

By: Schaefer

H.B. No. 4256

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the duties and oversight of the Department of Public  
3 Safety's office of inspector general regarding the use of cyber  
4 technology and activity.

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

6 SECTION 1. Section 411.251, Government Code, is amended by  
7 amending Subsection (b) and adding Subsection (c) to read as  
8 follows:

9 (b) The office of inspector general is responsible for:

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

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

15 (A) conduct described in Subdivision (1);

16 (B) criminal activity occurring in all divisions  
17 of the department;

18 (C) allegations of wrongdoing by department  
19 employees;

20 (D) crimes committed on department property; and

21 (E) serious breaches of department policy~~[-]~~;

22 and

23 (3) independently and objectively reviewing,  
24 investigating, and overseeing the Department's cyber activity and

1 use of cyber networks, operations, systems, and tools.

2 (c) For purposes of this subchapter, "cyber tools" include,  
3 but are not limited to cyber networks, operations, systems, and any  
4 hardware or software used to collect suspicious activity reports or  
5 used by the Department for cyber activity in carrying out its  
6 official duties.

7 SECTION 2. Section 411.253, Government Code, is amended to  
8 read as follows:

9 The office of inspector general may only initiate an  
10 investigation based on:

11 (1) authorization from the commission;

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

14 (3) approval of the director, a deputy director, an  
15 assistant director of the Texas Rangers, or an assistant director  
16 of the criminal investigations division for criminal  
17 investigations; ~~or~~

18 (4) commission rules or approved commission policies;

19 or

20 (5) authorization from the commission for an  
21 investigation regarding the Department's use of cyber tools.

22 SECTION 3. Subchapter B-1, Chapter 411, Government Code, is  
23 amended by adding Section 411.2531 to read as follows:

24 Section 411.2531. OVERSIGHT OF CYBER TOOLS. The office of  
25 inspector general shall:

26 (a) continually monitor the Department's use of cyber tools  
27 solely under the direction of the commission; and

1        (b) employ personnel with adequate education, training, and  
2 experience in cyber activity, the use of cyber tools, and in privacy  
3 and constitutional protections when using cyber tools.

4        SECTION 3. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2021.