

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 233**

By Senator Fuller

[Introduced January 14, 2026; referred

to the Committee on the Workforce]

1 A BILL to amend and reenact §21-5-5c of the Code of West Virginia, 1931, as amended, relating to  
2 deception examiners; and clarifying the qualifications required to be licensed as a Class I  
3 and Class II psychophysiological detection of deception examiner.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. WAGE PAYMENT AND COLLECTION.**

**§21-5-5c. License required for psychophysiological detection of deception examiners;**

**qualifications; promulgation of rules governing administration of  
psychophysiological detection of deception examinations.**

1 (a) No person, firm, or corporation shall administer a psychophysiological detection of  
2 deception examination, lie detector, or other similar examination utilizing mechanical or electronic  
3 measures of physiological reactions to evaluate truthfulness without holding a current valid license  
4 to do so as issued by the Commissioner of Labor. No examination shall be administered by a  
5 licensed corporation except by an officer or employee thereof who is also licensed.

6 (b) A person is qualified to receive a license as an examiner if he or she:

7 (1) Is at least 21 years of age;

8 (2) Is a citizen of the United States;

9 (3) Has not been convicted of a felony: *Provided*, That the commissioner shall apply §21-1-  
10 6 of this code to determine if the prior criminal conviction bears a rational nexus to the license  
11 being sought;

12 (4) Has not been released or discharged with other than honorable conditions from any of  
13 the armed services of the United States or that of any other nation;

14 (5) Has passed an examination conducted by the Commissioner of Labor or under his or  
15 her supervision to determine his or her competency to obtain a license to practice as an examiner;

16 (6) Has satisfactorily completed not less than six months of internship training; and

17 (7) Has met any other qualifications of education or training established by the  
18 Commissioner of Labor in his or her sole discretion which qualifications are to be at least as

19 stringent as those recommended by the American Polygraph Association: Provided, That to  
20 qualify for a Class I license an applicant does not have to hold a baccalaureate degree: Provided,  
21 however, That to qualify for a Class II license an applicant does not have to hold an associate  
22 degree.

23 (c) The Commissioner of Labor may designate and administer any test he or she considers  
24 appropriate to those persons applying for a license to administer psychophysiological detection of  
25 deception, lie detector, or similar examination. The test shall be designed to ensure that the  
26 applicant is thoroughly familiar with the code of ethics of the American Polygraph Association and  
27 has been trained in accordance with association rules. The test must also include a rigorous  
28 examination of the applicant's knowledge of and familiarity with all aspects of operating  
29 psychophysiological detection of deception equipment and administering psychophysiological  
30 detection of deception examinations.

31 (d) The license to administer psychophysiological detection of deception, lie detector, or  
32 similar examinations to any person shall be issued for a period of one year. It may be reissued from  
33 year to year. The licenses to be issued are:

34 (1) "Class I license" which authorizes an individual to administer psychophysiological  
35 detection of deception examinations for all purposes which are permissible under the provisions of  
36 this article and other applicable laws and rules.

37 (2) "Class II license" which authorizes an individual who is a full-time employee of a law-  
38 enforcement agency to administer psychophysiological detection of deception examinations to its  
39 employees or prospective employees only.

40 (e) The Commissioner of Labor shall charge an annual fee to be established by legislative  
41 rule. All fees paid pursuant to this section shall be paid to the Commissioner of Labor and  
42 deposited in an appropriated special revenue account hereby created in the State Treasury to be  
43 known as the Psychophysiological Examiners Fund and expended for the implementation and  
44 enforcement of this section. Through June 30, 2019, amounts collected which are found from time

45 to time to exceed funds needed for the purposes set forth in this section may be utilized by the  
46 commissioner as needed to meet the division's funding obligations: *Provided*, That beginning July  
47 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the  
48 division's funding obligations. In addition to any other information required, an application for a  
49 license shall include the applicant's Social Security number.

50 (f) The Commissioner of Labor shall propose rules for legislative approval in accordance  
51 with §29A-3-1 *et seq.* of this code governing the administration of psychophysiological detection of  
52 deception, lie detector, or similar examination to any person: *Provided*, That all applicable rules in  
53 effect on the effective date of §21-5-5a, §21-5-5b, §21-5-5c, and §21-5-5d of this code will remain  
54 in effect until amended, withdrawn, revoked, repealed, or replaced. The legislative rules shall  
55 include:

56 (1) The type and amount of training or schooling necessary for a person before which he or  
57 she may be licensed to administer or interpret a psychophysiological detection of deception, lie  
58 detector, or similar examination;

59 (2) Testing requirements, including the designation of the test to be administered to  
60 persons applying for licensure;

61 (3) Standards of accuracy which shall be met by machines or other devices to be used in  
62 psychophysiological detection of deception, lie detector, or similar examination;

63 (4) The conditions under which a psychophysiological detection of deception, lie detector,  
64 or similar examination may be administered;

65 (5) Fees for licenses, renewals of licenses, and other services provided by the  
66 commissioner;

67 (6) Any other qualifications or requirements, including continuing education, established by  
68 the commissioner for the issuance or renewal of licenses; and

69 (7) Any other purpose to carry out the requirements of §21-5-5a, §21-5-5b, §21-5-5c, and  
70 §21-5-5d of this code.

NOTE: The purpose of this bill is to clarify that to qualify for a Class I license an applicant does not have to hold a baccalaureate degree, and to qualify for a Class II license an applicant does not have to hold an associate degree.

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