

HB 2545 B STAFF MEASURE SUMMARY

Carrier: Rep. Hack

House Committee On Rules

Action Date: 05/11/17

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 9-0-0-0

Yeas: 9 - Barreto, Hack, Holvey, Kennemer, McLane, Nosse, Rayfield, Smith Warner, Williamson

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Allows police, corrections, parole and probation officers to use any instrument or mechanical device to test veracity of statements when investigating crime or misconduct of adults in prison or jail, or when supervising adult parolees or probationers, so long as officer is authorized by their employing agency. Defines "deception detection examination" within statutes governing unlawful employment practices to include ocular motor deception detection examinations and prohibits their use as condition of employment.

ISSUES DISCUSSED:

- Technological advances since allowance of polygraphs
- Process of ocular motor deception detection examination
- Training requirements for different deception detection methods
- Fiscal impact to Department of Public Safety Standards and Training (DPSST)

EFFECT OF AMENDMENT:

Removes requirement for DPSST to license and regulate deception detection examination administrators. Allows police, corrections, parole and probation officers to use any instrument or mechanical device to test veracity of statements in course of investigating crime, conducting investigation into misconduct of adults in prison or jail, or when overseeing adult parolees or probationers. Removes operative and effective dates.

BACKGROUND:

The Department of Public Safety Standards and Training regulates polygraph equipment and polygraph examiners. Polygraph examiners are required to use only complying polygraph equipment that makes a visual, permanent, simultaneous record of a subject's cardiovascular pattern, respiratory pattern and galvanic skin response. One exception allows police to use other instruments or devices, including noncompliant polygraph equipment, if they are certified to use the instrument or device by their employing agency and the use occurs in the course of an official criminal investigation.

House Bill 2545-B expands the current exception for police to include corrections, parole and probation officers, and expands the circumstances to include not only criminal investigations, but investigations into misconduct by incarcerated adults and pursuant to the supervision of adults on probation or parole. The measure also addresses the potential misuse of "deception detection examinations" by employers by prohibiting use of same as a condition of employment.