

**House Bill 3099**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

SUBCHAPTER I-1. OFFICE OF INSPECTOR GENERAL

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

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

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

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

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

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

(B) [(a)(1) above and the following]:

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

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

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

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

Sec. 411.252. OVERSIGHT OF INVESTIGATIONS. (a)

SENATE VERSION (CS)

SECTION 1. Same as House version.

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

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

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

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

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

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

(B) [(a)(1) above and the following]:

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

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

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

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

Sec. 411.252. OVERSIGHT OF INVESTIGATIONS. (a)

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~~[(b)]~~ The office of inspector general has departmental jurisdiction for oversight and coordination over all investigations occurring on department property or involving department employees.

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

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

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

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

(1) authorization from the commission;

(2) approval of the department or inspector general;

(3) approval of the 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 ~~[(e)]~~ ~~An investigation under this section may be initiated only by the director or the commission].~~

Sec. 411.254. COMMISSION APPOINTMENT AND

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~~[(b)]~~ The office of inspector general has departmental jurisdiction for oversight and coordination over all investigations occurring on department property or involving department employees.

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

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

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

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

(1) authorization from the commission;

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

(3) approval of the 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 ~~[(e)]~~ ~~An investigation under this section may be initiated only by the director or the commission].~~

Sec. 411.254. COMMISSION APPOINTMENT AND

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OVERSIGHT. (a) The commission shall appoint the inspector general.

The inspector general serves until removed by the commission.

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

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

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

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

(b) [(f)] The inspector general shall 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 [section] that includes

SENATE VERSION (CS)

OVERSIGHT. (a) The commission shall appoint the inspector general and may appoint a deputy inspector general.

The inspector general serves until removed by the commission.

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

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

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

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

(b) [(f)] The inspector general shall 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 [section] that includes

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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. [~~(g)~~]  
This chapter or other law related to the operation of the department's office of inspector general does not preempt the authority of the state auditor to conduct an audit or investigation under Chapter 321 or other law.

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

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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. [~~(g)~~]  
This chapter or other law related to the operation of the department's office of inspector general does not preempt the authority of the state auditor to conduct an audit or investigation under Chapter 321 or other law.

SECTION 3. Same as House version.

CONFERENCE