# BILL ANALYSIS

Senate Research Center

S.B. 467
By: Nelson
Criminal Justice
5-26-97
Enrolled

## DIGEST

Currently, Texas law places limitations on administering a polygraph examination to certain persons. The caption of Article 15.051, Code of Criminal Procedure, is inconsistent with the text of its provisions. The caption reads "Polygraph Examination of Complainant Prohibited." In fact, a complainant may elect to submit to a polygraph examination, and a peace officer or attorney representing the state may request that the complainant submit to a polygraph examination, but a complainant may not be required to submit to the examination. The caption is confusing and causes some inexperienced law enforcement personnel to wrongly conclude that a complainant may not submit to a polygraph examination under any circumstances. This bill will amend the caption of Section 15.051, Code of Criminal Procedure, to more accurately reflect the contents of the provision, and prohibit an attorney representing the state from requiring a polygraph examination of certain persons and if a polygraph examination is requested, peace officers and attorneys representing the state will be required to inform the person of certain information.

## PURPOSE

As enrolled, S.B. 467 amends the caption of Section 15.51, Code of Criminal Procedure, to more accurately reflect the contents of the provision and prohibits attorneys representing the state from requiring a polygraph examination of certain persons and requires peace officers and attorneys representing the state to inform those persons of certain information if a polygraph examination is requested.

## 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 Article 15.051, Code of Criminal Procedure, as follows:

> Art. 15.051. New heading: REQUIRING POLYGRAPH EXAMINATION OF COMPLAINANT PROHIBITED. Prohibits an attorney representing the state from requiring a polygraph examination of certain persons. Requires a peace officer, if the peace officer requests a polygraph examination of a certain person, to inform the person of certain information. Makes conforming changes.

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