

Limitations on the Use of Polygraphs

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

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 otherwise specified in statute. The rights to information as extended in this chapter also apply to the parents, custodian, or legal guardians of children.
- (3) "Family member" means spouse, child, sibling, parent, grandparent, or legal guardian.

- (4) "HIV infection" means the same as that term is defined in Section 53-10-801.
- (5) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
- ~~[(5)]~~ (6) "Sexual assault kit" means the same as that term is defined in Section 53-10-902.
- ~~[(6)]~~ (7) "Sexual offense" means any conduct described in:
- (a) Title 76, Chapter 5, Part 4, Sexual Offenses;
 - (b) Title 76, Chapter 5b, Sexual Exploitation Act;
 - (c) Section 76-7-102, incest;
 - (d) Section 76-9-702, lewdness; or
 - (e) Section 76-9-702.1, sexual battery.
- ~~[(7)]~~ (8) "Victim" means an individual, including a minor, against whom an offense has been allegedly committed.
- ~~[(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.
- Section 2. Section **77-37-201** is enacted to read:

Part 2. Additional Protections for Victims

77-37-201 . Definitions for part.

As used in this part:

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

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

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

- (1) A law enforcement officer, a prosecuting attorney, a court, a government official, or any person acting on behalf of a law enforcement officer, a prosecuting attorney, a court, or a government official may not:
- (a) request or compel a victim of a sexual offense to submit to a polygraph examination

65 during the course of a criminal investigation or prosecution of a sexual offense;

66 (b) facilitate a polygraph examination for a victim of a sexual offense during the course
67 of a criminal investigation or prosecution of a sexual offense; or

68 (c) use a polygraph examination as a condition of proceeding with a criminal
69 investigation or prosecution of a sexual offense.

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

72 Section 4. **Effective date.**

73 This bill takes effect on May 7, 2025.