

Governor's Office of Management and Budget

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Director



Regulatory Sunset Act Study of

The Detection of Deception Examiners Act

May 8, 2026

**To the Honorable JB Pritzker
Governor of Illinois**

Governor Pritzker:

As required by Section 5 of the Regulatory Sunset Act (5 ILCS 80/1 et seq.), GOMB facilitated a study with the Illinois Department of Financial and Professional Regulation's (IDFPR), the agency responsible for oversight of the Detection of Deception Examiners Act (225 ILCS 430) (the Act), which is scheduled to be repealed on January 1, 2027. This study provides justification for the recommendation to continue this Act.

GOMB's examination of this Act was conducted considering the factors set out in Sections 6 and 7 of the Regulatory Sunset Act. The following report outlines the work of GOMB's study and details the criteria and data utilized to arrive at the above recommendation.

Respectfully,

Alexis Sturm
Director
Governor's Office of Management and Budget

GOMB Regulatory Sunset Act Report: Detection of Deception Examiners Act

The State of Illinois, acting through the Illinois Department of Financial and Professional Regulation (IDFPR), licenses the profession of Detection of Deception Examiners and Detection of Deception Examiner Trainees pursuant to the Act.

Administering a polygraph test is regulated in Illinois because of the significant impact test results can have on preemployment screening; sex crimes which could lead to criminal court activity; and other criminal investigations such as theft. Because the test is invasive and the test results may lead to tangible livelihood or criminal impact to the subjects, it is crucial that individuals conducting a polygraph test are competent professionals trained in the science of polygraphic testing. Guidelines and rules must be followed when administering tests to minimize false results that would negatively impact employment decisions or criminal investigations.

1. License Count and Fee Structure (5 ILCS 80/6(1) and (3))

As of July 31, 2025, IDFPR states that there are 63 currently active licenses for Detection of Deception Examiners in Illinois. See the following table for the number of licenses issued by IDFPR under this Act in the fiscal years indicated:

License Type	FY21	FY22	FY23	FY24	FY25
Detection of Deception Examiner	0	0	8	5	5
Detection of Deception Examiner Trainee	0	3	1	2	0

Detection of Deception Examiners have the following licensure fee structure:

License Type	Fee Amount	Online Payment
Application Fee	\$100	Yes
Renewal Fee	\$125 per year	Yes
Duplicate Fee	\$20	No
Certification of Record	\$20	No
Review of Score	\$20 plus applicable testing agency fees	No
Trainee Application Fee	\$50	Yes
Trainee Renewal Fee	\$50 per year	Yes

2. Obtaining Certification in Illinois (5 ILCS 80/6(11))

Applicants are required to apply through IDFPR's CORE system. The Department provides a guide that includes qualifications and fees associated with licensure.

Applicants for both Detection of Deception Examiner and Detection of Deception Trainee must have at least a bachelor's degree. Detection of Deception Examiner applicants must complete the Six-Month Study Training with an Illinois-qualified trainer and pass the exam, have been licensed in another state,

or have applicable training by the Federal government to apply for licensure.

Licensure requires continuing education to maintain skills in the profession, and in the areas of sexual harassment, and ethics training. Prior to becoming a Detection of Deception Examiner, credentials are reviewed by IDFPR, and the applicant must serve as a Trainee, trained by an approved Instructor and Trainer.

3. Equity Concerns (5 ILCS 80/6(10), (12) and (13))

IDFPR states that equity concerns and training barriers may affect licensure in this Act. Trainees must provide evidence that they received training from a qualified trainer, and many out-of-state or retired examiners do not meet Illinois' requirements for trainers. Limited availability of full-time trainers in Illinois is an obstacle to completing the Six-Month Study Course on schedule.

4. Agency recommendations to change the statute (5 ILCS 80/6(4) and (9))

IDFPR does not currently have amendatory recommendations for this Act. The Department is continuously monitoring the impact the current statutory language has on practitioners, while closely observing what changes can be made to better benefit the public.

Qualifications and the expiration and renewal periods were last updated by P.A. 97-168, eff. 7-22-11.

5. Agency efforts to comply with enabling laws (5 ILCS 80/6(3), (4) and (5))

At the time of this study, GOMB is not aware of any compliance issues by IDFPR related to the provisions of the Act. There is no Board constituted for this Act.

6. Recent bills introduced by the General Assembly (5 ILCS 80/6(9))

1) 225 ILCS 430/7.3 allows the Secretary to appoint a Hearing Officer (P.A. 102-20, eff. 1-1-22). The public benefits because the Hearing Officer represents a neutral party to weigh the evidence, write factual findings, and conclusions of law.

2) 225 ILCS 430/15 excludes the employer of a detection of deception examiner or trainee from disciplinary action if the employer did not know or should not have known of the violation by the detection of deception examiner or trainee (P.A. 102-20, eff. 1-1-22). This provision protects the employer and the profession and seeks to prevent an entity from being closed as a result of violations by the examiner or trainee.

3) 225 ILCS 430/17 allows IDFPR to investigate the actions of any person rendering or offering to render detection of deception services or holding or claiming to hold a license (P.A. 102-20, eff. 1-1-22). This provision protects the public by ensuring that only competent, qualified, and licensed individuals administer polygraph tests in Illinois. These tests are typically conducted in contexts that affect an individual's livelihood, employment, or in response to questions concerning criminal activities. Polygraph tests must be given within the constraints of constitutional safeguards (e.g., privacy issues, self-incrimination) to ensure protection for the individual subject to the test.

4) 225 ILCS 430/15 states that any person affected by a final administrative decision can have it

reviewed judicially by the circuit court (P.A. 102-20, eff. 1-1-22). This provision helps safeguard the public by allowing a neutral source (a judge) to review decisions made by the Department's Administrative Law Judge (ALJ).

7. Stakeholder Feedback and Protocols for Licensure (5 ILCS 80/6(5), (6), (7), (8), (10) and 5 ILCS 80/7)

IDFPR states that based upon stakeholder feedback and research information, the current administrative rules regarding technology (instruments used) under this Act are outdated. In the last year, the Detection of Deception community in Illinois has begun to communicate and strongly advocate for changes to IDFPR. This community wants a review of the current exam. The Department will form a committee of industry members to evaluate the current exam and identify specific changes, if any, are needed.

Stakeholders are advocating for the arm cuff exercise time limit to be extended from four (4) minutes to nine (9) minutes to allow Detection of Deception Examiner's in Illinois to use modern technology. The Act restricts Detection of Deception Examiners in Illinois to use specified technology. Within the industry, there are over twelve (12) acceptable testing measures and five (5) are widely used and accepted by the American Polygraph Association.

Changing the time limit from four (4) minutes to nine (9) minutes would require a change in Rule (68 I.A.C. Section 1230.100 (f): "A test shall not continue for more than 4 minutes while the arm pressure cuff is being utilized, nor more than 5 minutes while the wrist cuff is being utilized."

Stakeholders also propose changes to the required number of specific-issue and pre-employment mock exams. Many public agencies lack opportunity to perform the currently required mock exams. This lengthens the Six-Month Study Training. The regulation in question, 68 I.A.C. 1230.30/3(A)(B), requires specific-issue mock exams covering at least five different investigative categories such as burglary, theft, and robbery—limited cases within these categories creates the bottleneck.

8. Public Outreach (5 ILCS 80/6(5), (6), (7) and (8) and 5 ILCS 80/7)

IDFPR gathers feedback through direct engagement with the profession, including attending industry trainings and Illinois Polygraph Society meetings. The Department also reviews written submissions and consults subject-matter experts such as national trainers. IDFPR solicits input during the formal rulemaking process by inviting stakeholder comments before rules are filed with JCAR and by participating in the public-comment period after First Notice.

Feedback to IDFPR consistently highlights the need to maintain strong regulation of this occupation. Stakeholders warn that states without licensure requirements experience unqualified individuals conducting polygraph examinations, creating risks for the public and the profession. The Department reviews all comments in relation to the Act and its rules, evaluates the necessity and impact of potential changes, and incorporates revisions when appropriate.

9. Industry Standards (5 ILCS 80/6(11) and (12))

IDFPR notes that several states do not regulate or have de-regulated this profession (i.e., Texas). The American Polygraph Society standards are located here: www.polygraph.org; however, some states

consider the standards to be a form of guidance.

Michigan requires a bachelor's degree or high school diploma with five years experience and approval by the Board (five years of continuous investigative experience with a recognized law enforcement or governmental investigative agency). The individual must not have been sentenced for commission of a felony within five (5) years prior to applying including parole, probation, or actual incarceration.

Iowa requires a bachelor's degree and two full-time years of work in corrections or criminal justice, attendance in a polygraph program, and post-conviction sex offender testing certification (PCSOT).

10. Public Complaint Resolution (5 ILCS 80/6(3), (7), (8) and (10) and 5 ILCS 80/7)

IDFPR has received four complaints from the public regarding regulated Detection of Deception Examiners and Trainees over the past five fiscal years. The Department has received five complaints from licensed Detection of Deception Examiners. Department investigators review complaints and may send them to Prosecutors. If the complaint progresses, a Director's Order will be entered by the Director of Professional Regulation.

Similar to litigation, there are several variables that can impact the time from complaint to resolution. The average time for resolution of a complaint is six to seven months. When the Respondent does appear and participates in the process it can take up to a year or longer. Factors include the allegations involved, if the matter is resolved by agreement between the Department and Respondent in an informal conference, if the Respondent requests continuances, or if there is a formal hearing with findings made by the Administrative Law Judge, with a Director's Order to follow.

The table below outlines the number of complaints received by the Department in the last five years.

Complaints	FY20	FY21	FY22	FY23	FY24
Detection of Deception	0	0	0	3	1

11. Disciplinary Action (5 ILCS 80/6(14))

Section 225 ILCS 430/4 imposes a civil penalty of up to \$10,000 per offense on anyone who practices or offers to practice as a Detection of Deception Examiner without a valid license. This penalty is assessed by the Department after a formal hearing, following the same procedures used for licensed professionals. The Department also holds the authority to investigate all instances of unlicensed activity related to deception detection.

12. Conclusion

The Act governs the licensure of Detection of Deception Examiners in the State of Illinois.

If Detection of Deception Examiners do not follow guidelines and rules when administering tests, false results could be produced thereby aiding in the loss of employment, the refusal of employment, or there could be a false criminal impact on a crime suspect.

The absence of licensing criteria would pose a significant and direct harm to the welfare of the public.

The provisions within the Act and the corresponding Administrative Rules have been modeled to ensure the public's welfare is the principal focus. They mitigate risk by establishing licensing criteria sufficient to determine that an applicant is fit to practice this occupation in Illinois.

Based on the factors in 5 ILCS 80/6 and the additional criteria in 5 ILCS 80/7, GOMB finds that the Act should be recommended for continuation. The record should expressly state that the public protection benefits of regulation outweigh the regulatory costs and that no less restrictive alternative would adequately address the significant and discernible harms identified in this report.

The Act should be continued to promote and enhance the safety and welfare of the public, without burdening licensees or commerce.