

1-1 By: Kolkhorst S.B. No. 1698  
 1-2 (In the Senate - Filed March 7, 2023; March 16, 2023, read  
 1-3 first time and referred to Committee on Health & Human Services;  
 1-4 April 17, 2023, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; April 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to peace officers commissioned by the Health and Human  
 1-20 Services Commission's office of inspector general.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 2.12, Code of Criminal Procedure, is  
 1-23 amended to read as follows:

1-24 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace  
 1-25 officers:

1-26 (1) sheriffs, their deputies, and those reserve  
 1-27 deputies who hold a permanent peace officer license issued under  
 1-28 Chapter 1701, Occupations Code;

1-29 (2) constables, deputy constables, and those reserve  
 1-30 deputy constables who hold a permanent peace officer license issued  
 1-31 under Chapter 1701, Occupations Code;

1-32 (3) marshals or police officers of an incorporated  
 1-33 city, town, or village, and those reserve municipal police officers  
 1-34 who hold a permanent peace officer license issued under Chapter  
 1-35 1701, Occupations Code;

1-36 (4) rangers, officers, and members of the reserve  
 1-37 officer corps commissioned by the Public Safety Commission and the  
 1-38 Director of the Department of Public Safety;

1-39 (5) investigators of the district attorneys', criminal  
 1-40 district attorneys', and county attorneys' offices;

1-41 (6) law enforcement agents of the Texas Alcoholic  
 1-42 Beverage Commission;

1-43 (7) each member of an arson investigating unit  
 1-44 commissioned by a city, a county, or the state;

1-45 (8) officers commissioned under Section 37.081,  
 1-46 Education Code, or Subchapter E, Chapter 51, Education Code;

1-47 (9) officers commissioned by the General Services  
 1-48 Commission;

1-49 (10) law enforcement officers commissioned by the  
 1-50 Parks and Wildlife Commission;

1-51 (11) officers commissioned under Chapter 23,  
 1-52 Transportation Code;

1-53 (12) municipal park and recreational patrolmen and  
 1-54 security officers;

1-55 (13) security officers and investigators commissioned  
 1-56 as peace officers by the comptroller;

1-57 (14) officers commissioned by a water control and  
 1-58 improvement district under Section 49.216, Water Code;

1-59 (15) officers commissioned by a board of trustees  
 1-60 under Chapter 54, Transportation Code;

1-61 (16) investigators commissioned by the Texas Medical

2-1 Board;

2-2 (17) officers commissioned by:

2-3 (A) the board of managers of the Dallas County

2-4 Hospital District, the Tarrant County Hospital District, the Bexar

2-5 County Hospital District, or the El Paso County Hospital District

2-6 under Section 281.057, Health and Safety Code;

2-7 (B) the board of directors of the Ector County

2-8 Hospital District under Section 1024.117, Special District Local

2-9 Laws Code;

2-10 (C) the board of directors of the Midland County

2-11 Hospital District of Midland County, Texas, under Section 1061.121,

2-12 Special District Local Laws Code; and

2-13 (D) the board of hospital managers of the Lubbock

2-14 County Hospital District of Lubbock County, Texas, under Section

2-15 1053.113, Special District Local Laws Code;

2-16 (18) county park rangers commissioned under

2-17 Subchapter E, Chapter 351, Local Government Code;

2-18 (19) investigators employed by the Texas Racing

2-19 Commission;

2-20 (20) officers commissioned under Chapter 554,

2-21 Occupations Code;

2-22 (21) officers commissioned by the governing body of a

2-23 metropolitan rapid transit authority under Section 451.108,

2-24 Transportation Code, or by a regional transportation authority

2-25 under Section 452.110, Transportation Code;

2-26 (22) investigators commissioned by the attorney

2-27 general under Section 402.009, Government Code;

2-28 (23) security officers and investigators commissioned

2-29 as peace officers under Chapter 466, Government Code;

2-30 (24) officers appointed by an appellate court under

2-31 Subchapter F, Chapter 53, Government Code;

2-32 (25) officers commissioned by the state fire marshal

2-33 under Chapter 417, Government Code;

2-34 (26) an investigator commissioned by the commissioner

2-35 of insurance under Section 701.104, Insurance Code;

2-36 (27) apprehension specialists and inspectors general

2-37 commissioned by the Texas Juvenile Justice Department as officers

2-38 under Sections 242.102 and 243.052, Human Resources Code;

2-39 (28) officers appointed by the inspector general of

2-40 the Texas Department of Criminal Justice under Section 493.019,

2-41 Government Code;

2-42 (29) investigators commissioned by the Texas

2-43 Commission on Law Enforcement under Section 1701.160, Occupations

2-44 Code;

2-45 (30) commission investigators commissioned by the

2-46 Texas Private Security Board under Section 1702.061, Occupations

2-47 Code;

2-48 (31) the fire marshal and any officers, inspectors, or

2-49 investigators commissioned by an emergency services district under

2-50 Chapter 775, Health and Safety Code;

2-51 (32) officers commissioned by the State Board of

2-52 Dental Examiners under Section 254.013, Occupations Code, subject

2-53 to the limitations imposed by that section;

2-54 (33) investigators commissioned by the Texas Juvenile

2-55 Justice Department as officers under Section 221.011, Human

2-56 Resources Code; ~~and~~

2-57 (34) the fire marshal and any related officers,

2-58 inspectors, or investigators commissioned by a county under

2-59 Subchapter B, Chapter 352, Local Government Code; and

2-60 (35) commissioned officers employed by the Health and

2-61 Human Services Commission's office of inspector general.

2-62 SECTION 2. Section 531.1022, Government Code, is amended by

2-63 amending Subsections (a), (b), and (d) and adding Subsections (b-1)

2-64 and (e) to read as follows:

2-65 (a) The commission's office of inspector general shall

2-66 employ and commission ~~[not more than five]~~ peace officers ~~[at any~~

2-67 ~~given time]~~ for the purpose of assisting the office in carrying out

2-68 the office's duties ~~[of the office]~~ relating to:

2-69 (1) assisting a state or local law enforcement agency

3-1 in the investigation of an alleged criminal offense involving:  
 3-2 (A) a state hospital patient; or  
 3-3 (B) a state supported living center client or  
 3-4 resident; and  
 3-5 (2) the investigation of fraud, waste, and abuse  
 3-6 under:  
 3-7 (A) [~~in~~] Medicaid; or  
 3-8 (B) the supplemental nutrition assistance  
 3-9 program under Chapter 33, Human Resources Code.  
 3-10 (b) Peace officers employed under this section to  
 3-11 investigate fraud, waste, and abuse under Medicaid:  
 3-12 (1) may not exceed five in number at any given time;  
 3-13 and  
 3-14 (2) are administratively attached to the Department of  
 3-15 Public Safety.  
 3-16 (b-1) The commission shall provide administrative support  
 3-17 to the Department of Public Safety as [~~department~~] necessary to  
 3-18 support peace officer assignments [~~the assignment of peace officers~~  
 3-19 ~~employed~~] under Subsection (b)(2) [~~this section~~].  
 3-20 (d) The commission's office of inspector general [~~A peace~~  
 3-21 ~~officer employed and commissioned under this section~~] shall obtain  
 3-22 prior approval from the office of the attorney general before a  
 3-23 peace officer employed under Subsection (b) carries [~~carrying~~] out  
 3-24 any duties requiring peace officer status.  
 3-25 (e) The commission's office of inspector general shall  
 3-26 ensure a peace officer employed under this section is compensated  
 3-27 according to Schedule C of the position classification salary  
 3-28 schedule prescribed by the General Appropriations Act.  
 3-29 SECTION 3. Section 659.301(5), Government Code, is amended  
 3-30 to read as follows:  
 3-31 (5) "State employee" means an individual who:  
 3-32 (A) is a commissioned law enforcement officer of  
 3-33 the Department of Public Safety, the Texas Facilities Commission,  
 3-34 the Texas Alcoholic Beverage Commission, the Texas Department of  
 3-35 Criminal Justice, the attorney general, [~~or~~] the insurance fraud  
 3-36 unit of the Texas Department of Insurance, or the Health and Human  
 3-37 Services Commission's office of inspector general;  
 3-38 (B) is a commissioned security officer of the  
 3-39 comptroller;  
 3-40 (C) is a law enforcement officer commissioned by  
 3-41 the Parks and Wildlife Commission;  
 3-42 (D) is a commissioned peace officer of an  
 3-43 institution of higher education;  
 3-44 (E) is an employee or official of the Board of  
 3-45 Pardons and Paroles or the parole division of the Texas Department  
 3-46 of Criminal Justice if the employee or official has routine direct  
 3-47 contact with inmates of any penal or correctional institution or  
 3-48 with administratively released prisoners subject to the board's  
 3-49 jurisdiction;  
 3-50 (F) has been certified to the Employees  
 3-51 Retirement System of Texas under Section 815.505 as having begun  
 3-52 employment as a law enforcement officer or custodial officer,  
 3-53 unless the individual has been certified to the system as having  
 3-54 ceased employment as a law enforcement officer or custodial  
 3-55 officer;  
 3-56 (G) before May 29, 1987, received hazardous duty  
 3-57 pay based on the terms of any state law if the individual holds a  
 3-58 position designated under that law as eligible for the pay; or  
 3-59 (H) is a security officer employed by the Texas  
 3-60 Military Department.  
 3-61 SECTION 4. Section 661.918(a), Government Code, is amended  
 3-62 to read as follows:  
 3-63 (a) This section applies to a peace officer under Article  
 3-64 2.12, Code of Criminal Procedure, who is commissioned as a law  
 3-65 enforcement officer or agent, including a ranger, by:  
 3-66 (1) the Public Safety Commission and the director of  
 3-67 the Department of Public Safety;  
 3-68 (2) the Parks and Wildlife Commission;  
 3-69 (3) the Texas Alcoholic Beverage Commission;

4-1 (4) the attorney general; [~~or~~]  
4-2 (5) the insurance fraud unit of the Texas Department  
4-3 of Insurance; or  
4-4 (6) the Health and Human Services Commission's office  
4-5 of inspector general.

4-6 SECTION 5. (a) The classification officer in the office of  
4-7 the state auditor shall classify the position of commissioned peace  
4-8 officer employed as an investigator by the Health and Human  
4-9 Services Commission's office of inspector general as a Schedule C  
4-10 position under the position classification plan maintained under  
4-11 Chapter 654, Government Code.

4-12 (b) The change made by the classification officer as  
4-13 required by this section applies beginning with the state fiscal  
4-14 biennium beginning September 1, 2023.

4-15 (c) This section expires September 1, 2025.

4-16 SECTION 6. Section 661.918(a), Government Code, as amended  
4-17 by this Act, applies only to an injury that occurs on or after the  
4-18 effective date of this Act.

4-19 SECTION 7. If before implementing any provision of this Act  
4-20 a state agency determines that any other waiver or authorization  
4-21 from a federal agency is necessary for implementation of that  
4-22 provision, the agency affected by the provision shall request the  
4-23 waiver or authorization and may delay implementing that provision  
4-24 until the waiver or authorization is granted.

4-25 SECTION 8. This Act takes effect September 1, 2023.

4-26 \* \* \* \* \*