

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
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As Engrossed: H4/12/21

A Bill

HOUSE BILL 1843

By: Representatives Tosh, *Wardlaw*

For An Act To Be Entitled

AN ACT CONCERNING VOICE STRESS EXAMINERS; AND FOR
OTHER PURPOSES.

Subtitle

CONCERNING VOICE STRESS EXAMINERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-39-304(6), concerning one of the requirements to become a voice stress examiner, is amended to read as follows:

(6) Holds a baccalaureate degree from a college or university that is accredited by an accrediting agency approved by the United States Secretary of Education or has at least five (5) years of active law enforcement or correctional employee experience;

SECTION 2. Arkansas Code § 17-39-305(a)(2), concerning licensing fees, is amended to read as follows:

(2) A certified law enforcement officer or correctional employee who is a full-time employee of a law enforcement agency or correctional agency and who is applying for his or her license as a certified voice stress analysis examiner to be used solely in conjunction with his or her employment is not required to pay the fee under subdivisions (a)(1)(A) and (B) of this section.

SECTION 3. Arkansas Code § 17-39-306 is amended to read as follows:

17-39-306. Grounds for denying, suspending, or revoking licenses.



The Director of the Division of Arkansas State Police may deny, suspend, or revoke a license of a certified voice stress analysis examiner on one (1) or more of the following grounds:

(1) Failure of a certified voice stress analysis examiner before conducting a voice stress analysis examination to inform a subject to be examined of the nature of the voice stress analysis examination;

(2) Failure of a certified voice stress analysis examiner before conducting a voice stress analysis examination to inform a subject to be examined that the subject's participation in the voice stress analysis examination is voluntary;

(3) Failure of a certified voice stress analysis examiner to inform the subject of a voice stress analysis examination of the results of the examination, if so requested;

(4) Failure to meet the qualifications for licensure under this subchapter;

(5) Material misstatement in the application for licensure under this subchapter;

(6) Failure by an applicant for licensure as a certified voice stress analysis examiner or by a licensed certified voice stress analysis examiner to demonstrate the ability to act as a certified voice stress analysis examiner;

(7) Allowance of another person by a licensed certified voice stress analysis examiner to use the license or the license photo identification card issued under this subchapter;

(8) An applicant's or a licensed certified voice stress analysis examiner's knowing disregard or violation of this subchapter or of any rule issued under this subchapter, including without limitation knowingly making a false report concerning the results of a voice stress analysis examination;

(9) An applicant's or a licensed certified voice stress analysis examiner's knowingly aiding or abetting another person in the violation of this subchapter or a rule issued under this subchapter;

(10) Failure by an applicant for licensure as a certified voice stress analysis examiner or by a licensed certified voice stress analysis examiner to provide within a reasonable time information requested by the director as the result of a formal complaint that may indicate a violation of this subchapter or a rule issued under this subchapter; ~~or~~

(11) Arrest or indictment of an applicant for licensure as a certified voice stress analysis examiner or of a licensed certified voice stress analysis examiner for a felony, Class A misdemeanor, crime involving an act of violence, a crime involving moral turpitude, or an offense of comparable level if the offense occurred in another state; or

(12) Failure of a certified voice stress analysis examiner to discuss how the results of the voice stress analysis exam will be used with the subject of the voice stress analysis exam.

SECTION 4. Arkansas Code § 17-39-308 is amended to read as follows:

17-39-308. Conduct of voice stress analysis examination.

(a) Except as provided in subsection (d) of this section, a voice stress analysis examination shall be conducted only in person.

(b) Before undergoing the voice stress analysis examination, the subject of the voice stress analysis examination shall provide his or her written permission.

(c) The certified voice stress analysis examiner shall record and analyze the responses of the subject of the voice stress analysis examination.

(d)(1) A certified law enforcement officer or correctional employee who is a full-time employee of a law enforcement or correctional agency and who is acting in the course of his or her employment for the law enforcement agency may conduct a voice stress analysis examination from a legally recorded conversation.

(2) If the voice stress analysis examination is conducted under subdivision (d)(1) of this section:

(A) The conversation may be recorded:

(i) In person; or

(ii) By telephone; and

(B) The certified law enforcement officer or correctional employee shall ensure compliance with subsection (b) of this section.

SECTION 5. Arkansas Code § 17-39-309(e), concerning background checks, is amended to read as follows:

(e) *This section does not apply to a certified law enforcement officer or correctional employee who is a full-time employee of a law enforcement*

agency or correctional agency and who is applying for licensure as a certified voice stress analysis examiner for the purpose of the full-time employment with the law enforcement agency.

/s/Tosh