

BILL ANALYSIS

Senate Research Center

H.B. 914
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Criminal Justice
4/28/2007
Engrossed

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.

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

Rulemaking authority is expressly granted to the Texas Youth Commission in SECTION 2 (Section 61.0451, Human Resources Code) of this bill.

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 Subchapter C, Chapter 61, Human Resources Code, by adding Section 61.0451, as follows:

Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) Requires TYC to establish an office of inspector general (office) 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 report the results of any investigation conducted under this section to certain governmental entities.

(c) 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.

(d) Requires peace officers employed and commissioned under Subsection (c) to be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701 (Law Enforcement Officers), Occupations Code.

(e) Requires the governing board of TYC (board) to appoint a commissioned peace officer as chief inspector general (chief) who is subject to the requirements of this section.

(f) Requires the chief to provide the board with a report concerning the operations of the office on a quarterly basis. Provides that a report provided to the board under this subsection is public information under Chapter 552 (Public Information), Government Code, and requires the board 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.

(g) Requires TYC by rule to establish policies and procedures for the operations of the office.

(h) Requires, if TYC is governed by a commissioner or other official in the place of a board of directors, the commissioner or other official to appoint the chief as provided by Subsection (e) and receive the reports required under Subsections (b) and (f).

SECTION 3. 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 4. Effective date: upon passage or September 1, 2007.