

1 HB580  
2 151178-1  
3 By Representative Treadaway  
4 RFD: Public Safety and Homeland Security  
5 First Read: 09-APR-13

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8 SYNOPSIS: Under existing law, a polygraph examiner is  
9 required to obtain a license from the Polygraph  
10 Examiners Board and to use an instrument that, at a  
11 minimum, records visually, permanently, and  
12 simultaneously the cardiovascular, respiratory, and  
13 galvanic skin response of a person.

14 This bill would authorize the use of a  
15 computer voice stress analyzer for truth  
16 verification.

17 This bill would also exempt city, county,  
18 and state employees, acting within their official  
19 capacities, from licensure by the board.

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21 A BILL  
22 TO BE ENTITLED  
23 AN ACT

24  
25 To amend Sections 34-25-2, 34-25-3, and 34-25-20,  
26 Code of Alabama 1975, relating to the Polygraph Examiners  
27 Board; to authorize the use of a computer voice stress

1 analyzer for truth verification; and to exempt city, county,  
2 and state employees from licensure.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§34-25-2.

7 "For the purposes of this chapter, the following  
8 terms shall have the following respective meanings ascribed by  
9 this section:

10 "(1) BOARD. The Polygraph Examiners Board.

11 "(2) CHAIRMAN. That member of the Polygraph  
12 Examiners Board selected by the board to act as chairman.

13 "(3) INTERNSHIP. The study of polygraph examinations  
14 and of the administration of polygraph examinations by a  
15 trainee under the personal supervision and control of a  
16 polygraph examiner in accordance with a course of study  
17 prescribed by the board at the commencement of such  
18 internship.

19 "(4) PERSON. Any natural person, firm, association,  
20 copartnership, or corporation.

21 "(5) POLYGRAPH EXAMINER. Any person who uses  
22 instrumentation described herein to test or question  
23 individuals for the purpose of detecting deception or  
24 verifying truth of statements, ~~or any person who holds himself~~  
25 ~~out to be a lie detector operator or examiner, or any person~~  
26 ~~who purports to be able to detect deception or verify truth of~~

1 ~~statements through instrumentation or the use of a mechanical~~  
2 ~~device.~~

3 "§34-25-3.

4 "(a) Every polygraph examiner shall use an  
5 instrument which, as a minimum, records visually, permanently,  
6 and simultaneously all of the following:

7 "(1) A subject's cardiovascular pattern~~;~~.

8 "(2) A subject's respiratory pattern~~;~~~~and.~~

9 "(3) A subject's galvanic skin response.

10 "(b) Patterns of other physiological changes in  
11 addition to subdivisions (1), (2), and (3) of subsection (a)  
12 may also be recorded.

13 ~~"(c) The use of any instrument or device to detect~~  
14 ~~or to verify truth of statements which does not meet these~~  
15 ~~minimum instrumentation requirements is hereby prohibited.~~

16 "§34-25-20.

17 "(a) It shall be unlawful for any person, including  
18 excluding a city, county, or state employee acting within his  
19 or her official capacity, to administer polygraph examinations  
20 or attempt to hold himself or herself out as a polygraph  
21 examiner without a license approved by the board and issued by  
22 the board.

23 "(b) It shall be unlawful for any person, including  
24 excluding city, county, or state employees acting within their  
25 official capacities, to administer polygraph examinations  
26 utilizing any device or instrumentation which does not comply  
27 with Section 34-25-3."

1                   Section 2. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.