

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1843

5 By: Representative Tosh
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For An Act To Be Entitled

8 AN ACT CONCERNING VOICE STRESS EXAMINERS; AND FOR
9 OTHER PURPOSES.
10

Subtitle

11 CONCERNING VOICE STRESS EXAMINERS.
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. Arkansas Code § 17-39-304(6), concerning one of the
19 requirements to become a voice stress examiner, is amended to read as
20 follows:

21 (6) Holds a baccalaureate degree from a college or university
22 that is accredited by an accrediting agency approved by the United States
23 Secretary of Education or has at least five (5) years of active law
24 enforcement or correctional employee experience;
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26 SECTION 2. Arkansas Code § 17-39-306 is amended to read as follows:

27 17-39-306. Grounds for denying, suspending, or revoking licenses.

28 The Director of the Division of Arkansas State Police may deny,
29 suspend, or revoke a license of a certified voice stress analysis examiner on
30 one (1) or more of the following grounds:

31 (1) Failure of a certified voice stress analysis examiner before
32 conducting a voice stress analysis examination to inform a subject to be
33 examined of the nature of the voice stress analysis examination;

34 (2) Failure of a certified voice stress analysis examiner before
35 conducting a voice stress analysis examination to inform a subject to be
36 examined that the subject's participation in the voice stress analysis



1 examination is voluntary;

2 (3) Failure of a certified voice stress analysis examiner to
3 inform the subject of a voice stress analysis examination of the results of
4 the examination, if so requested;

5 (4) Failure to meet the qualifications for licensure under this
6 subchapter;

7 (5) Material misstatement in the application for licensure under
8 this subchapter;

9 (6) Failure by an applicant for licensure as a certified voice
10 stress analysis examiner or by a licensed certified voice stress analysis
11 examiner to demonstrate the ability to act as a certified voice stress
12 analysis examiner;

13 (7) Allowance of another person by a licensed certified voice
14 stress analysis examiner to use the license or the license photo
15 identification card issued under this subchapter;

16 (8) An applicant's or a licensed certified voice stress analysis
17 examiner's knowing disregard or violation of this subchapter or of any rule
18 issued under this subchapter, including without limitation knowingly making a
19 false report concerning the results of a voice stress analysis examination;

20 (9) An applicant's or a licensed certified voice stress analysis
21 examiner's knowingly aiding or abetting another person in the violation of
22 this subchapter or a rule issued under this subchapter;

23 (10) Failure by an applicant for licensure as a certified voice
24 stress analysis examiner or by a licensed certified voice stress analysis
25 examiner to provide within a reasonable time information requested by the
26 director as the result of a formal complaint that may indicate a violation of
27 this subchapter or a rule issued under this subchapter; ~~or~~

28 (11) Arrest or indictment of an applicant for licensure as a
29 certified voice stress analysis examiner or of a licensed certified voice
30 stress analysis examiner for a felony, Class A misdemeanor, crime involving
31 an act of violence, a crime involving moral turpitude, or an offense of
32 comparable level if the offense occurred in another state; or

33 (12) Failure of a certified voice stress analysis examiner to
34 discuss how the results of the voice stress analysis exam will be used with
35 the subject of the voice stress analysis exam.

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1 SECTION 3. Arkansas Code § 17-39-308 is amended to read as follows:
 2 17-39-308. Conduct of voice stress analysis examination.

3 (a) Except as provided in subsection (d) of this section, a voice
 4 stress analysis examination shall be conducted only in person.

5 (b) Before undergoing the voice stress analysis examination, the
 6 subject of the voice stress analysis examination shall provide his or her
 7 written permission.

8 (c) The certified voice stress analysis examiner shall record and
 9 analyze the responses of the subject of the voice stress analysis
 10 examination.

11 (d)(1) A certified law enforcement officer or correctional employee
 12 who is a full-time employee of a law enforcement or correctional agency and
 13 who is acting in the course of his or her employment for the law enforcement
 14 agency may conduct a voice stress analysis examination from a legally
 15 recorded conversation.

16 (2) If the voice stress analysis examination is conducted under
 17 subdivision (d)(1) of this section:

18 (A) The conversation may be recorded:

19 (i) In person; or

20 (ii) By telephone; and

21 (B) The certified law enforcement officer or correctional
 22 employee shall ensure compliance with subsection (b) of this section.

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