

By: Representative McBride

To: Judiciary B

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

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

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

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

14 "Board" means the Polygraph Examiners Board;

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

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

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

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

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

30 73-29-5. (1) Every polygraph examiner shall use an
31 instrument which records visually, permanently, and
32 simultaneously: (a) a subject's cardiovascular pattern and (b) a
33 subject's respiratory pattern. In addition, patterns of other
34 physiological changes * * * may also be recorded.

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

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

47 (i) Midwest Association of Certified Voice Stress
48 Examiners;

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

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

53 (iv) National Institute for Truth Verification;

54 (v) Southern States Association of Certified Voice
55 Stress Examiners.

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