

1 **parole or on supervised release.**

2 (a) Notwithstanding any provision of this code to the
3 contrary, any person:

4 (1) Who has been determined to be a sexually violent predator
5 pursuant to the provisions of section two-a, article twelve,
6 chapter fifteen of this code; or

7 (2) Who is required to register as a sex offender pursuant to
8 the provisions of article twelve, chapter fifteen of this code and
9 who is ordered by a circuit court or supervising entity to undergo
10 polygraph examination as a condition of probation, parole or
11 supervised release, shall, as a condition of said probation, parole
12 or supervised release, submit to polygraph examinations as
13 prescribed in this section.

14 (b) Any person required to undergo polygraph examination
15 pursuant to subsection (a) of this section shall, at his or her
16 expense, submit to at least one polygraph examination each year to
17 answer questions relating to his or her compliance with conditions
18 of supervision, including conditions related to treatment.
19 Additional examinations may be required, not to exceed a total of
20 five. The results of any examination are not admissible in
21 evidence and are to be used solely as a risk assessment and
22 treatment tool. Examination results shall be made available to the
23 person under supervision, upon request.

24 (c) In the event a person required to submit to polygraph

1 examinations as required by the provisions of this section is
2 unable to pay for the polygraph examination or examinations, that
3 person may present an affidavit reflecting the inability to pay for
4 such testing to the circuit court of the county of supervision. If
5 it appears to the satisfaction of the court that such person is in
6 fact financially unable to pay for such testing, the court shall
7 issue an order reflecting such findings and forward such order to
8 the supervising entity. Upon receipt of such order, the
9 supervising entity shall then be responsible for paying for such
10 testing.

11 (d) Any polygraph examination conducted pursuant to the
12 provisions of this section shall be conducted by a certified
13 polygraph analyst.

14 (e) In the conduct of polygraph examinations of a sex offender
15 performed pursuant to the provisions of this section, no certified
16 polygraph analyst may:

17 (1) Conduct more than ~~two~~ three full disclosure or sexual
18 history polygraph examinations in a twenty-four hour period;

19 (2) Disclose any information gained during any full disclosure
20 or sexual history polygraph examination to any law-enforcement
21 agency or other party, other than the supervising entity, without
22 the supervised person's consent, nor shall any information or
23 disclosure be admissible in any court of this state, unless such
24 information disclosed indicates the intention or plan to commit a

1 criminal violation of the laws of this or another state or of the
2 United States in which case such information may be released only
3 to such persons as might be necessary solely to prevent the
4 commission of such crime;

5 (3) Conduct more than ~~two~~ five maintenance tests in a twenty-
6 four hour period;

7 (4) Conduct more than a combined total of five ~~one~~ full
8 disclosure or sexual history polygraph ~~examination~~ examinations and
9 ~~more than two~~ maintenance tests in a twenty-four hour period; or

10 (5) Conduct more than five polygraph examinations, with
11 conclusive results, of the same sex offender in a calendar year.
12 This limitation shall not restrict retesting of the sex offender
13 due to a lack of resolution during an initial or earlier
14 examination.

15 (f) No polygraph examination performed pursuant to the
16 provisions of this section may be conducted by a person who is a
17 sworn peace officer, within the boundaries of that officer's
18 jurisdiction.

NOTE: The purpose of this bill is to amend the number of polygraph examinations which may be administered by an examiner, to be consistent with the Model Policy for Post-conviction Sex Offender Testing established by the American Polygraph Association.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.