

By: Hinojosa

S.B. No. 103

A BILL TO BE ENTITLED

AN ACT

relating to the operations of the Texas Youth Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

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

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

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

(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

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

3           (8) officers commissioned under Section 37.081,  
4 Education Code, or Subchapter E, Chapter 51, Education Code;

5           (9) officers commissioned by the General Services  
6 Commission;

7           (10) law enforcement officers commissioned by the  
8 Parks and Wildlife Commission;

9           (11) airport police officers commissioned by a city  
10 with a population of more than 1.18 million that operates an airport  
11 that serves commercial air carriers;

12           (12) airport security personnel commissioned as peace  
13 officers by the governing body of any political subdivision of this  
14 state, other than a city described by Subdivision (11), that  
15 operates an airport that serves commercial air carriers;

16           (13) municipal park and recreational patrolmen and  
17 security officers;

18           (14) security officers and investigators commissioned  
19 as peace officers by the comptroller;

20           (15) officers commissioned by a water control and  
21 improvement district under Section 49.216, Water Code;

22           (16) officers commissioned by a board of trustees  
23 under Chapter 54, Transportation Code;

24           (17) investigators commissioned by the Texas Medical  
25 [~~State~~] Board [~~of Medical Examiners~~];

26           (18) officers commissioned by the board of managers of  
27 the Dallas County Hospital District, the Tarrant County Hospital

1 District, or the Bexar County Hospital District under Section  
2 281.057, Health and Safety Code;

3 (19) county park rangers commissioned under  
4 Subchapter E, Chapter 351, Local Government Code;

5 (20) investigators employed by the Texas Racing  
6 Commission;

7 (21) officers commissioned under Chapter 554,  
8 Occupations Code;

9 (22) officers commissioned by the governing body of a  
10 metropolitan rapid transit authority under Section 451.108,  
11 Transportation Code, or by a regional transportation authority  
12 under Section 452.110, Transportation Code;

13 (23) investigators commissioned by the attorney  
14 general under Section 402.009, Government Code;

15 (24) security officers and investigators commissioned  
16 as peace officers under Chapter 466, Government Code;

17 (25) an officer employed by the [~~Texas~~ Department of  
18 State Health Services under Section 431.2471, Health and Safety  
19 Code;

20 (26) officers appointed by an appellate court under  
21 Subchapter F, Chapter 53, Government Code;

22 (27) officers commissioned by the state fire marshal  
23 under Chapter 417, Government Code;

24 (28) an investigator commissioned by the commissioner  
25 of insurance under Section 701.104 [~~Article 1.10D~~], Insurance Code;

26 (29) apprehension specialists and inspectors general  
27 commissioned by the Texas Youth Commission as officers under

1 Sections 61.0451 and [Section] 61.0931, Human Resources Code;

2 (30) officers appointed by the executive director of  
3 the Texas Department of Criminal Justice under Section 493.019,  
4 Government Code;

5 (31) investigators commissioned by the Commission on  
6 Law Enforcement Officer Standards and Education under Section  
7 1701.160, Occupations Code;

8 (32) commission investigators commissioned by the  
9 Texas [~~Commission on~~] Private Security Board under Section  
10 1702.061(f), Occupations Code;

11 (33) the fire marshal and any officers, inspectors, or  
12 investigators commissioned by an emergency services district under  
13 Chapter 775, Health and Safety Code; and

14 (34) officers commissioned by the State Board of  
15 Dental Examiners under Section 254.013, Occupations Code, subject  
16 to the limitations imposed by that section.

17 SECTION 2. Article 104.003(a), Code of Criminal Procedure,  
18 is amended to read as follows:

19 (a) In a prosecution of a felony committed while the actor  
20 was a prisoner in the custody of the Texas Department of Criminal  
21 Justice or a person committed to the Texas Youth Commission  
22 [~~Corrections~~] or a prosecution of an offense committed in the  
23 department or in the Texas Youth Commission by any person under  
24 Section 38.11, Penal Code [Chapter 21, Acts of 55th Legislature,  
25 Regular Session, 1957 (Article 6184m, Vernon's Texas Civil  
26 Statutes)], [~~or~~] Chapter 481, Health and Safety Code, or Sections  
27 485.031 through 485.035, Health and Safety Code, the state shall

1 reimburse the county for expenses incurred by the county, in an  
2 amount that the court determines to be reasonable, for payment of:

3 (1) salaries and expenses of foreign language  
4 interpreters and interpreters for deaf persons whose services are  
5 necessary to the prosecution;

6 (2) consultation fees of experts whose assistance is  
7 directly related to the prosecution;

8 (3) travel expenses for witnesses;

9 (4) expenses for the food, lodging, and compensation  
10 of jurors;

11 (5) compensation of witnesses;

12 (6) the cost of preparation of a statement of facts and  
13 a transcript of the trial for purposes of appeal;

14 (7) if the death of a person is an element of the  
15 offense, expenses of an inquest relating to the death;

16 (8) food, lodging, and travel expenses incurred by the  
17 prosecutor's staff during travel essential to the prosecution of  
18 the offense;

19 (9) court reporter's fees; and

20 (10) the cost of special security officers.

21 SECTION 3. Subchapter C, Chapter 61, Human Resources Code,  
22 is amended by adding Section 61.0356 to read as follows:

23 Sec. 61.0356. FACILITY GUARDS. (a) The commission shall  
24 provide each correctional facility guard employed by the commission  
25 with at least 300 hours of training before the guard commences  
26 guarding duties at the facility.

27 (b) In each correctional facility operated by the

1 commission, the commission must maintain a ratio of not less than  
2 one guard for every 12 persons committed to the facility.

3 SECTION 4. Subchapter C, Chapter 61, Human Resources Code,  
4 is amended by adding Section 61.0451 to read as follows:

5 Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The  
6 commission shall establish an office of inspector general for the  
7 purpose of investigating:

8 (1) fraud committed by commission employees; and

9 (2) crimes committed at a facility operated by the  
10 commission or at a residential facility operated by another entity  
11 under a contract with the commission.

12 (b) The office of inspector general shall report the results  
13 of any investigation conducted under this section to the board.

14 (c) The office of inspector general may employ and  
15 commission inspectors general as peace officers for the purpose of  
16 carrying out the duties described by this section. An inspector  
17 general shall have all of the powers and duties given to peace  
18 officers under Article 2.13, Code of Criminal Procedure.

19 (d) Peace officers employed and commissioned under  
20 Subsection (c) must be certified by the Commission on Law  
21 Enforcement Officer Standards and Education under Chapter 1701,  
22 Occupations Code.

23 (e) The commission by rule shall establish policies and  
24 procedures for the operations of the office of inspector general.

25 SECTION 5. Subchapter D, Chapter 61, Human Resources Code,  
26 is amended by adding Section 61.061 to read as follows:

27 Sec. 61.061. DORM RESTRICTION IN COMMISSION FACILITIES.

1 The commission may not assign a child younger than 15 years of age  
2 to the same correctional facility dorm as a person who is at least  
3 17 years of age.

4 SECTION 6. Subchapter B, Chapter 411, Government Code, is  
5 amended by adding Section 411.025 to read as follows:

6 Sec. 411.025. INVESTIGATION OF TEXAS YOUTH COMMISSION  
7 FACILITIES. (a) The Texas Rangers shall make an unannounced visit  
8 at least once each month to a correctional facility operated by the  
9 Texas Youth Commission to conduct observations and inspections of  
10 the facility.

11 (b) The Texas Rangers shall submit the results of the visits  
12 to the Texas Sunset Commission for inclusion in the Texas Youth  
13 Commission's sunset review under Section 61.020, Human Resources  
14 Code.

15 (c) This section expires September 1, 2009.

16 SECTION 7. (a) Section 61.0356(a), Human Resources Code,  
17 as added by this Act, applies only to a correctional facility guard  
18 hired by the Texas Youth Commission on or after the effective date  
19 of this Act. As soon as practicable after the effective date of  
20 this Act, the Texas Youth Commission shall provide training to  
21 correctional facility guards hired before the effective date of  
22 this Act as necessary to conform to the requirements of Section  
23 61.0356(a), Human Resources Code, as added by this Act.

24 (b) As soon as practicable after the effective date of this  
25 Act, the Texas Youth Commission shall ensure that:

26 (1) each correctional facility operated by the  
27 commission has a ratio of not less than one guard for every 12

1 children committed to the facility, as required by Section  
2 61.0356(b), Human Resources Code, as added by this Act; and

3 (2) children younger than 15 years of age are assigned  
4 to separate correctional facility dorms from persons who are at  
5 least 17 years of age as required by Section 61.061, Human Resources  
6 Code, as added by this Act.

7 (c) As soon as practicable after the effective date of this  
8 Act, the Texas Youth Commission shall establish the office of  
9 inspector general as required by Section 61.0451, Human Resources  
10 Code, as added by this Act.

11 SECTION 8. This Act takes effect September 1, 2007.