

By: Representative Hobgood-Wilkes

To: Judiciary B;  
Accountability, Efficiency,  
Transparency

## HOUSE BILL NO. 1603

1 AN ACT TO AMEND SECTIONS 73-29-1, 73-29-3, 73-29-5, 73-29-7,  
2 73-29-11, 73-29-13, 73-29-19, 73-29-21, 73-29-23, 73-29-25,  
3 73-29-27, 73-29-29, 73-29-31, 73-29-33, 73-29-35, 73-29-37,  
4 73-29-45 AND 73-29-47, MISSISSIPPI CODE OF 1972, WHICH ARE  
5 PROVISIONS OF "THE POLYGRAPH EXAMINERS LAW", TO RENAME THE LAW AS  
6 "THE POLYGRAPH AND COMPUTER VOICE STRESS ANALYZER EXAMINERS LAW";  
7 TO AUTHORIZE THE USE OF POLYGRAPH EXAMINATIONS OR COMPUTER VOICE  
8 STRESS ANALYZER (CVSA) TO VERIFY TRUTH IN STATEMENTS OR DETECTING  
9 DECEPTIONS MADE BY INDIVIDUALS SUBJECT TO SUCH EXAMINATIONS; TO  
10 CONFORM RELATED PROVISIONS RELATED TO THE EXAMINER'S BOARD,  
11 QUALIFICATIONS OF INDIVIDUALS TO BE LICENSED AS POLYGRAPH OR CVSA  
12 EXAMINERS, LICENSE RECIPROCITY, SCHEDULING OF FEES, TERMS OF  
13 LICENSE AND DISCIPLINARY ACTIONS AGAINST EXAMINERS LEADING TO THE  
14 DENIAL SUSPENSION OR REVOCATION OF SAID LICENSE, AND ILLEGAL  
15 ACTIVITIES OF EXAMINERS; TO BRING FORWARD SECTIONS 73-29-9,  
16 73-29-15, 73-29-17, 73-29-39, 73-29-41, 73-29-43, MISSISSIPPI CODE  
17 OF 1972, FOR PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED  
18 PURPOSES.

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

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

22 73-29-1. This chapter shall be known, and may be cited, as  
23 "the Polygraph and Computer Voice Stress Analyzer Examiners Law."

24 **SECTION 2.** Section 73-29-3, Mississippi Code of 1972, is  
25 amended as follows:



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

(a) "Board" means the polygraph examiners board;

(b) "Secretary" means that member of the polygraph examiners board selected by the board to act as secretary;

(c) "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;

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

(e) "Polygraph examiner" means any person who uses any device or instrument, including computer voice stress analyzers to test or question individuals for the purpose of verifying truth of statements.

(f) "Polygraph device" means an instrument that, at a minimum, records visually, permanently, and simultaneously a subject's cardiovascular pattern, respiratory pattern, and galvanic skin response.

(g) "Computer voice stress analyzer" or "CVSA," means an instrument that detects, measures, and displays changes in voice frequency, which can be recorded permanently and simultaneously.



(h) "CVSA examiner" means any person who uses a computer voice stress analyzer to question individuals for the purpose of detecting deception.

**SECTION 3.** Section 73-29-5, Mississippi Code of 1972, is amended as follows:

73-29-5. Every polygraph examiner shall use an instrument which:

(a) Records visually, permanently, and simultaneously:  
( \* \* \*i) A subject's cardiovascular pattern \* \* \*; and

( \* \* \*ii) A subject's respiratory pattern \* \* \*;  
or

(iii) Patterns of other physiological changes in addition to subparagraphs ( \* \* \*i) and ( \* \* \*ii) may also be recorded \* \* \*; or

(b) If he or she has formal training or is licensed as a CVSA examiner, may use computer voice stress analyzer instrument that detects, measures, and displays changes in voice frequency, which can be recorded permanently and simultaneously.

**SECTION 4.** Section 73-29-7, Mississippi Code of 1972, is amended as follows:

73-29-7. (1) There is hereby established a Polygraph and Computer Voice Stress Analyzer Examiners Board consisting of three (3) members who shall be citizens of the United States and residents of the state for at least two (2) years prior to



75 appointment and at the time of appointment are active polygraph or  
76 computer voice stress analyzer examiners. No two (2) board  
77 members may be employed by the same person or agency. At least  
78 one (1) member must be a qualified examiner of a governmental law  
79 enforcement agency, and shall be the supervisor of the polygraph  
80 or computer voice stress analyzer section of the Department of  
81 Public Safety, and at least one (1) member must be a qualified  
82 polygraph or computer voice stress analyzer examiner in the  
83 commercial field. The members shall be appointed by the Governor  
84 of the State of Mississippi with the advice and consent of the  
85 Senate for a term of six (6) years. The terms of office of  
86 members appointed to the initial board are one (1) for two (2)  
87 years; one (1) for four (4) years; and one (1) for six (6) years.  
88 Any vacancy in an unexpired term shall be filled by appointment of  
89 the Governor with the advice and consent of the Senate for the  
90 unexpired term.

91 (2) The board shall elect a chairman, vice chairman and  
92 secretary from among its members.

93 (3) The vote of a majority of the board members is  
94 sufficient for passage of any business or proposal which comes  
95 before the board.

96 (4) The members of the board shall receive \* \* \* per diem  
97 for each day spent in the actual discharge of their duties as  
98 authorized under Section 25-3-69 plus the expense allowance equal  
99 to the maximum daily expense rate allowable to employees of the



federal government for travel in the high rate geographical area  
of Jackson, Mississippi, as may be established by federal  
regulations, per day, including mileage as authorized by Section  
25-3-41.

(5) The Department of Public Safety is hereby authorized to provide the board with an appropriate office and such administrative and clerical services as may be necessary to carry out the board's responsibilities, including investigative and testing services, budgetary support and such other services and support deemed appropriate by the Commissioner of Public Safety.

**SECTION 5.** Section 73-29-9, Mississippi Code of 1972, is brought forward as follows:

73-29-9. (1) The board shall issue regulations consistent with the provisions of this chapter for the administration and enforcement of this chapter and shall prescribe forms which shall be issued in connection therewith.

(2) An order or a certified copy thereof, over the board seal and purporting to be signed by the board members, shall be prima facie proof that the signatures are the genuine signatures of the board members, and that the board members are fully qualified to act.

(3) All fees collected under the provisions of this chapter shall be paid to the Treasurer of the State of Mississippi. Funds necessary for the enforcement of this chapter and the administration of its provisions shall be appropriated by the



Legislature to the Department of Public Safety, but the funds so appropriated for a fiscal year shall not exceed the total amount of the fees which it is anticipated will be collected hereunder during such fiscal year, plus the amount of funds which were unexpended by the board for the next preceding fiscal year.

(4) The board shall, prior to November 1 of each year, submit to the Attorney General of Mississippi and the Legislature, a detailed, written report on all the activities of the board and all expenditures made by it during the preceding fiscal year ending June 30.

**SECTION 6.** Section 73-29-11, Mississippi Code of 1972, is amended as follows:

73-29-11. It shall be unlawful for any person, including a city, county or state employee, to administer polygraph or computer voice stress analyzer examinations or attempt to hold himself out as a polygraph examiner or CVSA examiner without a license approved by the board and issued by the board.

**SECTION 7.** Section 73-29-13, Mississippi Code of 1972, is amended as follows:

73-29-13. A person is qualified to receive a license as an examiner under this chapter:

- (1) Who is at least twenty-one (21) years of age;
- (2) Who is a citizen of the United States;
- (3) Who establishes that he is a person of honesty, truthfulness, integrity, and moral fitness;



(4) Who has not been convicted of a felony or a misdemeanor involving moral turpitude;

(5) Who holds a baccalaureate degree from a college or university accredited by the American Association of Collegiate Registrars and Admissions Officers or, in lieu thereof, has five (5) consecutive years of active investigative experience immediately preceding his application;

(6) Who is a graduate of a polygraph examiners or computer voice stress analyzer course approved by the board and has satisfactorily completed not less than six (6) months of internship training, provided that if the applicant is not a graduate of an approved polygraph or computer voice stress analyzer examiners course, satisfactory completion of not less than twelve (12) months of internship training may satisfy this subdivision; and

(7) Prior to the issuance of a license, the applicant must furnish to the board evidence of a surety bond or insurance policy. Said surety bond or insurance policy shall be in the sum of Five Thousand Dollars (\$5,000.00) and shall be conditioned that the obligor therein will pay to the extent of the face amount of such surety bond or insurance policy all judgments which may be recovered against the licensee by reason of any wrongful or illegal acts committed by him in the course of his examinations.

**SECTION 8.** Section 73-29-15, Mississippi Code of 1972, is brought forward as follows:



73-29-15. Applications for original licenses shall be made to the secretary of the board in writing under oath on forms prescribed by the board, to which forms must be affixed the applicant's fingerprints and a recent photograph, and shall be accompanied by the required fee which is not refundable. Any such application shall require such information as in the judgment of the board will enable it to pass on the qualifications of the applicant for a license.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

**SECTION 9.** Section 73-29-17, Mississippi Code of 1972, is brought forward as follows:

73-29-17. (a) Each nonresident applicant for an original license or a renewal license shall file with the board an irrevocable consent that actions against said applicant may be filed in any appropriate court of any county or municipality of this state in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose and that process on any such action may be served on the applicant by leaving two (2) copies thereof with the secretary. Such consent shall stipulate and agree that such service of process shall be taken and held to be valid and binding for all purposes. The secretary of the board shall send forthwith one (1)





copy of the process to the applicant at the address shown on the records of the board by registered or certified mail.

(b) Nonresident applicants must satisfy the requirements of Section 73-29-13, and furnish also a recent photograph and fingerprints.

**SECTION 10.** Section 73-29-19, Mississippi Code of 1972, is amended as follows:

73-29-19. An applicant who is a polygraph examiner or CVSA examiner licensed under the laws of another state or territory of the United States may be issued a license upon payment of a fee of Fifty Dollars (\$50.00) and the production of satisfactory proof that:

- (1) He is at least twenty-one (21) years of age;
- (2) He is a citizen of the United States;
- (3) He is of good moral character;
- (4) The requirements for the licensing of polygraph examiners or CVSA examiners in such particular state or territory of the United States were, at the date of the applicant's licensing therein, substantially equivalent to the requirements now in force in this state;

- (5) The applicant had lawfully engaged in the administration of polygraph or computer voice stress analyzer examinations under the laws of such state or territory for at least two (2) years prior to his application for license hereunder;



(6) Such other state or territory grants similar reciprocity to license holders of this state; and

(7) He has complied with Section 73-29-17.

The issuance of a license by reciprocity to a military-trained applicant, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

**SECTION 11.** Section 73-29-21, Mississippi Code of 1972, is amended as follows:

73-29-21. (a) Upon approval by the board, the secretary shall issue an internship license to a trainee provided he applies for such license and pays the required fee within ten (10) days prior to the commencement of his internship. The application shall contain \* \* \* any information as may be required by the board.

(b) An internship license shall be valid for the term of twelve (12) months from the date of issue. \* \* \* The license may be extended or renewed for any term not to exceed six (6) months upon good cause shown to the board.

(c) A trainee shall not be entitled to hold an internship license after the expiration of the original twelve-month period and six-month extension if such extension is granted by the board until twelve (12) months after the date of expiration of the last internship license held by \* \* \* the trainee.



(d) If a polygraph examiner or CVSA examiner is not available to personally supervise a trainee in the internship program, then a member of the board shall supervise and sponsor the trainee.

**SECTION 12.** Section 73-29-23, Mississippi Code of 1972, is amended as follows:

73-29-23. The fee to be paid for an original polygraph examiner's or computer voice stress analyzer's (CVSA) examiner's license is Fifty Dollars (\$50.00).

The fee to be paid for an internship license is Thirty Dollars (\$30.00).

The fee to be paid for the issuance of a duplicate polygraph examiner's or CVSA examiner's license is Ten Dollars (\$10.00).

The fee to be paid for a polygraph examiner's or CVSA examiner's renewal license is Fifty Dollars (\$50.00).

The fee to be paid for the extension or renewal of an internship license is Twenty-Five Dollars (\$25.00).

The fee to be paid for a duplicate internship license is Ten Dollars (\$10.00).

The fees required by this chapter may be paid by the governmental agency employing the examiner.

**SECTION 13.** Section 73-29-25, Mississippi Code of 1972, is amended as follows:

73-29-25. A license or duplicate license must be prominently displayed at the place of business of the polygraph examiner,



computer voice stress analyzer examiner or at the place of  
internship. Each license shall be signed by the board members and  
shall be issued under the seal of the board.

**SECTION 14.** Section 73-29-27, Mississippi Code of 1972, is  
amended as follows:

73-29-27. Notice in writing shall be given to the secretary  
by the licensed polygraph or computer voice stress analyzer  
examiner of any change of principal business location within  
thirty (30) days of the time he changes the location. A change of  
business location without notification to the secretary shall  
automatically suspend the license theretofore issued.

**SECTION 15.** Section 73-29-29, Mississippi Code of 1972, is  
amended as follows:

73-29-29. Except as provided in Section 33-1-39, each  
polygraph examiner's license and CVSA examiner's license shall be  
issued for the term of one (1) year and shall, unless suspended or  
revoked, be renewed annually as prescribed by the board \* \* \*.  
However, \* \* \* licenses issued from and after July 1, 1994, shall  
be issued for terms of two (2) years and shall, unless suspended  
or revoked, be renewed as prescribed by the board. No license  
shall be renewed unless the board receives satisfactory proof of  
such continuing education as it by regulation requires.

**SECTION 16.** Section 73-29-31, Mississippi Code of 1972, is  
amended as follows:



73-29-31. (1) The board may refuse to issue or may suspend or revoke a license on any one or more of the following grounds:

(a) For failing to inform a subject to be examined as to the nature of the examination;

(b) For failing to inform a subject to be examined that his participation in the examination is voluntary;

(c) Material misstatement in the application for original license or in the application for any renewal license under this chapter;

(d) Willful disregard or violation of this chapter or of any regulation or rule issued pursuant thereto, including, but not limited to, willfully making a false report concerning an examination for polygraph or computer voice stress analyzer examination purposes;

(e) If the holder of any license has been adjudged guilty of the commission of a felony or a misdemeanor involving moral turpitude;

(f) Making any willful misrepresentation or false promises or causing to be printed any false or misleading advertisement for the purpose of directly or indirectly obtaining business or trainees;

(g) Having demonstrated unworthiness or incompetency to act as a polygraph or computer voice stress analyzer examiner as defined by this chapter;



(h) Allowing one's license under this chapter to be used by any unlicensed person in violation of the provisions of this chapter;

(i) Willfully aiding or abetting another in the violation of this chapter or any regulation or rule issued pursuant thereto;

(j) Where the license holder has been adjudged by a court of competent jurisdiction as habitual drunkard, mentally incompetent, or in need of a conservator;

(k) Failing, within a reasonable time, to provide information requested by the secretary as the result of a formal complaint to the board which would indicate a violation of this chapter;

(l) Failing to inform the subject of the results of the examination if so requested; or

(m) With regard to any polygraph examiner or CVSA examiner employed for a fee and not employed by a governmental law enforcement agency or the Mississippi Department of Corrections:

(i) Requiring a subject, prior to taking the examination or as a condition of receiving the results of the examination, to waive any rights or causes of action he may have or which may accrue in favor of the subject arising out of or resulting from the administration of the examination; except the examiner may require, prior to the examination or as a condition of receiving the results of the examination, a subject to waive



any rights or causes of action that may accrue against the examiner as a result of any use made of the results of the examination by the person who employed the examiner;

(ii) Requiring a subject to acknowledge that his examination is not done for purposes of employment when, in fact, the results of the examination are to be submitted to an employer or an agent of an employer; or

(iii) Reporting the results of an examination to any person not authorized to receive the results of the examination except for the person who employed the examiner, unless authorized in writing by the subject.

(2) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.



370           **SECTION 17.** Section 73-29-33, Mississippi Code of 1972, is  
371 amended as follows:

372           73-29-33. Any unlawful act or violation of any of the  
373 provisions of this chapter on the part of any polygraph examiner  
374 or trainee or CVSA examiner or trainee shall not be cause for  
375 revocation of the license of any other polygraph examiner or CVSA  
376 examiner for whom the offending examiner or trainee may have been  
377 employed, unless it shall appear to the satisfaction of the board  
378 that the polygraph examiner-employer or CVSA examiner-employer  
379 has \* \* \* willfully or negligently aided or abetted the illegal  
380 actions or activities of the offending polygraph examiner or  
381 trainee or CVSA examiner or trainee.

382           **SECTION 18.** Section 73-29-35, Mississippi Code of 1972, is  
383 amended as follows:

384           73-29-35. Each polygraph examiner and or CVSA examiner shall  
385 register with the Secretary of State of the State of Mississippi  
386 and with the circuit clerk in the county wherein he or she  
387 maintains a business address. The circuit clerk of each county  
388 shall maintain a list of all polygraph and CVSA examiners  
389 registered in his or her county.

390           **SECTION 19.** Section 73-29-37, Mississippi Code of 1972, is  
391 amended as follows:

392           73-29-37. (a) When there is cause to refuse an application  
393 or to suspend or revoke the license of any polygraph examiner or  
394 CVSA examiner, the board shall, not less than thirty (30) days





395 before refusal, suspension, or revocation action is taken, notify  
396 such person in writing, in person, or by certified mail at the  
397 last address supplied to the board by such person, of such  
398 impending refusal, suspension, or revocation, the reasons  
399 therefor, and of his right to an administrative hearing for the  
400 purpose of determining whether or not the evidence is sufficient  
401 to warrant the refusal, suspension, or revocation action proposed  
402 to be taken by the board. If, within twenty (20) days after the  
403 personal service of such notice or such notice has been deposited  
404 in the United States mail, such person has not made a written  
405 request to the board for this administrative hearing, the board is  
406 authorized to suspend or revoke the polygraph examiner's license  
407 or CVSA examiner's license of such person without a hearing. Upon  
408 receipt by the board of such written request of such person within  
409 the twenty-day period as set out above, an opportunity for an  
410 administrative hearing shall be afforded as early as is  
411 practicable. In no case shall the hearing be held less than ten  
412 (10) days after written notification thereof, including a copy of  
413 the charges, shall have been given the person by personal service  
414 or by certified mail sent to the last address supplied to the  
415 board by the applicant or licensee. The administrative hearing in  
416 such cases shall be before the board.

417 (b) The board shall conduct the administrative hearings and  
418 it is authorized to administer oaths and issue subpoenas for the  
419 attendance of witnesses and the production of relevant books,



papers, documents, etc. On the basis of the evidence submitted at the hearing, the board shall take whatever action it deems necessary in refusing the application or suspending or revoking the license.

**SECTION 20.** Section 73-29-39, Mississippi Code of 1972, is brought forward as follows:

73-29-39. Any person dissatisfied with the action of the board in refusing his application or suspending or revoking his license, or any other action of the board, may appeal the action of the board by filing a petition within thirty (30) days thereafter in the circuit court in the county where the person resides or in the Circuit Court of Hinds County, Mississippi, and the court is vested with jurisdiction and it shall be the duty of the court to set the matter for hearing upon ten (10) days' written notice to the board and the attorney representing the board. The court in which the petition of appeal is filed shall determine whether or not a cancellation or suspension of a license shall be abated until the hearing shall have been consummated with final judgment thereon or whether any other action of the board should be suspended pending hearing, and enter its order accordingly, which shall be operative when served upon the board, and the court shall provide the attorney representing the board with a copy of the petition and order. Except as otherwise authorized in Section 7-5-39, the board shall be represented in such appeals by the district or county attorney of the county or



the Attorney General, or any of their assistants. The board shall initially determine all facts, but the court upon appeal shall set aside the determination of the board if the board's determination (1) is not based upon substantial evidence upon the entire record; (2) is arbitrary or capricious; (3) is in violation of statutory requirements; or (4) was made without affording to licensee or applicant due process of law.

Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section.

**SECTION 21.** Section 73-29-41, Mississippi Code of 1972, is brought forward as follows:

73-29-41. Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license or licenses to the secretary; failure of a licensee to do so shall be a violation of this chapter and upon conviction, shall be subject to the penalties hereinafter set forth. At any time after the suspension or revocation of any license, the secretary shall restore it to the former licensee, upon the written recommendations of the board.



469           **SECTION 22.** Section 73-29-43, Mississippi Code of 1972, is  
470 brought forward as follows:

471           73-29-43. If any person violates any provisions of this  
472 chapter, the secretary shall, upon direction of a majority of the  
473 board, in the name of the State of Mississippi, through the  
474 Attorney General of the State of Mississippi, except as otherwise  
475 authorized in Section 7-5-39, apply in any chancery court of  
476 competent jurisdiction, for an order enjoining such violation or  
477 for an order enforcing compliance with this chapter. Upon the  
478 filing of a verified petition in the court, the court, or any  
479 judge thereof, if satisfied by affidavit or otherwise that the  
480 person has violated this chapter, may issue a temporary  
481 injunction, without notice or bond, enjoining such continued  
482 violation and if it is established that the person has violated or  
483 is violating this chapter, the court, or any judge thereof, may  
484 enter a decree perpetually enjoining the violation or enforcing  
485 compliance with this chapter. In case of violation of any order  
486 or decree issued under the provisions of this section, the court,  
487 or any judge thereof, may try and punish the offender for contempt  
488 of court. Proceedings under this section shall be in addition to,  
489 and not in lieu of, all other remedies and penalties provided by  
490 this chapter.

491           **SECTION 23.** Section 73-29-45, Mississippi Code of 1972, is  
492 amended as follows:



493           73-29-45. Any person who violates any provision of this  
494 chapter or any person who falsely states or represents that he has  
495 been or is a polygraph examiner or trainee or computer voice  
496 stress analyzer examiner or trainee shall be guilty of a  
497 misdemeanor and upon conviction thereof shall be punished by a  
498 fine of not less than one hundred dollars (\$100.00) nor more than  
499 one thousand dollars (\$1,000.00) or by imprisonment in the county  
500 jail for a term of not to exceed six (6) months, or both.

501           **SECTION 24.** Section 73-29-47, Mississippi Code of 1972, is  
502 amended as follows:

503           73-29-47. Nothing in this chapter shall be construed as  
504 permitting the results of truth examinations \* \* \*, polygraph  
505 examinations or computer voice stress analyzer examinations to be  
506 introduced or admitted as evidence in a court of law.

507           **SECTION 25.** This act shall take effect and be in force from  
508 and after July 1, 2025.

