

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 office
21 of inspector general is established at the commission for the
22 purpose of investigating:

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

26 (2) crimes and delinquent conduct committed at a
27 facility operated by the commission or at a residential facility

1 operated by another entity under a contract with the commission.

2 (b) The office of inspector general shall prepare and
3 deliver a report concerning the results of any investigation
4 conducted under this section to:

5 (1) the executive commissioner;

6 (2) the advisory board;

7 (3) the governor;

8 (4) the lieutenant governor;

9 (5) the speaker of the house of representatives;

10 (6) the standing committees of the senate and house of
11 representatives with primary jurisdiction over matters concerning
12 correctional facilities;

13 (7) the special prosecution unit;

14 (8) the state auditor; and

15 (9) any other appropriate state agency responsible for
16 licensing or certifying commission employees or facilities.

17 (c) The report prepared under Subsection (b) must include a
18 summary of the actions performed by the office of inspector general
19 in conducting the investigation, a statement of whether the
20 investigation resulted in a finding that a criminal offense or
21 delinquent conduct occurred, and a description of the finding. The
22 report is public information under Chapter 552, Government Code,
23 only to the extent authorized under that chapter and other law.

24 (d) The office of inspector general may employ and
25 commission inspectors general as peace officers for the purpose of
26 carrying out the duties described by this section. An inspector
27 general shall have all of the powers and duties given to peace

1 officers under Article 2.13, Code of Criminal Procedure.

2 (e) Peace officers employed and commissioned under
3 Subsection (d) must:

4 (1) be certified by the Commission on Law Enforcement
5 Officer Standards and Education under Chapter 1701, Occupations
6 Code; and

7 (2) complete advanced courses relating to the duties
8 of peace officers employed and commissioned under Subsection (d) as
9 part of any continuing education requirements for the peace
10 officers.

11 (f) The executive commissioner shall select a commissioned
12 peace officer as chief inspector general. The chief inspector
13 general is subject to the requirements of this section and may only
14 be discharged for cause.

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

18 (1) the executive commissioner;

19 (2) the advisory board;

20 (3) the governor;

21 (4) the lieutenant governor;

22 (5) the speaker of the house of representatives;

23 (6) the standing committees of the senate and house of
24 representatives with primary jurisdiction over correctional
25 facilities;

26 (7) the state auditor; and

27 (8) the comptroller.

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

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

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

12 (3) the number of investigations conducted concerning
13 suicides, deaths, and hospitalizations of children in the custody
14 of the commission.

15 (i) The office of inspector general shall immediately
16 report to the executive commissioner, the advisory board, the
17 governor's general counsel, and the state auditor any particularly
18 serious or flagrant problem concerning the administration of a
19 commission program or operation or any interference by the
20 executive commissioner or an employee of the commission with an
21 investigation conducted by the office.

22 SECTION 3. As soon as practicable after the effective date
23 of this Act, the Texas Youth Commission shall establish the office
24 of inspector general as required by Section 61.0451, Human
25 Resources Code, as added by this Act.

26 SECTION 4. To the extent that any conflict exists between
27 Sections 61.0451(a)(2) and (c), Human Resources Code, as added by

1 this Act, and any similar provision in S.B. No. 103, Acts of the
2 80th Legislature, Regular Session, 2007, concerning the authority
3 of the office of inspector general to investigate crimes and
4 delinquent conduct and to prepare and deliver reports concerning
5 investigations of such crimes and delinquent conduct, this Act
6 prevails and the similar provisions of S.B. No. 103 have no effect.

7 SECTION 5. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 914 was passed by the House on April 18, 2007, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 914 on May 25, 2007, by the following vote: Yeas 138, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 914 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor