

AN ACT concerning detection of deception.

Be it enacted by the People of the State of Illinois,
represented in the General Assembly:

Section 5. The Detection of Deception Examiners Act is
amended by changing Sections 1 and 4 as follows:

(225 ILCS 430/1) (from Ch. 111, par. 2401)

(Section scheduled to be repealed on January 1, 2012)

Sec. 1. Definitions. As used in this Act, unless the
context otherwise requires:

"Detection of Deception Examination", hereinafter
referred to as "Examination" means any examination in which a
device or instrument is used to test or question individuals
for the purpose of evaluating truthfulness or untruthfulness.

"Examiner" means any person licensed under this Act.

"Person" includes any natural person, partnership,
association, corporation or trust.

"Department" means the Department of Professional
Regulation of the State of Illinois.

"Director" means the Director of Professional Regulation
of the State of Illinois.

"Him" means both the male and female gender.

"Law enforcement agency" means an agency of the State or
a unit of local government that is vested by law or ordinance
with the power to maintain public order and to enforce
criminal laws and ordinances.

(Source: P.A. 92-453, eff. 8-21-01.)

(225 ILCS 430/4) (from Ch. 111, par. 2404)

(Section scheduled to be repealed on January 1, 2012)

Sec. 4. Registration or license required; exceptions.

(a) It is unlawful for any person to administer

detection of deception examinations, or attempt to hold himself out as an Examiner, unless registered or licensed by the Department. However, this shall not prohibit the use of detection of deception equipment by a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 when the results are to be used in research.

(b) Nothing in this Act prohibits the use of a voice stress analyzer by any fully trained full time certified law enforcement officer of a law enforcement agency in the course of its duties as an investigative aid in a criminal investigation. Law enforcement users of a voice stress analyzer shall be trained in a manner approved by the Illinois Law Enforcement Training Standards Board. The use of a voice stress analyzer shall be conducted only with the prior written consent of the subject of such investigation. Surreptitious use of a voice stress analyzer is prohibited. Use of a voice stress analyzer is prohibited when a State or local law enforcement officer stops a motorist for an alleged violation of the Illinois Vehicle Code. A voice stress analyzer is prohibited for use in pre-employment screening and for internal investigations. For the purposes of this subsection (b), "voice stress analyzer" means an investigative tool that records voice stress factors related to frequency modulations in the human voice.

(Source: P.A. 85-1209.)

Section 99. Effective date. This Act takes effect upon becoming law.