

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 306

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

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

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

10 * Section 1. AS 08 is amended by adding a new chapter to read:

11 CHAPTER 85. POLYGRAPH OPERATORS

12 Sec. 08.85.010. LICENSE REQUIRED. No person, except
13 those specifically exempted from the provisions of this
14 chapter may engage in the operation of a polygraph or attempt
15 to operate a polygraph or represent that he is a polygraph
16 operator unless he has in his possession, at the time of the
17 operation or representation, a license issued as provided in
18 this chapter.

19 Sec. 08.85.020. FORM OF APPLICATION. Any person wish-
20 ing to become licensed as a polygraph operator may make appli-
21 cation to the commissioner by submitting information
22 satisfactory to the commissioner that

23 (1) he is at least 21 years of age;

24 (2) he is of good moral character and has not
25 been convicted of any felony;

26 (3) he has satisfactorily completed a minimum of
27 160 hours of resident instruction in polygraph operation at
28 a school approved by the commissioner;

29 (4) he has complied with any other requirements

1 which the commissioner shall prescribe by regulation as pro-
2 vided in this chapter.

3 Sec. 08.85.030. EXEMPTED POLYGRAPH OPERATORS. This
4 chapter does not apply to an employee of a federal government
5 agency or a member of the Armed Services of the United States
6 who is operating a polygraph in the course of his federal
7 employment or in the performance of his military duties.

8 Sec. 08.85.040. TEMPORARY PERMITS. The commissioner
9 may issue a temporary permit to any polygraph operator not
10 licensed in Alaska authorizing him to operate a polygraph
11 for short periods of time. The permit shall state the name
12 and home address of the permittee and shall state the place
13 or places and the period of time during which the permit is
14 valid.

15 Sec. 08.85.050. GROUNDS FOR SUSPENSION OR REVOCATION
16 OF POLYGRAPH OPERATOR'S LICENSE. The commissioner, acting
17 in compliance with the Administrative Procedure Act, may
18 suspend or revoke the license of a polygraph operator issued
19 under this chapter if the license holder

20 (1) by fraud or deceit has obtained a license to
21 operate a polygraph;

22 (2) has been convicted of a felony;

23 (3) has been convicted of any crime involving
24 moral turpitude;

25 (4) is habitually intoxicated or is addicted to
26 the use of narcotics;

27 (5) is mentally ill or mentally incompetent;

28 (6) has wilfully or repeatedly violated any of the
29 provisions of this chapter, or the regulations promulgated

1 by the commissioner.

2 Sec. 08.85.060. FEES. An application fee of \$100 shall
3 accompany each application for a license or a fee of \$50 for
4 a temporary permit. This section does not apply to authoriz-
5 ed polygraph operators for the division of state police or
6 local governmental police departments.

7 Sec. 08.85.070. REGULATIONS. The commissioner is
8 authorized to promulgate reasonable, necessary regulations
9 to carry out the provisions of this chapter.

10 Sec. 08.85.080. VIOLATIONS A MISDEMEANOR. A person
11 who violates a provision of this chapter or a regulation
12 adopted under sec. 70 of this chapter is guilty of a mis-
13 demeanor and upon conviction is punishable by a fine not to
14 exceed \$200, or by imprisonment for a period not to exceed
15 three months, or by both.

16 Sec. 08.85.090. DEFINITIONS.

17 (1) "polygraph" means any instrument designed for
18 use in the detection of deception to which the person being
19 examined must be physically connected;

20 (2) "polygraph operator" means any person who asks
21 any question of any person who is physically attached to a
22 polygraph, or who interprets the product of a polygraph;

23 (3) "commissioner" means the commissioner of
24 public safety or his authorized representative.

25 * Sec. 2. This Act takes effect on the day after its passage
26 and approval or on the day it becomes law without such approval.
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