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Use of Polygraph Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: Michael K. McKell

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 2025, Chapter 173

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 for chapter.

As used in this chapter:

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

- 28 (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)(a) "Sexual offense" means any conduct described in:
- 36 (i) Title 76, Chapter 5, Part 4, Sexual Offenses;
- 37 (ii) Title 76, Chapter 5b, Sexual Exploitation Act; or
- 38 (iii) Section 76-7-102, incest.
- 39 (b) "Sexual offense" does not include conduct described in:
- 40 (i) Section 76-5-417, enticing a minor;
- 41 (ii) Section 76-5-420, lewdness involving a child; or
- 42 (iii) Section 76-5b-206, failure to report child sexual abuse material by a computer
 43 technician.
- 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) ask or require 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 6, 2026.