

By: Perry

S.B. No. 1868

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers and duties of the office of inspector general
3 of the Texas Juvenile Justice Department.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article 2.12, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
8 officers:

9 (1) sheriffs, their deputies, and those reserve
10 deputies who hold a permanent peace officer license issued under
11 Chapter 1701, Occupations Code;

12 (2) constables, deputy constables, and those reserve
13 deputy constables who hold a permanent peace officer license issued
14 under Chapter 1701, Occupations Code;

15 (3) marshals or police officers of an incorporated
16 city, town, or village, and those reserve municipal police officers
17 who hold a permanent peace officer license issued under Chapter
18 1701, Occupations Code;

19 (4) rangers, officers, and members of the reserve
20 officer corps commissioned by the Public Safety Commission and the
21 Director of the Department of Public Safety;

22 (5) investigators of the district attorneys', criminal
23 district attorneys', and county attorneys' offices;

24 (6) law enforcement agents of the Texas Alcoholic

1 Beverage Commission;

2 (7) each member of an arson investigating unit
3 commissioned by a city, a county, or the state;

4 (8) officers commissioned under Section 37.081,
5 Education Code, or Subchapter E, Chapter 51, Education Code;

6 (9) officers commissioned by the General Services
7 Commission;

8 (10) law enforcement officers commissioned by the
9 Parks and Wildlife Commission;

10 (11) officers commissioned under Chapter 23,
11 Transportation Code;

12 (12) municipal park and recreational patrolmen and
13 security officers;

14 (13) security officers and investigators commissioned
15 as peace officers by the comptroller;

16 (14) officers commissioned by a water control and
17 improvement district under Section 49.216, Water Code;

18 (15) officers commissioned by a board of trustees
19 under Chapter 54, Transportation Code;

20 (16) investigators commissioned by the Texas Medical
21 Board;

22 (17) officers commissioned by:

23 (A) the board of managers of the Dallas County
24 Hospital District, the Tarrant County Hospital District, the Bexar
25 County Hospital District, or the El Paso County Hospital District
26 under Section 281.057, Health and Safety Code;

27 (B) the board of directors of the Ector County

1 Hospital District under Section [1024.117](#), Special District Local
2 Laws Code;

3 (C) the board of directors of the Midland County
4 Hospital District of Midland County, Texas, under Section [1061.121](#),
5 Special District Local Laws Code; and

6 (D) the board of hospital managers of the Lubbock
7 County Hospital District of Lubbock County, Texas, under Section
8 [1053.113](#), Special District Local Laws Code;

9 (18) county park rangers commissioned under
10 Subchapter [E](#), Chapter [351](#), Local Government Code;

11 (19) investigators employed by the Texas Racing
12 Commission;

13 (20) officers commissioned under Chapter [554](#),
14 Occupations Code;

15 (21) officers commissioned by the governing body of a
16 metropolitan rapid transit authority under Section [451.108](#),
17 Transportation Code, or by a regional transportation authority
18 under Section [452.110](#), Transportation Code;

19 (22) investigators commissioned by the attorney
20 general under Section [402.009](#), Government Code;

21 (23) security officers and investigators commissioned
22 as peace officers under Chapter [466](#), Government Code;

23 (24) officers appointed by an appellate court under
24 Subchapter [F](#), Chapter [53](#), Government Code;

25 (25) officers commissioned by the state fire marshal
26 under Chapter [417](#), Government Code;

27 (26) an investigator commissioned by the commissioner

1 of insurance under Section 701.104, Insurance Code;

2 (27) officers appointed by the chief inspector general
3 of [~~apprehension specialists and inspectors general commissioned~~
4 ~~by~~] the Texas Juvenile Justice Department [~~as officers~~] under
5 Section [~~Sections~~] 242.102 [~~and 243.052~~], Human Resources Code;

6 (28) officers appointed by the inspector general of
7 the Texas Department of Criminal Justice under Section 493.019,
8 Government Code;

9 (29) investigators commissioned by the Texas
10 Commission on Law Enforcement under Section 1701.160, Occupations
11 Code;

12 (30) commission investigators commissioned by the
13 Texas Private Security Board under Section 1702.061, Occupations
14 Code;

15 (31) the fire marshal and any officers, inspectors, or
16 investigators commissioned by an emergency services district under
17 Chapter 775, Health and Safety Code;

18 (32) officers commissioned by the State Board of
19 Dental Examiners under Section 254.013, Occupations Code, subject
20 to the limitations imposed by that section; and

21 (33) [~~investigators commissioned by the Texas~~
22 ~~Juvenile Justice Department as officers under Section 221.011,~~
23 ~~Human Resources Code, and~~

24 [~~34~~] the fire marshal and any related officers,
25 inspectors, or investigators commissioned by a county under
26 Subchapter B, Chapter 352, Local Government Code.

27 SECTION 2. Articles 18B.001(1) and (4), Code of Criminal

1 Procedure, are amended to read as follows:

2 (1) "Authorized peace officer" means:

3 (A) a sheriff or deputy sheriff;

4 (B) a constable or deputy constable;

5 (C) a marshal or police officer of a
6 municipality;

7 (D) a ranger or officer commissioned by the
8 Public Safety Commission or the director of the department;

9 (E) an investigator of a prosecutor's office;

10 (F) a law enforcement agent of the Texas
11 Alcoholic Beverage Commission;

12 (G) a law enforcement officer commissioned by the
13 Parks and Wildlife Commission;

14 (H) an enforcement officer appointed by the
15 inspector general of the Texas Department of Criminal Justice under
16 Section 493.019, Government Code;

17 (I) a law enforcement officer commissioned by the
18 inspector general of the Texas Juvenile Justice Department;

19 (J) an investigator commissioned by the attorney
20 general under Section 402.009, Government Code; or

21 (K) [~~(J)~~] a member of an arson investigating unit
22 commissioned by a municipality, a county, or the state.

23 (4) "Designated law enforcement office or agency"
24 means:

25 (A) the sheriff's department of a county with a
26 population of 3.3 million or more;

27 (B) a police department in a municipality with a

1 population of 200,000 or more; [~~or~~]

2 (C) the office of inspector general of the Texas
3 Department of Criminal Justice; or

4 (D) the office of inspector general of the Texas
5 Juvenile Justice Department.

6 SECTION 3. Article 18B.252(b), Code of Criminal Procedure,
7 is amended to read as follows:

8 (b) If the director of the department or the director's
9 designee approves the policy submitted under Article 18B.251, the
10 inspector general of the Texas Department of Criminal Justice or
11 the inspector general's designee, the inspector general of the
12 Texas Juvenile Justice Department or the inspector general's
13 designee, or the sheriff or chief of a designated law enforcement
14 agency or the sheriff's or chief's designee, as applicable, shall
15 submit to the director a written list of all peace officers in the
16 designated law enforcement office or agency who are authorized to
17 possess, install, operate, or monitor pen registers, ESN readers,
18 or similar equipment.

19 SECTION 4. Article 18B.302(a), Code of Criminal Procedure,
20 is amended to read as follows:

21 (a) The inspector general of the Texas Department of
22 Criminal Justice, the inspector general of the Texas Juvenile
23 Justice Department or the inspector general's designee, or the
24 sheriff or chief of a designated law enforcement agency, as
25 applicable, shall submit to the director of the department a
26 written report of expenditures made by the designated law
27 enforcement office or agency to purchase and maintain a pen

1 register, ESN reader, or similar equipment authorized under this
2 chapter.

3 SECTION 5. Article 18B.451, Code of Criminal Procedure, is
4 amended to read as follows:

5 Art. 18B.451. SUBPOENA AUTHORITY. The director of the
6 department or the director's designee, the inspector general of the
7 Texas Department of Criminal Justice or the inspector general's
8 designee, the inspector general of the Texas Juvenile Justice
9 Department or the inspector general's designee, or the sheriff or
10 chief of a designated law enforcement agency or the sheriff's or
11 chief's designee may issue an administrative subpoena to a
12 communication common carrier or a provider of an electronic
13 communications service to compel the production of any carrier's or
14 service provider's business records that:

- 15 (1) disclose information about:
- 16 (A) the carrier's or service provider's
17 customers; or
- 18 (B) users of the services offered by the carrier
19 or service provider; and
- 20 (2) are material to a criminal investigation.

21 SECTION 6. Article 18B.452, Code of Criminal Procedure, is
22 amended to read as follows:

23 Art. 18B.452. REPORT OF ISSUANCE OF SUBPOENA. Not later
24 than the 30th day after the date on which an administrative subpoena
25 is issued under Article 18B.451, the inspector general of the Texas
26 Department of Criminal Justice, the inspector general of the Texas
27 Juvenile Justice Department or the inspector general's designee, or

1 the sheriff or chief of a designated law enforcement agency, as
2 applicable, shall report to the department the issuance of the
3 subpoena.

4 SECTION 7. Section 659.301(5), Government Code, is amended
5 to read as follows:

6 (5) "State employee" means an individual who:

7 (A) is a commissioned law enforcement officer of
8 the Department of Public Safety, the Texas Facilities Commission,
9 the Texas Alcoholic Beverage Commission, the Texas Department of
10 Criminal Justice, the office of inspector general of the Texas
11 Juvenile Justice Department, the attorney general, or the insurance
12 fraud unit of the Texas Department of Insurance;

13 (B) is a commissioned security officer of the
14 comptroller;

15 (C) is a law enforcement officer commissioned by
16 the Parks and Wildlife Commission;

17 (D) is a commissioned peace officer of an
18 institution of higher education;

19 (E) is an employee or official of the Board of
20 Pardons and Paroles or the parole division of the Texas Department
21 of Criminal Justice if the employee or official has routine direct
22 contact with inmates of any penal or correctional institution or
23 with administratively released prisoners subject to the board's
24 jurisdiction;

25 (F) has been certified to the Employees
26 Retirement System of Texas under Section 815.505 as having begun
27 employment as a law enforcement officer or custodial officer,

1 unless the individual has been certified to the system as having
2 ceased employment as a law enforcement officer or custodial
3 officer;

4 (G) before May 29, 1987, received hazardous duty
5 pay based on the terms of any state law if the individual holds a
6 position designated under that law as eligible for the pay; or

7 (H) is a security officer employed by the Texas
8 Military Department.

9 SECTION 8. Section 661.918(a), Government Code, is amended
10 to read as follows:

11 (a) This section applies to a peace officer under Article
12 2.12, Code of Criminal Procedure, who is commissioned as a law
13 enforcement officer or agent, including a ranger, by:

14 (1) the Public Safety Commission and the director of
15 the Department of Public Safety;

16 (2) the Parks and Wildlife Commission;

17 (3) the Texas Alcoholic Beverage Commission;

18 (4) the attorney general; [~~or~~]

19 (5) the insurance fraud unit of the Texas Department
20 of Insurance; or

21 (6) the office of inspector general of the Texas
22 Juvenile Justice Department.

23 SECTION 9. Section 662.005(b), Government Code, is amended
24 to read as follows:

25 (b) Except as provided by Section 662.010, and
26 notwithstanding Section 659.015 or another law, a state employee
27 who is a peace officer commissioned by a state officer or state

1 agency listed under Article 2.12, Code of Criminal Procedure, or
2 who is employed by the Department of Public Safety either to perform
3 communications or dispatch services related to traffic law
4 enforcement or as a public security officer, as that term is defined
5 by Section 1701.001, Occupations Code, or who is employed by the
6 Parks and Wildlife Department to perform communications and
7 dispatch services to assist law enforcement officers commissioned
8 by the Parks and Wildlife Commission in performing law enforcement
9 duties, or who is employed by the office of inspector general of the
10 Texas Juvenile Justice Department to perform communication service
11 duties for the incident reporting center and to assist law
12 enforcement officers commissioned by the office of inspector
13 general for the Texas Juvenile Justice Department in performing
14 investigative duties, or who is employed as a security officer
15 providing security and entry searches for secure correctional
16 facilities operated by the Texas Juvenile Justice Department, and
17 who is required to work on a national or state holiday that falls on
18 a Saturday or Sunday is entitled to compensatory time off at the
19 rate of one hour for each hour worked on the holiday.

20 SECTION 10. Section 203.010, Human Resources Code, is
21 amended to read as follows:

22 Sec. 203.010. COMPLAINTS. (a) The office of inspector
23 general of the department shall maintain a system to promptly and
24 efficiently act on complaints received by the department by or on
25 behalf of a juvenile relating to the programs, services, or
26 facilities of the department or a local juvenile probation
27 department.

1 (b) The office of inspector general [~~department~~] shall make
2 information available describing its procedures for complaint
3 investigation and resolution.

4 (c) Criminal complaints initially referred to the office of
5 [~~the~~] inspector general relating to juvenile probation programs,
6 services, or facilities shall be sent to the appropriate local law
7 enforcement agency. The office of inspector general has concurrent
8 jurisdiction on agreement with the local law enforcement agency to
9 conduct a criminal investigation under Section 242.102. Any other
10 complaint shall be referred to the appropriate division of the
11 department. [~~The board by rule shall establish policies for the~~
12 ~~referral of noncriminal complaints.~~]

13 (d) The office of inspector general [~~department~~] shall
14 provide immediate notice to a local juvenile probation department
15 of a complaint received by the department relating to the programs,
16 services, or facilities of the local juvenile probation department.

17 (e) The office of inspector general [~~department~~] shall
18 periodically notify the complaint parties of the status of the
19 complaint until final disposition, unless the notice would
20 jeopardize an undercover investigation. If the complaint relates
21 to a claim of abuse, neglect, or exploitation involving a local
22 juvenile probation department, the office of inspector general
23 [~~department~~] shall provide monthly updates on the status of the
24 complaint and immediate updates regarding department decisions to
25 the local juvenile probation department.

26 (f) The office of inspector general [~~department~~] shall keep
27 information about each written complaint filed with the

1 department. The information must include:

- 2 (1) the subject matter of the complaint;
- 3 (2) the parties to the complaint;
- 4 (3) a summary of the results of the review or
5 investigation of the complaint;
- 6 (4) the period of time between the date the complaint
7 is received and the date the complaint is closed; and
- 8 (5) the disposition of the complaint.

9 SECTION 11. Section 203.014(c), Human Resources Code, is
10 amended to read as follows:

11 (c) The office of inspector general shall operate the
12 toll-free number required by Subsection (a) and the 24-hour
13 incident reporting center and [department] shall share the
14 complaints received with the appropriate department entity [on the
15 toll-free number with the office of inspector general and the
16 office of the independent ombudsman].

17 SECTION 12. Section 242.102, Human Resources Code, is
18 amended by amending Subsections (a), (b), (c), (d), (g), and (h) and
19 adding Subsections (a-1), (a-2), and (j) to read as follows:

20 (a) The office of inspector general is established at the
21 department under the direction of the board as a law enforcement
22 agency for the purpose of:

- 23 (1) preventing, detecting, and investigating:
 - 24 (A) crimes committed by department employees,
25 including parole officers employed by or under a contract with the
26 department; and
 - 27 (B) crimes and delinquent conduct committed at a

1 facility operated by the department, a residential facility
2 operated by another entity under a contract with the department, or
3 any facility in which a child committed to the custody of the
4 department is housed or receives medical or mental health
5 treatment, including:

6 (i) unauthorized or illegal entry into a
7 department facility;

8 (ii) the introduction of contraband into a
9 department facility;

10 (iii) escape from a secure facility; and

11 (iv) organized criminal activity; ~~and~~

12 (2) investigating complaints received under Section
13 [203.010](#) involving allegations of abuse, neglect, or exploitation of
14 children in juvenile justice programs or facilities under Section
15 [261.405](#), Family Code;

16 (3) investigating complaints of abuse, neglect, or
17 exploitation of:

18 (A) pre-adjudicated or post-adjudicated
19 juveniles housed in public or private secure or non-secure
20 facilities regardless of licensing entity; and

21 (B) juveniles committed to the department;

22 (4) apprehending juveniles after escape or violation
23 of release conditions as described by Section [243.051](#);

24 (5) investigating gang-related activity within the
25 juvenile justice system; and

26 (6) performing entry security and exterior perimeter
27 security searches for a department-operated secure correctional

1 facility, as defined by Section 51.02, Family Code.

2 (a-1) The office of inspector general has concurrent
3 jurisdiction on agreement with the local law enforcement agency to
4 conduct a criminal investigation under Subsection (a)(3).

5 (a-2) The office of inspector general shall operate the
6 incident reporting center for the department under Section 203.014.

7 (b) The office of inspector general shall prepare and
8 deliver an investigative [a] report concerning the results of
9 investigations [any investigation] conducted under this section to
10 the appropriate prosecutor or regulatory authority having
11 jurisdiction, including:

- 12 (1) the department [board];
- 13 (2) the appropriate district or county attorney
14 [executive director];
- 15 (3) [any applicable advisory board;
16 [~~(4) the governor;~~
17 [~~(5) the lieutenant governor;~~
18 [~~(6) the speaker of the house of representatives;~~
19 [~~(7) the standing committees of the senate and house~~
20 of representatives with primary jurisdiction over matters
21 concerning correctional facilities;
22 [~~(8) the special prosecution unit;~~
23 (4) [~~(9)~~] the state auditor; and
24 (5) [~~(10)~~] any other appropriate state agency
25 responsible for licensing or certifying department employees or
26 facilities.

27 (c) The report prepared under Subsection (b) must include a

1 summary of the actions performed by the office of inspector general
2 in conducting the investigation, a statement of whether the
3 investigation resulted in a finding that abuse, neglect, or
4 exploitation, a criminal offense, or delinquent conduct occurred,
5 and a description of the finding. The report is public information
6 under Chapter 552, Government Code, only to the extent authorized
7 under that chapter and other law.

8 (d) The office of inspector general may employ
9 investigators, security officers, and commission inspectors
10 general as peace officers for the purpose of carrying out the duties
11 described by this section. An inspector general shall have all of
12 the powers and duties given to peace officers under Article 2.13,
13 Code of Criminal Procedure.

14 (g) The chief inspector general shall on a quarterly basis
15 prepare and deliver a report concerning the operations of the
16 office of inspector general to:

- 17 (1) the board;
- 18 (2) the executive director;
- 19 (3) any applicable advisory board;
- 20 (4) the governor;
- 21 (5) the lieutenant governor;
- 22 (6) the speaker of the house of representatives;
- 23 (7) the standing committees of the senate and house of
24 representatives with primary jurisdiction over correctional
25 facilities;
- 26 (8) the state auditor; ~~and~~
- 27 (9) the comptroller; and

1 (10) the special prosecution unit.

2 (h) A report prepared under Subsection (g) is public
3 information under Chapter 552, Government Code, to the extent
4 authorized under that chapter and other law, and the department
5 shall publish the report on the department's Internet website. A
6 report must be both aggregated and disaggregated by individual
7 facility and include information relating to:

8 (1) the types of investigations conducted by the
9 office of inspector general, such as whether an investigation
10 concerned narcotics or an alleged incident of sexual abuse;

11 (2) the relationship of a victim to a perpetrator, if
12 applicable; ~~and~~

13 (3) the number of investigations conducted concerning
14 suicides, deaths, and hospitalizations of children in the custody
15 of the department at secure facilities, on parole, or at other
16 placement locations; and

17 (4) the final disposition of any complaint received
18 under Section 203.010 related to juvenile probation departments and
19 Section 261.405, Family Code, that concerns the abuse, neglect, or
20 exploitation of a juvenile.

21 (j) The department shall ensure that a peace officer
22 commissioned under Subsection (g) is compensated according to
23 Schedule C of the position classification salary schedule
24 prescribed by the General Appropriations Act.

25 SECTION 13. Sections 221.011, 221.055, and 243.052, Human
26 Resources Code, are repealed.

27 SECTION 14. (a) The classification officer in the office

1 of the state auditor shall classify the position of commissioned
2 peace officer employed by the office of inspector general of the
3 Texas Juvenile Justice Department as a Schedule C position under
4 the Texas Position Classification Plan.

5 (b) The change made by the classification officer as
6 required by this section applies beginning with the state fiscal
7 biennium beginning September 1, 2023.

8 (c) This section expires September 1, 2025.

9 SECTION 15. Section [661.918](#)(a), Government Code, as amended
10 by this Act, applies only to an injury that occurs on or after the
11 effective date of this Act.

12 SECTION 16. This Act takes effect September 1, 2023.