

By: Kolkhorst
(Stucky)

S.B. No. 1698

A BILL TO BE ENTITLED

AN ACT

relating to peace officers commissioned by the Health and Human Services Commission's office of inspector general.

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

SECTION 1. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers, officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic

1 Beverage Commission;

2 (7) each member of an arson investigating unit
3 commissioned by a city, a county, or the state;

4 (8) officers commissioned under Section 37.081,
5 Education Code, or Subchapter E, Chapter 51, Education Code;

6 (9) officers commissioned by the General Services
7 Commission;

8 (10) law enforcement officers commissioned by the
9 Parks and Wildlife Commission;

10 (11) officers commissioned under Chapter 23,
11 Transportation Code;

12 (12) municipal park and recreational patrolmen and
13 security officers;

14 (13) security officers and investigators commissioned
15 as peace officers by the comptroller;

16 (14) officers commissioned by a water control and
17 improvement district under Section 49.216, Water Code;

18 (15) officers commissioned by a board of trustees
19 under Chapter 54, Transportation Code;

20 (16) investigators commissioned by the Texas Medical
21 Board;

22 (17) officers commissioned by:

23 (A) the board of managers of the Dallas County
24 Hospital District, the Tarrant County Hospital District, the Bexar
25 County Hospital District, or the El Paso County Hospital District
26 under Section 281.057, Health and Safety Code;

27 (B) the board of directors of the Ector County

1 Hospital District under Section 1024.117, Special District Local
2 Laws Code;

3 (C) the board of directors of the Midland County
4 Hospital District of Midland County, Texas, under Section 1061.121,
5 Special District Local Laws Code; and

6 (D) the board of hospital managers of the Lubbock
7 County Hospital District of Lubbock County, Texas, under Section
8 1053.113, Special District Local Laws Code;

9 (18) county park rangers commissioned under
10 Subchapter E, Chapter 351, Local Government Code;

11 (19) investigators employed by the Texas Racing
12 Commission;

13 (20) officers commissioned under Chapter 554,
14 Occupations Code;

15 (21) officers commissioned by the governing body of a
16 metropolitan rapid transit authority under Section 451.108,
17 Transportation Code, or by a regional transportation authority
18 under Section 452.110, Transportation Code;

19 (22) investigators commissioned by the attorney
20 general under Section 402.009, Government Code;

21 (23) security officers and investigators commissioned
22 as peace officers under Chapter 466, Government Code;

23 (24) officers appointed by an appellate court under
24 Subchapter F, Chapter 53, Government Code;

25 (25) officers commissioned by the state fire marshal
26 under Chapter 417, Government Code;

27 (26) an investigator commissioned by the commissioner

1 of insurance under Section 701.104, Insurance Code;

2 (27) apprehension specialists and inspectors general
3 commissioned by the Texas Juvenile Justice Department as officers
4 under Sections 242.102 and 243.052, Human Resources Code;

5 (28) officers appointed by the inspector general of
6 the Texas Department of Criminal Justice under Section 493.019,
7 Government Code;

8 (29) investigators commissioned by the Texas
9 Commission on Law Enforcement under Section 1701.160, Occupations
10 Code;

11 (30) commission investigators commissioned by the
12 Texas Private Security Board under Section 1702.061, Occupations
13 Code;

14 (31) the fire marshal and any officers, inspectors, or
15 investigators commissioned by an emergency services district under
16 Chapter 775, Health and Safety Code;

17 (32) officers commissioned by the State Board of
18 Dental Examiners under Section 254.013, Occupations Code, subject
19 to the limitations imposed by that section;

20 (33) investigators commissioned by the Texas Juvenile
21 Justice Department as officers under Section 221.011, Human
22 Resources Code; ~~and~~

23 (34) the fire marshal and any related officers,
24 inspectors, or investigators commissioned by a county under
25 Subchapter B, Chapter 352, Local Government Code; and

26 (35) commissioned officers employed by the Health and
27 Human Services Commission's office of inspector general.

1 SECTION 2. Section [531.1022](#), Government Code, is amended by
2 amending Subsections (a), (b), and (d) and adding Subsections (b-1)
3 and (e) to read as follows:

4 (a) The commission's office of inspector general shall
5 employ and commission ~~[not more than five]~~ peace officers ~~[at any~~
6 ~~given time]~~ for the purpose of assisting the office in carrying out
7 the office's duties ~~[of the office]~~ relating to:

8 (1) assisting a state or local law enforcement agency
9 in the investigation of an alleged criminal offense involving:

10 (A) a state hospital patient; or

11 (B) a state supported living center client or
12 resident; and

13 (2) the investigation of fraud, waste, and abuse
14 under:

15 (A) [~~in~~] Medicaid; or

16 (B) the supplemental nutrition assistance
17 program under Chapter 33, Human Resources Code.

18 (b) Peace officers employed under this section to
19 investigate fraud, waste, and abuse under Medicaid:

20 (1) may not exceed five in number at any given time;
21 and

22 (2) are administratively attached to the Department of
23 Public Safety.

24 (b-1) The commission shall provide administrative support
25 to the Department of Public Safety as ~~[department]~~ necessary to
26 support peace officer assignments ~~[the assignment of peace officers~~
27 ~~employed]~~ under Subsection (b)(2) ~~[this section]~~.

1 (d) The commission's office of inspector general [~~A peace~~
2 ~~officer employed and commissioned under this section~~] shall obtain
3 prior approval from the office of the attorney general before a
4 peace officer employed under Subsection (b) carries [~~carrying~~] out
5 any duties requiring peace officer status.

6 (e) The commission's office of inspector general shall
7 ensure a peace officer employed under this section is compensated
8 according to Schedule C of the position classification salary
9 schedule prescribed by the General Appropriations Act.

10 SECTION 3. Section 659.301(5), Government Code, is amended
11 to read as follows:

12 (5) "State employee" means an individual who:

13 (A) is a commissioned law enforcement officer of
14 the Department of Public Safety, the Texas Facilities Commission,
15 the Texas Alcoholic Beverage Commission, the Texas Department of
16 Criminal Justice, the attorney general, [~~or~~] the insurance fraud
17 unit of the Texas Department of Insurance, or the Health and Human
18 Services Commission's office of inspector general;

19 (B) is a commissioned security officer of the
20 comptroller;

21 (C) is a law enforcement officer commissioned by
22 the Parks and Wildlife Commission;

23 (D) is a commissioned peace officer of an
24 institution of higher education;

25 (E) is an employee or official of the Board of
26 Pardons and Paroles or the parole division of the Texas Department
27 of Criminal Justice if the employee or official has routine direct

1 contact with inmates of any penal or correctional institution or
2 with administratively released prisoners subject to the board's
3 jurisdiction;

4 (F) has been certified to the Employees
5 Retirement System of Texas under Section 815.505 as having begun
6 employment as a law enforcement officer or custodial officer,
7 unless the individual has been certified to the system as having
8 ceased employment as a law enforcement officer or custodial
9 officer;

10 (G) before May 29, 1987, received hazardous duty
11 pay based on the terms of any state law if the individual holds a
12 position designated under that law as eligible for the pay; or

13 (H) is a security officer employed by the Texas
14 Military Department.

15 SECTION 4. Section 661.918(a), Government Code, is amended
16 to read as follows:

17 (a) This section applies to a peace officer under Article
18 2.12, Code of Criminal Procedure, who is commissioned as a law
19 enforcement officer or agent, including a ranger, by:

20 (1) the Public Safety Commission and the director of
21 the Department of Public Safety;

22 (2) the Parks and Wildlife Commission;

23 (3) the Texas Alcoholic Beverage Commission;

24 (4) the attorney general; [~~or~~]

25 (5) the insurance fraud unit of the Texas Department
26 of Insurance; or

27 (6) the Health and Human Services Commission's office

1 of inspector general.

2 SECTION 5. (a) The classification officer in the office of
3 the state auditor shall classify the position of commissioned peace
4 officer employed as an investigator by the Health and Human
5 Services Commission's office of inspector general as a Schedule C
6 position under the position classification plan maintained under
7 Chapter 654, Government Code.

8 (b) The change made by the classification officer as
9 required by this section applies beginning with the state fiscal
10 biennium beginning September 1, 2023.

11 (c) This section expires September 1, 2025.

12 SECTION 6. Section 661.918(a), Government Code, as amended
13 by this Act, applies only to an injury that occurs on or after the
14 effective date of this Act.

15 SECTION 7. If before implementing any provision of this Act
16 a state agency determines that any other waiver or authorization
17 from a federal agency is necessary for implementation of that
18 provision, the agency affected by the provision shall request the
19 waiver or authorization and may delay implementing that provision
20 until the waiver or authorization is granted.

21 SECTION 8. This Act takes effect September 1, 2023.