

Sixty-second  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2164**

Introduced by

Senators Lyson, Sitte, Krebsbach

Representatives Grande, Porter, Schatz

1 A BILL for an Act to amend and reenact sections 43-31-02, 43-31-07, and 43-31-16 of the North  
2 Dakota Century Code, relating to requirements for detection of deception instruments and  
3 examiners.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 43-31-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **43-31-02. ~~Device or instrument~~Instruments to be used.**

8 Every examiner shall use an instrument which records ~~permanently and simultaneously the~~  
9 ~~subject's cardiovascular and respiratory patterns as minimum standards~~physiologic activity with  
10 four sensors: a blood pressure cuff, electrodermal sensors, and two respirator sensors, but such  
11 an instrument may record additional physiological changes pertinent to the detection of  
12 deception. An examiner shall, ~~upon written request of a~~when requested by the person being  
13 ~~examined, make known~~provide the results of such test to the person examinedexamination  
14 ~~within five days of receipt of the written request~~a reasonable amount of time.

15 **SECTION 2. AMENDMENT.** Section 43-31-07 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **43-31-07. Qualifications of applicant.**

18 A person is qualified to receive a license as an examiner:

- 19 1. Who is at least ~~eighteen~~twenty-one years of age.
- 20 2. Who establishes that the person is a person of honesty, truthfulness, integrity, and  
21 moral fitness.
- 22 3. Who has not been convicted of an offense determined by the attorney general to have  
23 a direct bearing upon a person's ability to serve the public as an examiner, or who,  
24 following conviction of any offense, is determined, pursuant to section 12.1-33-02.1, to

be rehabilitated, or who has not been released or discharged under other than honorable conditions from any of the armed services of the United States.

4. Who has passed an ~~examination~~ a test conducted by the attorney general, or under the attorney general's supervision, to determine the applicant's competency to obtain a license to practice as an examiner ~~except that an examiner who was continually engaged in the administration of examinations for the two year period immediately prior to July 1, 1975, or who had successfully completed a training course prior to July 1, 1975, from a school deemed acceptable by the attorney general, and who was previously exempt from the provisions of this chapter as an examiner in the exclusive employ of the state of North Dakota, a county, municipality, or political subdivision thereof as then provided by section 43-31-15 is exempt from the requirement of an examination.~~

5. Who has satisfactorily completed a polygraph examiners course approved by the attorney general and has satisfactorily completed not less than six months of internship training.

**SECTION 3. AMENDMENT.** Section 43-31-16 of the North Dakota Century Code is amended and reenacted as follows:

**43-31-16. Examiner licensed in another state exempt from examination**  
**from testing requirements.**

An applicant who ~~is an examiner, licensed under the laws of another state of the United States,~~ may be issued a license without ~~examination~~ being tested by the attorney general, ~~in the attorney general's discretion, upon payment of a fee of thirty-five dollars, and the production of satisfactory proof if:~~

1. ~~That the~~ The applicant is at least twenty-one years of age;
2. ~~That the~~ The applicant is a citizen of the United States;
3. ~~That the~~ The applicant is of good moral character; and
4. ~~That the requirements for the licensing of examiners in such particular state of the United States were at the date of licensing substantially equivalent to the requirements then in force in this state; and~~

- 1        5.    ~~That the applicant had lawfully engaged in the administration of polygraph-~~  
2           ~~examinations under the laws of such state for at least two years prior to the application-~~  
3           ~~for license hereunder.~~The applicant:  
4           a.    Is licensed in a state that has substantially equivalent licensing requirements and  
5               grants reciprocity to examiners licensed in North Dakota; or  
6           b.    Is a North Dakota resident and has within the previous twelve months  
7               successfully completed a basic polygraph examiners course taught by an  
8               accredited school and approved by the attorney general.