

## **BILL ANALYSIS**

S.B. 1698  
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Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Health and Human Services Commission's (HHSC) office of inspector general faces difficulty in recruiting and retaining qualified peace officers as the cost of living and other agencies' salary levels have outpaced the compensation package that HHSC currently provides. S.B. 1698 seeks to address this issue by making these officers eligible for hazardous duty pay and injury leave and by requiring that they be compensated according to Schedule C classification, which is designed for law enforcement positions, and which will provide salaries comparable to other state agencies that engage in law enforcement activities as provided by the biennial General Appropriations Act.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

S.B. 1698 amends the Government Code to revise a provision establishing the duty of the Health and Human Services Commission's (HHSC) office of inspector general to employ and commission peace officers for the purpose of assisting the office in carrying out its duties relating to the investigation of fraud, waste, and abuse in Medicaid to incorporate the following additional purposes for which the office employs and commissions peace officers, as already provided for in other statutory provisions:

- assisting a state or local law enforcement agency in the investigation of an alleged criminal offense involving a state hospital patient or a state supported living center client or resident; and
- the investigation of fraud, waste, and abuse, under SNAP.

The bill replaces the requirement for a peace officer employed by HHSC's office of inspector general for the purpose of investigating fraud, waste, and abuse under Medicaid to obtain prior approval from the Office of the Attorney General (OAG) before carrying out any duties requiring peace officer status with a requirement for the office of inspector general to obtain prior approval from the OAG before such a peace officer carries out any of those duties.

S.B. 1698 requires HHSC's office of inspector general to ensure a peace officer employed by the office is compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act and includes an officer commissioned by the office among the state employees entitled to receive hazardous duty pay.

S.B. 1698 requires the classification officer in the state auditor's office to classify the position of commissioned peace officer employed as an investigator by HHSC's office of inspector general as a Schedule C position under the position classification plan maintained under the Position Classification Act. The change made by the classification officer as required by the bill applies beginning with the 2024-2025 state fiscal biennium. These provisions expire September 1, 2025.

S.B. 1698 includes a peace officer commissioned by HHSC's office of inspector general among the peace officers entitled to injury leave, without a deduction in salary and without being required to use accrued compensatory time off or any other type of leave allowable, for an injury sustained due to the nature of the officer's duties and that occurs during the course of the officer's performance of duty, other than an injury related to the performance of routine office duties or an injury to which the officer's own gross negligence contributed. This provision applies only to an injury that occurs on or after the bill's effective date.

S.B. 1698 amends the Code of Criminal Procedure to include commissioned officers employed by HHSC's office of inspector general among the officers classified as peace officers.

S.B. 1698 provides for the delayed implementation of any provision for which an applicable state agency determines a federal waiver or authorization is necessary for implementation until the waiver or authorization is requested and granted.

**EFFECTIVE DATE**

September 1, 2023.