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HOUSE BILL NO. 1613**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Militia, Police and Public Safety
on January 30, 2009)

(Patron Prior to Substitute—Delegate Wright)

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.

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 as provided in subsection B*, shall be licensed pursuant to this chapter.

B. *A federal, state, or local law-enforcement officer not licensed pursuant to this chapter may operate, in the course of his employment with his law-enforcement agency, 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 so long as such officer is certified by the manufacturer of such instrument to operate such instrument. However, no law-enforcement officer shall use such instrument or device for internal or pre-employment investigations.*

§ 54.1-1805. Instrument to be used.

~~Each~~ *Except as provided in subsection B of § 54.1-1801, 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.*