

HB421 ENROLLED



1 HB421

2 T4MI519-3

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4 Bolton, Hendrix, Bedsole, Treadaway

5 RFD: Public Safety and Homeland Security

6 First Read: 04-Apr-24



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1 Enrolled, An Act,

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

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§34-25-2

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

17 (1) BOARD. The Polygraph Examiners Board.

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

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

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

27 (5) POLYGRAPH EXAMINER. Any person who uses
28 instrumentation described ~~herein~~in this chapter to test or



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29 question individuals for the purpose of detecting deception or
30 verifying truth of statements, or any person who holds himself
31 or herself out to be a lie detector operator or polygraph
32 examiner, or any person who purports to be able to detect
33 deception or verify truth of statements through
34 instrumentation or the use of a mechanical device utilizing a
35 polygraph instrument.

36 (6) POLYGRAPH DEVICE. An instrument that, at a minimum,
37 records visually, permanently, and simultaneously a subject's
38 cardiovascular pattern, respiratory pattern, and galvanic skin
39 response. A polygraph device does not include equipment or
40 devices used for the purpose of computer voice stress
41 analysis."

42 "§34-25-3

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

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

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

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

49 device during a polygraph examination.

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

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



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57 "§34-25-20

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

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

68 Section 2. This act shall become effective immediately.

