

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 914
By: Madden et al. (Hinojosa)
Criminal Justice
5/5/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law authorizes only apprehension specialists as commissioned peace officers for the Texas Youth Commission (TYC). Investigators responsible for investigating complaints of possible criminal wrongdoing are not considered to be peace officers under current law, and as such, must refer criminal complaints to a local law enforcement agency. This gives discretion as to whether to investigate and prosecute such complaints to that local agency. However, there has been little consistency in the level of county and local law enforcement involvement in pursuing such complaints throughout the state.

C.S.H.B. 914 establishes an office of inspector general at TYC to employ commissioned peace officers to investigate crimes committed at TYC facilities operated by or under contract with TYC.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 2.12, Code of Criminal Procedure, to provide that inspectors general commissioned by the Texas Youth Commission (TYC) as officers under Section 61.0451, Human Resources Code, are peace officers. Makes nonsubstantive reference changes to conform the article to current agencies and codified statutes.

SECTION 2. Amends Section 61.0191, Human Resources Code, as follows:

Sec. 61.0191. New heading: AUDIT; AUTHORITY OF STATE AUDITOR. (a)
Creates this subsection from existing text.

(b) Authorizes the state auditor (auditor), on request of the office of inspector general (office), to provide information or other assistance to the office that the auditor determines is appropriate. Authorizes the officer to coordinate with the auditor to review or schedule a plan for an investigation under Section 61.0451 or share other information.

(c) Authorizes the auditor to access all information maintained by the office, such as vouchers, electronic data, and internal records, including information that is otherwise confidential under state law. Provides that information obtained under this subsection is confidential and is not subject to disclosure under Chapter 552 (Public Information), Government Code.

(d) Provides that any provision of this chapter relating to the operations of the office does not supersede the authority of the auditor to conduct an audit under Chapter 321 (State Auditor), Government Code; or prohibit the auditor from conducting an audit, investigation, or other review; or having full and complete access to all records and other information concerning the commission, including any witness statement or electronic data, that the state auditor considers necessary for the audit, investigation, or review.

SECTION 3. Amends Subchapter C, Chapter 61, Human Resources Code, by adding Section 61.0451, as follows:

Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) Provides that the office is established at TYC for the purpose of investigating fraud committed by TYC employees, including parole officers employed by or under a contract with TYC, and crimes committed at a facility operated by TYC or at a residential facility operated by another entity under a contract with TYC.

(b) Requires the office to prepare and deliver a report concerning the results of any investigation conducted under this section to certain governmental officials and entities.

(c) Requires the report prepared under Subsection (b) to include a summary of actions performed by the office in conducting the investigation, a statement of whether the investigation resulting in a finding that fraud or a criminal offense occurred, and a description of the finding. Provides that the report is public information under Chapter 552, Government Code, only to the extent authorized under that chapter and other law.

(d) Authorizes the office to employ and commission inspectors general as peace officers for the purpose of carrying out the duties described by this section. Requires an inspector general to have all of the powers and duties given to peace officers under Article 2.13 (Duties and Powers), Code of Criminal Procedure.

(e) Requires peace officers employed and commissioned under Subsection (d) to be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701 (Law Enforcement Officers), Occupations Code; and complete advanced courses relating to the duties of peace officers employed and commissioned under Subsection (d) as part of any continuing education requirements for the peace officers.

(f) Requires the governing board of TYC (board) to select a commissioned peace officer as chief inspector general (chief) who is subject to the requirements of this section and may only be discharged for cause.

(g) Requires the chief to provide certain government officials and entities with a report concerning the operations of the office on a quarterly basis.

(h) Provides that a report prepared under Subsection (g) is public information under Chapter 552, Government Code, to the extent authorized under that chapter and other law, and requires TYC to publish the report on TYC's Internet website. Requires a report to be both aggregated and disaggregated by individual facility and include certain information set forth in this subsection.

(i) Requires the office to immediately report to the board, the governor's general counsel, and the auditor any particularly serious or flagrant problem concerning the administration of a TYC program or operation or any interference by the board or an employee of TYC with an investigation conducted by the office.

(j) Requires the office or the chief inspector general, as applicable, to provide the joint select committee on the operation and management of TYC with the reports required under Subsections (b) and (g) in addition to the other persons who receive the reports under those subsections. Provides that this subsection expires on February 1, 2009.

SECTION 4. Requires TYC to establish the office as required by Section 61.0451, Human Resources Code, as added by this Act, as soon as practicable after its effective date.

SECTION 5. Effective date: upon passage or September 1, 2007.