

# House Bill 2545

Sponsored by Representative HACK; Representative WHISNANT (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows deception detection examination administrator to proctor deception detection examination. Clarifies that deception detection examination and deception detection examination administrator are exempt from provisions related to polygraph examiners.

## A BILL FOR AN ACT

1  
2 Relating to deception detection; creating new provisions; and amending ORS 703.030 and 703.310.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Deception detection examination" means an ocular-motor test, conducted using a**  
6 **software application, that records the cognitive responses, eye behavior, memory recall and**  
7 **other physiological characteristics of the person to whom the examination is given to de-**  
8 **termine whether the person is truthful or engaged in deception.**

9 (b) **"Deception detection examination administrator" means a person who proctors a de-**  
10 **ception detection examination.**

11 (2) **A deception detection examination administrator may proctor a deception detection**  
12 **examination in this state.**

13 (3) **A deception detection examination is not subject to the provisions of ORS 703.010 to**  
14 **703.310.**

15 (4) **A deception detection examination administrator is not subject to the provisions of**  
16 **ORS 703.010 to 703.310.**

17 **SECTION 2. ORS 703.030 is amended to read:**

18 703.030. (1) It is the purpose of ORS 703.010 to 703.310 to regulate all persons who purport to  
19 be able to detect deception or to verify the truth of statements through the use of instrumentation  
20 or mechanical devices, including but not limited to lie detectors, polygraphs and deceptographs, that  
21 record visually, permanently and simultaneously the cardiovascular pattern, the respiratory pattern  
22 and the galvanic skin response of the individual being examined.

23 (2) ORS 703.010 to 703.310 shall be liberally construed to regulate all persons described in sub-  
24 section (1) of this section. A person who purports to be able to detect deception or to verify the  
25 truth of statements is not exempt from the provisions of ORS 703.010 to 703.310 because of the ter-  
26 minology used to describe the person, the instruments or mechanical devices of the person, or the  
27 nature of the services of the person.

28 (3) **ORS 703.010 to 703.310 may not be construed to regulate a deception detection exam-**  
29 **ination administrator as defined in section 1 of this 2017 Act.**

30 **SECTION 3. ORS 703.310 is amended to read:**

31 703.310. (1) **Except as provided in section 1 of this 2017 Act,** all instruments or mechanical

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 devices that are used by polygraph examiners to test or question an individual for the purpose of  
 2 detecting deception or of verifying the truth of statements made by the individual shall record vis-  
 3 ually, permanently and simultaneously the cardiovascular pattern, the respiratory pattern and the  
 4 galvanic skin response of the individual. The patterns of other physiological changes of the individ-  
 5 ual also may be recorded.

6 (2) Except as otherwise provided in ORS 703.335 **and section 1 of this 2017 Act**, a person may  
 7 not use any instrument or mechanical device to test or question an individual for the purpose of  
 8 detecting deception or verifying the truth of statements made by the individual that does not comply  
 9 with the minimum requirements for the instrument or device under subsection (1) of this section.  
 10 The Department of Public Safety Standards and Training, in consultation with the Board on Public  
 11 Safety Standards and Training, may, in the name of the State of Oregon, initiate and maintain ap-  
 12 propriate judicial proceedings, in the manner provided by law for such proceedings, to enjoin the  
 13 use by a polygraph examiner of any instrumentation or mechanical device that does not comply with  
 14 the minimum requirements specified in subsection (1) of this section.

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