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HOUSE BILL NO. 1613

Offered January 14, 2009

Prefiled November 14, 2008

A BILL to amend and reenact §§ 54.1-1801 and 54.1-1805 of the Code of Virginia, relating to professions and occupations; regulation of polygraph examiners.

Patron—Wright

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-1801 and 54.1-1805 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-1801. Licenses; exception for law-enforcement officers.

A. All polygraph examiners, except for federal, state, or local law-enforcement officers acting in accordance with subsection B of § 54.1-1805, shall be licensed pursuant to this chapter.

B. No person, other than a federal, state, or local law-enforcement officer acting in accordance with subsection B of § 54.1-1805, shall operate any instrument or device to detect deception or verify the truth of statements that does not meet the minimum instrumentation requirements set forth in § 54.1-1805 or use any title or make any representation tending to indicate that he is qualified to detect deception or verify the truth of statements through the use of such instrument or device.

§ 54.1-1805. Instrument to be used.

A. Each examiner shall use an instrument which that records permanently and simultaneously the subject's cardiovascular and respiratory patterns as minimum standards, but such an instrument may record additional physiological changes pertinent to the determination of truthfulness.

B. The use of any instrument to detect deception or verify the truth of statements that does not meet the minimum instrumentation requirements set forth in this section or the regulations of the Director is prohibited. The provisions of this subsection shall not apply to the use of such instrument by a federal, state, or local law-enforcement officer in the course of his employment with his law-enforcement agency where the officer is certified by the manufacturer of such instrument to operate such instrument.

INTRODUCED

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