

Stricken language would be deleted from and underlined language would be added to present law.

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

As Engrossed: H4/12/21

A Bill

HOUSE BILL 1843

5 By: Representatives Tosh, *Wardlaw*
6

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 § 17-39-305(a)(2), concerning licensing fees,
27 is amended to read as follows:

28 (2) A certified law enforcement officer or correctional employee
29 who is a full-time employee of a law enforcement agency or correctional
30 agency and who is applying for his or her license as a certified voice stress
31 analysis examiner to be used solely in conjunction with his or her employment
32 is not required to pay the fee under subdivisions (a)(1)(A) and (B) of this
33 section.
34

35 SECTION 3. Arkansas Code § 17-39-306 is amended to read as follows:

36 17-39-306. Grounds for denying, suspending, or revoking licenses.



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

4 (1) Failure of a certified voice stress analysis examiner before
5 conducting a voice stress analysis examination to inform a subject to be
6 examined of the nature of the voice stress analysis examination;

7 (2) Failure of a certified voice stress analysis examiner before
8 conducting a voice stress analysis examination to inform a subject to be
9 examined that the subject's participation in the voice stress analysis
10 examination is voluntary;

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

14 (4) Failure to meet the qualifications for licensure under this
15 subchapter;

16 (5) Material misstatement in the application for licensure under
17 this subchapter;

18 (6) Failure by an applicant for licensure as a certified voice
19 stress analysis examiner or by a licensed certified voice stress analysis
20 examiner to demonstrate the ability to act as a certified voice stress
21 analysis examiner;

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

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

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

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

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

6 (12) Failure of a certified voice stress analysis examiner to
7 discuss how the results of the voice stress analysis exam will be used with
8 the subject of the voice stress analysis exam.

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10 SECTION 4. Arkansas Code § 17-39-308 is amended to read as follows:

11 17-39-308. Conduct of voice stress analysis examination.

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

14 (b) Before undergoing the voice stress analysis examination, the
15 subject of the voice stress analysis examination shall provide his or her
16 written permission.

17 (c) The certified voice stress analysis examiner shall record and
18 analyze the responses of the subject of the voice stress analysis
19 examination.

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

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

27 (A) The conversation may be recorded:

28 (i) In person; or

29 (ii) By telephone; and

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

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33 SECTION 5. Arkansas Code § 17-39-309(e), concerning background checks,
34 is amended to read as follows:

35 (e) This section does not apply to a certified law enforcement officer
36 or correctional employee who is a full-time employee of a law enforcement

1 *agency or correctional agency and who is applying for licensure as a*
2 *certified voice stress analysis examiner for the purpose of the full-time*
3 *employment with the law enforcement agency.*

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/s/Tosh