§215.15. Basic Licensing Enrollment Standards.

In order for an individual to enroll in any basic licensing course the provider must have on file documentation that the individual meets the following standards:

(1) minimum educational requirements:
   (A) a high school diploma;
   (B) a high school equivalency certificate; or
   (C) for the basic peace officer training course, an honorable discharge from the armed forces of the United States after at least 24 months of active duty service.

(2) the individual has been subjected to a search of local, state and national records to disclose any criminal record;
   (A) is not currently charged with any criminal offense for which conviction would be a bar to licensure;
   (B) community supervision history:
      (i) has never been on court-ordered community supervision or probation for any criminal offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years from the date of the court order; but
      (ii) the commission may approve the application of an individual who received probation or court-ordered community supervision for a Class B misdemeanor at least five (5) years prior to enrollment if an agency administrator sufficiently demonstrates in writing with supporting documentation that mitigating circumstances exist with the case and with the individual applying for licensure, and that the public interest would be served by reducing the waiting period;
   (C) conviction history:
      (i) has never been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years; but
      (ii) the commission may approve the application of an individual who was convicted of a Class B misdemeanor at least five (5) years prior to enrollment if an agency administrator sufficiently demonstrates in writing with supporting documentation that mitigating circumstances exist with the case and with the individual applying for licensure, and that the public interest would be served by reducing the waiting period.

(D) For purposes of this section, the commission will construe any court ordered community supervision, probation, or conviction for a criminal offense to be its closest equivalent under the Texas Penal Code classification of offenses if the offense arose from:
   (i) another penal provision of Texas law; or
   (ii) a penal provision of any other state, federal, military or foreign jurisdiction.

(E) A classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas law.
(3) has never been convicted of any family violence offense;
(4) has not had a dishonorable or bad conduct discharge;
(5) is not prohibited by state or federal law from operating a motor vehicle;
(6) is not prohibited by state or federal law from possessing firearms or ammunition; and
(7) is a U.S. citizen.

In evaluating whether mitigating circumstances exist, the commission will consider the following factors:
(1) the applicant's history of compliance with the terms of community supervision;
(2) the applicant's continuing rehabilitative efforts not required by the terms of community supervision;
(3) the applicant's employment record;
(4) whether the disposition offense contains an element of actual or threatened bodily injury or coercion against another person under the Texas Penal Code or the law of the jurisdiction where the offense occurred;
(5) the required mental state of the disposition offense;
(6) whether the conduct resulting in the arrest resulted in the loss of or damage to property or bodily injury;
(7) the type and amount of restitution made by the applicant;
(8) the applicant's prior community service;
(9) the applicant's present value to the community;
(10) the applicant's post-arrest accomplishments;
(11) the applicant's age at the time of arrest; and
(12) the applicant's prior military history.

(c) psychological and physical examination requirements:
(1) the individual has been examined by a physician, selected by the appointing, employing agency, or the academy, who is licensed by the Texas Medical Board. The physician must be familiar with the duties appropriate to the type of license sought. The individual must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of enrollment, acceptance, or entry into the licensing course to be:
   (A) physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought; and
   (B) show no trace of drug dependency or illegal drug use after a blood test or other medical test; and
(2) the individual has been examined by a psychologist, selected by the appointing, employing agency, or the academy, who is licensed by the Texas State Board of Examiners of Psychologists. This examination may also be conducted by a psychiatrist licensed by the Texas Medical Board. The psychologist or psychiatrist must be familiar with the duties appropriate to the type of license sought. The individual must be declared by that professional, on a form prescribed by the commission, to be in satisfactory psychological and emotional health to serve as the type of officer for which the license is sought. The examination must be conducted pursuant to professionally recognized standards and methods. The examination process must consist of a review of a job description for the position sought; review of any personal history statements; review of any background documents; at least two instruments, one which measures personality traits and one which measures psychopathology; and a face to face interview conducted after the instruments have been scored. The individual must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of enrollment, acceptance, or entry into the licensing course.
(A) the commission may allow for exceptional circumstances where a licensed physician performs the evaluation of psychological and emotional health. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; or
(B) the examination may be conducted by qualified persons identified by §501.004, Occupations Code. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed.

(d) The enrollment standards established in this section do not preclude the provider from establishing additional requirements or standards for enrollment.

(e) The effective date of this section is January 17, 2013.