

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

84110630

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1141 - 02/19/2003

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representative Michels

1 FOR AN ACT ENTITLED, An Act to require computer voice stress analyzer examiners to be
2 licensed.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act and § 23-3-35 mean:

5 (1) "Computer voice stress analyzer" or "CVSA," an instrument that detects, measures,
6 and displays changes in voice frequency, which can be recorded permanently and
7 simultaneously;

8 (2) "CVSA examiner," a person who uses a computer voice stress analyzer to question
9 individuals for the purpose of detecting deception.

10 Section 2. No person may question any individual using a computer voice stress analyzer for
11 the purpose of detecting deception unless the person is a licensed CVSA examiner. A violation
12 of this section is a Class 2 misdemeanor.

13 Section 3. A person may receive a license as a CVSA examiner if the person:

14 (1) Establishes that he or she is a person of good moral character;

15 (2) Has satisfactorily completed a sixty-hour course of study in the use of a computer



1 voice stress analyzer in the detection of deception; and

2 (3) Submits an application to the Office of the Attorney General along with a
3 nonrefundable twenty-five dollar license fee.

4 Section 4. That § 23-3-35 be amended to read as follows:

5 23-3-35. In addition to powers conferred upon the law enforcement officers standards
6 commission elsewhere in this chapter, the commission may:

7 (1) Promulgate rules and regulations for the administration of §§ 23-3-26 to 23-3-47,
8 inclusive, including the authority to require the submission of reports and information
9 by law enforcement agencies within this state;

10 (2) Establish minimum educational and training standards for admission to employment
11 as a law enforcement officer:

12 (a) In permanent positions; and

13 (b) In temporary or probationary status;

14 (3) Certify persons as being qualified under the provisions of §§ 23-3-26 to 23-3-47,
15 inclusive, to be law enforcement officers, and by rule to establish criteria and
16 procedure for the revocation or suspension of the certification of officers who have
17 been convicted of a felony or misdemeanor involving moral turpitude, have
18 intentionally falsified any application or document to achieve certification, or have
19 been discharged from employment for cause, or have engaged in conduct unbecoming
20 of a law enforcement officer;

21 (4) Establish minimum curriculum requirements for preparatory, in-service, and advanced
22 courses and programs for schools operated by or for the state or any political
23 subdivisions of the state for the specific purpose of training recruits or other law
24 enforcement officers;

- 1 (5) Consult and cooperate with counties, municipalities, agencies of this state, other
2 governmental agencies, and with universities, colleges, junior colleges, and other
3 institutions concerning the development of law enforcement training schools and
4 programs or courses of instruction;
- 5 (6) Approve institutions and facilities for school operation by or for the state or any
6 political subdivision of the state for the specific purpose of training law enforcement
7 officers and recruits;
- 8 (7) Make or encourage studies of any aspect of police administration;
- 9 (8) Conduct and stimulate research by public and private agencies which is designed to
10 improve police administration and law enforcement;
- 11 (9) Make recommendations concerning any matter within its purview pursuant to
12 §§ 23-3-26 to 23-3-47, inclusive;
- 13 (10) Make such evaluations as may be necessary to determine if governmental units are
14 complying with the provisions of §§ 23-3-26 to 23-3-47, inclusive;
- 15 (11) Adopt and amend bylaws, consistent with law, for its internal management and
16 control;
- 17 (12) Enter into contracts or do such things as may be necessary and incidental to the
18 administration of its authority pursuant to §§ 23-3-26 to 23-3-47, inclusive;
- 19 (13) License and regulate the activities of private or law enforcement polygraph and
20 computer voice stress analyzer examiners.