

By: Senator(s) Jackson (15th)

To: Judiciary, Division B

SENATE BILL NO. 2038

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

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

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

9 73-29-3. In this chapter, unless the context requires a  
10 different definition:

11 "Board" means the Polygraph Examiners Board;

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

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

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

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

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

27 73-29-5. (1) Every polygraph examiner shall use an  
28 instrument which records visually, permanently and simultaneously:

29 (a) a subject's cardiovascular pattern, and (b) a subject's  
30 respiratory pattern. Patterns of other physiological changes in  
31 addition to (a) and (b) may also be recorded.

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

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

43 (i) Midwest Association of Certified Voice Stress  
44 Examiners;

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

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

49 (iv) Southern States Association of Certified  
50 Voice Stress Examiners; or

51 (v) National Institute for Truth Verification.

52 **SECTION 3.** This act shall take effect and be in force from  
53 and after July 1, 2005.