

By: Representative McBride

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 309

1 AN ACT TO AMEND SECTION 73-29-3, MISSISSIPPI CODE OF 1972, TO
2 EXCLUDE FROM THE DEFINITION OF "POLYGRAPH EXAMINER" A VOICE STRESS
3 ANALYZER; TO AMEND SECTION 73-29-5, MISSISSIPPI CODE OF 1972, TO
4 PROVIDE THAT A LAW ENFORCEMENT OFFICER WHO HAS HAD ADEQUATE
5 TRAINING IN THE USE OF A VOICE STRESS ANALYZER MAY USE SUCH
6 EQUIPMENT TO AID INVESTIGATIONS WITHOUT HAVING TO BE LICENSED BY
7 THE POLYGRAPH EXAMINERS LICENSE BOARD; AND FOR RELATED PURPOSES.

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

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

11 73-29-3. In this chapter, unless the context requires a
12 different definition:

13 "Board" means the Polygraph Examiners Board;

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

16 "Internship" means the study of polygraph examinations and of
17 the administration of polygraph examinations by a trainee under
18 the personal supervision and control of a polygraph examiner in
19 accordance with a course of study prescribed by the board at the
20 commencement of such internship;

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

23 "Polygraph examiner" means any person who uses any device or
24 instrument, except a voice stress analyzer, to test or question
25 individuals for the purpose of verifying truth of statements.

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

28 73-29-5. (1) Every polygraph examiner shall use an
29 instrument which records visually, permanently, and

30 simultaneously: (a) a subject's cardiovascular pattern and (b) a
31 subject's respiratory pattern. In addition, patterns of other
32 physiological changes * * * may also be recorded.

33 (2) (a) Any law enforcement officer as defined in Section
34 45-6-3 who has received adequate training in the use of a voice
35 stress analyzer, upon consent of the subject, may use a voice
36 stress analyzer as an additional aid to investigation without
37 being licensed as a polygraph examiner under this chapter. The
38 results or interpretation of any voice stress analysis shall
39 neither be admissible as evidence in a court of law nor constitute
40 probable cause.

41 (b) For the purposes of this subsection, "adequate
42 training" means certification as recommended by the manufacturer
43 of the voice stress analyzer.

44 **SECTION 3.** This act shall take effect and be in force from
45 and after July 1, 2004.