

By: Laubenberg

H.B. No. 1433

A BILL TO BE ENTITLED

AN ACT

relating to the employment of investigators by and subpoena powers of the office of inspector general.

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

SECTION 1. Section 531.102, Government Code, is amended by adding Subsection (h-1) to read as follows:

(h-1) The inspector general may employ and commission peace officers as investigators for the limited purpose of assisting the inspector general in carrying out the duties of the office of inspector general specified by Subsection (a). A commissioned peace officer employed by the office of inspector general is not entitled to supplemental benefits from the law enforcement and custodial officer supplemental retirement fund under Title 8.

SECTION 2. Section 531.1021(a), Government Code, is amended to read as follows:

(a) The ~~[office of]~~ inspector general may issue ~~[request that the commissioner or the commissioner's designee approve the issuance by the office of]~~ a subpoena in connection with an investigation conducted by the office. The ~~[If the request is approved, the]~~ office may issue the ~~[a]~~ subpoena to compel the attendance of a relevant witness or the production, for inspection or copying, of relevant evidence that is in this state.

SECTION 3. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

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

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

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

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

(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

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

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

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

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

(9) officers commissioned by the General Services Commission;

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

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

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

8 (13) municipal park and recreational patrolmen and
9 security officers;

10 (14) security officers and investigators commissioned
11 as peace officers by the comptroller;

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

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

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

18 (18) officers commissioned by the board of managers of
19 the Dallas County Hospital District, the Tarrant County Hospital
20 District, or the Bexar County Hospital District under Section
21 281.057, Health and Safety Code;

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

24 (20) investigators employed by the Texas Racing
25 Commission;

26 (21) officers commissioned under Chapter 554,
27 Occupations Code;

1 (22) officers commissioned by the governing body of a
2 metropolitan rapid transit authority under Section 451.108,
3 Transportation Code, or by a regional transportation authority
4 under Section 452.110, Transportation Code;

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

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

9 (25) an officer employed by the [~~Texas~~] Department of
10 State Health Services under Section 431.2471, Health and Safety
11 Code;

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

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

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

18 (29) apprehension specialists commissioned by the
19 Texas Youth Commission as officers under Section 61.0931, Human
20 Resources Code;

21 (30) officers appointed by the executive director of
22 the Texas Department of Criminal Justice under Section 493.019,
23 Government Code;

24 (31) investigators commissioned by the Commission on
25 Law Enforcement Officer Standards and Education under Section
26 1701.160, Occupations Code;

27 (32) commission investigators commissioned by the

1 Texas [~~Commission on~~] Private Security Board under Section
2 1702.061(f), Occupations Code;

3 (33) the fire marshal and any officers, inspectors, or
4 investigators commissioned by an emergency services district under
5 Chapter 775, Health and Safety Code; [~~and~~]

6 (34) officers commissioned by the State Board of
7 Dental Examiners under Section 254.013, Occupations Code, subject
8 to the limitations imposed by that section; and

9 (35) officers employed or commissioned by the office
10 of inspector general under Subchapter C, Chapter 531, Government
11 Code.

12 SECTION 4. This Act takes effect September 1, 2007.