

BILL ANALYSIS

C.S.H.B. 2523
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General Investigating & Ethics
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the mandate for the office of the inspector general of the Health and Human Services Commission to employ and commission peace officers to assist the office in its duties relating to the investigation of fraud, waste, and abuse in certain government assistance programs should be expanded. C.S.H.B. 2523 seeks to provide for this expansion.

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

C.S.H.B. 2523 amends the Human Resources Code to authorize the office of inspector general of the Health and Human Services Commission to employ and commission peace officers for the purpose of assisting the office in the investigation of fraud, waste, or abuse in the temporary assistance for needy families program and in the supplemental nutrition assistance program. The bill establishes that a peace officer so employed and commissioned is a peace officer for purposes of the Code of Criminal Procedure.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2523 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 531.1022(a), Government Code, is amended to read as follows: (a) The commission's office of inspector general shall employ and commission not	No equivalent provision.

more than five peace officers at any given time for the purpose of assisting the office in carrying out the duties of the office relating to the investigation of fraud, waste, and abuse in:

- (1) Medicaid;
- (2) the financial assistance program under Chapter 31, Human Resources Code;
- (3) the supplemental nutrition assistance program under Chapter 33, Human Resources Code; and
- (4) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786.

No equivalent provision.

(See SECTION 1: Sec. 531.1022(a)(2) above.)

No equivalent provision.

(See SECTION 1: Sec. 531.1022(a)(3) above.)

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

(See SECTION 1 below.)

(See SECTION 2 below.)

SECTION 1. Subchapter B, Chapter 31, Human Resources Code, is amended by adding Section 31.045 to read as follows:
Sec. 31.045. PEACE OFFICERS. The commission's office of inspector general may employ and commission peace officers for the purpose of assisting the office in the investigation of fraud, waste, or abuse in the financial assistance program. A peace officer employed and commissioned by the office is a peace officer for purposes of Article 2.12, Code of Criminal Procedure.

SECTION 2. Subchapter A, Chapter 33, Human Resources Code, is amended by adding Section 33.032 to read as follows:
Sec. 33.032. PEACE OFFICERS. The commission's office of inspector general may employ and commission peace officers for the purpose of assisting the office in the investigation of fraud, waste, or abuse in the supplemental nutrition assistance program. A peace officer employed and commissioned by the office is a peace officer for purposes of Article 2.12, Code of Criminal Procedure.

SECTION 3. Same as introduced version.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 4. Same as introduced version.