

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1367

By: Smithson

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5
6 AS INTRODUCED

7 An Act relating to criminal procedure; authorizing
8 use of psychological stress evaluation instruments by
9 law enforcement agencies; requiring certain warning
10 be given prior to evaluation; prohibiting use of
11 evaluation for certain persons without written
12 authorization; providing for the inadmissibility of
13 results in court; providing for codification; and
14 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1380 of Title 22, unless there
18 is created a duplication in numbering, reads as follows:

19 A. Notwithstanding the provisions of the Polygraph Examiners
20 Act, all law enforcement agencies in this state are authorized to
21 use a psychological stress evaluation instrument to test or question
22 individuals for the purpose of determining and verifying the truth
23 of statements.

24 B. Prior to administering any psychological evaluation tests,
the person to whom the test is administered must be warned prior to
any questioning that:

- 1 1. The person has the right to remain silent;
- 2 2. Anything the person says can be used against the person in a
- 3 court of law;
- 4 3. The person has the right to the presence of an attorney; and
- 5 4. If the person cannot afford an attorney, one may be
- 6 appointed to the person prior to any questioning if the person so
- 7 desires.

8 C. No psychological stress evaluation shall be given to any
9 person under the age of eighteen (18) without first having received
10 written authorization from the parent or guardian of the person.

11 D. The results of any such examination as provided in this
12 section shall be inadmissible in all courts in this state.

13 SECTION 2. This act shall become effective November 1, 2009.

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15 52-1-5236 GRS 01/07/09