

## **BILL ANALYSIS**

H.B. 3099  
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Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The office of inspector general was recently created to replace the office of internal affairs within the Texas Department of Public Safety by amended statutory provisions relating to the office of internal affairs. According to interested parties, the legislation creating the office did not adequately amend all statutory provisions to reflect its intended purposes. The parties note that the realities of the commission's operation conflict with the need for the inspector general to be independent and capable of receiving confidential complaints and acting on those matters efficiently and without undue delay.

H.B. 3099 seeks to remedy these shortcomings by broadening the scope of the approval authorities to initiate inspector general investigations, more clearly delineate the independence of the office of inspector general, and clarify and clean up relevant statutory provisions.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3099 transfers Section 411.244, Government Code, to Subchapter I-1, Chapter 411, Government Code, as added by the bill, and redesignates it as Section 411.251, Government Code, and makes conforming and nonsubstantive changes to reflect the transfer and redesignation provisions of law relating to the office of inspector general of the Department of Public Safety (DPS).

H.B. 3099 amends the Government Code to require the inspector general to delegate to the Texas Ranger division or the criminal investigations division of DPS any investigation considered potentially appropriate for criminal prosecution, rather than criminal allegations arising under provisions of law relating to the inspector general, for investigation or referral back to the inspector general for further action. The bill authorizes the inspector general to only initiate an investigation based on the following: authorization from the Public Safety Commission; approval of the department of inspector general; approval of the public safety director of DPS, a deputy director, an assistant director of the Texas Rangers, or an assistant director of the criminal investigations division of DPS for criminal investigations; or commission rules or approved commission policies. The bill removes a provision of law authorizing the initiation of an investigation by the inspector general only by the public safety director or the commission.

H.B. 3099 establishes that the inspector general is not required to be a peace officer as that term is defined by the Code of Criminal Procedure and authorizes the commission or the public safety 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 state law. The bill requires the inspector general to coordinate with the public safety director for administrative

support as provided by the commission and removes the requirement that the inspector general report to the director for administrative purposes.

**EFFECTIVE DATE**

September 1, 2011.