

1 IN THE SENATE

BY RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 223

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the licensing of  
7 polygraph operators; and providing for  
8 an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 Section 1. DEFINITIONS. a. "Polygraph" means any  
11 instrument designed for use in the detection of deception to  
12 which the person being examined must be physically connected.

13 b. "Polygraph Operator" means any person who asks <sup>a</sup>any  
14 question of any person who is <sup>the</sup>physically attached to a polygraph,  
15 or who interprets the product of a polygraph.

16 c. "Commissioner" means the Commissioner of Public Safety  
17 for the State of Alaska, or his authorized representative.

18 Sec. 2. LICENSE REQUIRED. No person, except those  
19 specifically exempted from the provisions of this Act, shall  
20 engage in the operation of a polygraph or attempt to operate  
21 a polygraph or represent that he is a polygraph operator unless  
22 he has in his possession, at the time of the operation or  
23 representation, a license issued as provided in this Act.

24 Sec. 3. FORM OF APPLICATION. Any person wishing to  
25 become licensed as a polygraph operator may make application  
26 to the Commissioner by submitting information satisfactory  
27 to the Commissioner that: (a) he is at least 21 years of age;  
28 (b) he is of good moral character and has not been convicted  
29 of any felony; (c) he has satisfactorily completed a minimum

SB # 223

1 of 200 hours of resident instruction in polygraph operation  
2 at a school approved by the Commissioner; (d) he has complied  
3 with any other requirements which the Commissioner shall  
4 prescribe by regulation as provided in this Act.

5 Sec. 4. EXEMPTED POLYGRAPH OPERATORS. This Act shall not  
6 apply to employees of federal government agencies or members of  
7 the Armed Services of the United States when operating a poly-  
8 graph in the course of their Federal employment or in the  
9 performance of their military duties.

10 Sec. 5. TEMPORARY PERMITS. The Commissioner may issue  
11 a temporary permit to any polygraph operator not licensed in  
12 Alaska authorizing him to operate a polygraph for short periods  
13 of time; provided that such permit shall state the name and  
14 home address of the permittee and (shall state) the place (or  
15 places) and the period of time during which such permit is valid.

16 Sec. 6. GROUNDS FOR SUSPENSION OR REVOCATION OF  
17 POLYGRAPH OPERATOR'S LICENSE. The Commissioner, acting in  
18 compliance with the Administrative Procedure Act, may suspend  
19 or revoke any license of a polygraph operator issued by him  
20 under the provisions of this Act if the license holder:

- 21 (1) Has obtained or attempted to obtain, by fraud or  
22 deceit, a license to operate a polygraph;
- 23 (2) Has been convicted of a felony;
- 24 (3) Has been convicted of any crime involving moral  
25 turpitude;
- 26 (4) Is habitually intoxicated or is addicted to the use  
27 of narcotics;
- 28 (5) Is mentally ill or mentally incompetent;
- 29 (6) Has wilfully or repeatedly violated any of the

1 provisions of this Act, or the regulations promulgated hereunder.

2       Sec. 7. FEES. An application fee of \$10.00 shall  
3 accompany each application for a license or for a temporary  
4 permit.

5       Sec. 8. REGULATIONS. The Commissioner is authorized to  
6 promulgate such regulations as may be reasonably necessary to  
7 carry out the provisions of this Act.

8       Sec. 9. VIOLATIONS A MISDEMEANOR. Any person who violates  
9 <sup>the</sup> any provisions of this Act or any <sup>the</sup> regulations promulgated  
10 hereunder shall be guilty of a misdemeanor punishable by a fine  
11 not to exceed \$200.00, or imprisonment for a period not to  
12 exceed three months, or by both such fine and imprisonment.

13       Sec. 10. EFFECTIVE DATE. This Act shall take effect upon  
14 its passage and approval or on the day it becomes law without  
15 such approval.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29