

BILL ANALYSIS

Senate Research Center
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H.B. 3689
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3689 modernizes the statute guiding the Office of Inspector General (OIG) to match current practice. The bill has two parts: ability to provide hazardous pay and establish current duties.

Since the inception of the OIG in 2007, the Texas Juvenile Justice Department's (TJJD) scope of work has grown beyond its original purpose. At first, OIG was tasked to investigate fraud within TJJD's predecessor, the Texas Youth Commission. Over the past decade, the OIG has assumed many other tasks: operating K-9 contraband detection teams, fugitive apprehension, gang and security intelligence, entry search, and abuse/neglect/exploitation investigations of juvenile justice programs, and more. OIG is performing these duties with statutory ambiguity; Section 2 of H.B. 3689 codifies these tasks as regular purposes of TJJD.

Given these new tasks, employees of OIG are often placed in regular contact with youth, patrolling the facility perimeter, observing grounds of the facility, and other "riskier" duties, which warrants OIG to receive hazardous duty pay, establishing parity with other law enforcement agencies and allowing OIG to compensate employees appropriately. Section 1 of the bill adds "investigator, inspector general, security officer, or apprehension specialist employed by the office of the inspector general of TJJD" as qualifications for receiving hazardous pay.

H.B. 3689 brings statute in line with current practices of OIG.

H.B. 3689 amends current law relating to the office of the inspector general of the Texas Juvenile Justice Department.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 659.303(a) and (d), Government Code, as follows:

(a) Authorizes the Texas Juvenile Justice Department (TJJD) to include hazardous duty pay in the compensation paid to an individual for services rendered during a month if the individual:

(1) makes a nonsubstantive change to this subdivision:

(A) redesignates Paragraphs (A)-(B) as Subparagraphs (i)-(ii); and

(B) redesignates Subdivision (2) as this paragraph and makes a nonsubstantive change; or

(2) is an investigator, inspector general, security officer, or apprehension specialist employed by the Office of Inspector General (OIG) of TJJD.

(d) Makes a nonsubstantive change. Creates an exception for the inclusion of hazardous duty pay in the compensation paid to an individual described by Subsection (a)(2) to the provision that prohibits TJJD from paying hazardous duty pay from certain funds or to certain employees.

SECTION 2. Amends Section 242.102(a), Human Resources Code, as follows:

(a) Redesignates Subdivision (2) as Paragraph (B). Provides that OIG is established at TJJD under the direction of the board as a law enforcement agency for the purpose of, rather than providing that the OIG is established at TJJD under the direction of the board for the purpose of:

(1) preventing and investigating:

(A) creates this paragraph from existing text;

(B) crimes and delinquent conduct committed at a facility operated by TJJD, a residential facility operated by another entity under a contract with TJJD, or any facility in which a child committed to the custody of TJJD is housed or receives medical or mental health treatment, including:

(i) unauthorized or illegal entry into a TJJD facility;

(ii) the introduction of contraband into a TJJD facility;

(iii) escape from a secure facility; and

(iv) organized criminal activity; and

(2) investigating complaints received under Section 203.010 involving allegations of abuse, neglect, or exploitation of children in juvenile justice programs or facilities.

SECTION 3. Effective date: September 1, 2019.