

HB 2545 A STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 04/18/17

Action: Without recommendation as to passage, with amendments, and be referred to Rules.
(Printed A-Eng.)

Vote: 9-0-2-0

Yeas: 9 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Stark, Williamson

Exc: 2 - Sprenger, Vial

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Authorizes Department of Public Safety Standards and Training (DPSST) to grant license to deception detection examination administrator in manner similar to polygraph examiners. Punishes violation of measure, or rules adopted pursuant to measure, as Class A misdemeanor. Punishes practicing without a license as Class B misdemeanor. Specifies requirements for issuance of license. Prohibits administration of deception detection examination, or use of title, without license. Prohibits use of deception detection examination as condition of employment. Classifies use as unlawful employment practice.

ISSUES DISCUSSED:

- Polygraph examinations
- Effectiveness and cost
- Cognitive load; eye dilation and constriction
- Sex offender treatment

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

The Department of Public Safety Standards and Training regulates polygraphs and polygraph examiners pursuant to ORS 703.010 to 703.310. Under these statutes, originally adopted in 1975, a polygraph examiner must use a polygraph that records visually, permanently and simultaneously the cardiovascular pattern, the respiratory pattern and the galvanic skin response of an individual. House Bill 2545-A adopts a broad definition of deception detection examinations that includes using instruments or mechanical devices, other than a polygraph, to detect an individual's deception or the truth of his or her statements. The bill directs DPSST to regulate deception detection examiners in a manner similar to polygraph examiners. The bill also prohibits the use of deception detection examinations as a condition of employment and classifies the use of these devices as an unlawful employment practice.