

By: Kolkhorst

S.B. No. 1698

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to peace officers commissioned by the Health and Human  
3 Services Commission's office of inspector general.

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

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

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

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

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

15 (3) marshals or police officers of an incorporated  
16 city, town, or village, and those reserve municipal police officers  
17 who hold a permanent peace officer license issued under Chapter  
18 1701, Occupations Code;

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

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

24 (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.