

## **BILL ANALYSIS**

C.S.H.B. 914  
By: Madden  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law authorizes apprehension specialists as the only commissioned peace officers at the Texas Youth Commission (TYC). Persons not considered peace officers under Article 2.12, Code of Criminal Procedure, are assigned as investigators and are responsible for investigating complaints or possible criminal wrongdoing at the TYC. Under current practice, the TYC refers criminal complaints to local law enforcement who has discretion to choose whether or not to become involved in the investigation and prosecution of referred complaints.

There has been very little consistency in the level of county and local law enforcement involvement. This has resulted in some criminal activity not being prosecuted.

C.S.H.B. 914 establishes an office of inspector general at the Texas Youth Commission for the purpose of hiring commissioned officers to investigate crimes committed at TYC facilities operated by or under contract of the TYC.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Youth Commission in SECTION 2 of this bill.

### **ANALYSIS**

C.S.H.B. 914 amends the Code of Criminal Procedure by adding inspectors general commissioned by the Texas Youth Commission (TYC) as officers under Section 61.0451, Human Resources Code, to the list of those that are peace officers under Article 2.12, Code of Criminal Procedure. This bill also updates statutory changes to reflect the name changes of the Texas Medical Board, Department of State Health Services and Texas Private Security Board.

C.S.H.B. 914 amends the Human Resources Code to require TYC to establish an office of inspector general (OIG) for the purpose of investigating fraud committed by TYC employees, including parole officers employed by or under a contract with TYC, and crimes committed at a facility operated by TYC or at a residential facility operated by another entity under a contract with TYC.

C.S.H.B. 914 provides that the OIG may employ and commission inspectors general as peace officers for the purpose of carrying out the duties described under Section 61.0451, specifies that those peace officers must be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code, and also specifies that an inspector general shall have all of the powers and duties given to peace officers under Article 2.13, Code of Criminal Procedure.

This bill requires that the OIG report the results of any investigation conducted under Section 61.0451 to the governing board of TYC (board), the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities, and the special prosecution unit.

C.S.H.B. 914 requires the board to appoint a commissioned peace officer as chief inspector general. This chief inspector general, subject to the requirements of Section 61.0451, is required to provide the board with a quarterly report concerning the operations of the OIG. C.S.H.B. 914

states that these quarterly reports are public information and that the board must publish the reports on TYC's Internet website.

This bill also specifies the required format and content of the quarterly reports. A report must be both aggregated and disaggregated by individual facility and include information relating to: (1) the types of investigations conducted by the OIG, such as whether an investigation concerned narcotics or an alleged incident of sexual abuse; (2) the relationship of a victim to a perpetrator, if applicable; and (3) the number of investigations conducted concerning suicides, deaths, and hospitalizations of children in the custody of TYC.

C.S.H.B. 914 provides that TYC by rule shall establish policies and procedures for the operations of the OIG. The TYC shall establish the OIG as soon as practicable after the effective date of the Act.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original bill requires that the Office of Inspector General (OIG) report the results of any of its investigations conducted under section 61.0451 to the governing board of the Texas Youth Commission (board). The committee substitute requires that the OIG also report the results of its investigations to the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities and the special prosecution unit.

The original bill requires the chief inspector general to report information regarding operations of the OIG to the board on request of the board. The committee substitute changes this reporting requirement to quarterly rather than on request of the board and adds that these quarterly reports are public information and must be published on the Texas Youth Commission's Internet website. The committee substitute also specifies the required format and content of the quarterly reports.

The original bill has the specific effective date of September 1, 2007. The committee substitute changes the effective date so that the Act can take effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If the Act does not receive the vote necessary for immediate effect, the Act would take effect September 1, 2007.