

1 **Limitations on the Use of Polygraphs**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

2
3 **LONG TITLE**

4 **Committee Note:**

5 The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

6 Legislative Vote: 10 voting for 0 voting against 8 absent

7 **General Description:**

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

9 **Highlighted Provisions:**

10 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.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **77-37-2**, as last amended by Laws of Utah 2024, Chapter 164

21 ENACTS:

22 **77-37-201**, Utah Code Annotated 1953

23 **77-37-202**, Utah Code Annotated 1953

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

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

27 **Part 1. General Provisions**

28 **77-37-2 . Definitions.**

29 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

32 otherwise specified in statute. The rights to information as extended in this chapter also
 33 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
 45 been allegedly committed.

46 [~~8~~] (9) "Witness" means ~~[any person]~~ an individual who has been subpoenaed or is
 47 expected to be summoned to testify for the prosecution or who by reason of having
 48 relevant information is subject to call or likely to be called as a witness for the
 49 prosecution, whether any action or proceeding has commenced.

50 Section 2. Section **77-37-201** is enacted to read:

51

Part 2. Additional Protections for Victims

52 **77-37-201 . Definitions for part.**

53 As used in this part:

54 (1) "Polygraph examination" means a procedure involving the use of an instrument or
 55 mechanical device that is:

56 (a) designed to detect and record changes in the physiological characteristics of an
 57 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.

60 Section 3. Section **77-37-202** is enacted to read:

61 **77-37-202 . Prohibition on the use of a polygraph examination on a victim of a**
 62 **sexual offense.**

63 (1) A law enforcement officer, a prosecuting attorney, a court, or other government official
 64 may not:

65 (a) request or compel a victim of a sexual offense to submit to a polygraph examination
66 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
68 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
70 not prevent the investigation, charging, or prosecution of a sexual offense.

71 Section 4. **Effective date.**

72 This bill takes effect on May 7, 2025.