

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1150

By: Garvin

AS INTRODUCED

An Act relating to polygraph; amending 59 O.S. 2021, Sections 1454 and 1455, which relate to minimum instrumentation requirements and the Polygraph Examiners Board; modifying instrumentation requirements; modifying board composition; clarifying quorum requirement; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 1454, is amended to read as follows:

Section 1454. Any instrument used to test or question individuals for the purpose of detecting deception or verifying truth of statements shall record visually, permanently and simultaneously:

1. ~~a subject's cardiovascular pattern,~~ Cardiovascular activity including changes in relative blood pressure, pulse rate and pulse amplitude;

2. ~~a subject's respiratory pattern, and~~ Respiration patterns recorded by pneumography components. Thoracic and abdominal

1 patterns should be recorded separately, using two pneumography
2 components;

3 3. ~~galvanic skin response pattern~~ Electrodermal activity
4 reflecting relative changes in the conductance or resistance of
5 electrical current by the epidermal tissue; and

6 4. A seat activity sensor.

7 Patterns of other physiological changes in addition to paragraphs 1,
8 2 and 3 may also be recorded. The use of any instrument or device
9 to detect deception or to verify truth of statements which does not
10 meet these minimum instrumentation requirements is hereby prohibited
11 and the operation or use of such equipment shall be subject to
12 penalties and may be enjoined in the manner hereinafter provided.

13 SECTION 2. AMENDATORY 59 O.S. 2021, Section 1455, is
14 amended to read as follows:

15 Section 1455. A. There is hereby re-created, to continue until
16 July 1, 2023, in accordance with the provisions of the Oklahoma
17 Sunset Law, the Polygraph Examiners Board.

18 B. 1. The persons serving on the Board on June 30, 1988, shall
19 continue to serve the full terms for which they were originally
20 appointed until their successors have been duly appointed and
21 approved with the advice and consent of the Senate. All future
22 Boards shall continue the staggered terms of office established for
23 the Polygraph Examiners Board prior to July 1, 1988.

1 2. Any actions taken by any state agency on behalf of the
2 Polygraph Examiners Board or in an attempt to enforce the provisions
3 of the Polygraph Examiners Act shall be subject to review by the
4 Board. Any such acts may be rescinded or modified as deemed
5 appropriate by the Board, provided that such action shall not affect
6 any accrued right, or penalty incurred, or proceeding begun between
7 July 1, 1988, and October 12, 1988.

8 3. All funds collected after June 30, 1988, equipment, files,
9 fixtures, furniture, and supplies of the Board which were
10 transferred to the Office of Management and Enterprise Services or
11 State Treasury pursuant to Section 3909 of Title 74 of the Oklahoma
12 Statutes shall be returned to the care and custody of the Board.

13 4. All orders, determinations, rules, regulations, permits,
14 certificates, licenses, contracts, rates, and privileges which have
15 been issued, made, granted, or allowed by the Board and are in
16 effect on June 30, 1988, shall continue in effect according to their
17 terms until further action is taken by the Board or as modified by
18 law.

19 C. The Board shall consist of five (5) members who shall be
20 citizens of the United States and residents of the state for at
21 least two (2) years prior to appointment, all of whom shall have
22 been engaged for a period of two (2) consecutive years as polygraph
23 examiners prior to appointment to the Board, and at the time of
24 appointment active polygraph examiners. ~~No two Board members may be~~

1 ~~employed by the same person or agency. No more than two members may~~
2 ~~be appointed from one congressional district. However, when~~
3 ~~congressional districts are redrawn, each member appointed prior to~~
4 ~~July 1 of the year in which such modification becomes effective~~
5 ~~shall complete the current term of office and appointments made~~
6 ~~after July 1 of the year in which such modification becomes~~
7 ~~effective shall be based on the redrawn districts. No appointments~~
8 ~~may be made after July 1 of the year in which such modification~~
9 ~~becomes effective if such appointment would result in more than two~~
10 ~~members serving from the same modified district. At least two~~
11 ~~members must be qualified examiners of a governmental law~~
12 ~~enforcement agency and at least two members must be qualified~~
13 ~~polygraph examiners in the commercial field. The members shall be~~
14 appointed by the Governor of the State of Oklahoma, with the advice
15 and consent of the Senate, for terms of six (6) years. Any vacancy
16 in an unexpired term shall be filled by appointment of the Governor,
17 with the advice and consent of the Senate, for the unexpired term.
18 Except as authorized by the Polygraph Examiners Act, members of the
19 Board shall be paid no fee, expense reimbursement, wage or other
20 compensation for their services.

21 D. The vote of a majority of a quorum of the Board members
22 present is sufficient for passage of any business or proposal which
23 comes before the Board. The Board shall elect a chair, vice-chair,
24 and secretary from among its members.

1 SECTION 3. This act shall become effective November 1, 2022.

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