

State of Arkansas

76th General Assembly

Regular Session, 1987

AS ENGROSSED 3/5/87

HOUSE BILL 1775

By: Representatives McJunkin and Hinshaw

"AN ACT TO PROVIDE FOR THE LICENSURE OF VOICE STRESS ANALYSIS EXAMINERS BY THE ARKANSAS BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES; TO PRESCRIBE THE QUALIFICATIONS OF AND REQUIREMENTS FOR LICENSURE OF VOICE STRESS ANALYSIS EXAMINERS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. For purposes of this Act, the term:

(a) "Board" means the Arkansas Board of Private Investigators and Private Security Agencies created by Act 429 of 1977.

(b) "Voice stress analysis examiner" means an individual who has been trained in the operation of a voice stress analysis machine and who maintains a current certificate from a recognized training facility.

(c) "Voice stress analysis" means the procedure for analyzing the responses of an individual to a specific set of questions.

(d) "Voice stress analysis machine" means a device which has the ability to electronically analyze the responses of an individual to a specific set of questions and to record the analysis, both digitally and on a graph.

SECTION 2. It is unlawful for any person to engage in conducting a voice stress analysis unless such person has qualified for and obtained a license as a voice stress analysis examiner from the Arkansas Board of Private Investigators and Private Security Agencies.

SECTION 3. Any person desiring to be licensed as a voice stress analysis examiner shall make application for licensure to the Board and shall submit with such application proof satisfactory to the Board that the applicant:

(a) is at least twenty-one years of age,

- (b) is a citizen of the United States,
- (c) is a person of honesty, truthfulness, integrity and moral fitness,
- (d) has not been convicted of a felony or a misdemeanor involving moral turpitude,
- (e) holds a baccalaureate degree from a college or university accredited by the American Association of Collegiate Registrars and Admissions, or in lieu thereof has had five (5) years of investigative experience with a law enforcement agency,
- (f) has completed a course of training offering a certification in the operation of the voice stress analysis machine and submits a copy of such certification with the application,
- (g) has posted a surety bond or insurance policy in the amount of one thousand dollars (\$1,000), or proof that such individual is covered by a business insurance policy.

In addition, each such application shall be accompanied by an examination or qualification fee of twenty dollars (\$20.00) which shall be credited against the license fee of the applicant if the applicant is issued a license.

SECTION 4. The Board shall collect the following fees:

- (a) For an original voice stress analysis examiner's license, a fee of sixty dollars (\$60.00).
- (b) For the annual renewal of a voice stress analysis examiner's license, a fee of twenty-five dollars (\$25.00).
- (c) For the issuance of a duplicate voice stress analysis examiner's license, a fee of ten dollars (\$10.00).

SECTION 5. Each person or entity using or proposing to use a voice stress analysis machine shall, in order to insure that the equipment to be used meets minimum requirements, furnish to the Board:

- (a) the make and model of the machine, and
- (b) the serial number of the particular machine.

SECTION 6. A voice stress analysis shall be conducted only in person or from a legally recorded conversation. If the test is to be conducted through an in-person interview, written permission for the test must be obtained from the person to be tested. If the test is to be conducted from a recorded con-

versation, the conversation may either be recorded with the individual present or by use of a recorded telephone conversation. In either event, the examiner shall obtain the permission of the individual to be tested to interview and record the responses of the individual and to analyze the individual responses. In each case, the individual's verbal permission shall be recorded as a part of the interview.

SECTION 7. The board may refuse to issue or may suspend or revoke a license on any one (1) or more of the following grounds:

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

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

(3) material misstatement in the application for original license or in the application for any renewal license under this Act;

(4) wilful disregard or violation of this Act or of any regulation or rule issued pursuant thereto, including, but not limited to, wilfully making a false report concerning an examination for voice stress analysis examination purposes;

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

(6) making any wilful 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;

(7) having demonstrated unworthiness or incompetency to act as a voice stress analysis examiner as defined by this Act;

(8) allowing one's license under this Act to be used by any unlicensed person in violation of the provisions of this Act;

(9) wilfully aiding or abetting another in the violation of this Act or any regulation or rule issued pursuant thereto;

(10) where the license holder has been adjudged as habitual drunkard or mentally incompetent as provided in the Probate Code;

(11) 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 Act; or

(12) failing to inform the subject of the results of the examination if

so requested.

SECTION 8. Nothing contained herein shall be construed to permit the results of any voice stress analysis examination to be introduced or admitted as evidence in any criminal proceeding.

SECTION 9. Any person who on the effective date of this Act is actively engaged in the operation of a voice stress analysis machine and who meets the requirements set forth for an examiner in this Act, shall, upon application therefor and payment of the fees prescribed herein, be issued a license as a voice stress analysis examiner.

SECTION 10. All laws and parts of laws in conflict with this Act are hereby repealed.

/s/ Louis McJunkin et al

