

## **RSD – Private Security Program Proposed Rule Amendments**

August, 2020

### **RULE §35.62 Preliminary Hearing; Settlement Conference**

*Non-substantive amendment correcting drafting error and simplifying language.*

(a) A person who receives notice of the department's intention to deny an application for a license, to reprimand, suspend or revoke a license, or to impose an administrative penalty under §35.52 of this title (relating to Administrative Penalties), may appeal the decision by submitting a request to appeal by mail, facsimile, or electronic mail, to the department in the manner provided on the department's Private Security Program website within thirty (30) calendar days after receipt of notice of the department's proposed action. If a written request to appeal is not submitted within thirty (30) calendar days of the date notice was received, the right to an informal hearing or settlement conference, as applicable, under this section or §35.66 of this title (relating to Hearings Before The State Office Of Administrative Hearings) appeal is waived, and the action becomes final.

(b) If the action is based on the person's criminal history, a preliminary, telephonic hearing will be scheduled. Following the hearing, the department will either dismiss the proceedings and withdraw the proposed action, or issue a written statement of findings to the respondent either upholding or modifying the original proposed action.

(c) If the proposed action is based on an administrative violation, a settlement conference will be scheduled. The settlement conference may be conducted in person or by telephone, by agreement of the parties. Following the settlement conference, the parties will execute an agreed order, or, if no agreement is reached, the department will issue a written determination either upholding or modifying the originally proposed action.

(d) The department's findings following an preliminary hearing, or its determination following a settlement conference, may be appealed to the State Office of Administrative Hearings by submitting a request by mail, facsimile, or electronic mail, to the department in the manner provided on the department's Private Security Program website, within thirty (30) calendar days after receipt of the findings or determination. If a written request is not submitted within thirty (30) calendar days of the date notice was received, the findings or determination shall become final.

(e) Requests for continuance must be submitted in writing at least three (3) business days prior to the scheduled hearing or conference. Requests must be based on good cause. Multiple requests may be presumed to lack good cause and may be denied on that basis.

### **RULE §35.145 Handgun Course**

*Provides simplified process by which retired law enforcement, licensed as commissioned security or personal protection officers, may establish firearm proficiency.*

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**(e) For purposes of this chapter and compliance with Section 1702.1685 of the Act, a firearms instructor who holds a firearms instructor proficiency certificate issued by the Texas Commission on Law Enforcement is a department approved instructor for the limited purpose of the firearm qualification of retired law enforcement officers licensed under the Act as commissioned security officers or personal protection officers. A certificate issued under this subsection need not comply with Section 35.147(b)(3)(A), (B) (with respect to the approval number only), or (C), of this chapter.**

#### **Rule §35.161 Continuing Education Requirements**

*Clarifies that renewal portion of Level III and IV training courses are required in order to comply with the continuing education requirements for commissioned security and personal protection officers.*

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(g) Commissioned security officers and personal protection officers shall complete six (6) hours of continuing education **by completing the renewal portions of the Level III or IV training course, as applicable.** All continuing education for commissioned security officers and personal protection officers must be taught by department approved **training** schools and instructors. Commissioned security officers shall submit a firearms proficiency certificate along with the renewal application.

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**(n) Continuing education courses are only valid if completed within the two year period preceding the license's current expiration date.**

#### **Rule §35.162 Continuing Education Schools**

*Providing for limited exceptions to the requirement that continuing education credits be earned through department approved schools.*

(a) Except as otherwise provided by this subchapter, all continuing education credits must be earned through department approved continuing education schools.

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**(e) The department may recognize as valid those continuing education credits earned through courses offered by:**

**(1) a local, state, or federal agency,**

**(2) an institution of higher education,**

**(3) a local, state, or national non-profit professional or trade association, or**

(4) a continuing education school or program recognized by, or licensed with, another state's private security licensing agency,

that relates to the regulated services for which the individual is licensed. The course completion certificate or other proof of completion must include the title and date of the course, the name of the entity providing the course, a description of the course sufficient to establish a relationship to the license held, and the number and category of credit hours being claimed. Credits claimed under this subsection may not be used to satisfy the continuing education requirements for commissioned security officers or personal protection officers.