

By: Madden, McClendon, Pena, Dutton,
Van Arsdale, et al.

H.B. No. 914

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the establishment of an office of inspector general at
3 the Texas Youth Commission.

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 and officers commissioned by the Public
20 Safety Commission and the Director of the Department of Public
21 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) airport police officers commissioned by a city
11 with a population of more than 1.18 million that operates an airport
12 that serves commercial air carriers;

13 (12) airport security personnel commissioned as peace
14 officers by the governing body of any political subdivision of this
15 state, other than a city described by Subdivision (11), that
16 operates an airport that serves commercial air carriers;

17 (13) municipal park and recreational patrolmen and
18 security officers;

19 (14) security officers and investigators commissioned
20 as peace officers by the comptroller;

21 (15) officers commissioned by a water control and
22 improvement district under Section 49.216, Water Code;

23 (16) officers commissioned by a board of trustees
24 under Chapter 54, Transportation Code;

25 (17) investigators commissioned by the Texas Medical
26 [~~State~~] Board [~~of Medical Examiners~~];

27 (18) officers commissioned by the board of managers of

1 the Dallas County Hospital District, the Tarrant County Hospital
2 District, or the Bexar County Hospital District under Section
3 281.057, Health and Safety Code;

4 (19) county park rangers commissioned under
5 Subchapter E, Chapter 351, Local Government Code;

6 (20) investigators employed by the Texas Racing
7 Commission;

8 (21) officers commissioned under Chapter 554,
9 Occupations Code;

10 (22) officers commissioned by the governing body of a
11 metropolitan rapid transit authority under Section 451.108,
12 Transportation Code, or by a regional transportation authority
13 under Section 452.110, Transportation Code;

14 (23) investigators commissioned by the attorney
15 general under Section 402.009, Government Code;

16 (24) security officers and investigators commissioned
17 as peace officers under Chapter 466, Government Code;

18 (25) an officer employed by the [~~Texas~~ Department of
19 State Health Services under Section 431.2471, Health and Safety
20 Code;

21 (26) officers appointed by an appellate court under
22 Subchapter F, Chapter 53, Government Code;

23 (27) officers commissioned by the state fire marshal
24 under Chapter 417, Government Code;

25 (28) an investigator commissioned by the commissioner
26 of insurance under Section 701.104 [~~Article 1.10D~~], Insurance Code;

27 (29) apprehension specialists and inspectors general

1 commissioned by the Texas Youth Commission as officers under
2 Sections 61.0451 and [Section] 61.0931, Human Resources Code;

3 (30) officers appointed by the executive director of
4 the Texas Department of Criminal Justice under Section 493.019,
5 Government Code;

6 (31) investigators commissioned by the Commission on
7 Law Enforcement Officer Standards and Education under Section
8 1701.160, Occupations Code;

9 (32) commission investigators commissioned by the
10 Texas [~~Commission on~~] Private Security Board under Section
11 1702.061(f), Occupations Code;

12 (33) the fire marshal and any officers, inspectors, or
13 investigators commissioned by an emergency services district under
14 Chapter 775, Health and Safety Code; and

15 (34) officers commissioned by the State Board of
16 Dental Examiners under Section 254.013, Occupations Code, subject
17 to the limitations imposed by that section.

18 SECTION 2. Subchapter C, Chapter 61, Human Resources Code,
19 is amended by adding Section 61.0451 to read as follows:

20 Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The
21 commission shall establish an office of inspector general for the
22 purpose of investigating:

23 (1) fraud committed by commission employees,
24 including parole officers employed by or under a contract with the
25 commission; and

26 (2) crimes committed at a facility operated by the
27 commission or at a residential facility operated by another entity

1 under a contract with the commission.

2 (b) The office of inspector general shall report the results
3 of any investigation conducted under this section to:

4 (1) the board;

5 (2) the standing committees of the senate and house of
6 representatives with primary jurisdiction over matters concerning
7 correctional facilities; and

8 (3) the special prosecution unit.

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

14 (d) Peace officers employed and commissioned under
15 Subsection (c) must be certified by the Commission on Law
16 Enforcement Officer Standards and Education under Chapter 1701,
17 Occupations Code.

18 (e) The board shall appoint a commissioned peace officer as
19 chief inspector general. The chief inspector general is subject to
20 the requirements of this section.

21 (f) The chief inspector general shall on a quarterly basis
22 provide the board with a report concerning the operations of the
23 office of inspector general. A report provided to the board under
24 this subsection is public information under Chapter 552, Government
25 Code, and the board shall publish the report on the commission's
26 Internet website. A report must be both aggregated and
27 disaggregated by individual facility and include information

1 relating to:

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

5 (2) the relationship of a victim to a perpetrator, if
6 applicable; and

7 (3) the number of investigations conducted concerning
8 suicides, deaths, and hospitalizations of children in the custody
9 of the commission.

10 (g) The commission by rule shall establish policies and
11 procedures for the operations of the office of inspector general.

12 (h) If the commission is governed by a commissioner or other
13 official in the place of a board of directors, the commissioner or
14 other official shall appoint the chief inspector general as
15 provided by Subsection (e) and receive the reports required under
16 Subsections (b) and (f).

17 SECTION 3. As soon as practicable after the effective date
18 of this Act, the Texas Youth Commission shall establish the office
19 of inspector general as required by Section 61.0451, Human
20 Resources Code, as added by this Act.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.