

1 IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 223

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST 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 86. POLYGRAPH OPERATORS

12 Sec. 08.86.010. LICENSE REQUIRED. No person, except
13 those specifically exempted from the provisions of this
14 chapter, shall attempt to operate or operate a polygraph or
15 represent that he is a polygraph operator unless he has in
16 his possession, at the time of the operation or representa-
17 tion, a license issued as provided in this chapter.

18 Sec. 08.86.020. QUALIFICATIONS FOR LICENSE. The
19 commissioner shall issue a polygraph operator's license to
20 one who

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

22 (2) is of good moral character and has not been
23 convicted of a felony or of a misdemeanor involving moral
24 turpitude;

25 (3) has satisfactorily completed a minimum of
26 200 hours of resident instruction in polygraph operation at
27 a school approved by the commissioner;

28 (4) has complied with other requirements which
29 the commissioner has prescribed by regulation as provided

1 in this chapter.

2 Sec. 08.86.030. EXEMPTED POLYGRAPH OPERATORS. This
3 chapter shall not apply to employees of the federal govern-
4 ment or members of the Armed Services of the United States
5 when operating a polygraph in the course of their federal
6 employment or in the performance of their military duties.

7 Sec. 08.86.040. TEMPORARY LICENSE. The commissioner
8 may issue a temporary license to a polygraph operator
9 authorizing him to operate a polygraph for a specified period
10 of time. A temporary license shall state the period of time
11 during which the license is valid.

12 Sec. 08.86.050. GROUNDS FOR SUSPENSION OR REVOCATION
13 OF POLYGRAPH OPERATOR'S LICENSE. The commissioner, after
14 holding a hearing in compliance with the Administrative
15 Procedure Act, may suspend or revoke a polygraph operator's
16 license if the license holder

17 (1) has obtained or attempted to obtain a poly-
18 graph operator's license by fraud or deceit;

19 (2) has been convicted of a felony or of a mis-
20 demeanor involving moral turpitude;

21 (3) is habitually intoxicated or is addicted to
22 the use of narcotics;

23 (4) is mentally ill or mentally incompetent;

24 (5) has wilfully violated any provision of this
25 chapter or a regulation promulgated by the commissioner.

26 Sec. 08.86.060. FEES. A fee of \$100 shall accompany
27 an application for a license and a fee of \$50 for a tem-
28 porary license. No fee shall be required of applicants
29 who are employed by the Department of Public Safety or

1 local governmental police departments.

2 Sec. 08.86.070. REGULATIONS. The commissioner may
3 promulgate regulations reasonably necessary to carry out the
4 provisions of this chapter.

5 Sec. 08.86.080. VIOLATION A MISDEMEANOR. A person
6 who violates a provision of this chapter or a regulation
7 promulgated by the commissioner shall be guilty of a mis-
8 demeanor punishable by a fine not to exceed \$200 or imprison-
9 ment for a period not to exceed three months or both.

10 Sec. 08.86.090. DEFINITIONS.

11 (1) "polygraph" means any instrument designed to
12 detect deception which must be physically connected to the
13 person being questioned;

14 (2) "polygraph operator" means any person who
15 attaches, manipulates or controls a polygraph or interprets
16 its product;

17 (3) "commissioner" means the commissioner of
18 public safety.

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