

CHAPTER 312

S.B. No. 277

AN ACT

relating to interrogation and rights of fire fighters and police officers in certain cities.

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

SECTION 1. Section 16e, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 16e. POLYGRAPH EXAMINATIONS. In a city having a population of 1,500,000 or more according to the most recent federal census, a police officer or fire fighter employed by the city shall not be required to submit to a polygraph examination as part of an internal investigation regarding the conduct of the fire fighter or police officer unless and until the complainant submits to and passes a polygraph examination. *If the fire fighter or police officer requests in writing the results of the complainant's polygraph examination, the department shall provide the results within 48 hours of the request and the fire fighter or police officer shall not be required to submit to a polygraph examination until the results of the complainant's polygraph have been provided to the fire fighter or police officer.* The polygraph examination restriction does not apply if the complainant is physically or mentally incapable of being polygraphed. For the purposes of this section, a person "passes" a polygraph examination if, in the opinion of the polygraph examiner, no deception is indicated regarding matters critical to the subject matter under investigation. The results of a polygraph examination that relate to the complaint under investigation are not admissible in a proceeding before the civil service commission or a hearing examiner. Nothing herein shall preclude the chief from ordering a police officer or fire fighter to submit to a polygraph examination when,

in the exercise of his discretion, he considers the circumstances to be extraordinary and he believes that the integrity of a police officer or fire fighter or the department is in question.

SECTION 2. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 30, 1987, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on June 1, 1987, by the following vote: Yeas 31, Nays 0. Passed the House, with amendment, on May 29, 1987, by the following vote: Yeas 146, Nays 1, one present not voting.

Approved June 11, 1987.

Effective June 11, 1987.