BILL ANALYSIS

Senate Research Center

H.B. 1422
By: Hightower (Whitmire)
Criminal Justice
6-18-97
Enrolled

DIGEST

Currently, polygraph examinations may be used by the Texas Department of Criminal Justice (department) to terminate employees. Polygraph examinations may be misused in some internal investigations and may be used to intimidate and abuse employees. Some people feel polygraphs are unreliable and should be discontinued from use in employee misconduct cases. This bill would prohibit the department from suspending, discharging, or subjecting an employee to employment discrimination based on the employee's refusal to submit to a polygraph examination during the investigation of a complaint of misconduct.

PURPOSE

As enrolled, H.B. 1422 prohibits the Texas Department of Criminal Justice from suspending, discharging, or subjecting an employee to employment discrimination based on the employee's refusal to submit to a polygraph examination during the investigation of a complaint of misconduct.

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 493, Government Code, by adding Section 493.022, as follows:

> Sec. 493.022. POLYGRAPH EXAMINATION. Prohibits an employee of the Texas Department of Criminal Justice (department) who is the subject of a written complaint made by or filed with the department from being suspended, discharged, or subjected to any other form of employment discrimination by the department because the employee refuses to take a polygraph examination.

SECTION 2. Emergency clause.
Effective date: upon passage.