

Part 3 Licensing

58-64-301 Licensure required -- License classifications.

- (1) A license is required to engage in the practice of deception detection, except as specifically provided in Section 58-64-304 or 58-1-307.
- (2) The division shall issue to an individual who qualifies under this chapter a license in the classifications of:
 - (a) deception detection examiner;
 - (b) deception detection intern; or
 - (c) deception detection examination administrator.

Amended by Chapter 201, 2016 General Session

58-64-302 Qualifications for licensure.

- (1) Each applicant for licensure as a deception detection examiner:
 - (a) shall submit an application in a form prescribed by the division;
 - (b) shall pay a fee determined by the department under Section 63J-1-504;
 - (c) shall be of good moral character in that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime which when considered with the duties and responsibilities of a deception detection examiner is considered by the division and the board to indicate that the best interests of the public will not be served by granting the applicant a license;
 - (d) may not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;
 - (e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;
 - (f) shall have completed one of the following:
 - (i) have earned a bachelor's degree from a four year university or college meeting standards established by the division by rule in collaboration with the board;
 - (ii) have completed not less than 8,000 hours of investigation experience approved by the division in collaboration with the board; or
 - (iii) have completed a combination of university or college education and investigation experience, as defined by rule by the division in collaboration with the board as being equivalent to the requirements under Subsection (1)(f)(i) or (1)(f)(ii);
 - (g) shall have successfully completed a training program in detection deception meeting criteria established by rule by the division in collaboration with the board; and
 - (h) shall have performed satisfactorily as a licensed deception detection intern for a period of not less than one year and shall have satisfactorily conducted not less than 100 deception detection examinations under the supervision of a licensed deception detection examiner.
- (2) Each applicant for licensure as a deception detection intern:
 - (a) shall submit an application in a form prescribed by the division;
 - (b) shall pay a fee determined by the department under Section 63J-1-504;
 - (c) shall be of good moral character in that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime which when considered with the duties and responsibilities of a deception detection intern is considered by the division and

- the board to indicate that the best interests of the public will not be served by granting the applicant a license;
 - (d) may not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;
 - (e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;
 - (f) shall have completed one of the following:
 - (i) have earned a bachelor's degree from a four year university or college meeting standards established by the division by rule in collaboration with the board;
 - (ii) have completed not less than 8,000 hours of investigation experience approved by the division in collaboration with the board; or
 - (iii) have completed a combination of university or college education and investigation experience, as defined by rule by the division in collaboration with the board as being equivalent to the requirements under Subsection (2)(f)(i) or (2)(f)(ii);
 - (g) shall have successfully completed a training program in deception detection meeting criteria established by rule by the division in collaboration with the board; and
 - (h) shall provide the division with an intern supervision agreement in a form prescribed by the division under which:
 - (i) a licensed deception detection examiner agrees to supervise the intern; and
 - (ii) the applicant agrees to be supervised by that licensed deception detection examiner.
- (3) Each applicant for licensure as a deception detection examination administrator:
- (a) shall submit an application in a form prescribed by the division;
 - (b) shall pay a fee determined by the department under Section 63J-1-504;
 - (c) shall be of good moral character in that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when considered with the duties and responsibilities of a deception detection examination administrator is considered by the division and the board to indicate that the best interests of the public will not be served by granting the applicant a license;
 - (d) may not have been declared by a court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;
 - (e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;
 - (f) shall have earned an associate degree from a state-accredited university or college or have an equivalent number of years' work experience; and
 - (g) shall have successfully completed a training program and have obtained certification in deception detection examination administration provided by the manufacturer of a scientific or technology-based software application solution that is approved by the director.
- (4) To determine if an applicant meets the qualifications of Subsection (1)(c), (2)(c), or (3)(c) the division shall provide an appropriate number of copies of fingerprint cards to the Department of Public Safety with the division's request to:
- (a) conduct a search of records of the Department of Public Safety for criminal history information relating to each applicant for licensure under this chapter; and
 - (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant requiring a check of records of the F.B.I. for criminal history information under this section.
- (5) The Department of Public Safety shall send to the division:
- (a) a written record of criminal history, or certification of no criminal history record, as contained in the records of the Department of Public Safety in a timely manner after receipt of a

fingerprint card from the division and a request for review of Department of Public Safety records; and

- (b) the results of the F.B.I. review concerning an applicant in a timely manner after receipt of information from the F.B.I.
- (6)
 - (a) The division shall charge each applicant a fee, in accordance with Section 63J-1-504, equal to the cost of performing the records reviews under this section.
 - (b) The division shall pay the Department of Public Safety the costs of all records reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews under this chapter.
- (7) Information obtained by the division from the reviews of criminal history records of the Department of Public Safety and the F.B.I. shall be used or disseminated by the division only for the purpose of determining if an applicant for licensure under this chapter is qualified for licensure.

Amended by Chapter 201, 2016 General Session

58-64-303 Term of license -- Expiration -- Renewal.

- (1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
- (2) At the time of renewal, the licensee shall show satisfactory evidence of:
 - (a) having performed not less than 25 deception detection examinations during the two years immediately preceding the date of the renewal notice; and
 - (b) obtaining recertification within the past two years from the manufacturer of a scientific or technology-based software solution, if the licensee is renewing a deception detection examination administrator license.
- (3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Amended by Chapter 201, 2016 General Session

58-64-304 Exemptions from licensure.

In addition to the exemptions from licensure described in Section 58-1-307, a law enforcement officer, as defined under Section 53-13-103, who is not licensed under this chapter, may operate a voice stress analyzer or software application designed for detecting deception in the course of the officer's employment with a federal, state, or local law enforcement agency, if the officer:

- (1) has completed the manufacturer's training course and is certified by the manufacturer to operate the voice stress analyzer or software application designed for detecting deception; and
- (2) is operating the voice stress analyzer or software application designed for detecting deception in accordance with Section 58-64-601, regarding deception detection instruments.

Amended by Chapter 238, 2016 General Session

Amended by Chapter 238, 2016 General Session, (Coordination Clause)

58-64-305 Status of licenses held on the effective date of this chapter.

An individual holding a valid Utah license as a deception detection examiner or detection examiner intern under Title 53, Chapter 5, Part 3, Deception Detection Examiners Act, on July 1, 1995, is:

- (1) on or after July 1, 1995, considered to hold a current license under this chapter in the comparable classification of deception detection examiner or deception detection intern; and
- (2) subject to this chapter.

Amended by Chapter 79, 1996 General Session