

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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4 SYNOPSIS:

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

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

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

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19 A BILL

20 TO BE ENTITLED

21 AN ACT

22
23 Relating to the Polygraph Examiners Board; to amend
24 Sections 34-25-2, 34-25-3, and 34-25-20, Code of Alabama 1975,
25 to define "polygraph device"; to specify that a polygraph
26 device does not include equipment or devices used for the
27 purpose of computer voice stress analysis; and to make
28 nonsubstantive, technical revisions to update the existing



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code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§34-25-2

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

(1) BOARD. The Polygraph Examiners Board.

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

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

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

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

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



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

"§34-25-3

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

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

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

~~(3) A subject's galvanic skin response~~ a polygraph device during a polygraph examination.

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

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

"§34-25-20

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

(b) It shall be unlawful for any person, including 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.