

HB0017S01 compared with HB0017

{Omitted text} shows text that was in HB0017 but was omitted in HB0017S01

inserted text shows text that was not in HB0017 but was inserted into HB0017S01

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1

Limitations on the Use of Polygraphs

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor:Luz Escamilla

2

3 LONG TITLE

4 General Description:

5 This bill limits the use of a polygraph on a victim of a sexual offense.

6 Highlighted Provisions:

7 This bill:

- 11 ▶ defines terms;
- 12 ▶ limits the use of a polygraph on a victim of a sexual offense; and
- 13 ▶ makes technical and conforming changes.

11 Money Appropriated in this Bill:

12 None

13 Other Special Clauses:

14 None

16 AMENDS:

17 **77-37-2** , as last amended by Laws of Utah 2024, Chapter 164 , as last amended by Laws of Utah
2024, Chapter 164

18 ENACTS:

HB0017

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19 **77-37-201** , Utah Code Annotated 1953 , Utah Code Annotated 1953

20 **77-37-202** , Utah Code Annotated 1953 , Utah Code Annotated 1953

21

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

23 Section 1. Section **77-37-2** is amended to read:

27

Part 1. General Provisions

25 **77-37-2. Definitions.**

As used in this chapter:

- 30 (1) "Alleged sexual offender" means the same as that term is defined in Section 53-10-801.
- 31 (2) "Child" means ~~[a person]~~ an individual who is younger than 18 years old, unless otherwise specified
in statute. The rights to information as extended in this chapter also apply to the parents, custodian,
or legal guardians of children.
- 34 (3) "Family member" means spouse, child, sibling, parent, grandparent, or legal guardian.
- 35 (4) "HIV infection" means the same as that term is defined in Section 53-10-801.
- 36 (5) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
- 37 ~~[(5)]~~ (6) "Sexual assault kit" means the same as that term is defined in Section 53-10-902.
- 38 ~~[(6)]~~ (7) "Sexual offense" means any conduct described in:
- 39 (a) Title 76, Chapter 5, Part 4, Sexual Offenses;
- 40 (b) Title 76, Chapter 5b, Sexual Exploitation Act;
- 41 (c) Section 76-7-102, incest;
- 42 (d) Section 76-9-702, lewdness; or
- 43 (e) Section 76-9-702.1, sexual battery.
- 44 ~~[(7)]~~ (8) "Victim" means an individual, including a minor, against whom an offense has been allegedly
committed.
- 46 ~~[(8)]~~ (9) "Witness" means ~~[any person]~~ an individual who has been subpoenaed or is expected to be
summoned to testify for the prosecution or who by reason of having relevant information is subject
to call or likely to be called as a witness for the prosecution, whether any action or proceeding has
commenced.

47 Section 2. Section **2** is enacted to read:

51

Part 2. Additional Protections for Victims

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49 **77-37-201. Definitions for part.**

As used in this part:

- 54 (1) "Polygraph examination" means a procedure involving the use of an instrument or mechanical
device that is:
- 56 (a) designed to detect and record changes in the physiological characteristics of an individual, including
the individual's pulse or breathing rate; and
- 58 (b) used to determine whether an individual is being truthful.
- 59 (2) "Polygraph examination" includes a lie detector test.

57 Section 3. Section 3 is enacted to read:

58 **77-37-202. Prohibition on the use of a polygraph examination on a victim of a sexual offense.**

- 63 (1) A law enforcement officer, a prosecuting attorney, a court, or other government official may not:
- 65 (a) {~~request~~} ~~ask~~ or {~~compel~~} ~~require~~ a victim of a sexual offense to submit to a polygraph
examination during the course of a criminal investigation or prosecution of a sexual offense; or
- 67 (b) use a polygraph examination as a condition of proceeding with a criminal investigation or
prosecution of a sexual offense.
- 69 (2) The refusal of a victim of a sexual offense to submit to a polygraph examination may not prevent the
investigation, charging, or prosecution of a sexual offense.

68 Section 4. **Effective date.**

This bill takes effect on May 7, 2025.

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