

By: Williams

S.B. No. 732

A BILL TO BE ENTITLED

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AN ACT

relating to the administration of polygraph examinations to certain applicants for positions in the Department of Public Safety of the State of Texas.

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

SECTION 1. Subsection (c), Section 411.007, Government Code, is amended to read as follows:

(c) An applicant for a position in the department must be a United States citizen. An applicant may not be questioned regarding the applicant's political affiliation or religious faith or beliefs. The department may not prohibit an officer or employee of the department, while off duty and out of uniform, from placing a bumper sticker endorsing political activities or a candidate for political office on a personal vehicle, placing a campaign sign in the person's private yard, making a political contribution, or wearing a badge endorsing political activities or a candidate. An officer commissioned by the department may not be suspended, terminated, or subjected to any form of discrimination by the department because of the refusal of the officer to take a polygraph examination. Section 411.0074 does not authorize the department to require an officer commissioned by the department to take a polygraph examination.

SECTION 2. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0074 to read as follows:

1 Sec. 411.0074. POLYGRAPH EXAMINATIONS FOR CERTAIN
2 APPLICANTS. (a) This section does not apply to:

3 (1) an applicant who is currently a peace officer of
4 the department commissioned by the department; or

5 (2) an applicant for a police communications operator
6 position who is currently employed by the department in another
7 police communications operator position.

8 (b) The department shall require applicants for a peace
9 officer or police communications operator position in the
10 department to submit to the administration of a polygraph
11 examination prior to employment. The polygraph examination shall
12 be administered at a point in the hiring process as determined by
13 the department by rule.

14 (c) The polygraph examination required by this section may
15 only be administered by a polygraph examiner licensed under Chapter
16 1703, Occupations Code, who:

17 (1) is a peace officer commissioned by the department;
18 or

19 (2) has a minimum of two years of experience
20 conducting preemployment polygraph examinations for a law
21 enforcement agency.

22 (d) The department and the polygraph examiner shall
23 maintain the confidentiality of the results of a polygraph
24 examination administered under this section, except that:

25 (1) the department and the polygraph examiner may
26 disclose the results in accordance with Section 1703.306,
27 Occupations Code; and

1 (2) notwithstanding Section 1703.306, Occupations
2 Code, the department may disclose any admission of criminal conduct
3 made during the course of an examination to another appropriate
4 governmental entity.

5 (e) The department shall adopt reasonable rules for the
6 administration of a polygraph examination under this section in
7 accordance with the guidelines published by the American Polygraph
8 Association or the American Association of Police Polygraphists.

9 (f) The department shall use the results of a polygraph
10 examination under this section as a factor in determining whether
11 to commission a peace officer or employ an applicant for the
12 position of police communications operator.

13 SECTION 3. Section 411.0074, Government Code, as added by
14 this Act, applies only to an applicant who submits an application
15 for a position in the Department of Public Safety of the State of
16 Texas on or after the effective date of this Act.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2005.