

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 \$50 shall  
3 accompany each application for a license or a fee of \$25 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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