SENATE BILL NO. 2497

AN ACT TO AMEND SECTION 73-29-3, MISSISSIPPI CODE OF 1972, TO CLARIFY THE DEFINITION OF POLYGRAPH EXAMINER; TO AMEND SECTION 73-29-5, MISSISSIPPI CODE OF 1972, TO PERMIT OPERATION OF A COMPUTERIZED VOICE STRESS ANALYZER BY A LAW ENFORCEMENT OFFICER AS PART OF AN INVESTIGATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-29-3, Mississippi Code of 1972, is amended as follows:

73-29-3. In this chapter, unless the context requires a different definition:

"Board" means the Polygraph Examiners Board;

"Secretary" means that member of the Polygraph Examiners Board selected by the board to act as secretary;

"Internship" means 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 internship;

"Person" means any natural person, firm, association, copartnership or corporation; and

"Polygraph examiner" means any person who uses any device or instrument other than a computerized voice stress analyzer to test or question individuals for the purpose of verifying truth of statements.

SECTION 2. Section 73-29-5, Mississippi Code of 1972, is amended as follows:

73-29-5. (1) Every polygraph examiner shall use an instrument which records visually, permanently and simultaneously:
(a) a subject's cardiovascular pattern, and (b) a subject's respiratory pattern. Patterns of other physiological changes in addition to (a) and (b) may also be recorded.

(2) (a) Any law enforcement officer as defined in Section 45-6-3 who has received adequate training in the use thereof, upon consent of the subject, may utilize a computerized voice stress analyzer as an additional aid to investigation without being licensed under this chapter. The results or interpretation of any computerized voice stress analysis shall neither be admissible as evidence in a court of law nor constitute probable cause.

(b) For the purposes of this section, "adequate training" means certification, and recertification not less than every three (3) years thereafter, by one (1) of the following associations:

   (i) Midwest Association of Certified Voice Stress Examiners;

   (ii) Western States Association of Certified Voice Stress Examiners;

   (iii) Eastern States Association of Certified Voice Stress Examiners;

   (iv) National Institute for Truth Verification.

SECTION 3. This act shall take effect and be in force from and after July 1, 2001.