

REFERENCE TITLE: law enforcement; polygraph examinations; prohibition

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1058

Introduced by
Senator Kavanagh

AN ACT

AMENDING SECTION 38-1108, ARIZONA REVISED STATUTES; RELATING TO LAW
ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-1108, Arizona Revised Statutes, is amended to
3 read:

4 38-1108. Polygraph examinations; exception

5 A. An employer may not administer a polygraph examination to AN
6 APPLICANT FOR THE POSITION OF LAW ENFORCEMENT OFFICER, TO a law
7 enforcement officer in administrative investigations OR TO A LAW
8 ENFORCEMENT AGENCY VOLUNTEER.

9 B. The results of a polygraph examination in an investigation may
10 not be the basis for disciplinary action unless other corroborating
11 evidence or information exists to support that disciplinary action.

12 C. Notwithstanding section 39-123, all data and reports from a
13 polygraph examination of a law enforcement officer are confidential and
14 may be used only for employment, certification or reactivation of
15 certification purposes or for the administrative matter for which a
16 polygraph was administered, including other ancillary matters. All other
17 uses are prohibited.

18 ~~D. Except for a preemployment polygraph after which an applicant~~
19 ~~was not hired or in the case of an appeal, the data and reports from a~~
20 ~~polygraph examination of a law enforcement officer shall be destroyed as~~
21 ~~soon as practicable three years after the date of appointment or~~
22 ~~employment but not more than ninety calendar days after that date.~~

23 ~~E.~~ D. This section does not apply to a law enforcement officer who
24 is employed by an agency of this state as an at will employee.

25 Sec. 2. Law enforcement officer polygraph examinations;
26 destruction of data and reports; delayed repeal

27 A. Beginning on the effective date of this act, the data and
28 reports from a polygraph examination of a law enforcement officer that was
29 conducted before the effective date of this act pursuant to section
30 38-1108, Arizona Revised Statutes, as amended by this act, shall be
31 destroyed as soon as practicable three years after the date of the law
32 enforcement officer's appointment or employment but not more than ninety
33 calendar days after that date.

34 B. This section is repealed from and after December 31, 2026.