

BILL ANALYSIS

Senate Research Center

S.B. 527
By: Patterson
Intergovernmental Relations
7-1-97
Enrolled

DIGEST

Currently, a peace officer is subject to being discharged from the officer's place of employment for refusing to take a polygraph examination. The goal of S.B. 527 is to extend the same privileges to police officers that the general public enjoys by prohibiting an officer from being discharged by the officer's employer for refusing to take a polygraph examination.

PURPOSE

As enrolled, S.B. 527 outlines provisions prohibiting employment discrimination against certain peace officers for refusing to take a polygraph examination.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 614, Government Code, by adding Subchapter E, as follows:

SUBCHAPTER E. POLYGRAPH EXAMINATIONS

Sec. 614.061. DEFINITION. Defines "peace officer."

Sec. 614.062. APPLICABILITY OF SUBCHAPTER. Provides that this subchapter does not apply to a peace officer to whom Section 411.007, Government Code, applies.

Sec. 614.063. POLYGRAPH EXAMINATION. Sets forth instances in which a peace officer is prohibited from being suspended, discharged, or subjected to any other form of employment discrimination by the organization employing or appointing the peace officer because the officer refuses to take a polygraph examination as part of an internal investigation regarding the conduct of the peace officer. Provides that Subsection (a)(1) does not apply if the complainant is physically or mentally incapable of being polygraphed. Provides that a person passes an inspection if, in the opinion of the polygraph examiner, no deception is indicated regarding matters critical to the matter under investigation, for the purposes of this section. Sets forth instances in which the head of the law enforcement organization that employs or appoints a peace officer (head) may require the peace officer to submit to a polygraph under this subsection. Authorizes the head to submit to a polygraph examination under this subsection if the head considers the circumstances to be extraordinary and the head believes that the integrity of a peace officer or law enforcement organization is in question. Requires the head to provide the peace officer with a written explanation of the nature of the extraordinary circumstances and how the integrity of a peace officer or the law enforcement organization is in question.

SECTION 2. Amends Sections 143.124(a), (c), (d), and (f), Local Government Code, to set forth instances in which a fire fighter, rather than a police officer, employed by the municipality may not be required to submit to a polygraph examination regarding the conduct of the fire fighter, rather than a police officer. Requires the fire department to provide to the fire fighter the complainant's polygraph examination results within 48 hours after the request. Provides that a fire fighter, rather

than a person, passes a polygraph examination if no deception is indicated regarding matters critical to the subject matter under investigation. Makes conforming changes.

SECTION 3. Amends Sections 143.313(b), (d), and (f), to make conforming changes.

SECTION 4. Repealer: Section 157.905, Local Government Code (Polygraph Examination of Deputy Sheriff in Certain Sheriff's Departments).

SECTION 3. Emergency clause.
Effective date: upon passage.