

BILL ANALYSIS

Senate Research Center

H.B. 3099
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the Department of Public Safety's office of inspector general is empowered to conduct investigations on allegations of wrongdoing or criminal activity. In establishing the office, certain appropriate procedural guidelines were not codified. H.B. 3099 codifies those guidelines, provides that the inspector general is appointed by, and serves at the discretion of, the Public Safety Commission, and provides that the inspector general is not required to be a commissioned peace officer.

H.B. 3099 amends current law relating to the office of inspector general of the Department of Public Safety.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 411, Government Code, by adding Subchapter I-1, and adding a heading to that subchapter to read as follows:

SUBCHAPTER I-1. OFFICE OF INSPECTOR GENERAL

SECTION 2. Amends Section 411.244, Government Code, transfers it to Subchapter I-1, Chapter 411, Government Code, as added by this Act, and redesignates it as Section 411.251, Government Code, and amends Subchapter I-1, Chapter 411, Government Code, by adding Sections 411.252, 411.253, 411.254, 411.255, and 411.256, as follows:

Sec. 411.251. New heading: ESTABLISHMENT AND PURPOSE. Redesignates existing Section 411.244 as Section 411.251. (a) Requires the Public Safety Commission (commission) to establish the office of inspector general (office).

(b) Provides that the office is responsible for:

(1) acting to prevent and detect serious breaches of Department of Public Safety of the State of Texas (DPS) policy, fraud, and abuse of office, including any acts of criminal conduct within DPS; and

(2) independently and objectively reviewing, investigating, delegating, and overseeing the investigation of:

- (A) conduct described in Subdivision (1);
- (B) criminal activity occurring in all divisions of DPS;
- (C) allegations of wrongdoing by DPS employees;
- (D) crimes committed on DPS property; and

(E) serious breaches of DPS policy.

Makes nonsubstantive changes.

Deletes existing text providing that the office is responsible for independently and objectively reviewing, investigating, delegating an investigation, and overseeing the investigation of administrative and all other allegations of conduct referred to in (a)(1) above (redesignated as (b)(1)) and the following: criminal activity occurring in all divisions of DPS; allegations of wrongdoing by DPS employees; crimes committed on DPS property; and serious breaches of DPS policy.

Sec. 411.252. OVERSIGHT OF INVESTIGATIONS. (a) Creates this section from existing Section 411.244(b). Makes no further changes to this subsection.

(b) Creates this subsection from existing text. Requires the office to coordinate and provide oversight, but provides that the office is not required to conduct all investigations under this subchapter. Makes nonsubstantive changes.

(c) Creates this subsection from existing text. Requires the inspector general to delegate any investigation considered potentially appropriate for criminal prosecution to the Texas Ranger division or the criminal investigations division of DPS for investigation or referral back to the inspector general for further action. Deletes existing text requiring the inspector general to delegate criminal allegations arising under this section to the Texas Ranger division or the Criminal Law Enforcement division of DPS for investigation or referral back to the inspector general for further action.

(d) Creates this subsection from existing text. Requires the inspector general to continually monitor an investigation referred to another division of DPS under Subsection (c), and requires the inspector general and the division to report to the commission on the status of the investigation while pending. Deletes existing text requiring the inspector general to continually monitor referred matters and to report to the commission along with any other division investigating a matter on its status while pending.

Sec. 411.253. INITIATION OF INVESTIGATIONS. Authorizes the office to only initiate an investigation based on:

- (1) authorization from the commission;
- (2) approval of DPS or the inspector general;
- (3) approval of the public safety director (director), a deputy director, an assistant director of the Texas Rangers, or an assistant director of the criminal investigations division for criminal investigations; or
- (4) commission rules or approved commission policies

Deletes existing Section 411.244(c) authorizing an investigation under this section to be initiated only by the director or the commission.

Sec. 411.254. COMMISSION APPOINTMENT AND OVERSIGHT. (a) Requires the commission to appoint the inspector general. Provides that the inspector general serves until removed by the commission.

(b) Provides that the inspector general is not required to be a peace officer as that term is defined by Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure. Authorizes the commission or director to commission the inspector general as a commissioned peace officer of DPS if the inspector general holds a

permanent peace officer license issued under Chapter 1701 (Law Enforcement Officers), Occupations Code.

(c) Creates this subsection from existing Section 411.244(d). Requires the inspector general to coordinate with the director for administrative support as provided by the commission. Deletes existing text requiring the commission to appoint the inspector general.

(d) Creates this section from existing text. Makes conforming changes. Deletes existing text providing that the inspector general serves until removed by the commission.

Sec. 411.255. REPORTS. (a) Creates this subsection from existing Section 411.244(e). Requires the inspector general to report directly to the commission regarding performance of and activities related to investigations and provide the director with information regarding investigations as appropriate. Deletes existing text requiring the inspector general report to the director for administrative purposes.

(b) Creates this subsection from existing Section 411.244(f). Requires the inspector general to present at each regularly scheduled commission meeting and at other appropriate times:

(1) reports of investigations; and

(2) a summary of information relating to investigations conducted under this subchapter, rather than conducted under this section, that includes analysis of the number, type, and outcome of investigations, trends in the investigations, and recommendations to avoid future complaints.

Sec. 411.256. AUTHORITY OF STATE AUDITOR. Creates this section from existing Section 411.244(g). Makes no further changes.

SECTION 3. Effective date: September 1, 2011.