

**HB421 ENGROSSED**



1 HB421

2 T4MI519-2

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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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 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



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29 examiner in accordance with a course of study prescribed by  
30 the board at the commencement of ~~such~~ the internship.

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

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

42 (6) POLYGRAPH DEVICE. An instrument that, at a minimum,  
43 records visually, permanently, and simultaneously a subject's  
44 cardiovascular pattern, respiratory pattern, and galvanic skin  
45 response. A polygraph device does not include equipment or  
46 devices used for the purpose of computer voice stress  
47 analysis."

48 "§34-25-3

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

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

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

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

56 (b) Patterns of other physiological changes ~~in addition~~



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57 ~~to subdivisions (1), (2), and (3) of subsection (a) may also~~  
58 be recorded during a polygraph examination.

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

63 "§34-25-20

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

69 (b) It shall be unlawful for any person, including  
70 city, county, or state employees, to administer polygraph  
71 examinations utilizing any polygraph device ~~or instrumentation~~  
72 ~~which that~~ does not ~~comply with Section 34-25-3~~ meet the  
73 requirements of Section 34-25-2."

74 Section 2. This act shall become effective immediately.



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House of Representatives

Read for the first time and referred .....04-Apr-24  
to the House of Representatives  
committee on Public Safety and  
Homeland Security  
Read for the second time and placed .....11-Apr-24  
on the calendar:  
0 amendments  
Read for the third time and passed .....16-Apr-24  
as amended  
Yeas 102  
Nays 0  
Abstains 1

John Treadwell  
Clerk