

**DECEPTION DETECTION EXAMINERS
LICENSING ACT AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Roger E. Barrus

Senate Sponsor: Scott K. Jenkins

LONG TITLE

General Description:

This bill amends the Deception Detection Examiners Licensing Act as it relates to supervision of deception detection interns and background checks of applicants.

Highlighted Provisions:

This bill:

- ▶ provides that supervision of a deception detection intern is not required to be done directly;
- ▶ provides for a criminal background check of a person who applies for a license as a deception detection examiner or a deception detection intern; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-1-301.5, as enacted by Laws of Utah 2002, Chapter 214

58-64-102, as enacted by Laws of Utah 1995, Chapter 215

58-64-302, as enacted by Laws of Utah 1995, Chapter 215



28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-1-301.5** is amended to read:

58-1-301.5. Division access to Bureau of Criminal Identification records.

(1) The division shall have direct access to criminal background information maintained by the Bureau of Criminal Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for background screening of licensure applicants as required in:

(a) Section 58-31b-302 of Title 58, Chapter 31b, Nurse Practice Act;

(b) Section 58-47b-302 of Title 58, Chapter 47b, Massage Therapy Practice Act;

(c) Section 58-55-302 of Title 58, Chapter 55, Utah Construction Trades Licensing Act, as it applies to alarm companies and alarm company agents; [~~and~~]

(d) Section 58-63-302 of Title 58, Chapter 63, Security Personnel Licensing Act[~~]; and~~

(e) Section 58-64-302 of Title 58, Chapter 64, Deception Detection Examiners Licensing Act.

(2) The division access under Subsection (1) shall be in accordance with Section 53-10-108.

Section 2. Section **58-64-102** is amended to read:

58-64-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Board" means the Deception Detection Examiners Board created in Section 58-64-201.

(2) "Deception detection examination" means the use of an instrument on an individual for the purpose of detecting whether that individual is engaged in deception.

(3) "Deception detection examiner" means an individual who engages in or represents that the individual is engaged in conducting or performing deception detection examinations or in the interpretation of deception detection examinations.

(4) "Deception detection intern" means an individual who engages in deception detection examinations under the [~~direct~~] supervision and control of a deception detection examiner for the purpose of training and qualification as a deception detection examiner.

(5) "Instrument" means a polygraph, voice stress analyzer, or any other device that records the examinee's cardiovascular patterns, respiratory patterns, galvanic skin response, or

59 other physiologic characteristics of the examinee for the purpose of monitoring factors relating
60 to whether the examinee is truthful or engaged in deception.

61 (6) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-64-501.

62 (7) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-64-502 and as
63 may be further defined by rule.

64 Section 3. Section **58-64-302** is amended to read:

65 **58-64-302. Qualifications for licensure.**

66 (1) Each applicant for licensure as a deception detection examiner shall:

67 (a) submit an application in a form prescribed by the division;

68 (b) pay a fee determined by the department under Section 63-38-3.2;

69 (c) be of good moral character in that the applicant has not been convicted of a felony,
70 a misdemeanor involving moral turpitude, or any other crime which when considered with the
71 duties and responsibilities of a deception detection examiner is considered by the division and
72 the board to indicate that the best interests of the public will not be served by granting the
73 applicant a license;

74 (d) not have been declared by any court of competent jurisdiction incompetent by
75 reason of mental defect or disease and not been restored;

76 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
77 dependence;

78 (f) have completed one of the following:

79 (i) have earned a bachelor's degree from a four year university or college meeting
80 standards established by the division by rule in collaboration with the board;

81 (ii) have completed not less than 8,000 hours of investigation experience approved by
82 the division in collaboration with the board; or

83 (iii) have completed a combination of university or college education and investigation
84 experience, as defined by rule by the division in collaboration with the board as being
85 equivalent to the requirements under Subsection (1)(f)(i) or (1)(f)(ii);

86 (g) have successfully completed a training program in detection deception meeting
87 criteria established by rule by the division in collaboration with the board; and

88 (h) have performed satisfactorily as a licensed deception detection intern for a period of
89 not less than one year and shall have satisfactorily conducted not less than 100 deception

90 detection examinations under the [~~direct~~] supervision of a licensed deception detection
91 examiner.

92 (2) Each applicant for licensure as a deception detection intern shall:

93 (a) submit an application in a form prescribed by the division;

94 (b) pay a fee determined by the department under Section 63-38-3.2;

95 (c) be of good moral character in that the applicant has not been convicted of a felony,
96 a misdemeanor involving moral turpitude, or any other crime which when considered with the
97 duties and responsibilities of a deception detection intern is considered by the division and the
98 board to indicate that the best interests of the public will not be served by granting the applicant
99 a license;

100 (d) not have been declared by any court of competent jurisdiction incompetent by
101 reason of mental defect or disease and not been restored;

102 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
103 dependence;

104 (f) have completed one of the following:

105 (i) have earned a bachelor's degree from a four year university or college meeting
106 standards established by the division by rule in collaboration with the board;

107 (ii) have completed not less than 8,000 hours of investigation experience approved by
108 the division in collaboration with the board; or

109 (iii) have completed a combination of university or college education and investigation
110 experience, as defined by rule by the division in collaboration with the board as being
111 equivalent to the requirements under Subsection (2)(f)(i) or (2)(f)(ii);

112 (g) have successfully completed a training program in detection deception meeting
113 criteria established by rule by the division in collaboration with the board; and

114 (h) provide the division with an intern supervision agreement in a form prescribed by
115 the division under which:

116 (i) a licensed deception detection examiner agrees to [~~directly~~] supervise the intern;
117 and

118 (ii) the applicant agrees to be [~~directly~~] supervised by that licensed deception detection
119 examiner.

120 (3) To determine if an applicant meets the qualifications of Subsection (1)(c) or (2)(c),

121 the division shall provide an appropriate number of copies of fingerprint cards to the
122 Department of Public Safety with the division's request to:
123 (a) conduct a search of records of the Department of Public Safety for criminal history
124 information relating to each applicant for licensure under this chapter; and
125 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
126 requiring a check of records of the F.B.I. for criminal history information under this section.
127 (4) The Department of Public Safety shall send to the division:
128 (a) a written record of criminal history, or certification of no criminal history record, as
129 contained in the records of the Department of Public Safety in a timely manner after receipt of
130 a fingerprint card from the division and a request for review of Department of Public Safety
131 records; and
132 (b) the results of the F.B.I. review concerning an applicant in a timely manner after
133 receipt of information from the F.B.I.
134 (5) (a) The division shall charge each applicant a fee, in accordance with Section
135 63-38-3.2, equal to the cost of performing the records reviews under this section.
136 (b) The division shall pay the Department of Public Safety the costs of all records
137 reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews
138 under this chapter.
139 (6) Information obtained by the division from the reviews of criminal history records of
140 the Department of Public Safety and the F.B.I. shall be used or disseminated by the division
141 only for the purpose of determining if an applicant for licensure under this chapter is qualified
142 for licensure.

Legislative Review Note
as of 1-31-08 1:09 PM

Office of Legislative Research and General Counsel

H.B. 375 - Deception Detection Examiners Licensing Act Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
