

1-1 By: Madden, et al. (Senate Sponsor - Hinojosa) H.B. No. 914
1-2 (In the Senate - Received from the House April 19, 2007;
1-3 April 26, 2007, read first time and referred to Committee on
1-4 Criminal Justice; May 7, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 7, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 914 By: Seliger

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the establishment of an office of inspector general and
1-11 the authority of the state auditor to conduct audits at the Texas
1-12 Youth Commission.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Article 2.12, Code of Criminal Procedure, is
1-15 amended to read as follows:

1-16 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
1-17 officers:

1-18 (1) sheriffs, their deputies, and those reserve
1-19 deputies who hold a permanent peace officer license issued under
1-20 Chapter 1701, Occupations Code;

1-21 (2) constables, deputy constables, and those reserve
1-22 deputy constables who hold a permanent peace officer license issued
1-23 under Chapter 1701, Occupations Code;

1-24 (3) marshals or police officers of an incorporated
1-25 city, town, or village, and those reserve municipal police officers
1-26 who hold a permanent peace officer license issued under Chapter
1-27 1701, Occupations Code;

1-28 (4) rangers and officers commissioned by the Public
1-29 Safety Commission and the Director of the Department of Public
1-30 Safety;

1-31 (5) investigators of the district attorneys', criminal
1-32 district attorneys', and county attorneys' offices;

1-33 (6) law enforcement agents of the Texas Alcoholic
1-34 Beverage Commission;

1-35 (7) each member of an arson investigating unit
1-36 commissioned by a city, a county, or the state;

1-37 (8) officers commissioned under Section 37.081,
1-38 Education Code, or Subchapter E, Chapter 51, Education Code;

1-39 (9) officers commissioned by the General Services
1-40 Commission;

1-41 (10) law enforcement officers commissioned by the
1-42 Parks and Wildlife Commission;

1-43 (11) airport police officers commissioned by a city
1-44 with a population of more than 1.18 million that operates an airport
1-45 that serves commercial air carriers;

1-46 (12) airport security personnel commissioned as peace
1-47 officers by the governing body of any political subdivision of this
1-48 state, other than a city described by Subdivision (11), that
1-49 operates an airport that serves commercial air carriers;

1-50 (13) municipal park and recreational patrolmen and
1-51 security officers;

1-52 (14) security officers and investigators commissioned
1-53 as peace officers by the comptroller;

1-54 (15) officers commissioned by a water control and
1-55 improvement district under Section 49.216, Water Code;

1-56 (16) officers commissioned by a board of trustees
1-57 under Chapter 54, Transportation Code;

1-58 (17) investigators commissioned by the Texas Medical
1-59 [~~State~~] Board [~~of Medical Examiners~~];

1-60 (18) officers commissioned by the board of managers of
1-61 the Dallas County Hospital District, the Tarrant County Hospital
1-62 District, or the Bexar County Hospital District under Section
1-63 281.057, Health and Safety Code;

2-1 (19) county park rangers commissioned under
2-2 Subchapter E, Chapter 351, Local Government Code;
2-3 (20) investigators employed by the Texas Racing
2-4 Commission;
2-5 (21) officers commissioned under Chapter 554,
2-6 Occupations Code;
2-7 (22) officers commissioned by the governing body of a
2-8 metropolitan rapid transit authority under Section 451.108,
2-9 Transportation Code, or by a regional transportation authority
2-10 under Section 452.110, Transportation Code;
2-11 (23) investigators commissioned by the attorney
2-12 general under Section 402.009, Government Code;
2-13 (24) security officers and investigators commissioned
2-14 as peace officers under Chapter 466, Government Code;
2-15 (25) an officer employed by the ~~[Texas]~~ Department of
2-16 State Health Services under Section 431.2471, Health and Safety
2-17 Code;
2-18 (26) officers appointed by an appellate court under
2-19 Subchapter F, Chapter 53, Government Code;
2-20 (27) officers commissioned by the state fire marshal
2-21 under Chapter 417, Government Code;
2-22 (28) an investigator commissioned by the commissioner
2-23 of insurance under Section 701.104 [~~Article 1.10D~~], Insurance Code;
2-24 (29) apprehension specialists and inspectors general
2-25 commissioned by the Texas Youth Commission as officers under
2-26 Sections 61.0451 and [~~Section~~] 61.0931, Human Resources Code;
2-27 (30) officers appointed by the executive director of
2-28 the Texas Department of Criminal Justice under Section 493.019,
2-29 Government Code;
2-30 (31) investigators commissioned by the Commission on
2-31 Law Enforcement Officer Standards and Education under Section
2-32 1701.160, Occupations Code;
2-33 (32) commission investigators commissioned by the
2-34 Texas [~~Commission on~~] Private Security Board under Section
2-35 1702.061(f), Occupations Code;
2-36 (33) the fire marshal and any officers, inspectors, or
2-37 investigators commissioned by an emergency services district under
2-38 Chapter 775, Health and Safety Code; and
2-39 (34) officers commissioned by the State Board of
2-40 Dental Examiners under Section 254.013, Occupations Code, subject
2-41 to the limitations imposed by that section.

2-42 SECTION 2. Section 61.0191, Human Resources Code, is
2-43 amended to read as follows:
2-44 Sec. 61.0191. AUDIT; AUTHORITY OF STATE AUDITOR. (a) The
2-45 financial transactions of the commission are subject to audit by
2-46 the state auditor in accordance with Chapter 321, Government Code.
2-47 (b) The state auditor, on request of the office of inspector
2-48 general, may provide information or other assistance to the office
2-49 of inspector general that the state auditor determines is
2-50 appropriate. The office of inspector general may coordinate with
2-51 the state auditor to review or schedule a plan for an investigation
2-52 under Section 61.0451 or share other information.
2-53 (c) The state auditor may access all information maintained
2-54 by the office of inspector general, such as vouchers, electronic
2-55 data, and internal records, including information that is otherwise
2-56 confidential under state law. Information obtained by the state
2-57 auditor under this subsection is confidential and is not subject to
2-58 disclosure under Chapter 552, Government Code.
2-59 (d) Any provision of this chapter relating to the operations
2-60 of the office of inspector general does not:
2-61 (1) supersede the authority of the state auditor to
2-62 conduct an audit under Chapter 321, Government Code; or
2-63 (2) prohibit the state auditor from:
2-64 (A) conducting an audit, investigation, or other
2-65 review; or
2-66 (B) having full and complete access to all
2-67 records and other information concerning the commission, including
2-68 any witness statement or electronic data, that the state auditor
2-69 considers necessary for the audit, investigation, or review.

3-1 SECTION 3. Subchapter C, Chapter 61, Human Resources Code,
3-2 is amended by adding Section 61.0451 to read as follows:

3-3 Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The office
3-4 of inspector general is established at the commission for the
3-5 purpose of investigating:

3-6 (1) fraud committed by commission employees,
3-7 including parole officers employed by or under a contract with the
3-8 commission; and

3-9 (2) crimes committed at a facility operated by the
3-10 commission or at a residential facility operated by another entity
3-11 under a contract with the commission.

3-12 (b) The office of inspector general shall prepare and
3-13 deliver a report concerning the results of any investigation
3-14 conducted under this section to:

3-15 (1) the board;
3-16 (2) the governor;
3-17 (3) the lieutenant governor;
3-18 (4) the speaker of the house of representatives;
3-19 (5) the standing committees of the senate and house of
3-20 representatives with primary jurisdiction over matters concerning
3-21 correctional facilities;

3-22 (6) the special prosecution unit;
3-23 (7) the state auditor; and
3-24 (8) any other appropriate state agency responsible for
3-25 licensing or certifying commission employees or facilities.

3-26 (c) The report prepared under Subsection (b) must include a
3-27 summary of the actions performed by the office of inspector general
3-28 in conducting the investigation, a statement of whether the
3-29 investigation resulted in a finding that fraud or a criminal
3-30 offense occurred, and a description of the finding. The report is
3-31 public information under Chapter 552, Government Code, only to the
3-32 extent authorized under that chapter and other law.

3-33 (d) The office of inspector general may employ and
3-34 commission inspectors general as peace officers for the purpose of
3-35 carrying out the duties described by this section. An inspector
3-36 general shall have all of the powers and duties given to peace
3-37 officers under Article 2.13, Code of Criminal Procedure.

3-38 (e) Peace officers employed and commissioned under
3-39 Subsection (d) must:

3-40 (1) be certified by the Commission on Law Enforcement
3-41 Officer Standards and Education under Chapter 1701, Occupations
3-42 Code; and

3-43 (2) complete advanced courses relating to the duties
3-44 of peace officers employed and commissioned under Subsection (d) as
3-45 part of any continuing education requirements for the peace
3-46 officers.

3-47 (f) The board shall select a commissioned peace officer as
3-48 chief inspector general. The chief inspector general is subject to
3-49 the requirements of this section and may only be discharged for
3-50 cause.

3-51 (g) The chief inspector general shall on a quarterly basis
3-52 prepare and deliver a report concerning the operations of the
3-53 office of inspector general to:

3-54 (1) the board;
3-55 (2) the governor;
3-56 (3) the lieutenant governor;
3-57 (4) the speaker of the house of representatives;
3-58 (5) the standing committees of the senate and house of
3-59 representatives with primary jurisdiction over correctional
3-60 facilities;

3-61 (6) the state auditor; and
3-62 (7) the comptroller.

3-63 (h) A report prepared under Subsection (g) is public
3-64 information under Chapter 552, Government Code, to the extent
3-65 authorized under that chapter and other law, and the commission
3-66 shall publish the report on the commission's Internet website. A
3-67 report must be both aggregated and disaggregated by individual
3-68 facility and include information relating to:

3-69 (1) the types of investigations conducted by the

4-1 office of inspector general, such as whether an investigation
4-2 concerned narcotics or an alleged incident of sexual abuse;

4-3 (2) the relationship of a victim to a perpetrator, if
4-4 applicable; and

4-5 (3) the number of investigations conducted concerning
4-6 suicides, deaths, and hospitalizations of children in the custody
4-7 of the commission.

4-8 (i) The office of inspector general shall immediately
4-9 report to the board, the governor's general counsel, and the state
4-10 auditor any particularly serious or flagrant problem concerning the
4-11 administration of a commission program or operation or any
4-12 interference by the board or an employee of the commission with an
4-13 investigation conducted by the office.

4-14 (j) The office of inspector general or the chief inspector
4-15 general, as applicable, shall provide the joint select committee on
4-16 the operation and management of the Texas Youth Commission with the
4-17 reports required under Subsections (b) and (g) in addition to the
4-18 other persons who receive the reports under those subsections.
4-19 This subsection expires February 1, 2009.

4-20 SECTION 4. As soon as practicable after the effective date
4-21 of this Act, the Texas Youth Commission shall establish the office
4-22 of inspector general as required by Section 61.0451, Human
4-23 Resources Code, as added by this Act.

4-24 SECTION 5. This Act takes effect immediately if it receives
4-25 a vote of two-thirds of all the members elected to each house, as
4-26 provided by Section 39, Article III, Texas Constitution. If this
4-27 Act does not receive the vote necessary for immediate effect, this
4-28 Act takes effect September 1, 2007.

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