

1 AN ACT concerning detection of deception.

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

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

6 (225 ILCS 430/1) (from Ch. 111, par. 2401)

7 (Section scheduled to be repealed on January 1, 2012)

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

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

14 "Examiner" means any person licensed under this Act.

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

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

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

21 "Him" means both the male and female gender.

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

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

27 (225 ILCS 430/4) (from Ch. 111, par. 2404)

28 (Section scheduled to be repealed on January 1, 2012)

29 Sec. 4. Registration or license required; exceptions.

30 (a) It is unlawful for any person to administer

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

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

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

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