

# Senate Study Bill 245

## Conference Committee Text

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1 1 Section 1. NEW SECTION. 709.17 POLYGRAPH EXAMINATIONS OF  
1 2 VICTIMS &dash; LIMITATIONS.

1 3 A criminal or juvenile justice agency shall not require a  
1 4 person claiming to be a victim of sexual abuse or claiming to  
1 5 be a witness regarding the sexual abuse of another person to  
1 6 submit to a polygraph or similar examination as a precondition  
1 7 to the agency conducting an investigation into the matter. An  
1 8 agency wishing to perform a polygraph examination of a person  
1 9 claiming to be a victim or witness shall inform the person of  
1 10 the following:

1 11 1. That taking the polygraph examination is voluntary.

1 12 2. That the results of the examination are not admissible  
1 13 in court.

1 14 3. That the person's decision to submit or refuse a  
1 15 polygraph examination will not be the sole basis for a  
1 16 decision by the agency not to investigate the matter.

1 17 An agency which declines to investigate an alleged case of  
1 18 sexual abuse following a decision by a person claiming to be a  
1 19 victim or witness not to submit to a polygraph examination  
1 20 shall provide to that person, in writing, the reasons why the  
1 21 agency did not pursue the investigation at the request of the  
1 22 person.

1 23 EXPLANATION

1 24 This bill provides that a criminal or juvenile justice  
1 25 agency shall not make the submission to a polygraph  
1 26 examination by a person claiming to be a victim of sexual  
1 27 abuse or a witness regarding the sexual abuse of another the  
1 28 sole criteria for a decision not to investigate the matter.  
1 29 The bill also provides that an agency which desires a person  
1 30 claiming to be a victim of or witness to sexual abuse to take  
1 31 a polygraph test to inform the person that submitting to the  
1 32 test is voluntary, that the test is not admissible in court,  
1 33 and that the person's decision whether or not to submit to the  
1 34 test will not be the sole factor in whether the agency  
1 35 investigates the matter or not. Finally, the bill provides  
2 1 that the agency must provide a written response to a person  
2 2 claiming to be a victim of or witness to sexual abuse stating  
2 3 the reasons why an investigation was not pursued if the person  
2 4 requests it.

2 5 LSB 1831SC 76

2 6 mk/jw/5