LRB093 05578 RLC 17063 a

- 1 AMENDMENT TO HOUSE BILL 577
- 2 AMENDMENT NO. ____. Amend House Bill 577 by replacing
- 3 the title with the following:
- 4 "AN ACT concerning detection of deception."; and
- 5 by replacing everything after the enacting clause with the
- 6 following:
- 7 "Section 5. The Detection of Deception Examiners Act is
- 8 amended by changing Sections 1 and 4 as follows:
- 9 (225 ILCS 430/1) (from Ch. 111, par. 2401)
- 10 (Section scheduled to be repealed on January 1, 2012)
- 11 Sec. 1. Definitions. As used in this Act, unless the
- 12 context otherwise requires:
- 13 "Detection of Deception Examination", hereinafter
- 14 referred to as "Examination" means any examination in which a
- 15 device or instrument is used to test or question individuals
- 16 for the purpose of evaluating truthfulness or untruthfulness.
- "Examiner" means any person licensed under this Act.
- 18 "Person" includes any natural person, partnership,
- 19 association, corporation or trust.
- 20 "Department" means the Department of Professional
- 21 Regulation of the State of Illinois.

- 2 of the State of Illinois.
- 3 "Him" means both the male and female gender.
- 4 <u>"Law enforcement agency" means an agency of the State or</u>
- 5 <u>a unit of local government that is vested by law or ordinance</u>
- 6 with the power to maintain public order and to enforce
- 7 <u>criminal laws and ordinances.</u>
- 8 (Source: P.A. 92-453, eff. 8-21-01.)
- 9 (225 ILCS 430/4) (from Ch. 111, par. 2404)
- 10 (Section scheduled to be repealed on January 1, 2012)
- 11 Sec. 4. <u>Registration or license required; exceptions.</u>
- 12 (a) It is unlawful for any person to administer
- 13 detection of deception examinations, or attempt to hold
- 14 himself out as an Examiner, unless registered or licensed by
- 15 the Department. However, this shall not prohibit the use of
- 16 detection of deception equipment by a person licensed to
- 17 practice medicine in all its branches under the Medical
- 18 Practice Act of 1987 when the results are to be used in
- 19 research.
- 20 (b) Nothing in this Act prohibits the use of a voice
- 21 stress analyzer by any fully trained full time certified law
- 22 <u>enforcement officer of a law enforcement agency in the course</u>
- 23 of its duties as an investigative aid in a criminal
- 24 <u>investigation</u>. Law enforcement users of a voice stress
- 25 <u>analyzer shall be trained in a manner approved by the</u>
- 26 <u>Illinois Law Enforcement Training Standards Board. The use of</u>
- 27 <u>a voice stress analyzer shall be conducted only with the</u>
- 28 prior written consent of the subject of such investigation.
- 29 <u>Surreptitious use of a voice stress analyzer is prohibited.</u>
- 30 <u>Use of a voice stress analyzer is prohibited when a State or</u>
- 31 <u>local law enforcement officer stops a motorist for an alleged</u>
- 32 <u>violation of the Illinois Vehicle Code. A voice stress</u>
- 33 <u>analyzer is prohibited for use in pre-employment screening</u>

- 1 and for internal investigations. For the purposes of this
- 2 <u>subsection</u> (b), "voice stress analyzer" means an
- 3 <u>investigative tool that records voice stress factors related</u>
- 4 <u>to frequency modulations in the human voice.</u>
- 5 (Source: P.A. 85-1209.)
- 6 Section 99. Effective date. This Act takes effect upon
- 7 becoming law.".