

CHAPTER 708

H.B. No. 323

AN ACT

relating to the administration of a polygraph examination to a child taken into custody.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 51, Family Code, is amended by adding Section 51.151 to read as follows:

Sec. 51.151. POLYGRAPH EXAMINATION. If a child is taken into custody under Section 52.01 of this code, a person may not administer a polygraph examination to the child without the consent of the child's attorney or the juvenile court unless the child is transferred to criminal court for prosecution under Section 54.02 of this code.

SECTION 2. Section 19, Polygraph Examiners Act (Article 4413(29cc), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 19. REFUSAL, PROBATION, REPRIMAND, SUSPENSION, REVOCATION—
 GROUNDS. The board shall refuse to issue a license, shall revoke or suspend a license, shall reprimand a licensee, or may probate a license suspension on any one or more of the following grounds:

- (1) for failing to inform a subject to be examined as to the nature of the examination;
- (2) for failing to inform a subject to be examined that his participation in the examination is voluntary;
- (3) material misstatement in the application for original license or in the application for any renewal license under this Act;
- (4) wilful disregard or violation of this Act or of any regulation or rule issued pursuant thereto, including, but not limited to, wilfully making a false report concerning an examination for polygraph examination purposes;
- (5) if the holder of any license has been adjudged guilty of the commission of a felony or a misdemeanor involving moral turpitude;
- (6) making any wilful misrepresentation or false promises or causing to be printed any false or misleading advertisement for the purpose of directly or indirectly obtaining business or trainees;
- (7) having demonstrated unworthiness or incompetency to act as a polygraph examiner as defined by this Act;
- (8) allowing one's license under this Act to be used by any unlicensed person in violation of the provisions of this Act;
- (9) wilfully aiding or abetting another in the violation of this Act or any regulation or rule issued pursuant thereto;
- (10) where the license holder has been adjudged as a habitual drunkard or mentally incompetent as provided in the Probate Code;
- (11) failing, within a reasonable time, to provide information requested by the secretary as the result of a formal complaint to the board which would indicate a violation of this Act;
- (12) failing to inform the subject of the results of the examination if so requested; [or]
- (13) violating Subsection (a) of Section 19A of this Act relating to the confidentiality of information acquired from an examination; or
- (14) *violating Section 51.151, Family Code, relating to the examination of a child taken into custody.*

SECTION 3. This Act takes effect September 1, 1987, and applies to a polygraph examination conducted on or after that date. An examination conducted before that date is subject to the law in effect before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 30, 1987, by a non-record vote. Passed by the Senate on May 29, 1987, by a viva-voce vote.

Approved June 18, 1987.

Effective Sept. 1, 1987.