

AMENDED IN ASSEMBLY APRIL 27, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2293

Introduced by Assembly Member Scott

February 19, 1998

An act to amend Section 3307 of the Government Code, relating to public safety officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2293, as amended, Scott. Public safety officers.

Under existing law, the Public Safety Officers Procedural Bill of Rights Act, no public safety officer may be compelled to submit to a polygraph examination against his or her will.

This bill instead would provide that no public safety officer shall be required, requested, or subjected to, for purposes of job assignment, transfer, promotion, or other personnel action, to take, submit to, or be administered, any lie detector test. The bill also would prohibit any employing agency from requiring a public safety officer to take or submit to a lie detector test prior to considering the public safety officer for voluntary assignment to a specialized unit *may be compelled to submit to a lie detector test, as defined, against his or her will.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3307 of the Government Code is
2 amended to read:

3 3307. (a) No public safety officer shall be ~~required,~~
4 ~~requested, or subjected to, for purposes of job assignment,~~
5 ~~transfer, promotion, or other personnel action, to take,~~
6 ~~submit to, or be administered, any lie detector test. No~~
7 ~~employing agency shall require a public safety officer to~~
8 ~~take or submit to a lie detector test prior to considering~~
9 ~~the public safety officer for voluntary assignment to a~~
10 ~~specialized unit.~~

11 ~~(b) Compelled to submit to a lie detector test against~~
12 ~~his or her will. No disciplinary action or other~~
13 ~~recrimination shall be taken against a public safety officer~~
14 ~~refusing to submit to a lie detector test, nor shall any~~
15 ~~comment be entered anywhere in the investigator's notes~~
16 ~~or anywhere else that the public safety officer refused to~~
17 ~~take, or did not take, a lie detector test, nor shall any~~
18 ~~testimony or evidence be admissible at a subsequent~~
19 ~~hearing, trial, or proceeding, judicial or administrative, to~~
20 ~~the effect that the public safety officer refused to take, or~~
21 ~~was subjected to, a lie detector test.~~

22 ~~(c)~~
23 (b) For the purpose of this section, "lie detector"
24 means a polygraph, deceptograph, voice stress analyzer,
25 psychological stress evaluator, or any other similar device,
26 whether mechanical or electrical, that is used, or the
27 results of which are used, for the purpose of rendering a
28 diagnostic opinion regarding the honesty or dishonesty of
29 an individual.

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