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HOUSE BILL NO. 1613**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Governor
on February 26, 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; exception.*

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 the instrument or device is approved for use by the Director and the officer is certified to operate the instrument or device by the manufacturer.

§ 54.1-1805. Instrument to be used.

A. ~~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.

B. In addition, the Director may approve the use of other instruments that record physiological changes pertinent to the determination of truthfulness or the verification of the truth of statements, including a computer voice stress analyzer, by examiners licensed under this chapter under such conditions under such conditions as determined by the Director. Such conditions shall include a provision requiring the examiner, prior to the use of such instrument, to (i) complete a Director-approved training course on the operation of the instrument and (ii) be certified by the manufacturer on the use of such instrument.