

1 AN ACT

2 relating to the office of inspector general of the Department of  
3 Public Safety.

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

5 SECTION 1. Chapter 411, Government Code, is amended by  
6 adding Subchapter I-1, and a heading is added to that subchapter to  
7 read as follows:

8 SUBCHAPTER I-1. OFFICE OF INSPECTOR GENERAL

9 SECTION 2. Section 411.244, Government Code, is transferred  
10 to Subchapter I-1, Chapter 411, Government Code, as added by this  
11 Act, redesignated as Section 411.251, Government Code, and amended,  
12 and Subchapter I-1, Chapter 411, Government Code, is amended by  
13 adding Sections 411.252, 411.253, 411.254, 411.255, and 411.256 to  
14 read as follows:

15 Sec. 411.251 [~~411.244~~]. ESTABLISHMENT AND PURPOSE [~~OFFICE~~  
16 ~~OF INSPECTOR GENERAL~~]. (a) The commission shall establish the  
17 office of inspector general.

18 (b) The office of inspector general [~~, which~~] is responsible  
19 for:

20 (1) acting to prevent and detect serious breaches of  
21 departmental policy, fraud, and abuse of office, including any acts  
22 of criminal conduct within the department; and

23 (2) independently and objectively reviewing,  
24 investigating, delegating [~~an investigation~~], and overseeing the

1 investigation [~~of administrative and all other allegations~~] of:

2           (A) conduct described [~~referred to~~] in  
3 Subdivision (1);

4           (B) [~~(a)(1) above and the following:~~

5           [~~(A)~~] criminal activity occurring in all  
6 divisions of the department;

7           (C) [~~(B)~~] allegations of wrongdoing by  
8 department employees;

9           (D) [~~(C)~~] crimes committed on department  
10 property; and

11           (E) [~~(D)~~] serious breaches of department policy.

12       Sec. 411.252. OVERSIGHT OF INVESTIGATIONS. (a) [~~(b)~~] The  
13 office of inspector general has departmental jurisdiction for  
14 oversight and coordination over all investigations occurring on  
15 department property or involving department employees.

16       (b) The office shall coordinate and provide oversight, but  
17 is [~~need~~] not required to conduct[~~7~~] all investigations under this  
18 subchapter [~~section~~].

19       (c) The inspector general shall delegate any investigation  
20 considered potentially appropriate for criminal prosecution  
21 [~~allegations arising under this section~~] to the Texas Ranger  
22 division or the criminal investigations [~~Criminal Law Enforcement~~]  
23 division of the department for investigation or referral back to  
24 the inspector general for further action.

25       (d) The [~~However the~~] inspector general shall continually  
26 monitor an investigation referred to another division of the  
27 department under Subsection (c), [~~referred matters~~] and the

1 inspector general and the division shall report to the commission  
2 [~~along with any other division investigating a matter~~] on the [its]  
3 status of the investigation while pending.

4 Sec. 411.253. INITIATION OF INVESTIGATIONS. The office of  
5 inspector general may only initiate an investigation based on:

6 (1) authorization from the commission;

7 (2) approval of the inspector general or deputy  
8 inspector general;

9 (3) approval of the director, a deputy director, an  
10 assistant director of the Texas Rangers, or an assistant director  
11 of the criminal investigations division for criminal  
12 investigations; or

13 (4) commission rules or approved commission policies

14 [~~(c) An investigation under this section may be initiated only by~~  
15 ~~the director or the commission~~].

16 Sec. 411.254. COMMISSION APPOINTMENT AND OVERSIGHT. (a)  
17 The commission shall appoint the inspector general and may appoint  
18 a deputy inspector general. The inspector general serves until  
19 removed by the commission.

20 (b) The inspector general is not required to be a peace  
21 officer as that term is defined by Article 2.12, Code of Criminal  
22 Procedure. The commission or director may commission the inspector  
23 general as a commissioned peace officer of the department if the  
24 inspector general holds a permanent peace officer license issued  
25 under Chapter 1701, Occupations Code.

26 (c) [~~(d)~~] The commission has direct oversight over the  
27 office of inspector general, including decisions regarding budget

1 and staffing. The [~~commission shall appoint the~~] inspector general  
2 shall coordinate with the director for administrative support as  
3 provided by the commission.

4 (d) [~~The inspector general serves until removed by the~~  
5 ~~commission.~~] The commission shall establish policies to ensure  
6 that the commission continues to oversee the office of inspector  
7 general as required by this section [~~subsection~~] and to ensure that  
8 the office of inspector general retains and exercises its original  
9 jurisdiction under Section 411.252 [~~Subsection (b)~~].

10 Sec. 411.255. REPORTS. (a) [~~(e)~~] The inspector general  
11 shall report directly to the commission regarding performance of  
12 and activities related to investigations [~~, report to the director~~  
13 ~~for administrative purposes,~~] and provide the director with  
14 information regarding investigations as appropriate.

15 (b) [~~(f)~~] The inspector general shall present at each  
16 regularly scheduled commission meeting and at other appropriate  
17 times:

- 18 (1) reports of investigations; and  
19 (2) a summary of information relating to  
20 investigations conducted under this subchapter [~~section~~] that  
21 includes analysis of the number, type, and outcome of  
22 investigations, trends in the investigations, and recommendations  
23 to avoid future complaints.

24 Sec. 411.256. AUTHORITY OF STATE AUDITOR. [~~(g)~~] This  
25 chapter or other law related to the operation of the department's  
26 office of inspector general does not preempt the authority of the  
27 state auditor to conduct an audit or investigation under Chapter

1 321 or other law.

2 SECTION 3. This Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3099 was passed by the House on May 3, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3099 on May 27, 2011, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3099 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor