

1-1 By: Kolkhorst (Senate Sponsor - Hegar) H.B. No. 3099
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on State
1-4 Affairs; May 20, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 20, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3099 By: Shapiro

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the office of inspector general of the Department of
1-11 Public Safety.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 411, Government Code, is amended by
1-14 adding Subchapter I-1, and a heading is added to that subchapter to
1-15 read as follows:

1-16 SUBCHAPTER I-1. OFFICE OF INSPECTOR GENERAL

1-17 SECTION 2. Section 411.244, Government Code, is transferred
1-18 to Subchapter I-1, Chapter 411, Government Code, as added by this
1-19 Act, redesignated as Section 411.251, Government Code, and amended,
1-20 and Subchapter I-1, Chapter 411, Government Code, is amended by
1-21 adding Sections 411.252, 411.253, 411.254, 411.255, and 411.256 to
1-22 read as follows:

1-23 Sec. 411.251 [~~411.244~~]. ESTABLISHMENT AND PURPOSE [~~OFFICE~~
1-24 ~~OF INSPECTOR GENERAL~~]. (a) The commission shall establish the
1-25 office of inspector general.

1-26 (b) The office of inspector general [~~, which~~] is responsible
1-27 for:

1-28 (1) acting to prevent and detect serious breaches of
1-29 departmental policy, fraud, and abuse of office, including any acts
1-30 of criminal conduct within the department; and

1-31 (2) independently and objectively reviewing,
1-32 investigating, delegating [~~an investigation~~], and overseeing the
1-33 investigation [~~of administrative and all other allegations~~] of:

1-34 (A) conduct described [~~referred to~~] in
1-35 Subdivision (1);

1-36 (B) [~~(a)(1) above and the following:~~
1-37 [~~(A)~~] criminal activity occurring in all
1-38 divisions of the department;

1-39 (C) [~~(B)~~] allegations of wrongdoing by
1-40 department employees;

1-41 (D) [~~(C)~~] crimes committed on department
1-42 property; and

1-43 (E) [~~(D)~~] serious breaches of department policy.

1-44 Sec. 411.252. OVERSIGHT OF INVESTIGATIONS. (a) [~~(b)~~] The
1-45 office of inspector general has departmental jurisdiction for
1-46 oversight and coordination over all investigations occurring on
1-47 department property or involving department employees.

1-48 (b) The office shall coordinate and provide oversight, but
1-49 is [~~need~~] not required to conduct [~~,~~] all investigations under this
1-50 subchapter [~~section~~].

1-51 (c) The inspector general shall delegate any investigation
1-52 considered potentially appropriate for criminal prosecution
1-53 [~~allegations arising under this section~~] to the Texas Ranger
1-54 division or the criminal investigations [~~Criminal Law Enforcement~~]
1-55 division of the department for investigation or referral back to
1-56 the inspector general for further action.

1-57 (d) The [~~However the~~] inspector general shall continually
1-58 monitor an investigation referred to another division of the
1-59 department under Subsection (c), [~~referred matters~~] and the
1-60 inspector general and the division shall report to the commission
1-61 [~~along with any other division investigating a matter~~] on the [~~its~~]
1-62 status of the investigation while pending.

1-63 Sec. 411.253. INITIATION OF INVESTIGATIONS. The office of

2-1 inspector general may only initiate an investigation based on:
2-2 (1) authorization from the commission;
2-3 (2) approval of the inspector general or deputy
2-4 inspector general;
2-5 (3) approval of the director, a deputy director, an
2-6 assistant director of the Texas Rangers, or an assistant director
2-7 of the criminal investigations division for criminal
2-8 investigations; or
2-9 (4) commission rules or approved commission policies

2-10 [~~(c)~~ An investigation under this section may be initiated only by
2-11 the director or the commission].

2-12 Sec. 411.254. COMMISSION APPOINTMENT AND OVERSIGHT. (a)
2-13 The commission shall appoint the inspector general and may appoint
2-14 a deputy inspector general. The inspector general serves until
2-15 removed by the commission.

2-16 (b) The inspector general is not required to be a peace
2-17 officer as that term is defined by Article 2.12, Code of Criminal
2-18 Procedure. The commission or director may commission the inspector
2-19 general as a commissioned peace officer of the department if the
2-20 inspector general holds a permanent peace officer license issued
2-21 under Chapter 1701, Occupations Code.

2-22 (c) [~~(d)~~] The commission has direct oversight over the
2-23 office of inspector general, including decisions regarding budget
2-24 and staffing. The [~~commission shall appoint the~~] inspector general
2-25 shall coordinate with the director for administrative support as
2-26 provided by the commission.

2-27 (d) [~~The inspector general serves until removed by the~~
2-28 commission.] The commission shall establish policies to ensure
2-29 that the commission continues to oversee the office of inspector
2-30 general as required by this section [~~subsection~~] and to ensure that
2-31 the office of inspector general retains and exercises its original
2-32 jurisdiction under Section 411.252 [~~Subsection (b)~~].

2-33 Sec. 411.255. REPORTS. (a) [~~(e)~~] The inspector general
2-34 shall report directly to the commission regarding performance of
2-35 and activities related to investigations [~~, report to the director~~
2-36 for administrative purposes,] and provide the director with
2-37 information regarding investigations as appropriate.

2-38 (b) [~~(f)~~] The inspector general shall present at each
2-39 regularly scheduled commission meeting and at other appropriate
2-40 times:

- 2-41 (1) reports of investigations; and
- 2-42 (2) a summary of information relating to
- 2-43 investigations conducted under this subchapter [~~section~~] that
- 2-44 includes analysis of the number, type, and outcome of
- 2-45 investigations, trends in the investigations, and recommendations
- 2-46 to avoid future complaints.

2-47 Sec. 411.256. AUTHORITY OF STATE AUDITOR. [~~(g)~~] This
2-48 chapter or other law related to the operation of the department's
2-49 office of inspector general does not preempt the authority of the
2-50 state auditor to conduct an audit or investigation under Chapter
2-51 321 or other law.

2-52 SECTION 3. This Act takes effect September 1, 2011.

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