

Angela Romero proposes the following substitute bill:

Limitations on the Use of Polygraphs

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

77-37-201, Utah Code Annotated 1953

77-37-202, Utah Code Annotated 1953

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

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

Part 1. General Provisions

77-37-2 . Definitions.

As used in this chapter:

(1) "Alleged sexual offender" means the same as that term is defined in Section 53-10-801.

(2) "Child" means ~~[a person]~~ an individual who is younger than 18 years old, unless

29 otherwise specified in statute. The rights to information as extended in this chapter also
30 apply to the parents, custodian, or legal guardians of children.

31 (3) "Family member" means spouse, child, sibling, parent, grandparent, or legal guardian.

32 (4) "HIV infection" means the same as that term is defined in Section 53-10-801.

33 (5) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

34 [~~5~~] (6) "Sexual assault kit" means the same as that term is defined in Section 53-10-902.

35 [~~6~~] (7) "Sexual offense" means any conduct described in:

36 (a) Title 76, Chapter 5, Part 4, Sexual Offenses;

37 (b) Title 76, Chapter 5b, Sexual Exploitation Act;

38 (c) Section 76-7-102, incest;

39 (d) Section 76-9-702, lewdness; or

40 (e) Section 76-9-702.1, sexual battery.

41 [~~7~~] (8) "Victim" means an individual, including a minor, against whom an offense has
42 been allegedly committed.

43 [~~8~~] (9) "Witness" means ~~[any person]~~ an individual who has been subpoenaed or is
44 expected to be summoned to testify for the prosecution or who by reason of having
45 relevant information is subject to call or likely to be called as a witness for the
46 prosecution, whether any action or proceeding has commenced.

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

48 **Part 2. Additional Protections for Victims**

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

50 As used in this part:

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

53 (a) designed to detect and record changes in the physiological characteristics of an
54 individual, including the individual's pulse or breathing rate; and

55 (b) used to determine whether an individual is being truthful.

56 (2) "Polygraph examination" includes a lie detector test.

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

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

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

62 (a) ask or require a victim of a sexual offense to submit to a polygraph examination

63 during the course of a criminal investigation or prosecution of a sexual offense; or
64 (b) use a polygraph examination as a condition of proceeding with a criminal
65 investigation or prosecution of a sexual offense.

66 (2) The refusal of a victim of a sexual offense to submit to a polygraph examination may
67 not prevent the investigation, charging, or prosecution of a sexual offense.

68 Section 4. **Effective date.**

69 This bill takes effect on May 7, 2025.