

2003 ASSEMBLY BILL 652

November 10, 2003 – Introduced by Representatives SUDER, McCORMICK, SINICKI, MUSSER, NISCHKE, KREIBICH, OWENS, VAN ROY, MILLER and LEMAHIEU, cosponsored by Senators LASSA, BROWN, ROESSLER and KEDZIE. Referred to Committee on Criminal Justice.

1 **AN ACT** *to create* 968.265 of the statutes; **relating to:** lie detector tests of sexual
2 assault victims.

Analysis by the Legislative Reference Bureau

Current law imposes several limitations on the use of lie detector tests, including polygraph tests and other types of honesty tests. It is a crime to require a person to submit to a lie detector test or to administer a lie detector test to a person, without obtaining the person's prior written and informed consent to the test, except that the Department of Corrections and the Department of Health and Family Services may require sex offenders to submit to lie detector tests absent consent. In general, an employer may not require or suggest that an employee or prospective employee submit to a lie detector test, nor use any test results as grounds for negative action against an employee. Current law, however, provides exceptions to the general rule for certain investigations of business theft and for certain businesses related to security or controlled substances.

This bill prohibits law enforcement officers and district attorneys from requiring, requesting, or suggesting that a person who alleges that he or she is the victim of a sexual assault submit to a lie detector test, regardless of whether the victim gives prior written and informed consent to the test. The bill also prohibits law enforcement officers and district attorneys from providing the victim information regarding lie detector tests unless the victim requests such information.

