

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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

H.B. No. 914

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. 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

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.

ADOPTED

MAY 22 2007

*Lotay Spaw*  
Secretary of the Senate

By: *J. J. Amj*  
Substitute the following for H.B. No. 914:  
By: *[Signature]*

H.B. No. 914

C.S.H.B. No. 914

A BILL TO BE ENTITLED

AN ACT

1 relating to the establishment of an office of inspector general and  
2 the authority of the state auditor to conduct audits at the Texas  
3 Youth Commission.  
4

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

6 SECTION 1. Article 2.12, Code of Criminal Procedure, is  
7 amended to read as follows:

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

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

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

16 (3) marshals or police officers of an incorporated  
17 city, town, or village, and those reserve municipal police officers  
18 who hold a permanent peace officer license issued under Chapter  
19 1701, Occupations Code;

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

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

- 1           (6) law enforcement agents of the Texas Alcoholic  
2 Beverage Commission;
- 3           (7) each member of an arson investigating unit  
4 commissioned by a city, a county, or the state;
- 5           (8) officers commissioned under Section 37.081,  
6 Education Code, or Subchapter E, Chapter 51, Education Code;
- 7           (9) officers commissioned by the General Services  
8 Commission;
- 9           (10) law enforcement officers commissioned by the  
10 Parks and Wildlife Commission;
- 11           (11) airport police officers commissioned by a city  
12 with a population of more than 1.18 million that operates an airport  
13 that serves commercial air carriers;
- 14           (12) airport security personnel commissioned as peace  
15 officers by the governing body of any political subdivision of this  
16 state, other than a city described by Subdivision (11), that  
17 operates an airport that serves commercial air carriers;
- 18           (13) municipal park and recreational patrolmen and  
19 security officers;
- 20           (14) security officers and investigators commissioned  
21 as peace officers by the comptroller;
- 22           (15) officers commissioned by a water control and  
23 improvement district under Section 49.216, Water Code;
- 24           (16) officers commissioned by a board of trustees  
25 under Chapter 54, Transportation Code;
- 26           (17) investigators commissioned by the Texas Medical  
27 [~~State~~] Board [~~of Medical Examiners~~];



1           (18) officers commissioned by the board of managers of  
2 the Dallas County Hospital District, the Tarrant County Hospital  
3 District, or the Bexar County Hospital District under Section  
4 281.057, Health and Safety Code;

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

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

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

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

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

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

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

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

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

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

1           (29) apprehension specialists and inspectors general  
2 commissioned by the Texas Youth Commission as officers under  
3 Sections 61.0451 and [Section] 61.0931, Human Resources Code;

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

7           (31) investigators commissioned by the Commission on  
8 Law Enforcement Officer Standards and Education under Section  
9 1701.160, Occupations Code;

10          (32) commission investigators commissioned by the  
11 Texas [~~Commission on~~] Private Security Board under Section  
12 1702.061(f), Occupations Code;

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

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

19          SECTION 2. Section 61.0191, Human Resources Code, is  
20 amended to read as follows:

21          Sec. 61.0191. AUDIT; AUTHORITY OF STATE AUDITOR. (a) The  
22 financial transactions of the commission are subject to audit by  
23 the state auditor in accordance with Chapter 321, Government Code.

24          (b) The state auditor, on request of the office of inspector  
25 general, may provide information or other assistance to the office  
26 of inspector general that the state auditor determines is  
27 appropriate. The office of inspector general may coordinate with

1 the state auditor to review or schedule a plan for an investigation  
2 under Section 61.0451 or share other information.

3 (c) The state auditor may access all information maintained  
4 by the office of inspector general, such as vouchers, electronic  
5 data, and internal records, including information that is otherwise  
6 confidential under state law. Information obtained by the state  
7 auditor under this subsection is confidential and is not subject to  
8 disclosure under Chapter 552, Government Code.

9 (d) Any provision of this chapter relating to the operations  
10 of the office of inspector general does not:

11 (1) supersede the authority of the state auditor to  
12 conduct an audit under Chapter 321, Government Code; or

13 (2) prohibit the state auditor from:

14 (A) conducting an audit, investigation, or other  
15 review; or

16 (B) having full and complete access to all  
17 records and other information concerning the commission, including  
18 any witness statement or electronic data, that the state auditor  
19 considers necessary for the audit, investigation, or review.

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

22 Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The office  
23 of inspector general is established at the commission for the  
24 purpose of investigating:

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

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

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

7                   (1) the board;

8                   (2) the governor;

9                   (3) the lieutenant governor;

10                   (4) the speaker of the house of representatives;

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

14                   (6) the special prosecution unit;

15                   (7) the state auditor; and

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

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

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

1 general shall have all of the powers and duties given to peace  
2 officers under Article 2.13, Code of Criminal Procedure.

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

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

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

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

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

19 (1) the board;

20 (2) the governor;

21 (3) the lieutenant governor;

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

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

26 (6) the state auditor; and

27 (7) 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 board, the governor's general counsel, and the state  
17 auditor any particularly serious or flagrant problem concerning the  
18 administration of a commission program or operation or any  
19 interference by the board or an employee of the commission with an  
20 investigation conducted by the office.

21           (j) The office of inspector general or the chief inspector  
22 general, as applicable, shall provide the joint select committee on  
23 the operation and management of the Texas Youth Commission with the  
24 reports required under Subsections (b) and (g) in addition to the  
25 other persons who receive the reports under those subsections.  
26 This subsection expires February 1, 2009.

27           SECTION 4. As soon as practicable after the effective date

1 of this Act, the Texas Youth Commission shall establish the office  
2 of inspector general as required by Section 61.0451, Human  
3 Resources Code, as added by this Act.

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

# ADOPTED

MAY 22 2007

*Lataj Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *J. J. Amij*

1 Amend C.S.H.B. No. 914 (senate committee printing) as  
2 follows:

3 (1) Strike SECTION 2 of the bill, amending Section 61.0191,  
4 Human Resources Code (page 2, lines 42 through 69).

5 (2) Strike SECTION 3 of the bill, adding Section 61.0451,  
6 Human Resources Code (page 3, line 1, through page 4, line 19), and  
7 substitute the following appropriately numbered SECTION:

8 SECTION \_\_\_\_\_. Subchapter C, Chapter 61, Human Resources  
9 Code, is amended by adding Section 61.0451 to read as follows:

10 Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The office  
11 of inspector general is established at the commission for the  
12 purpose of investigating:

13 (1) crimes committed by commission employees,  
14 including parole officers employed by or under a contract with the  
15 commission; and

16 (2) crimes and delinquent conduct committed at a  
17 facility operated by the commission or at a residential facility  
18 operated by another entity under a contract with the commission.

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

22 (1) the executive commissioner;

23 (2) the advisory board;

24 (3) the governor;

25 (4) the lieutenant governor;

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

27 (6) the standing committees of the senate and house of  
28 representatives with primary jurisdiction over matters concerning  
29 correctional facilities;

16



1           (7) the special prosecution unit;  
2           (8) the state auditor; and  
3           (9) any other appropriate state agency responsible for  
4 licensing or certifying commission employees or facilities.

5           (c) The report prepared under Subsection (b) must include a  
6 summary of the actions performed by the office of inspector general  
7 in conducting the investigation, a statement of whether the  
8 investigation resulted in a finding that a criminal offense or  
9 delinquent conduct occurred, and a description of the finding. The  
10 report is public information under Chapter 552, Government Code,  
11 only to the extent authorized under that chapter and other law.

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

17           (e) Peace officers employed and commissioned under  
18 Subsection (d) must:

19           (1) be certified by the Commission on Law Enforcement  
20 Officer Standards and Education under Chapter 1701, Occupations  
21 Code; and

22           (2) complete advanced courses relating to the duties  
23 of peace officers employed and commissioned under Subsection (d) as  
24 part of any continuing education requirements for the peace  
25 officers.

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

30           (g) The chief inspector general shall on a quarterly basis  
31 prepare and deliver a report concerning the operations of the

1 office of inspector general to:

2 (1) the executive commissioner;

3 (2) the advisory board;

4 (3) the governor;

5 (4) the lieutenant governor;

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

7 (6) the standing committees of the senate and house of  
8 representatives with primary jurisdiction over correctional  
9 facilities;

10 (7) the state auditor; and

11 (8) the comptroller.

12 (h) A report prepared under Subsection (g) is public  
13 information under Chapter 552, Government Code, to the extent  
14 authorized under that chapter and other law, and the commission  
15 shall publish the report on the commission's Internet website. A  
16 report must be both aggregated and disaggregated by individual  
17 facility and include information relating to:

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

21 (2) the relationship of a victim to a perpetrator, if  
22 applicable; and

23 (3) the number of investigations conducted concerning  
24 suicides, deaths, and hospitalizations of children in the custody  
25 of the commission.

26 (i) The office of inspector general shall immediately  
27 report to the executive commissioner, the advisory board, the  
28 governor's general counsel, and the state auditor any particularly  
29 serious or flagrant problem concerning the administration of a  
30 commission program or operation or any interference by the  
31 executive commissioner or an employee of the commission with an

1 investigation conducted by the office.

2 (3) Immediately following SECTION 3 of the bill (page 4,  
3 between lines 19 and 20), insert the following appropriately  
4 numbered SECTION:

5 SECTION \_\_\_\_\_. To the extent that any conflict exists  
6 between Sections 61.0451(a)(2) and (c), Human Resources Code, as  
7 added by this Act, and any similar provision in S.B. No. 103, Acts  
8 of the 80th Legislature, Regular Session, 2007, concerning the  
9 authority of the office of inspector general to investigate crimes  
10 and delinquent conduct and to prepare and deliver reports  
11 concerning investigations of such crimes and delinquent conduct,  
12 this Act prevails and the similar provisions of S.B. No. 103 have no  
13 effect.

14 (4) Renumber the SECTIONS of the bill appropriately.



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

May 4, 2007

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** HB914 by Madden (Relating to the establishment of an office of inspector general and the authority of the state auditor to conduct audits at the Texas Youth Commission. ),  
**Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB914, Committee Report 2nd House, Substituted: a negative impact of (\$526,210) through the biennium ending August 31, 2009.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$265,265)
2009	(\$260,945)
2010	(\$261,425)
2011	(\$261,905)
2012	(\$262,385)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1	Change in Number of State Employees from FY 2007
2008	(\$265,265)	4.0
2009	(\$260,945)	4.0
2010	(\$261,425)	4.0
2011	(\$261,905)	4.0
2012	(\$262,385)	4.0

**Fiscal Analysis**

The bill would amend Article 2.12 of the Code of Criminal Procedure adding inspectors general to the Youth Commission (TYC) as peace officers. The bill would amend Section 61.0451 of the Human Resources Code to require TYC to establish an office of inspector general for the purpose of investigating fraud committed by TYC employees, including contract parole officers and crime committed in TYC facilities or contract programs. TYC would establish policies and procedures for the operations of the office of inspector general. The office of inspector general would be able to employ commissioned peace officers as inspectors general with all the powers and duties given to peace officers in this state. The TYC board would select a commissioned peace officer as chief inspector general, who may only be discharged for cause. The office of inspector general would be required to prepare and deliver a variety of reports regarding operations and investigation results to the TYC board, the governor, the Lieutenant governor, committees in both houses with primary jurisdiction over correctional facilities, the state auditor, the special prosecution unit (SPU), the comptroller, and any other appropriate state agency. The inspector general could request information



or assistance from the state auditor, and could coordinate with the state auditor to review or schedule a plan for an investigation. The state auditor would be able to access all information maintained by the office of inspector general. The bill would take effect immediately if it receives a vote of two-thirds of all members of each house, or on September 1, 2007 if it does not receive the necessary vote.

**Methodology**

TYC reports it will need 4.0 FTEs in each year of the biennium to implement the provisions of the bill at a cost of \$340,280 in salaries for the biennium and \$170,140 each year thereafter. Additional costs (travel, equipment, benefits and operating expenses) total \$185,930 for the biennium and average \$92,005 in each year thereafter.

TYC does not currently have authority to hire Schedule C employees. This means peace officers hired by TYC would not be paid at Schedule C rates unless TYC is added to the list of eligible agencies in Article IX of the General Appropriations Bill, As Introduced.

The SPU anticipates no significant fiscal impact from the passage of this bill.

**Technology**

The TYC technology impact for fiscal year 2008 is estimated at \$5,232 and includes computer workstations and infrastructure for the 4 FTEs. The ongoing technology cost is estimated at \$432 per year.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, ES, GG, AI





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

April 29, 2007

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB914** by Madden (Relating to the establishment of an office of inspector general at the Texas Youth Commission.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB914, As Engrossed: a negative impact of (\$526,210) through the biennium ending August 31, 2009.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$265,265)
2009	(\$260,945)
2010	(\$261,425)
2011	(\$261,905)
2012	(\$262,385)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND</i> 1	Change in Number of State Employees from FY 2007
2008	(\$265,265)	4.0
2009	(\$260,945)	4.0
2010	(\$261,425)	4.0
2011	(\$261,905)	4.0
2012	(\$262,385)	4.0

**Fiscal Analysis**

The bill would amend Article 2.12 of the Code of Criminal Procedure adding inspectors general to the Youth Commission (TYC) as peace officers. The bill would amend Section 61.0451 of the Human Resources Code to establish an office of inspector general for the purpose of investigating fraud committed by TYC employees, including contract parole officers and crime committed in TYC facilities or contract programs. TYC would establish policies and procedures for the operations of the office of inspector general. The office of inspector general would be able to employ commissioned peace officers as inspectors general with all the powers and duties given to peace officers in this state. The inspectors general would report the results of any investigations to the TYC board, the standing committees of the Senate and the House of Representatives with primary jurisdiction over matters concerning correctional facilities, and the Special Prosecution Unit (SPU). The TYC board would appoint a commissioned peace officer as chief inspector general. The chief inspector general would provide the board with a report concerning operations of the office of inspector general on a quarterly basis. The report would include the types of investigations conducted by the office of inspector general such as the involvement of narcotics or incidents of sexual abuse, the relationship of the victim and perpetrator, if applicable, and the number of investigations conducted involving deaths, suicides, and hospitalizations of youth in the custody of TYC. The report would be considered public information and the board would publish



the report on TYC's website. If TYC is governed by a commissioner or other official in place of a board, he shall appoint a chief inspector general and receive the required reports. The bill would take effect immediately if it receives a vote of two-thirds of all members of each house. If this bill does not receive the necessary vote, it would take effect September 1, 2007.

### **Methodology**

TYC reports it will need 4.0 FTEs in each year of the biennium to implement the provisions of the bill at a cost of \$340,280 in salaries for the biennium and \$170,140 each year thereafter. Additional costs (travel, equipment, benefits and operating expenses) total \$185,930 for the biennium and average \$92,005 in each year thereafter.

TYC does not currently have authority to hire Schedule C employees. This means peace officers hired by TYC would not be paid at Schedule C rates unless TYC is added to the list of eligible agencies in Article IX of the General Appropriations Bill, As Introduced.

The SPU anticipates no significant fiscal impact from the passage of this bill.

### **Technology**

The TYC technology impact for fiscal year 2008 is estimated at \$5,232 and includes computer workstations and infrastructure for the 4 FTEs. The ongoing technology cost is estimated at \$432 per year.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

### **Source Agencies:**

**LBB Staff:** JOB, ES, GG, AI



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 19, 2007**

**TO:** Honorable Jerry Madden, Chair, House Committee on Corrections

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB914** by Madden (Relating to the establishment of an office of inspector general at the Texas Youth Commission. ), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB914, Committee Report 1st House, Substituted: a negative impact of (\$526,210) through the biennium ending August 31, 2009.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$265,265)
2009	(\$260,945)
2010	(\$261,425)
2011	(\$261,905)
2012	(\$262,385)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND</i> 1	Change in Number of State Employees from FY 2007
2008	(\$265,265)	(4.0)
2009	(\$260,945)	(4.0)
2010	(\$261,425)	(4.0)
2011	(\$261,905)	(4.0)
2012	(\$262,385)	(4.0)

**Fiscal Analysis**

The bill would amend Article 2.12 of the Code of Criminal Procedure adding inspectors general to the Youth Commission (TYC) as peace officers. The bill would amend Section 61.0451 of the Human Resources Code to establish an office of inspector general for the purpose of investigating fraud committed by TYC employees, including contract parole officers and crime committed in TYC facilities or contract programs. TYC would establish policies and procedures for the operations of the office of inspector general. The office of inspector general would be able to employ commissioned peace officers as inspectors general with all the powers and duties given to peace officers in this state. The inspectors general would report the results of any investigations to the TYC board, the standing committees of the Senate and the House of Representatives with primary jurisdiction over matters concerning correctional facilities, and the Special Prosecution Unit (SPU). The TYC board would appoint a commissioned peace officer as chief inspector general. The chief inspector general would provide the board with a report concerning operations of the office of inspector general on a quarterly basis. The report would include the types of investigations conducted by the office of inspector general such as the involvement of narcotics or incidents of sexual abuse, the relationship of the victim and perpetrator, if applicable, and the number of investigations conducted involving deaths, suicides, and hospitalizations of youth in the custody of TYC. The report would be considered public information and the board would publish



the report on TYC's website. The bill would take effect immediately if it receives a vote of two-thirds of all members of each house. If this bill does not receive the necessary vote, it would take effect September 1, 2007

### **Methodology**

TYC reports it will need 4.0 FTEs in each year of the biennium to implement the provisions of the bill at a cost of \$340,280 in salaries for the biennium and \$170,140 each year thereafter. Additional costs (travel, equipment, benefits and operating expenses) total \$185,930 for the biennium and average \$92,005 in each year thereafter.

TYC does not currently have authority to hire Schedule C employees. This means peace officers hired by TYC would not be paid at Schedule C rates unless TYC is added to the list of eligible agencies in Article IX of the General Appropriations Bill, As Introduced.

The SPU anticipates no significant fiscal impact from the passage of this bill.

### **Technology**

The TYC technology impact for fiscal year 2008 is estimated at \$5,232 and includes computer workstations and infrastructure for the 4 FTEs. The ongoing technology cost is estimated at \$432 per year.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

### **Source Agencies:**

**LBB Staff:** JOB, ES, GG, AI





**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 3, 2007**

**TO:** Honorable Jerry Madden, Chair, House Committee on Corrections

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB914** by Madden (Relating to the establishment of an office of inspector general at the Texas Youth Commission.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB914, As Introduced: a negative impact of (\$526,210) through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2008	(\$265,265)
2009	(\$260,945)
2010	(\$261,425)
2011	(\$261,905)
2012	(\$262,385)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue Gain/(Loss) from GENERAL REVENUE FUND 1</b>
2008	(\$265,265)
2009	(\$260,945)
2010	(\$261,425)
2011	(\$261,905)
2012	(\$262,385)

**Fiscal Analysis**

The bill would amend Article 2.12 of the Code of Criminal Procedure adding inspectors general to the Youth Commission (TYC) as peace officers. The agency does not currently have authority to hire Schedule C employees, so peace officers would not be paid at Schedule C rates unless TYC is added to the list of eligible agencies in Article IX of the General Appropriations Bill, As Introduced. The bill would amend Section 61.0451 of the Human Resources Code to establish an office of inspector general for the purpose of investigating fraud committed by TYC employees, including contract parole officers and crimes committed in TYC facilities or contract programs. The office of inspector general would be able to employ commissioned peace officers as inspectors general with all the powers and duties given to peace officers in this state. The inspectors general would report directly to the TYC Board, who shall appoint a commissioned peace officer as chief inspector general.



**Methodology**

TYC reports it will need 4.0 FTEs in each year of the biennium to implement the provisions of the bill at a cost of \$340,280 in salaries for the biennium and \$170,140 each year thereafter. Additional costs (travel, equipment, benefits and operating expenses) total \$185,930 for the biennium and average \$92,005 in each year thereafter.

**Technology**

TYC Technology impact for fiscal year 2008 is estimated at \$5,232 and includes computer workstations and infrastructure for the 4 FTEs. The ongoing technology cost is estimated at \$432 per year.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 694 Youth Commission

**LBB Staff:** JOB, ES, GG, AI



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

**May 4, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB914** by Madden (Relating to the establishment of an office of inspector general and the authority of the state auditor to conduct audits at the Texas Youth Commission. ),  
**Committee Report 2nd House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes, or to juveniles who have been adjudicated for misdemeanor or felony conduct.

**Source Agencies:**

**LBB Staff:** JOB, LM, GG



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

**April 27, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB914** by Madden (Relating to the establishment of an office of inspector general at the Texas Youth Commission.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**Source Agencies:**

**LBB Staff:** JOB, GG





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

**March 19, 2007**

**TO:** Honorable Jerry Madden, Chair, House Committee on Corrections

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB914** by Madden (Relating to the establishment of an office of inspector general at the Texas Youth Commission. ), **Committee Report 1st House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**Source Agencies:**

**LBB Staff: JOB, GG**



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

**February 28, 2007**

**TO:** Honorable Jerry Madden, Chair, House Committee on Corrections

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB914** by Madden (Relating to the establishment of an office of inspector general at the Texas Youth Commission.), **As Introduced**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**Source Agencies:**

**LBB Staff:** JOB, GG