

# SENATE BILL No. 666

September 16, 2003, Introduced by Senators VAN WOERKOM, BIRKHOLZ, GARCIA and ALLEN and referred to the Committee on Judiciary.

A bill to amend 1972 PA 295, entitled "Forensic polygraph examiners act," by amending sections 2, 4, and 8 (MCL 338.1702, 338.1704, and 338.1708).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. (1) ~~A~~ Except as otherwise provided in subsection  
2 (2), a person who purports to be able to detect deception ~~,~~ or  
3 verify truthfulness through instrumentation, or who purports to  
4 offer or have available such services, ~~shall~~ is not ~~be held~~  
5 exempt from ~~the provisions of~~ this act because of the  
6 terminology ~~which~~ he or she may use to refer to himself or  
7 herself, to his or her instrumentation, or to his or her  
8 services.

9       (2) This act does not prevent a person licensed under the  
10 truth verification technology act from using any truth

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1 verification technology allowable under that act.

2       Sec. 4. (1) ~~A~~ Except as otherwise provided in subsection  
3 (2), a person shall not use ~~,~~ or attempt to use any instrument  
4 or device for the purpose of detecting deception ~~,~~ or verifying  
5 truthfulness, or for the purpose of assisting in the reporting of  
6 a diagnostic opinion as to ~~either of these~~ detecting deception  
7 or verifying truthfulness, unless ~~such~~ the instrument or  
8 device, as minimum standards, ~~shall be~~ is capable of recording  
9 visually, permanently, and simultaneously indications of a  
10 person's cardiovascular pattern and ~~changes therein, and a~~  
11 ~~person's~~ respiratory pattern and changes ~~therein~~ in those  
12 patterns. Indications of other psychophysiological changes or  
13 bodily responses in addition may also be recorded. The  
14 operation, use, or attempted use of any instrument or device for  
15 the purposes described ~~which~~ in this subsection that does not  
16 meet these minimum requirements ~~shall be~~ is subject to  
17 penalties prescribed by this act and may be enjoined as provided  
18 in this act.

19       (2) This section does not prevent a person licensed under the  
20 truth verification technology act from using any truth  
21 verification technology allowable under that act.

22       Sec. 8. (1) A person, including city, county, or state  
23 employees, shall not use or attempt to use any instrumentation or  
24 mechanical device for ~~the purpose of detecting~~ any of the  
25 following purposes without first obtaining a license under this  
26 act:

27       (a) To detect deception ~~,~~ ~~verifying~~ or verify truthfulness

1 or ~~reporting~~ **report** a diagnostic opinion regarding ~~either of~~  
2 ~~these, purport to~~ **detecting deception or verifying truthfulness.**

3 (b) To detect deception or verify truthfulness through  
4 instrumentation or mechanical devices. →

5 (c) To advertise or represent ~~that he can or does offer~~  
6 **the offering of** the service of detecting deception, verifying  
7 truthfulness, or reporting a diagnostic opinion regarding an  
8 individual's deception or truthfulness through instrumentation or  
9 mechanical devices. →

10 (d) To attempt to hold himself **or herself** out as a polygraph  
11 examiner or refer to himself **or herself** by any terminology  
12 ~~which~~ **that** would indicate or convey the impression that he **or**  
13 **she** can or does purport to detect deception or verify  
14 truthfulness through instrumentation. → ~~or~~

15 (e) To use any of the technical descriptive terminology  
16 peculiar to, or interchangeable with, the administration of  
17 polygraph examinations, the interpretation ~~thereof~~ **of polygraph**  
18 **examinations**, or the detection of deception and the verification  
19 of truthfulness resulting ~~therefrom without first securing a~~  
20 ~~license as provided in this act~~ **from a polygraph examination.**

21 (2) **This act does not require a person licensed under the**  
22 **truth verification technology act to obtain a license under this**  
23 **act so long as the person does not use any term or title**  
24 **protected by this act.**

25 Enacting section 1. This amendatory act takes effect  
26 September 1, 2004.

27 Enacting section 2. This amendatory act does not take

1 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
2 (request no. 02784'03) of the 92nd Legislature is enacted into  
3 law.