



# HOUSE BILL No. 5662

April 19, 2000, Introduced by Reps. Van Woerkom, Bradstreet, Julian, Garcia, Voorhees, Ehardt and Birkholz and referred to the Committee on Criminal Law and Corrections.

A bill to regulate the sale, distribution, and use of computerized voice stress analyzers in this state; to prohibit certain conduct involving computerized voice stress analyzers; and to prescribe remedies and penalties.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "computerized voice stress analyzer act".

3       Sec. 2. As used in this act:

4       (a) "Computerized voice stress analyzer" means an instrument  
5 or device designed or intended to be used to detect deception or  
6 verify truthfulness or to assist in reporting deception or truth-  
7 fulness based upon voice stress patterns.

8       (b) "Manufacturer" means a person who owns the legal rights  
9 to manufacture a specific computerized voice stress analyzer.

1 (c) "Person" means an individual, partnership, corporation,  
2 association, governmental entity, or other legal entity.

3 Sec. 3. A manufacturer may do any of the following:

4 (a) Evaluate applicants for a license to operate that  
5 manufacturer's brand of voice stress analyzer in this state and  
6 grant licenses to qualified individuals.

7 (b) Regulate the use of that manufacturer's brand of voice  
8 stress analyzer in this state.

9 Sec. 4. (1) A manufacturer may issue a license to an indi-  
10 vidual to operate a voice stress analyzer in this state only if  
11 all of the following circumstances exist:

12 (a) The individual is 18 years of age or older.

13 (b) The individual is a citizen of the United States.

14 (c) The individual was not convicted of committing a felony  
15 within 5 years immediately preceding the date of application or  
16 incarcerated for or on probation or parole for committing a  
17 felony within 5 years immediately preceding the date of  
18 application.

19 (d) The individual meets the educational, practical  
20 experience, and skill requirements determined appropriate by the  
21 manufacturer.

22 (e) The individual pays the licensing fee authorized under  
23 subsection (3).

24 (2) A license issued under this section is valid for 1  
25 year. A manufacturer may reissue the license upon application  
26 and payment of the fee authorized under subsection (3).

1       (3) A manufacturer may charge a fee to issue or reissue a  
2 license under this section. The fee shall not exceed the actual  
3 and reasonable costs of the manufacturer in issuing or reissuing  
4 the license.

5       (4) As used in this section, "felony" means a violation of a  
6 law of this state, the United States, another state, or a local  
7 unit of government of this state or another state that is either  
8 of the following:

9       (a) A misdemeanor punishable by imprisonment for more than 1  
10 year.

11       (b) A crime designated as a felony.

12       Sec. 5. (1) A manufacturer may suspend or revoke a license  
13 issued under this act if the department determines that any of  
14 the following circumstances exist:

15       (a) The individual does not meet the requirements for licen-  
16 sure under this act.

17       (b) The individual is convicted of any crime.

18       (c) The individual violates this act or any rule promulgated  
19 under this act.

20       (2) A manufacturer shall provide the individual with an  
21 opportunity to be heard before suspending or revoking a license  
22 under this section.

23       Sec. 6. An individual whose license is suspended or revoked  
24 under this act shall immediately, upon notification of that sus-  
25 pension or revocation, surrender that license to the  
26 manufacturer. An individual who violates this section is  
27 responsible for a civil infraction and may be fined not more than

1 \$100.00 for each 7-day period in which the license is not  
2 surrendered as required under this subsection.

3       Sec. 7. (1) An individual shall not use, attempt to use, or  
4 offer to use a voice stress analyzer to detect deception, verify  
5 truthfulness, or assist in providing a diagnosis regarding decep-  
6 tion or truthfulness unless he or she is licensed under this  
7 act.

8       (2) An individual who violates this section is guilty of a  
9 crime as follows:

10       (a) Except as provided in subdivision (b), the individual is  
11 guilty of a misdemeanor punishable by imprisonment for not more  
12 than 93 days or a fine of not more than \$500.00, or both.

13       (b) If the individual has previously been convicted of vio-  
14 lating this act or a substantially similar violation of a law of  
15 the United States, another state, or a political subdivision of  
16 this or another state, the individual is guilty of a misdemeanor  
17 punishable by imprisonment for not more than 1 year or a fine of  
18 not more than \$1,000.00, or both.

19       Sec. 8. (1) An individual shall not sell for use in this  
20 state, offer to sell for use in this state, or distribute for use  
21 in this state any instrument or device that is designed or  
22 intended to be used to detect deception or verify truthfulness or  
23 to assist in the reporting of deception or truthfulness based  
24 upon voice stress patterns, unless that device or instrument has  
25 been approved by the manufacturer for use in this state.

26       (2) An individual who violates this section is guilty of a  
27 crime as follows:

1 (a) Except as provided in subdivision (b), the individual is  
2 guilty of a misdemeanor punishable by imprisonment for not more  
3 than 93 days or a fine of not more than \$1,000.00, or both.

4 (b) If the individual has previously been convicted of vio-  
5 lating this act or a substantially similar violation of a law of  
6 the United States, another state, or a political subdivision of  
7 this or another state, the individual is guilty of a misdemeanor  
8 punishable by imprisonment for not more than 1 year or a fine of  
9 not more than \$5,000.00, or both.

10 Enacting section 1. This act takes effect September 1,  
11 2000.

12 Enacting section 2. This act does not take effect unless  
13 Senate Bill No. \_\_\_\_\_ or House Bill No. 5663 (request  
14 no. 04756'99 a) of the 90th Legislature is enacted into law.