license under this chapter to an applicant who holds or previously held an equivalent license in another state, the commission must request from the licensing authority of the other state the personnel file and any other relevant record regarding the applicant.

(b) An applicant for an officer license may not be denied a license for the sole reason that the licensing authority of another state did not provide a record requested by the commission under this section.

Added by Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 12, eff. September 1, 2023.

Sec. 1701.304. EXAMINATION. (a) The commission shall conduct an examination for each type of license issued by the commission at least four times each year at times and places designated by the commission. The commission shall:

(1) prescribe the content of an examination for each type of license;

(2) include in each examination a written examination that tests the applicant's knowledge of the appropriate occupation;

and

(3) prescribe standards for acceptable performance on each examination.

(b) The commission by rule shall establish minimum qualifications for a person to be examined under this section. A person who is disqualified by law to be an officer or county jailer may not take an examination under this section.

(c) A law enforcement agency may request the commission to conduct examinations required by this chapter in the jurisdiction served by the agency. The commission may conduct the examinations in the jurisdiction if:

(1) the commission determines that doing so will not place a significant hardship on the commission's resources; and

(2) the requesting law enforcement agency reimburses the commission for additional costs incurred in conducting the examination in the agency's jurisdiction.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.305. EXAMINATION RESULTS. (a) The commission shall notify each examinee of the examination results not later than the 30th day after the date the examination is administered. If an examination is graded or reviewed by a national testing service, the commission shall notify each examinee of the examination results not later than the 14th day after the date the commission receives the results from the testing service.

(b) If notice of the results of an examination graded or reviewed by a national testing service will be delayed for longer than 90 days after the examination date, the commission shall notify each examinee of the reason for the delay before the 90th day.

(c) If requested in writing by a person who fails an examination, the commission shall provide to the person an analysis of the person's performance on the examination.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.306. PSYCHOLOGICAL AND PHYSICAL EXAMINATION.

(a) The commission may not issue a license to a person unless the

person is examined by:

(1) a licensed psychologist or by a psychiatrist who declares in writing that the person is in satisfactory psychological and emotional health to serve as the type of officer for which a license is sought; and

(2) a licensed physician who declares in writing that the person does not show any trace of drug dependency or illegal drug use after a blood test or other medical test.

(b) An agency hiring a person for whom a license is sought shall select the examining physician and the examining psychologist or psychiatrist. The agency shall prepare a report of each declaration required by Subsection (a) and shall maintain a copy of the report on file in a format readily accessible to the commission. A declaration is not public information.

(c) The commission shall adopt rules that:

(1) relate to appropriate standards and measures to be used by a law enforcement agency in reporting the declarations made under Subsection (a); and

(2) provide for exceptional circumstances in the administration of the examination of the applicant's psychological and emotional health, including permitting the examination to be made by a qualified licensed physician instead of a psychologist or psychiatrist.

(d) The commission may order an applicant to submit to an examination described by Subsection (a) by a psychologist, psychiatrist, or physician appointed by the commission if the commission:

(1) has cause to believe that a law enforcement agency failed to follow commission rules relating to an examination; or

(2) discovers that the applicant has submitted a false declaration.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1224 (S.B. 542), Sec. 2, eff. September 1, 2011.

Sec. 1701.307. ISSUANCE OF OFFICER OR COUNTY JAILER

LICENSE. (a) The commission shall issue an appropriate officer or county jailer license to a person who, as required by this chapter:

- (1) submits an application;
- (2) completes the required training;
- (3) passes the required examination;
- (4) is declared to be in satisfactory psychological and emotional health and free from drug dependency or illegal drug use; and
- (5) demonstrates weapons proficiency.

(b) The commission may issue a permanent license to a person who meets the requirements of this chapter and the rules prescribed by the commission to serve as an officer.

(c) The commission may issue a temporary or permanent license to a person to serve as a county jailer.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 878 (H.B. 1955), Sec. 2, eff. June 15, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 5, eff. January 1, 2014.

Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 6, eff. January 1, 2014.

Sec. 1701.3071. ISSUANCE OF TELECOMMUNICATOR LICENSE. (a) The commission shall issue a telecommunicator license to a person who:

- (1) submits an application;
- (2) completes the required training;
- (3) passes the required examination; and
- (4) meets any other requirement of this chapter and the rules prescribed by the commission to qualify as a telecommunicator.

(a-1) The training required by Subsection (a)(2) must include telecommunicator cardiopulmonary resuscitation training that:

- (1) uses the most current nationally recognized emergency cardiovascular care guidelines;

(2) incorporates recognition protocols for out-of-hospital cardiac arrest; and

(3) provides information on best practices for relaying compression-only cardiopulmonary resuscitation instructions to callers.

(b) The commission may issue a temporary or permanent license to a person to act as a telecommunicator.

Added by Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 7, eff. January 1, 2014.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 15 (H.B. 786), Sec. 1, eff. September 1, 2021.

Sec. 1701.3075. QUALIFIED APPLICANT AWAITING APPOINTMENT.

(a) A person who meets the requirements set forth in Section 1701.307(a) has the same reporting responsibilities toward the commission under rules adopted by the commission as a license holder who has already been appointed as a peace officer.

(b) The commission may determine that a person who meets the requirements under Section 1701.307(a) is ineligible for appointment as a peace officer based on events that occur after the person meets the requirements in Section 1701.307(a) but before the person is appointed.

Added by Acts 2009, 81st Leg., R.S., Ch. 701 (H.B. 2799), Sec. 1, eff. September 1, 2009.

Sec. 1701.308. WEAPONS PROFICIENCY. The commission shall require a person applying for a peace officer license to demonstrate weapons proficiency.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.309. AGE REQUIREMENT. The commission by rule shall set 21 years of age as the minimum age for obtaining a license as an officer. The rules must provide that a person at least 18 years of age may be issued a license as an officer if the person has:

(1) completed and received credit for at least 60 hours of study at an accredited college or university or received an

associate degree from an accredited college or university; or

(2) received an honorable discharge from the United States armed forces after at least two years of service.
Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.3095. LICENSING OF CERTAIN VETERANS WHO ARE LEGAL PERMANENT RESIDENTS. The commission shall issue a license the commission is authorized to issue to a person who is a legal permanent resident of the United States if the person:

(1) meets the requirements of this chapter and the commission's rules for the license;

(2) is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge; and

(3) presents evidence satisfactory to the commission that the person has applied for United States citizenship.

Added by Acts 2023, 88th Leg., R.S., Ch. 1049 (S.B. [252](#)), Sec. 3, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [1563](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 1701.310. APPOINTMENT OF COUNTY JAILER; TRAINING REQUIRED. (a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

(b) A county jailer appointed on a temporary basis who does not satisfactorily complete the preparatory training program before the first anniversary of the date that the person is appointed shall be removed from the position. A county jailer appointed on a temporary basis shall be enrolled in the preparatory

training program on or before the 90th day after their temporary appointment. A temporary appointment may not be renewed, except that the sheriff may petition the commission to extend the temporary appointment for a period not to exceed six months.

(b-1) A person who has previously been appointed on a temporary basis as a county jailer and separated from that position may be subsequently appointed on a temporary basis as a county jailer under Subsection (b) at the same or a different county jail only if the person was in good standing at the time the person separated from the position.

(b-2) A person who has cumulatively served as a county jailer on a temporary basis under Subsection (b) for two years may continue to serve for the remainder of that temporary appointment, not to exceed the first anniversary of the date of the most recent appointment. The person is not eligible for an extension of that appointment or for a subsequent appointment on a temporary basis as a county jailer under that subsection at the same or a different county jail until the first anniversary of the date the person separates from the temporary appointment during which the person reached two years of cumulative service.

(b-3) A person whose county jailer license has become inactive may be appointed as a county jailer on a temporary basis under Subsection (b).

(c) A county jailer serving under permanent appointment before September 1, 1979, regardless of whether the person's employment was terminated before that date because of failure to satisfy standards adopted under Chapter 511, Government Code, is not required to meet a requirement of this section as a condition of continued employment or promotion unless:

(1) in an attempt to meet the standards the person took an examination and failed or was not allowed to finish the examination because the person acted dishonestly in regard to the examination;

(2) the person forged a document purporting to show that the person meets the standards; or

(3) the person seeks a new appointment as a county jailer on or after September 1, 1984.

(d) A county jailer serving under permanent appointment before September 1, 1979, is eligible to attend training courses in the operation of a county jail, subject to commission rules.

(e) A person trained and certified by the Texas Department of Criminal Justice to serve as a corrections officer in that agency's correctional institutions division is not required to complete the training requirements of this section to be appointed a part-time county jailer. Examinations under Section [1701.304](#) and psychological examinations under Section [1701.306](#) apply.

(f) A county jailer appointed on a temporary basis may not be promoted to a supervisory position in a county jail.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.502(a), eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](#)), Sec. 25.142, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 1224 (S.B. [542](#)), Sec. 3, eff. September 1, 2011.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 4.03, eff. January 1, 2018.

Acts 2019, 86th Leg., R.S., Ch. 1252 (H.B. [4468](#)), Sec. 5, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1252 (H.B. [4468](#)), Sec. 6, eff. September 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 134 (H.B. [2183](#)), Sec. 1, eff. September 1, 2023.

Sec. 1701.311. PROVISIONAL LICENSE FOR WORKFORCE SHORTAGE.

(a) The commission shall adopt rules to allow a law enforcement agency to petition for issuance of a provisional license for an officer if the agency proves that it has a workforce shortage.

(b) Except in an emergency, a peace officer holding a provisional license may not be required to work at the peace officer's employing agency and attend a commission-approved basic preparatory school for more than a total of 40 hours a week.

(c) An agency employing a peace officer who holds a

provisional license may contract with the peace officer for reimbursement of the cost of a basic preparatory training course if the peace officer voluntarily resigns from the agency before a date specified in the contract that is not later than the first anniversary of the date the officer is appointed. The contract must state the cost of the course.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.312. DISQUALIFICATION: FELONY CONVICTION OR PLACEMENT ON COMMUNITY SUPERVISION. (a) A person who has been convicted of a felony is disqualified to be an officer, public security officer, telecommunicator, or county jailer, and the commission may not issue a license to, and a law enforcement agency may not appoint or employ, the person.

(b) For purposes of this section and Section [1701.502](#), a person is convicted of a felony if a court enters an adjudication of guilt against the person on a felony offense under the laws of this or another state or the United States, 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.

(c) The commission, on receipt of a certified copy of a court's judgment under Article [42.011](#), Code of Criminal Procedure, shall note on the person's licensing records the conviction or community supervision indicated by the judgment.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. [3823](#)), Sec. 6, eff. September 1, 2011.

Sec. 1701.313. DISQUALIFICATION: CONVICTION OF BARRATRY. (a) A person who has been convicted of barratry under Section

[38.12](#), Penal Code, is disqualified to be an officer, telecommunicator, or county jailer, and the commission may not issue a license to the person.

(b) For purposes of this section and Section [1701.503](#), a person is convicted of barratry if a court enters an adjudication of guilt against the person 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 following community supervision; or

(3) the person is pardoned for the offense, unless the pardon is granted expressly for subsequent proof of innocence.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. [3823](#)), Sec. 7, eff. September 1, 2011.

Sec. 1701.3135. DISQUALIFICATION: REVOCATION OR SUSPENSION IN ANOTHER STATE. A person is disqualified to be an officer, and the commission may not issue an officer license to the person, if the person has been issued a license or other authorization to act as an officer in another state and, at the time the person applies for a license in this state, that license or authorization is revoked or suspended for a reason that would be grounds for the commission to revoke or suspend a license in this state.

Added by Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 12, eff. September 1, 2023.

Sec. 1701.314. EXEMPTION: OFFICER APPOINTED BEFORE SEPTEMBER 1, 1970. A peace officer serving under a permanent appointment before September 1, 1970, is not required to obtain a license as a condition of tenure, continued employment, or promotion unless the officer seeks a new appointment. The officer is eligible to attend peace officer training courses subject to commission rules.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.315. LICENSE REQUIREMENTS FOR PERSONS WITH MILITARY SPECIAL FORCES TRAINING. (a) In this section, "special forces" means a special forces component of the United States armed forces, including:

- (1) the United States Army Special Forces;
- (2) the United States Navy SEALs;
- (3) the United States Air Force Pararescue;
- (4) the United States Marine Corps Force Reconnaissance; and

- (5) any other component of the United States Special Operations Command approved by the commission.

(b) The commission shall adopt rules to allow an applicant to qualify to take an examination described by Section [1701.304](#) if the applicant:

- (1) has served in the special forces;
- (2) has successfully completed a special forces training course and provides to the commission documentation verifying completion of the course;

- (3) completes a supplemental peace officer training course; and

- (4) completes any other training required by the commission after the commission has reviewed the applicant's military training.

(c) Commission rules adopted under Subsection (b) shall include rules:

- (1) to determine acceptable forms of documentation that satisfy the requirements of Subsection (b);

- (2) under which the commission may waive any other license requirement for an applicant described by Subsection (b) based on other relevant military training the applicant has received, as determined by the commission, including intelligence or medical training; and

- (3) to establish an expedited application process for an applicant described by Subsection (b).

(d) The commission shall review the content of the training course for each special forces component described by Subsection

(a) and in adopting rules under Subsection (b) specify the training requirements an applicant who has completed that training course must complete and the training requirements from which an applicant who has completed that training course is exempt.

Added by Acts 2013, 83rd Leg., R.S., Ch. 66 (S.B. [162](#)), Sec. 4, eff. May 18, 2013.

Sec. 1701.316. REACTIVATION OF PEACE OFFICER LICENSE. (a) The commission shall adopt rules establishing requirements for reactivation of a peace officer's license after a break in employment.

(b) The commission may consider employment as a peace officer in another state in determining whether the person is required to obtain additional training or testing.

(c) The commission shall reactivate a peace officer's license after a break in employment if the former license holder:

(1) completed at least 10 years of full-time service as a peace officer in good standing before the break in employment;

(2) meets current licensing standards;

(3) successfully completes:

(A) an online or in-person supplemental peace officer course of not more than 120 hours; and

(B) other in-person training requirements of not more than 40 hours;

(4) passes a peace officer reactivation examination;

(5) files an application; and

(6) pays any required fees.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 347 (H.B. [872](#)), Sec. 1, eff. September 1, 2015.

Sec. 1701.3161. REACTIVATION OF PEACE OFFICER LICENSE: RETIRED PEACE OFFICERS. (a) In this section, "retired peace officer" means a person who served as a peace officer in this state who:

(1) is not currently serving as an elected, appointed,

or employed peace officer under Article [2A.001](#), Code of Criminal Procedure, or other law;

(2) was eligible to retire from a law enforcement agency in this state or was ineligible to retire only as a result of an injury received in the course of the officer's employment with the law enforcement agency; and

(3) is eligible to receive a pension or annuity for service as a law enforcement officer in this state or is ineligible to receive a pension or annuity only because the law enforcement agency that employed the officer does not offer a pension or annuity to its employees.

(b) The commission shall adopt rules for the reactivation of a retired peace officer's license after a break in employment. The rules must allow a retired peace officer to reactivate the officer's license by completing the continuing education requirements prescribed by Section [1701.351](#) and completing any other continuing education requirement imposed by law in lieu of successfully completing any examination required by the commission for reactivation.

(c) The commission may waive the reinstatement fee established for the reactivation of a peace officer's license for a retired peace officer who is eligible for reactivation as provided by Subsection (b).

Added by Acts 2007, 80th Leg., R.S., Ch. 878 (H.B. [1955](#)), Sec. 3, eff. June 15, 2007.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 2.149, eff. January 1, 2025.

Sec. 1701.317. LIMITATION ON INFORMATION REQUIRED FOR LICENSE RENEWAL. The requirements and procedures adopted by the commission for the renewal of a license issued under this chapter:

(1) may not require an applicant to provide unchanged criminal history information already included in one or more of the applicant's previous applications for licensure or for license renewal filed with the commission; and

(2) may require the applicant to provide only

information relevant to the period occurring since the date of the applicant's last application for licensure or for license renewal, as applicable, including information relevant to any new requirement applicable to the license held by the applicant.

Added by Acts 2009, 81st Leg., R.S., Ch. 332 (H.B. [846](#)), Sec. 2, eff. September 1, 2009.

SUBCHAPTER H. CONTINUING EDUCATION AND YEARLY WEAPONS PROFICIENCY

Sec. 1701.351. CONTINUING EDUCATION REQUIRED FOR PEACE OFFICERS. (a) Each peace officer shall complete at least 40 hours of continuing education programs once every 24 months. The commission may suspend the license of a peace officer who fails to comply with this requirement.

(a-1) As part of the continuing education programs under Subsection (a), a peace officer must complete a training and education program that covers recent changes to the laws of this state and of the United States pertaining to peace officers.

(a-2) Before the first day of each 24-month training unit during which peace officers are required to complete 40 hours of continuing education programs under Subsection (a), the commission shall specify the mandated topics to be covered in up to 16 of the required hours.

(b) The commission by rule shall provide for waiver of the requirements of this section when mitigating circumstances exist.

(c) The commission shall credit a peace officer with meeting the continuing education requirements of this section if during the relevant 24-month period the peace officer serves on active duty as a member of the United States military for at least 12 months or serves as an elected member of the legislature. Credit for continuing education under this subsection does not affect any requirement to demonstrate continuing weapons proficiency under Section [1701.355](#).

(d) A peace officer who is second in command to a police chief of a law enforcement agency and who attends a continuing education program for command staff provided by the Bill Blackwood Law Enforcement Management Institute of Texas under Section [96.641](#),

Education Code, is exempt from the continuing education requirements of this subchapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1157, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1236 (H.B. [1438](#)), Sec. 1, eff. June 18, 2005.

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 15, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 602 (S.B. [244](#)), Sec. 3, eff. September 1, 2011.

Acts 2021, 87th Leg., R.S., Ch. 722 (H.B. [3712](#)), Sec. 4, eff. September 1, 2021.

Sec. 1701.352. CONTINUING EDUCATION PROGRAMS. (a) The commission shall recognize, prepare, or administer continuing education programs for officers and county jailers.

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

(1) topics selected by the agency; and

(2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments;

(C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and

(D) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition, documentation, and investigation of cases that involve child abuse or neglect, family violence, and sexual assault, including the use of best practices and trauma-informed techniques to effectively recognize, document, and investigate those cases; and

(ii) issues concerning sex offender characteristics.

(c) A course provided under Subsection (b) may use instructional materials developed by the agency or its trainers or by entities having training agreements with the commission in addition to materials included in curricula developed by the commission.

(d) A peace officer who is appointed or will be appointed to the officer's first supervisory position must receive in-service training on supervision as part of the course provided for the officer under Subsection (b) not earlier than the 12th month before the date of that appointment or later than the first anniversary of the date of that appointment.

(e) The commission may require a state, county, special district, or municipal agency that appoints or employs a reserve law enforcement officer, county jailer, or public security officer to provide each of those persons with education and training in civil rights, racial sensitivity, and cultural diversity at least once every 48 months.

(f) Training in documentation of cases required by Subsection (b) shall include instruction in:

(1) making a written account of the extent of injuries sustained by the victim of an alleged offense;

(2) recording by photograph or videotape the area in which an alleged offense occurred and the victim's injuries;

(3) recognizing and recording a victim's statement that may be admissible as evidence in a proceeding concerning the matter about which the statement was made; and

(4) recognizing and recording circumstances indicating that a victim may have been assaulted in the manner described by Section [22.01\(b\)\(2\)\(B\)](#), Penal Code.

(g) The training and education program on de-escalation and

crisis intervention techniques to facilitate interaction with persons with mental impairments under Subsection (b)(2)(B) may not be provided as an online course. The commission shall:

(1) determine best practices for interacting with persons with mental impairments, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas; and

(2) review the education and training program under Subsection (b)(2)(B) at least once every 24 months.

(h) The commission shall require a state, county, special district, or municipal agency that employs telecommunicators to provide each telecommunicator with 24 hours of crisis communications instruction approved by the commission. The instruction must be provided on or before the first anniversary of the telecommunicator's first day of employment.

(i) A state agency, county, special district, or municipality that appoints or employs a telecommunicator shall provide training to the telecommunicator of not less than 20 hours during each 24-month period of employment that includes:

(1) telecommunicator cardiopulmonary resuscitation as described by Section [1701.3071\(a-1\)](#); and

(2) other topics selected by the commission and the employing entity.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1157, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 16, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. [3823](#)), Sec. 8, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. [1951](#)), Sec. 8, eff. January 1, 2014.

Acts 2015, 84th Leg., R.S., Ch. 418 (H.B. [3211](#)), Sec. 1, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 4.04, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 76 (S.B. [971](#)), Sec. 2, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 107 (S.B. 586), Sec. 2, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 15 (H.B. 786), Sec. 2, eff. September 1, 2021.

Sec. 1701.3525. ACTIVE SHOOTER RESPONSE TRAINING REQUIRED FOR OFFICERS. (a) As part of the continuing education programs under Section 1701.351(a), an officer must 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.

(b) The exemptions under Sections 1701.351(b), (c), and (d) do not apply to the training required by Subsection (a).

Added by Acts 2023, 88th Leg., R.S., Ch. 102 (S.B. 1852), Sec. 2, eff. September 1, 2023.

Sec. 1701.353. CONTINUING EDUCATION PROCEDURES. (a) The commission by rule shall adopt procedures to:

(1) ensure the timely and accurate reporting by agencies and persons licensed under this chapter of information related to training programs offered under this subchapter, including procedures for creating training records for license holders; and

(2) provide adequate notice to agencies and license holders of impending noncompliance with the training requirements of this subchapter so that the agencies and license holders may comply within the 24-month period or 48-month period, as appropriate.

(b) The commission shall require agencies to report to the commission in a timely manner the reasons that a license holder is in noncompliance after the agency receives notice by the commission of the license holder's noncompliance. The commission shall, following receipt of an agency's report or on a determination that the agency has failed to report in a timely manner, notify the license holder by certified mail of the reasons the license holder is in noncompliance and that the commission at the request of the license holder will hold a hearing as provided by this subsection if

the license holder fails to obtain the required training within 60 days after the date the license holder receives notice under this subsection. The commission shall conduct a hearing consistent with Section 1701.504 if the license holder claims that:

(1) mitigating circumstances exist; or

(2) the license holder failed to complete the required training because the license holder's employing agency did not provide an adequate opportunity for the license holder to attend the required training course.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1236 (H.B. 1438), Sec. 2, eff. June 18, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1224 (S.B. 542), Sec. 4, eff. September 1, 2011.

Sec. 1701.354. CONTINUING EDUCATION FOR DEPUTY CONSTABLES.

(a) If the commission requires a state, county, special district, or municipal agency that employs a deputy constable to provide the deputy constable with a training program under Section 1701.352, the commission shall require the deputy constable to attend at least 20 hours of instruction in civil process.

(b) The commission shall adopt rules and procedures concerning a civil process course, including rules providing for:

(1) approval of course content and standards; and

(2) issuance of course credit.

(c) The commission may waive the instruction requirements for a deputy constable under this section:

(1) if a constable requests a waiver for the deputy constable based on a representation that the deputy constable's duty assignment does not involve civil process responsibilities; or

(2) if the deputy constable requests a waiver because of hardship and the commission determines that a hardship exists.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 735 (H.B. 2574), Sec. 1, eff. June 17, 2005.

Acts 2005, 79th Leg., Ch. 954 (H.B. 1588), Sec. 3, eff. June 18, 2005.

Reenacted by Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 12.001, eff. September 1, 2007.

Sec. 1701.3545. INITIAL TRAINING AND CONTINUING EDUCATION FOR CONSTABLES. (a) A public institution of higher education selected by the commission shall establish and offer a program of initial training and a program of continuing education for constables. The curriculum for each program must relate to law enforcement management. The institution selected under this subsection shall develop the curriculum for the programs. The curriculum must be approved by the commission.

(b) Each constable must complete at least 40 hours of continuing education provided by the selected institution under Subsection (a) each 48-month period. The commission by rule shall establish a uniform 48-month continuing education training period.

(b-1) In addition to the requirements of Subsection (b), during each 48-month continuing education training period each constable must complete at least 20 hours of continuing education instruction on civil process to be provided by a public institution of higher education selected by the commission under this subsection. The commission shall establish minimum curriculum requirements for the continuing education course on civil process required by this subsection. The commission may waive the continuing education requirements of this subsection if:

(1) a constable requests a waiver because of hardship; and

(2) the commission determines that a hardship exists.

(c) An individual appointed or elected to that individual's first position as constable must complete at least 40 hours of initial training for new constables in accordance with Subsections (d) and (e).

(d) A newly appointed or elected constable shall complete the initial training program for new constables not later than the second anniversary of that individual's appointment or election as constable. The initial training program for new constables is in

addition to the initial training required by this chapter. The commission by rule shall establish that the first continuing education training period for an individual under Subsection (b) begins on the first day of the first uniform continuing education training period that follows the date the individual completed the initial training program.

(e) The institution selected under Subsection (a) by rule may provide for the waiver of:

(1) all or part of the required 40 hours of initial training for new constables to the extent the new constable has satisfactorily completed equivalent training during the 24 months preceding the individual's appointment or election; or

(2) the continuing education requirements of Subsection (b) for an individual who has satisfactorily completed equivalent continuing education during the preceding 24 months.

(f) An individual who is subject to the continuing education requirements of Subsections (b) and (b-1) is exempt from other continuing education requirements under this subchapter.

(g) The commission shall establish procedures to annually determine the status of the peace officer license of each elected constable and to ensure that constables comply with this section. The commission shall forward to the attorney general's office documentation for each constable who does not comply with this section. A constable who does not comply with this section forfeits the office and the attorney general shall institute a quo warranto proceeding under Chapter 66, Civil Practice and Remedies Code, to remove the constable from office.

(h) To the extent of a conflict between this section and any other law, this section controls.

Added by Acts 2005, 79th Leg., Ch. 954 (H.B. 1588), Sec. 2, eff. June 18, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 622 (H.B. 487), Sec. 1, eff. June 15, 2007.

Acts 2019, 86th Leg., R.S., Ch. 177 (H.B. 1415), Sec. 1, eff. September 1, 2019.

Sec. 1701.355. CONTINUING DEMONSTRATION OF WEAPONS PROFICIENCY. (a) An agency that employs one or more peace officers shall designate a firearms proficiency officer and require each peace officer the agency employs to demonstrate weapons proficiency to the firearms proficiency officer at least annually. The agency shall maintain records of the weapons proficiency of the agency's peace officers.

(a-1) An agency that employs one or more county jailers who have been issued a certificate of firearms proficiency under Section [1701.2561](#) shall designate a firearms proficiency officer and require the jailers to demonstrate weapons proficiency to the firearms proficiency officer at least annually. The agency shall maintain records of the weapons proficiency of the agency's jailers. A county jailer's failure to demonstrate weapons proficiency does not affect the county jailer's license under this chapter.

(b) On request, the commission may waive the requirement that a peace officer or county jailer demonstrate weapons proficiency on a determination by the commission that the requirement causes a hardship.

(c) The commission by rule shall define weapons proficiency for purposes of this section.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 222 (S.B. [1303](#)), Sec. 1, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 18, eff. September 1, 2009.

Acts 2019, 86th Leg., R.S., Ch. 1234 (H.B. [1552](#)), Sec. 2, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1368 (H.B. [3503](#)), Sec. 2, eff. June 15, 2019.

Sec. 1701.356. CERTAIN OFFICERS: REACTIVATION AND CONTINUING EDUCATION NOT REQUIRED. (a) An officer is not subject to Section [1701.351](#) or [1701.352](#) if the officer is:

(1) an honorably retired commissioned officer of the

Department of Public Safety who is:

(A) a special ranger under Section [411.023](#), Government Code; or

(B) a special Texas Ranger under Section [411.024](#), Government Code;

(2) an honorably retired commissioned officer of the Parks and Wildlife Department who is a special game warden under Section [11.0201](#), Parks and Wildlife Code; or

(3) an honorably retired commissioned officer of the Texas Alcoholic Beverage Commission who is a special inspector or representative under Section [5.142](#), Alcoholic Beverage Code.

(b) A person who is an honorably retired commissioned officer described by Subsection (a) or a retired state employee and who holds a permanent license issued before January 1981 and that was current on January 1, 1995:

(1) has the same rights and privileges as any other peace officer of this state;

(2) holds, notwithstanding Section [1701.316](#), an active license unless the license is revoked, suspended, or probated by the commission for a violation of this chapter; and

(3) is not subject to Section [1701.351](#).

(c) An honorably retired commissioned officer described by Subsection (a) may not be required to undergo training under Section [1701.253](#).

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14.009, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 920 (H.B. [2991](#)), Sec. 2, eff. June 19, 2009.

Acts 2019, 86th Leg., R.S., Ch. 627 (S.B. [1397](#)), Sec. 1, eff. August 26, 2019.

Sec. 1701.357. WEAPONS PROFICIENCY FOR QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS.

(a) In this section:

(1) "Qualified handgun instructor" means a person certified as a qualified handgun instructor under Section [411.190](#),

Government Code.

(2) "Qualified retired law enforcement officer" has the meaning assigned by 18 U.S.C. Section 926C.

(a-1) This section applies only to a qualified retired law enforcement officer who is entitled to carry a concealed firearm under 18 U.S.C. Section 926C.

(b) The head of a state or local law enforcement agency may allow a qualified retired law enforcement officer who is a retired commissioned peace officer an opportunity to demonstrate weapons proficiency if the officer provides to the agency a sworn affidavit stating that:

(1) the officer:

(A) honorably retired after not less than a total of 10 years of cumulative service as a commissioned officer with one or more state or local law enforcement agencies; or

(B) before completing 10 years of cumulative service as a commissioned officer with one or more state or local law enforcement agencies, separated from employment with the agency or agencies and is a qualified retired law enforcement officer;

(2) the officer's license as a commissioned officer was not revoked or suspended for any period during the officer's term of service as a commissioned officer; and

(3) the officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun.

(b-1) The commission shall issue a certificate of proficiency to a qualified retired law enforcement officer who:

(1) satisfactorily demonstrates weapons proficiency to a qualified handgun instructor under Subsection (b-2);

(2) provides to the commission a sworn affidavit stating that:

(A) the officer meets the requirements for a qualified retired law enforcement officer under 18 U.S.C. Section 926C;

(B) the officer's license as a qualified law enforcement officer was not revoked or suspended for any period during the officer's term of service; and

(C) the officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun; and

(3) otherwise satisfies the applicable procedures established by the commission under Subsection (c-1).

(b-2) A qualified handgun instructor may allow any qualified retired law enforcement officer an opportunity to demonstrate weapons proficiency if the officer provides to the instructor a copy of the sworn affidavit described by Subsection (b-1)(2).

(c) The state or local law enforcement agency shall establish written procedures for the issuance or denial of a certificate of proficiency under this subsection. The agency shall issue the certificate to a retired commissioned peace officer who satisfactorily demonstrates weapons proficiency under Subsection (b) and satisfies the written procedures established by the agency. The agency shall maintain records of any person who holds a certificate issued under this subsection.

(c-1) The commission shall establish written procedures and forms for qualified handgun instructors regarding the manner in which demonstrations are conducted and the communication of demonstration results to the commission and for the issuance or denial of certificates of proficiency to qualified retired law enforcement officers. The commission shall maintain records of any person who holds a certificate issued under Subsection (b-1).

(c-2) For purposes of this section, proof that an individual is a qualified retired law enforcement officer may include a retired peace officer identification card issued under Subchapter H, Chapter 614, Government Code, or other form of identification as described by 18 U.S.C. Section 926C(d).

(d) A certificate issued under this section expires on the first anniversary of the date the certificate was issued.

(e) The head of a state or local law enforcement agency may set and collect fees to recover the expenses the agency incurs in performing duties under this section.

(f) The amount of a fee set by a county law enforcement agency under Subsection (e) is subject to the approval of the

commissioners court of the county. A county law enforcement agency that collects a fee under Subsection (e) shall deposit the amounts collected to the credit of the general fund of the county.

(f-1) A qualified handgun instructor may collect a reasonable fee for the purpose of evaluating a demonstration of weapons proficiency under this section.

(g) A county law enforcement agency must obtain approval of the program authorized by this section from the commissioners court of the county before issuing a certificate of proficiency under this section.

(h) The head of a state law enforcement agency may allow a qualified retired law enforcement officer, other than a retired commissioned peace officer, an opportunity to demonstrate weapons proficiency in the same manner as, and subject to the same requirements applicable to, a retired commissioned peace officer as described by Subsection (b). The agency shall establish written procedures for the issuance or denial of a certificate of proficiency under this subsection. The agency shall issue a certificate of proficiency to a qualified retired law enforcement officer who satisfactorily demonstrates weapons proficiency under this subsection and satisfies the written procedures established by the agency. The agency shall maintain records regarding the issuance of that certificate.

(i) On request of a qualified retired law enforcement officer who holds a certificate of proficiency under this section, the head of the state or local law enforcement agency from which the officer retired or most recently separated shall issue to the officer identification that indicates that the officer honorably retired or separated from the agency. An identification under this subsection must include a photograph of the officer.

(j) Repealed by Acts 2019, 86th Leg., R.S., Ch. 1234 (H.B. [1552](#)), Sec. 7(2), eff. September 1, 2019.

Added by Acts 2003, 78th Leg., ch. 325, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1093 (H.B. [2110](#)), Sec. 2, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 1179 (S.B. [578](#)), Sec. 1, eff.

September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 1187 (H.B. [638](#)), Sec. 1, eff.

September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1187 (H.B. [638](#)), Sec. 2, eff.

September 1, 2007.

Acts 2019, 86th Leg., R.S., Ch. 1234 (H.B. [1552](#)), Sec. 3, eff.

September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1234 (H.B. [1552](#)), Sec. 4, eff.

September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1234 (H.B. [1552](#)), Sec. 7(2),
eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 544 (S.B. [198](#)), Sec. 1, eff.

September 1, 2021.

Sec. 1701.358. INITIAL TRAINING AND CONTINUING EDUCATION
FOR POLICE CHIEFS. A police chief shall complete the initial
training and continuing education required under Section [96.641](#),
Education Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1224 (S.B. [542](#)), Sec. 5,
eff. September 1, 2011.

The following section was amended by the 89th Legislature. Pending
publication of the current statutes, see H.B. [1620](#), 89th
Legislature, Regular Session, for amendments affecting the
following section.

Sec. 1701.359. BORDER OPERATIONS TRAINING PROGRAM. The
commission may:

(1) recognize, or with the consent of the Department
of Public Safety administer or assist in administering, the border
operations training program established under Section [411.02093](#),
Government Code, as a continuing education program for officers;
and

(2) credit an officer who successfully completes the
program described by Subdivision (1) with the appropriate number of
continuing education hours.

Added by Acts 2023, 88th Leg., R.S., Ch. 208 (S.B. [1484](#)), Sec. 2,
eff. September 1, 2023.

SUBCHAPTER I. PROFESSIONAL TRAINING AND RECOGNITION

Sec. 1701.401. PROFESSIONAL ACHIEVEMENT. (a) In this section:

(1) "Professional achievement" includes an instance in which an individual through personal initiative, fixity of purpose, persistence, or endeavor creates a program or system that has a significant positive impact on the law enforcement profession that exceeds the normal expectations of job performance.

(2) "Public service" includes an instance in which an individual through initiative creates or participates in a program or system that has a significant positive impact on the general population of a community that exceeds the normal expectations of job performance.

(3) "Valor" includes an act of personal heroism or bravery that exceeds the normal expectations of job performance, including placing one's own life in jeopardy to save another person's life, to prevent serious bodily injury to another, or to prevent the consequences of a criminal act.

(b) The commission shall issue certificates that recognize professional achievement. For this purpose the commission shall use the employment records of the employing agency.

(c) The commission shall adopt rules for issuing achievement awards to peace officers, reserve peace officers, jailers, custodial officers, or telecommunicators who are licensed by the commission. The commission's rules shall require recommendations from an elected official of this state or a political subdivision, an administrator of a law enforcement agency, or a person holding a license issued by the commission.

(d) The awards shall be given in the name of this state and presented at the State Capitol during May of each year. At a minimum the award shall consist of a document, an appropriate medal, and a ribbon suitable for wearing on a uniform.

(e) The awards shall be issued in three areas: valor, public service, and professional achievement.

(f) The commission may present awards relating to not more

than a total of 20 incidents and accomplishments each year.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 174 (H.B. [1492](#)), Sec. 1, eff. May 27, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. [1951](#)), Sec. 9, eff. January 1, 2014.

Sec. 1701.402. PROFICIENCY CERTIFICATES. (a) The commission shall issue certificates that recognize proficiency based on law enforcement training, education, and experience. For this purpose the commission shall use the employment records of the employing agency.

(b) As a requirement for a basic proficiency certificate, the commission shall require completion of local courses or programs of instruction on federal and state statutes that relate to employment issues affecting peace officers, telecommunicators, and county jailers, including:

- (1) civil service;
- (2) compensation, including overtime compensation, and vacation time;
- (3) personnel files and other employee records;
- (4) management-employee relations in law enforcement organizations;
- (5) work-related injuries;
- (6) complaints and investigations of employee misconduct; and
- (7) disciplinary actions and the appeal of disciplinary actions.

(c) An employing agency is responsible for providing the training required by this section.

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on asset forfeiture established by the commission under Section [1701.253](#)(g).

(e) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training

program on racial profiling established by the commission under Section 1701.253(h).

(f) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on identity theft established by the commission under Section 1701.253(i).

(g) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program described by Section 1701.253 regarding de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(h) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on investigative topics established by the commission under Section 1701.253(b).

(i) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on civil rights, racial sensitivity, and cultural diversity established by the commission under Section 1701.253(c).

(j) As a requirement for an intermediate or advanced proficiency certificate issued by the commission on or after January 1, 2011, an officer must complete the basic education and training program on the trafficking of persons described by Section 1701.258(a).

(k) As a requirement for an intermediate or advanced proficiency certificate issued by the commission on or after January 1, 2015, an officer must complete an education and training program on missing and exploited children. The commission by rule shall establish the program. The program must:

- (1) consist of at least four hours of training;
- (2) include instruction on reporting an attempted child abduction to the missing children and missing persons information clearinghouse under Chapter 63, Code of Criminal Procedure;
- (3) include instruction on responding to and investigating situations in which the Internet is used to commit

crimes against children; and

(4) include a review of the substance of Chapters 20 and 43, Penal Code.

(1) As a requirement for an intermediate or advanced proficiency certificate issued by the commission on or after January 1, 2016, an officer must complete the canine encounter training program established by the commission under Section 1701.261.

(m) As a requirement for an intermediate or advanced proficiency certificate issued by the commission on or after January 1, 2016, an officer must complete an education and training program on the Texas Crime Information Center's child safety check alert list established by the commission under Section 1701.266.

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

(o) The commission shall adopt rules to allow an officer who has served in the military to receive credit toward meeting any training hours required for an intermediate, advanced, or master proficiency certificate based on that military service.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 929, Sec. 6, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 947, Sec. 5, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 14.008, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1326, Sec. 9, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 393 (S.B. 1473), Sec. 4, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 1002 (H.B. 4009), Sec. 6, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 17, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 27.001(48), eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. 3823), Sec. 9, eff.

September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 571 (S.B. [742](#)), Sec. 9, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 31 (H.B. [593](#)), Sec. 3, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1056 (H.B. [2053](#)), Sec. 8, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 24.002(12), eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 4.05, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 222 (H.B. [971](#)), Sec. 1, eff. September 1, 2019.

Sec. 1701.403. INVESTIGATIVE HYPNOSIS. (a) The commission may establish minimum requirements for the training, testing, and certification of peace officers who use investigative hypnosis.

(b) A peace officer may not use a hypnotic interview technique unless the officer:

(1) completes a training course approved by the commission; and

(2) passes an examination administered by the commission that is designed to test the officer's knowledge of investigative hypnosis.

(c) The commission may issue a professional achievement or proficiency certificate to an officer who meets the requirements of Subsection (b).

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.404. CERTIFICATION OF OFFICERS FOR MENTAL HEALTH ASSIGNMENTS. (a) The commission by rule may establish minimum requirements for the training, testing, and certification of special officers for offenders with mental impairments.

(b) The commission may certify a sheriff, sheriff's deputy, constable, other peace officer, county jailer, or justice of the peace as a special officer for offenders with mental impairments if the person:

(1) completes a training course in emergency first aid and lifesaving techniques approved by the commission;

(2) completes a training course administered by the commission on mental health issues and offenders with mental impairments; and

(3) passes an examination administered by the commission that is designed to test the person's:

(A) knowledge and recognition of the characteristics and symptoms of mental illness, intellectual disabilities, and developmental disabilities; and

(B) knowledge of mental health crisis intervention strategies for people with mental impairments.

(c) The commission may issue a professional achievement or proficiency certificate to an officer, county jailer, or justice of the peace who meets the requirements of Subsection (b).

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1131 (H.B. 2093), Sec. 1, eff. September 1, 2009.

Acts 2023, 88th Leg., R.S., Ch. 30 (H.B. 446), Sec. 11.01, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. 1445), Sec. 13, eff. September 1, 2023.

Sec. 1701.4045. CERTIFICATION OF OFFICERS FOR FAMILY VIOLENCE AND SEXUAL ASSAULT ASSIGNMENTS. (a) The commission by rule shall establish minimum requirements for the training, testing, and certification of special officers for responding to allegations of family violence or sexual assault.

(b) The commission may certify a peace officer as a special officer for responding to allegations of family violence or sexual assault if the person:

(1) completes an advanced training course administered by the commission on recognizing, documenting, and investigating family violence and sexual assault using best practices and trauma-informed techniques; and

(2) passes an examination administered by the

commission that is designed to test the person's:

(A) knowledge and recognition of the signs of family violence and sexual assault; and

(B) skill at documenting and investigating family violence and sexual assault using best practices and trauma-informed techniques.

(c) The commission may issue a professional achievement or proficiency certificate to a peace officer who meets the requirements of Subsection (b).

Added by Acts 2019, 86th Leg., R.S., Ch. 107 (S.B. 586), Sec. 3, eff. September 1, 2019.

Sec. 1701.405. TELECOMMUNICATORS. (a) In this section:

(1) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 855, Sec. 12, eff. September 1, 2011.

(2) "Emergency" means the occurrence or imminent threat of damage, injury, or loss of life or property resulting from an extraordinary natural or man-made cause.

(3) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 855, Sec. 12, eff. September 1, 2011.

(b) This state or a political subdivision of this state may not employ a person to act as a telecommunicator unless the person:

(1) has had at least 40 hours of telecommunicator training as determined by the commission;

(2) is at least 18 years of age;

(3) holds a high school diploma or high school equivalency certificate; and

(4) holds a license to act as a telecommunicator or agrees to obtain the license not later than the first anniversary of the date of employment.

(b-1) A person employed to act as a telecommunicator who has not obtained a license to act as a telecommunicator under this chapter may not continue to act as a telecommunicator after the first anniversary of the date of employment unless the person obtains the license.

(b-2) Notwithstanding this section, an officer is not required to obtain a telecommunicator license to act as a

telecommunicator.

(c) The commission shall accredit telecommunicator training programs that fulfill the minimum requirements for a telecommunicator. The commission shall adopt rules providing for the accreditation of telecommunicator training programs developed and taught by the Department of Public Safety, an institution of higher education, including a junior college, community college, or technical school, or any other entity approved by the commission.

(d) A person who completes an accredited training program under this section may, by letter to the commission, request a written acknowledgment from the commission that the person has met the minimum requirements for a telecommunicator as determined by the commission. The request must be accompanied, in accordance with commission rules, by evidence of satisfactory completion of an accredited telecommunicator training program. On a determination by the commission that the person meets the minimum requirements for a telecommunicator, the commission shall issue the written acknowledgment to the person.

(e) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 855, Sec. 12, eff. September 1, 2011.

(f) A person performing the duties of a telecommunicator and serving under permanent appointment on and before September 1, 1987, is not required to meet the requirements of this section as a condition of continued employment.

(g) Notwithstanding this section, a person may be appointed or serve as a telecommunicator on a temporary or probationary basis or may perform the duties of a telecommunicator in an emergency.

(h) A person appointed on a temporary or probationary basis after September 1, 1987, who does not satisfactorily complete an accredited telecommunicator training program before the first anniversary of the date the person is originally appointed shall be removed from the position. The person's temporary or probationary appointment may not be extended for more than one year except that not earlier than the first anniversary of the date the person is removed under this subsection, the employing agency may petition the commission for reinstatement of the person to temporary or probationary employment.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. 3823), Sec. 10, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. 3823), Sec. 12, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 10, eff. January 1, 2014.

SUBCHAPTER J. EMPLOYMENT RECORDS AND PREEMPLOYMENT PROCEDURE

Sec. 1701.451. PREEMPLOYMENT PROCEDURE. (a) Before a law enforcement agency may hire a person licensed under this chapter, the agency must, on a form and in the manner prescribed by the commission:

(1) obtain the person's written consent for the agency to review the information required to be reviewed under this section;

(2) request from the commission and any other applicable person information required to be reviewed under this section; and

(3) submit to the commission confirmation that the agency, to the best of the agency's ability before hiring the person:

(A) contacted each entity or individual necessary to obtain the information required to be reviewed under this section; and

(B) except as provided by Subsection (b), obtained and reviewed as related to the person, as applicable:

(i) personnel files, as described by Section 1701.4535, and other employee records from each previous law enforcement agency employer, including the employment application submitted to the previous employer;

(ii) employment termination reports and misconduct investigation reports maintained by the commission under this subchapter;

(iii) service records maintained by the

commission;

(iv) proof that the person meets the minimum qualifications for enrollment in a training program under Section [1701.251\(a\)](#);

(v) a military veteran's United States Department of Defense Form DD-214 or other military discharge record;

(vi) criminal history record information;

(vii) information on pending warrants as available through the Texas Crime Information Center and National Crime Information Center;

(viii) evidence of financial responsibility as required by Section [601.051](#), Transportation Code;

(ix) a driving record from the Department of Public Safety;

(x) proof of United States citizenship or, if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge, proof of legal permanent residence and proof that the person has applied for United States citizenship;

(xi) information on the person's background from at least three personal references and at least two professional references; and

(xii) information on the person's law enforcement background as available through a database designated by the commission under Section [1701.169](#) and, if applicable, a file or record obtained by the commission under Section [1701.3035](#).

(a-1) Repealed by Acts 2021, 87th Leg., R.S., Ch. 834 (S.B. [24](#)), Sec. 6, eff. September 1, 2021.

(b) If an entity or individual contacted for information required to be reviewed under this section refused to provide the information or did not respond to the request for information, the confirmation submitted to the commission must document the manner of the request and the refusal or lack of response.

(c) If the commission or a law enforcement agency receives from a law enforcement agency a request for information under this

section and the person's consent on the forms and in the manner prescribed by the commission, the commission or agency shall provide the information to the requesting agency.

(d) The confirmation form submitted to the commission under this section is not confidential and is subject to disclosure under Chapter [552](#), Government Code.

(e) The commission shall:

(1) by rule establish the forms and procedures required by this section, including:

(A) the process by which a law enforcement agency shall make a person's employment records electronically available to a law enforcement agency hiring a person licensed under this chapter;

(B) appropriate privacy and security protections for the process described by Paragraph (A); and

(C) a rule prohibiting a confirmation form submitted to the commission under this section from containing confidential information described by Section [552.1175](#)(b), Government Code, regarding the person who is the subject of the confirmation form;

(2) post the forms and procedures on the commission's Internet website; and

(3) retain a record of each confirmation form submitted under this section.

(f) The head of a law enforcement agency or the agency head's designee shall review and sign each confirmation form required under this section before submission to the commission. The failure of an agency head or the agency head's designee to comply with this subsection constitutes grounds for suspension of the agency head's license under Section [1701.501](#).

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1298 (H.B. [2677](#)), Sec. 1, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 1068 (H.B. [2445](#)), Sec. 1, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 19,

eff. September 1, 2009.

Acts 2021, 87th Leg., R.S., Ch. 834 (S.B. 24), Sec. 3, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 834 (S.B. 24), Sec. 4, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 834 (S.B. 24), Sec. 6, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 1049 (S.B. 252), Sec. 4, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. 1445), Sec. 14, eff. September 1, 2023.

Sec. 1701.452. EMPLOYMENT TERMINATION REPORT. (a) The head of a law enforcement agency or the head's designee shall submit a report to the commission on a form prescribed by the commission regarding a person licensed under this chapter who resigns or retires from employment with the law enforcement agency, whose appointment with the law enforcement agency is terminated, or who separates from the law enforcement agency for any other reason. The report must be submitted by the head or the designee not later than the seventh business day after the date the license holder:

(1) resigns, retires, is terminated, or separates from the agency; and

(2) exhausts all administrative appeals available to the license holder, if applicable.

(b) Repealed by Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. 1445), Sec. 22(1), eff. September 1, 2023.

(c) Repealed by Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. 1445), Sec. 22(1), eff. September 1, 2023.

(d) The head of the law enforcement agency from which a license holder resigns, retires, is terminated, or separates for reasons other than death, or the head's designee, shall provide to the license holder a copy of the report. The report must be provided to the license holder not later than the seventh business day after the date the license holder:

(1) resigns, retires, is terminated, or separates from

the agency; and

(2) exhausts all administrative appeals available to the license holder, if applicable.

(e) If the person who is the subject of the employment termination report is deceased, the head of the law enforcement agency or the head's designee on request shall provide a copy of the report to the person's next of kin not later than the seventh business day after the date of the request.

(f) The head of a law enforcement agency or the head's designee satisfies the obligation to provide the report required under Subsection (d) or (e) by sending by certified mail:

(1) the report required under Subsection (d) to the last known address of the license holder if the license holder is not otherwise available; or

(2) the report required under Subsection (e) to the last known address of the next of kin if the next of kin who requested the report is not otherwise available.

(g) The head of a law enforcement agency or the head's designee must submit a report under this section each time a person licensed under this chapter resigns, retires, is terminated, or separates for any other reason from the agency. The report is an official government document.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1298 (H.B. [2677](#)), Sec. 2, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 1068 (H.B. [2445](#)), Sec. 2, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 399 (S.B. [545](#)), Sec. 1, eff. September 1, 2011.

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 22(1), eff. September 1, 2023.

Sec. 1701.4522. MISCONDUCT INVESTIGATION AND HIRING PROCEDURES. (a) The commission shall adopt a model policy establishing procedures applicable to a law enforcement agency:

(1) investigating alleged misconduct by a license

holder employed by the agency; and

(2) hiring a license holder.

(b) The policy adopted under this section must:

(1) require a law enforcement agency to:

(A) initiate an appropriate administrative or criminal investigation into alleged misconduct of a license holder employed by the law enforcement agency at the time the agency becomes aware of the alleged misconduct;

(B) complete the investigation described by Paragraph (A) in a timely manner, as prescribed by the commission;

(C) report an investigation into alleged criminal misconduct for which criminal charges are filed against the license holder to the commission in a timely manner after the investigation is completed;

(D) complete an administrative investigation of alleged misconduct and prepare and submit to the commission a summary report on the investigation, including the disposition of the investigation and any informational findings, in a format prescribed by the commission, in a timely manner but not later than the 30th day after the date of the license holder's separation from the agency, if applicable;

(E) include documentation of the completed investigation in the personnel file, as described by Section [1701.4535](#), of the license holder maintained by the agency; and

(F) submit to the commission each report of a completed investigation;

(2) provide that an investigation into the alleged misconduct of a license holder may not be terminated by the resignation, retirement, termination, death, or separation from employment of the license holder;

(3) specify that a license holder under investigation for misconduct is entitled to any internal due process procedures provided by the investigating agency to contest the investigation or completed report;

(4) require a law enforcement agency to request and review any information regarding an applicant for employment maintained by the commission in the licensing status database

established under Section 1701.168 as part of the preemployment procedures required under Section 1701.451(a);

(5) establish a provisional hiring period of at least 45 days for any license holder employed by a law enforcement agency and allow a law enforcement agency to terminate the employment of the license holder if information relating to an investigation of alleged misconduct by the license holder is made available to the agency by the commission as part of the preemployment procedures required under Section 1701.451(a) within the provisional period; and

(6) take into account the variation in size, function, and jurisdiction of law enforcement agencies in this state.

(c) A law enforcement agency shall adopt the model policy described by Subsection (a) or a substantively similar policy. A policy adopted by a law enforcement agency under this section must be submitted to the commission and the commission shall maintain a copy of the policy.

(d) The commission shall maintain each report received under a policy adopted under this section as part of the license holder's record in the licensing status database established under Section 1701.168.

(e) The commission shall notify a law enforcement agency seeking to appoint a license holder of a completed investigation report submitted to the commission with respect to the license holder not later than the fifth business day after the date the commission receives the report.

Added by Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. 1445), Sec. 15, eff. September 1, 2023.

Sec. 1701.453. MAINTENANCE OF REPORTS. The commission shall maintain a copy of each report submitted to the commission under this subchapter until at least the 10th anniversary of the date on which the report is submitted.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 21, eff. September 1, 2009.

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 16, eff. September 1, 2023.

Sec. 1701.4535. PERSONNEL FILE. (a) The commission shall adopt a model policy regarding personnel files maintained with respect to a license holder. The policy must:

(1) require the head of a law enforcement agency or the head's designee to maintain a personnel file on each license holder employed by the agency that contains any letter, memorandum, or document relating to:

(A) a commendation, congratulation, or honor bestowed on the license holder by a member of the public or by the employing agency for an action, duty, or activity that relates to the license holder's official duties;

(B) any misconduct by the license holder if the letter, memorandum, or document is from the employing agency and the misconduct resulted in disciplinary action by the employing agency; and

(C) the periodic evaluation of the license holder by a supervisor; and

(2) provide that:

(A) a letter, memorandum, or document relating to alleged misconduct by the license holder may not be placed in the license holder's personnel file if the employing agency determines that there is insufficient evidence to sustain the charge of misconduct;

(B) if a negative letter, memorandum, document, or other notation of negative impact is included in a license holder's personnel file:

(i) the agency head or the head's designee shall, not later than the 30th day after the date of the inclusion, notify the affected license holder by certified mail; and

(ii) the license holder may, on or before the 30th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document, or other notation;

(C) information contained in a license holder's

personnel file may not be released without the license holder's written permission, unless the release is required by law;

(D) a license holder is entitled, on request, to a copy of any letter, memorandum, or document placed in the license holder's personnel file; and

(E) an employing agency may charge the license holder a reasonable fee not to exceed the actual cost of any copies described by Paragraph (D).

(b) A law enforcement agency shall adopt the model policy described by Subsection (a) or a substantively similar policy. A policy adopted by a law enforcement agency under this section must be submitted to the commission, and the commission shall maintain a copy of the policy.

(c) Except as provided by Subsections (d) and (e), a law enforcement agency may not release any information contained in a license holder's personnel file to any other agency or person requesting information relating to the license holder unless required by law. The agency shall refer the person or agency requesting the information to the agency head or the head's designee.

(d) A law enforcement agency shall provide a license holder's personnel file to the commission:

(1) not later than the 30th day after the date the license holder separates from the agency; or

(2) on request by the commission as part of an ongoing investigation relating to the license holder.

(e) As provided by Section [1701.451](#), a law enforcement agency hiring a license holder is entitled to view the contents of the license holder's personnel file.

Added by Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 17, eff. September 1, 2023.

Sec. 1701.454. CONFIDENTIALITY. (a) All information submitted to the commission under this subchapter is confidential and is not subject to disclosure under Chapter [552](#), Government Code, unless the person resigned or was terminated due to substantiated incidents of excessive force or violations of the law

other than traffic offenses.

(b) Except as provided by this subchapter, a commission member or other person may not release information submitted under this subchapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 182, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1298 (H.B. [2677](#)), Sec. 4, eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 399 (S.B. [545](#)), Sec. 4, eff. September 1, 2011.

Sec. 1701.455. SUBPOENA. Information submitted to the commission under this subchapter is subject to subpoena only in a judicial proceeding.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 399 (S.B. [545](#)), Sec. 5, eff. September 1, 2011.

Sec. 1701.456. IMMUNITY FROM LIABILITY. (a) The commission is not liable for civil damages for providing information contained in a report maintained by the commission under this subchapter if the commission released the information as provided by this subchapter.

(b) A law enforcement agency, agency head, or other law enforcement official is not liable for civil damages for:

(1) a report made by that agency or person if the report is made in good faith; or

(2) making a person's information available to a hiring law enforcement agency under Section [1701.451](#).

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1298 (H.B. [2677](#)), Sec. 5, eff. September 1, 2005.

Acts 2021, 87th Leg., R.S., Ch. 834 (S.B. [24](#)), Sec. 5, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. [1445](#)), Sec. 18, eff. September 1, 2023.

Sec. 1701.457. LIMITATION ON COMMISSION AUTHORITY. This subchapter does not authorize the commission to review disciplinary action taken by a law enforcement agency against a person licensed under this chapter or to issue a subpoena to compel the production of a document prepared or maintained by the agency in connection with a disciplinary matter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.458. VENUE. Venue for the prosecution of an offense under Section [37.10](#), Penal Code, that arises from a report required under this subchapter lies in the county where the offense occurred or in Travis County.

Added by Acts 2007, 80th Leg., R.S., Ch. 1068 (H.B. [2445](#)), Sec. 5, eff. September 1, 2007.

SUBCHAPTER K. DISCIPLINARY GROUNDS AND PROCEDURES

Sec. 1701.501. DISCIPLINARY ACTION. (a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

- (1) this chapter;
- (2) the reporting requirements provided by Articles [2B.0053](#) and [2B.0055](#), Code of Criminal Procedure; or
- (3) a commission rule.

(a-1) Except with respect to an officer elected under the Texas Constitution, the commission shall revoke or suspend a law enforcement agency's authority to employ a license holder, place on probation an agency whose authority to employ a license holder has been suspended, or reprimand a law enforcement agency for a violation described by Subsection (a).

(b) The commission may establish procedures for the revocation of a license issued under this chapter.

(c) The commission by rule may adopt other necessary

enforcement procedures.

(d) The commission may revoke a license issued under this chapter to an officer elected under the Texas Constitution only if the officer is convicted of:

(1) a felony; or

(2) a criminal offense directly involving the person's duties as an officer.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 279 (H.B. 488), Sec. 1, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 22, eff. September 1, 2009.

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.150, eff. January 1, 2025.

Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. 1445), Sec. 20, eff. September 1, 2023.

Sec. 1701.5011. EMERGENCY SUSPENSION. (a) The commission shall adopt rules specifying the circumstances under which the commission may issue an emergency order, without a hearing, suspending a person's license for a period not to exceed 90 days after determining that the person constitutes an imminent threat to the public health, safety, or welfare.

(b) An order suspending a license under this section must state the length of the suspension in the order.

(c) If an emergency order is issued without a hearing under this section, the commission shall, not later than the 10th day after the date the order was issued, set the time and place for a hearing on the order. The hearing must be conducted as soon as practicable. A hearing under this section to affirm, modify, or set aside the emergency order shall be conducted by the State Office of Administrative Hearings. The order shall be affirmed to the extent that good cause existed to issue the order.

(d) The commission by rule may prescribe procedures for the determination and appeal of an emergency order issued under this section, including a rule allowing the commission to affirm,

modify, or set aside a decision made by the State Office of Administrative Hearings under Subsection (c).

(e) A proceeding under this section is a contested case under Chapter 2001, Government Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 1104 (S.B. 1445), Sec. 21, eff. September 1, 2023.

Sec. 1701.502. FELONY CONVICTION OR PLACEMENT ON COMMUNITY SUPERVISION. (a) The commission shall immediately revoke the license of a person licensed under this chapter who is convicted of a felony.

(b) The commission shall immediately suspend the license of a person licensed under this chapter who is charged with a felony and is placed on community supervision regardless of whether the court defers further proceedings without entering an adjudication of guilt.

(c) The commission may reinstate, as provided by commission rules, a license that is suspended under Subsection (b) when the license holder is released from community supervision.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.503. BARRATRY CONVICTION. The commission shall immediately revoke the license of a person licensed under this chapter who is convicted of barratry under Section 38.12, Penal Code.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.504. HEARING. (a) Except as provided by Sections 1701.502 and 1701.503, if the commission proposes to suspend or revoke a person's license, the person is entitled to a hearing conducted by the State Office of Administrative Hearings.

(b) If the commission proposes to refuse to renew a person's license, the person is entitled to a hearing conducted by the State Office of Administrative Hearings.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.505. ADMINISTRATIVE PROCEDURE. (a) Proceedings

for a disciplinary action are governed by Chapter 2001, Government Code.

(b) Rules of practice adopted by the commission under Section 2001.004, Government Code, applicable to the proceedings for a disciplinary action may not conflict with rules adopted by the State Office of Administrative Hearings.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.506. APPEAL. (a) A person dissatisfied with an action of the commission may appeal the action under Chapter 2001, Government Code. The court shall set the matter for hearing not earlier than 10 days after written notice of the appeal is given to the commission and the commission's attorney.

(b) The court may suspend an action of the commission pending a hearing. The order suspending the action takes effect when served on the commission. The commission shall provide its attorney a copy of the petition and order.

(c) The attorney general or the district or county attorney shall represent the commission in the appeal.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.507. 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 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.

(c) The commission by rule shall establish a written

enforcement plan that provides notice of the specific ranges of penalties that apply to specific alleged violations and the criteria by which the commission determines the amount of a proposed administrative penalty.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 23, eff. September 1, 2009.

SUBCHAPTER L. CRIMINAL PENALTY

Sec. 1701.551. CRIMINAL PENALTY FOR APPOINTMENT OR RETENTION OF CERTAIN PERSONS. (a) A person commits an offense if the person appoints or retains another person as an officer, county jailer, or telecommunicator in violation of Section 1701.301, 1701.303, 1701.306, or 1701.405.

(b) An offense under Subsection (a) is a misdemeanor punishable by a fine of not less than \$100 and not more than \$1,000. Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. 1951), Sec. 11, eff. January 1, 2014.

Sec. 1701.552. CRIMINAL PENALTY FOR APPOINTMENT OF PERSON NOT CERTIFIED FOR INVESTIGATIVE HYPNOSIS. (a) A person commits an offense if the person appoints or retains another person in violation of Section 1701.403.

(b) An offense under Subsection (a) is a misdemeanor punishable by a fine of not less than \$100 and not more than \$1,000. Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1701.553. CRIMINAL PENALTY FOR APPOINTMENT OR RETENTION OF PERSONS WITH CERTAIN CONVICTIONS. (a) A person commits an offense if the person appoints, employs, or retains an individual as an officer, public security officer, telecommunicator, or county jailer in violation of Section 1701.312 or 1701.313.

(b) An offense under Subsection (a) is a state jail felony. Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. [3823](#)), Sec. 11, eff. September 1, 2011.

Sec. 1701.554. VENUE. Venue for the prosecution of an offense that arises from a violation of this chapter or in connection with the administration of this chapter lies in the county where the offense occurred or in Travis County.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 24, eff. September 1, 2009.

SUBCHAPTER M. VISITING RESOURCE OFFICER IN PUBLIC SCHOOL

Sec. 1701.601. DEFINITION. In this subchapter, "school resource officer" means a peace officer who is assigned by the officer's employing political subdivision to provide a police presence at a public school, safety or drug education to students of a public school, or other similar services. The term does not include a peace officer who provides law enforcement at:

(1) a public school only for extracurricular activities; or

(2) a public school event only for extracurricular activities.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 606 (S.B. [1191](#)), Sec. 1, eff. September 1, 2021.

Sec. 1701.602. LICENSE REQUIRED. A peace officer who is a visiting school resource officer in a public school must be licensed as provided by this chapter.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 2, eff. Sept. 1, 2001.

Sec. 1701.603. FIREARMS ACCIDENT PREVENTION PROGRAM. (a) A peace officer who is a visiting school resource officer in a public elementary school shall at least once each school year offer to provide instruction to students in a firearms accident

prevention program, as determined by the school district.

(b) A firearms accident prevention program must include the safety message, "Stop! Don't Touch. Leave the Area. Tell an Adult.", and may include instructional materials from the National Rifle Association Eddie Eagle GunSafe Program, including animated videos and activity books.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 2, eff. Sept. 1, 2001.

SUBCHAPTER M-1. PEER SUPPORT NETWORK FOR LAW ENFORCEMENT OFFICERS

Sec. 1701.621. DEFINITIONS. In this subchapter:

(1) "Law enforcement officer" means a person identified as a peace officer under Article 2.12(1), (2), (3), or (4), Code of Criminal Procedure.

(2) "Peer" means a person who is a law enforcement officer or retired law enforcement officer.

Added by Acts 2021, 87th Leg., R.S., Ch. 508 (S.B. 64), Sec. 1, eff. June 14, 2021.

Sec. 1701.622. GENERAL POWERS AND DUTIES. (a) The commission shall develop a peer support network for law enforcement officers. The network must include:

(1) peer-to-peer support;

(2) training for peer service coordinators and peers that includes suicide prevention training;

(3) technical assistance for program development, peer service coordinators, licensed mental health professionals, and peers; and

(4) identification, retention, and screening of licensed mental health professionals.

(b) As part of the peer support network for law enforcement officers, the commission shall ensure law enforcement officers have support in both urban and rural jurisdictions.

(c) The commission shall solicit and ensure that specialized training is provided to persons who are peers and who want to provide peer-to-peer support and other peer-to-peer services under the network.

(d) The commission may adopt rules necessary to implement this subchapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 508 (S.B. 64), Sec. 1, eff. June 14, 2021.

Sec. 1701.623. CONTRACT WITH INSTITUTION OF HIGHER EDUCATION. The commission may contract with an institution of higher education that has appropriate expertise in mental health or law enforcement to develop the peer support network under this subchapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 508 (S.B. 64), Sec. 1, eff. June 14, 2021.

Sec. 1701.624. CONFIDENTIALITY OF PARTICIPANT INFORMATION. Information relating to a law enforcement officer's participation in peer-to-peer support and other peer-to-peer services under the network is confidential and may not be disclosed under Chapter 552, Government Code, by:

- (1) the commission;
- (2) a law enforcement agency that employs a law enforcement officer participant; or
- (3) any other state agency or political subdivision in this state that employs a law enforcement officer participant.

Added by Acts 2021, 87th Leg., R.S., Ch. 508 (S.B. 64), Sec. 1, eff. June 14, 2021.

Sec. 1701.625. PROTECTIONS RELATED TO LICENSURE. A law enforcement officer's participation in peer-to-peer support and other peer-to-peer services under the network may not:

- (1) serve as the basis for a revocation, suspension, or denial of a license issued under this chapter; or
- (2) be considered in any proceeding related to the officer's licensure under this chapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 508 (S.B. 64), Sec. 1, eff. June 14, 2021.

Sec. 1701.626. ANNUAL REPORT. Not later than December 1 of

each year, the commission shall submit a report to the governor and the legislature that includes:

(1) the number of law enforcement officers who received peer support through the peer support network for law enforcement officers;

(2) the number of peers and peer service coordinators trained;

(3) an evaluation of the services provided under this subchapter; and

(4) recommendations for program improvements.

Added by Acts 2021, 87th Leg., R.S., Ch. 508 (S.B. [64](#)), Sec. 1, eff. June 14, 2021.

SUBCHAPTER O. EMERGENCY ADMINISTRATION OF EPINEPHRINE

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [1619](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 1701.701. DEFINITIONS. In this subchapter:

(1) "Anaphylaxis" means a sudden, severe, and potentially life-threatening allergic reaction that occurs when a person is exposed to an allergen.

(2) "Epinephrine auto-injector" means a disposable medical drug delivery device that contains a premeasured single dose of epinephrine intended for use to treat anaphylaxis.

(3) "Physician" means a person who holds a license to practice medicine in this state.

Added by Acts 2019, 86th Leg., R.S., Ch. 653 (S.B. [1827](#)), Sec. 1, eff. September 1, 2019.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [1619](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 1701.702. ADMINISTRATION OF EPINEPHRINE. (a) A law enforcement agency may acquire and possess epinephrine

auto-injectors and a peace officer may possess and administer an epinephrine auto-injector in accordance with this subchapter.

(b) A peace officer may possess and administer an epinephrine auto-injector only if the peace officer has successfully completed training in the use of the device in a course approved by the commission.

(c) The commission, in consultation with the Department of State Health Services, shall approve a training course on the administration of an epinephrine auto-injector.

Added by Acts 2019, 86th Leg., R.S., Ch. 653 (S.B. 1827), Sec. 1, eff. September 1, 2019.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. 1619, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 1701.703. PRESCRIPTION OF EPINEPHRINE. (a) A physician, or a person who has been delegated prescriptive authority under Chapter 157, Occupations Code, may prescribe epinephrine auto-injectors in the name of a law enforcement agency.

(b) A physician or other person who prescribes epinephrine auto-injectors under Subsection (a) shall provide the law enforcement agency with a standing order for the administration of an epinephrine auto-injector to a person reasonably believed to be experiencing anaphylaxis.

(c) A standing order under Subsection (b) is not required to be patient-specific. An epinephrine auto-injector may be administered under this subchapter to a person without a previously established physician-patient relationship.

(d) Notwithstanding any other law, supervision or delegation by a physician is considered adequate if the physician:

- (1) periodically reviews the order; and
- (2) is available through direct telecommunication as needed for consultation, assistance, and direction.

(e) An order issued under this section must contain:

- (1) the name and signature of the prescribing physician or other person;

(2) the name of the law enforcement agency to which the order is issued;

(3) the quantity of epinephrine auto-injectors to be obtained and maintained under the order; and

(4) the date the order was issued.

(f) A pharmacist may dispense an epinephrine auto-injector to a law enforcement agency without requiring the name of or any other identifying information relating to the user.

Added by Acts 2019, 86th Leg., R.S., Ch. 653 (S.B. [1827](#)), Sec. 1, eff. September 1, 2019.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [1619](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 1701.704. MAINTENANCE AND ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS. A law enforcement agency that acquires and possesses epinephrine auto-injectors under this subchapter shall adopt and implement a policy regarding the maintenance, administration, and disposal of the epinephrine auto-injectors. The policy must:

(1) establish a process for the agency to check the inventory of epinephrine auto-injectors at regular intervals for expiration and replacement; and

(2) require that the epinephrine auto-injectors be stored in a secure location.

Added by Acts 2019, 86th Leg., R.S., Ch. 653 (S.B. [1827](#)), Sec. 1, eff. September 1, 2019.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [1619](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 1701.705. NOTIFICATION OF ADMINISTRATION OF EPINEPHRINE AUTO-INJECTOR. After an officer administers an epinephrine auto-injector under this subchapter, the law enforcement agency shall notify the physician or other person who

prescribed the epinephrine auto-injector of:

(1) the age of the person to whom the epinephrine auto-injector was administered; and

(2) the number of epinephrine auto-injector doses administered to the person.

Added by Acts 2019, 86th Leg., R.S., Ch. 653 (S.B. [1827](#)), Sec. 1, eff. September 1, 2019.

Sec. 1701.706. GIFTS, GRANTS, AND DONATIONS. A law enforcement agency may accept gifts, grants, donations, and federal and local money to implement this subchapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 653 (S.B. [1827](#)), Sec. 1, eff. September 1, 2019.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [1619](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 1701.707. NOT PRACTICE OF HEALTH CARE. The administration by a peace officer of an epinephrine auto-injector to a person in accordance with the requirements of this subchapter or commission rules does not constitute the unlawful practice of any health care profession.

Added by Acts 2019, 86th Leg., R.S., Ch. 653 (S.B. [1827](#)), Sec. 1, eff. September 1, 2019.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [1619](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 1701.708. IMMUNITY FROM LIABILITY. (a) A person who in good faith takes, or fails to take, action relating to the prescription of an epinephrine auto-injector to a law enforcement agency or the administration of an epinephrine auto-injector by a peace officer is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

(1) issuing an order for epinephrine auto-injectors;

(2) supervising or delegating the administration of an epinephrine auto-injector;

(3) possessing, maintaining, storing, or disposing of an epinephrine auto-injector;

(4) prescribing an epinephrine auto-injector;

(5) dispensing an epinephrine auto-injector;

(6) administering, or assisting in administering, an epinephrine auto-injector;

(7) providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans; or

(8) undertaking any other act permitted or required under this subchapter.

(b) The immunities and protections provided by this subchapter are in addition to other immunities or limitations of liability provided by law.

(c) Notwithstanding any other law, this subchapter does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides a basis for a cause of action for an act or omission under this subchapter.

(d) An act or omission described by this subchapter does not create a cause of action.

Added by Acts 2019, 86th Leg., R.S., Ch. 653 (S.B. [1827](#)), Sec. 1, eff. September 1, 2019.

Sec. 1701.709. GOVERNMENTAL IMMUNITY NOT WAIVED. This subchapter does not waive governmental immunity from suit or liability.

Added by Acts 2019, 86th Leg., R.S., Ch. 653 (S.B. [1827](#)), Sec. 1, eff. September 1, 2019.