

BILL ANALYSIS

Senate Research Center

S.B. 295
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Transportation & Homeland Security
10/18/2007
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current state law, the Texas Department of Public Safety (DPS) is prohibited from suspending, terminating, or discriminating against a commissioned officer who refuses to take a polygraph examination. A new federal mandate requires all personnel serving on a joint federal/state task force undergo a polygraph examination in order to obtain security clearance. DPS officers currently serving on one of these task forces will be unable to continue to serve, unless they take a polygraph examination, but DPS does not have the authority to require the officers to comply.

S.B. 295 authorizes DPS to require commissioned officers and noncommissioned employees to take a polygraph examination if the officer or employee works with a federal agency on a national security issue. This bill authorizes DPS to remove an officer or employee who works in the aforementioned capacity if they refuse to take a polygraph examination, or to deny the officer or employee's application, if the officer or employee refuses to take a polygraph examination.

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 Subchapter A, Chapter 411, Government Code, by adding Section 411.00741, as follows:

Sec. 411.00741. POLYGRAPH EXAMINATIONS FOR CERTAIN OFFICERS AND EMPLOYEES. Authorizes the Department of Public Safety (DPS) to require a commissioned officer or noncommissioned employee to take a polygraph examination that is administered by a polygraph examiner if the officer or employee is assigned to a position in which the officer or employee works with a federal agency on a national security issue and the examination is required by the federal agency. Authorizes DPS to, as applicable, remove or deny assignment to a commissioned officer or noncommissioned employee who refuses to take the polygraph examination that is required for a position involving a joint state and federal investigation on a national security issue.

SECTION 2. Effective date: upon passage or September 1, 2007.