

House Bill 914
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 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;

SENATE VERSION

Same as House version.

CONFERENCE

House Bill 914
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (11) airport police officers commissioned by a city with a population of more than 1.18 million that operates an airport that serves commercial air carriers;
- (12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;
- (13) municipal park and recreational patrolmen and security officers;
- (14) security officers and investigators commissioned as peace officers by the comptroller;
- (15) officers commissioned by a water control and improvement district under Section 49.216, Water Code;
- (16) officers commissioned by a board of trustees under Chapter 54, Transportation Code;
- (17) investigators commissioned by the Texas Medical ~~[State]~~ Board ~~[of Medical Examiners]~~;
- (18) officers commissioned by the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, or the Bexar County Hospital District under Section 281.057, Health and Safety Code;
- (19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;
- (20) investigators employed by the Texas Racing Commission;
- (21) officers commissioned under Chapter 554, Occupations Code;
- (22) officers commissioned by the governing body of a metropolitan rapid transit authority under Section

House Bill 914
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;

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

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

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

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

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

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

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

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

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

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

House Bill 914
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(33) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code; and
(34) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section.

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

Sec. 61.0451. OFFICE OF INSPECTOR GENERAL.

(a) The commission shall establish an office of inspector general for the purpose of investigating:

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

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

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

(1) the board;

(2) the standing committees of the senate and house of

SENATE VERSION

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

Sec. 61.0451. OFFICE OF INSPECTOR GENERAL.

(a) The office of inspector general is established at the commission for the purpose of investigating:

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

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

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

(1) the executive commissioner;

(2) the advisory board;

(3) the governor;

(4) the lieutenant governor;

(5) the speaker of the house of representatives;

(6) the standing committees of the senate and house of

CONFERENCE

House Bill 914
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

representatives with primary jurisdiction over matters concerning correctional facilities; and
(3) the special prosecution unit.

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

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

SENATE VERSION

representatives with primary jurisdiction over matters concerning correctional facilities;

(7) the special prosecution unit;

(8) the state auditor; and

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

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

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

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

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

(2) complete advanced courses relating to the duties of peace officers employed and commissioned under Subsection (d) as part of any continuing education

CONFERENCE

House Bill 914
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

- (1) the types of investigations conducted by the office of inspector general, such as whether an investigation concerned narcotics or an alleged incident of sexual abuse;
- (2) the relationship of a victim to a perpetrator, if

SENATE VERSION

requirements for the peace officers.

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

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

- (1) the executive commissioner;
- (2) the advisory board;
- (3) the governor;
- (4) the lieutenant governor;
- (5) the speaker of the house of representatives;
- (6) the standing committees of the senate and house of representatives with primary jurisdiction over correctional facilities;
- (7) the state auditor; and
- (8) the comptroller.

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

- (1) the types of investigations conducted by the office of inspector general, such as whether an investigation concerned narcotics or an alleged incident of sexual abuse;
- (2) the relationship of a victim to a perpetrator, if

CONFERENCE

House Bill 914
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

applicable; and

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

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

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

No equivalent provision.

SENATE VERSION

applicable; and

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

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

SECTION __. To the extent that any conflict exists between Sections 61.0451(a)(2) and (c), Human Resources Code, as added by this Act, and any similar provision in S.B. No. 103, Acts of the 80th Legislature, Regular Session, 2007, concerning the authority of the office of inspector general to investigate crimes and delinquent conduct and to prepare and deliver reports

CONFERENCE

House Bill 914
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

concerning investigations of such crimes and delinquent conduct, this Act prevails and the similar provisions of S.B. No. 103 have no effect.

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

SECTION 4. Same as House version.

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

SECTION 5. Same as House version.