

HB421 INTRODUCED



1 HB421
2 T4MI519-1
3 By Representatives Faulkner, Stringer, Pettus, Woods, Colvin,
4 Bolton, Hendrix, Bedsole, Treadaway
5 RFD: Public Safety and Homeland Security
6 First Read: 04-Apr-24



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SYNOPSIS:

Under existing law, during a polygraph examination, a polygraph examiner must use an instrument that records visually, permanently, and simultaneously a subject's cardiovascular pattern, respiratory pattern, and galvanic skin response.

This bill would create the definition of a "polygraph device" and would specify that a polygraph device does not include equipment or devices used for the purpose of computer voice stress analysis.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Polygraph Examiners Board; to amend Sections 34-25-2, 34-25-3, and 34-25-20, Code of Alabama 1975, to define "polygraph device"; to specify that a polygraph device does not include equipment or devices used for the purpose of computer voice stress analysis; and to make nonsubstantive, technical revisions to update the existing



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29 code language to current style.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. Sections 34-25-2, 34-25-3, and 34-25-20,
32 Code of Alabama 1975, are amended to read as follows:

33 "§34-25-2

34 For the purposes of this chapter, the following terms
35 ~~shall~~ have the following ~~respective~~ meanings ~~ascribed by this~~
36 ~~section~~:

37 (1) BOARD. The Polygraph Examiners Board.

38 (2) ~~CHAIRMAN~~CHAIR. ~~That~~ The member of the Polygraph
39 Examiners Board selected by the board to act as ~~chairman~~chair.

40 (3) INTERNSHIP. The study of polygraph examinations and
41 of the administration of polygraph examinations by a trainee
42 under the personal supervision and control of a polygraph
43 examiner in accordance with a course of study prescribed by
44 the board at the commencement of ~~such~~ the internship.

45 (4) PERSON. Any natural person, firm, association,
46 copartnership, or corporation.

47 (5) POLYGRAPH EXAMINER. Any person who uses
48 instrumentation described ~~herein~~ in this chapter to test or
49 question individuals for the purpose of detecting deception or
50 verifying truth of statements, or any person who holds himself
51 or herself out to be a ~~lie detector operator or polygraph~~
52 examiner, or any person who purports to be able to detect
53 deception or verify truth of statements ~~through~~
54 ~~instrumentation or the use of a mechanical device~~ utilizing a
55 polygraph instrument.

56 (6) POLYGRAPH DEVICE. An instrument that, at a minimum,



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57 records visually, permanently, and simultaneously a subject's
58 cardiovascular pattern, respiratory pattern, and galvanic skin
59 response. A polygraph device does not include equipment or
60 devices used for the purpose of computer voice stress
61 analysis."

62 "§34-25-3

63 (a) Every polygraph examiner shall use ~~an instrument~~
64 ~~which, as a minimum, records visually, permanently, and~~
65 ~~simultaneously:~~

66 ~~(1) A subject's cardiovascular pattern;~~

67 ~~(2) A subject's respiratory pattern; and~~

68 ~~(3) A subject's galvanic skin response~~ a polygraph

69 device during a polygraph examination.

70 (b) Patterns of other physiological changes ~~in addition~~
71 ~~to subdivisions (1), (2), and (3) of subsection (a)~~ may also
72 be recorded during a polygraph examination.

73 (c) The use of any ~~instrument or polygraph~~ device to
74 detect or to verify the truth of statements which does not
75 meet ~~these~~ minimum instrumentation requirements required in
76 Section 34-25-2 is ~~hereby~~ prohibited."

77 "§34-25-20

78 (a) It shall be unlawful for any person, including a
79 city, county, or state employee, to administer polygraph
80 examinations or attempt to hold himself or herself out as a
81 polygraph examiner without a license approved by the board and
82 issued by the board.

83 (b) It shall be unlawful for any person, including
84 city, county, or state employees, to administer polygraph



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85 examinations utilizing any polygraph device ~~or instrumentation~~
86 ~~which that~~ does not ~~comply with Section 34-25-3~~ meet the
87 requirements of Section 34-25-2."

88 Section 2. This act shall become effective on October
89 1, 2024.