

BILL ANALYSIS

S.B. 295
By: Williams
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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. An officer or employee who works in the aforementioned capacity could be removed from the position if they refuse to take a polygraph examination.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

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 Texas Department of Public Safety (DPS) to require a commissioned officer or noncommissioned employee to take a polygraph examination 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 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.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.