

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 requesta 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

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

- 3           4. Who has passed an ~~examination~~ a test conducted by the attorney general, or under the  
4           attorney general's supervision, to determine the applicant's competency to obtain a  
5           license to practice as an examiner ~~except that an examiner who was continually-~~  
6           ~~engaged in the administration of examinations for the two-year period immediately-~~  
7           ~~prior to July 1, 1975, or who had successfully completed a training course prior to-~~  
8           ~~July 1, 1975, from a school deemed acceptable by the attorney general, and who was-~~  
9           ~~previously exempt from the provisions of this chapter as an examiner in the exclusive-~~  
10          ~~employ of the state of North Dakota, a county, municipality, or political subdivision-~~  
11          ~~thereof as then provided by section 43-31-15 is exempt from the requirement of an-~~  
12          ~~examination.~~
- 13          5. Who has satisfactorily completed a polygraph examiners course approved by the  
14          attorney general and has satisfactorily completed not less than six months of  
15          internship training.

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

18          **43-31-16. Examiner licensed in another state exempt from examination**  
19          **from testing requirements.**

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

- 24          1. ~~That the~~ The applicant is at least twenty-one years of age;  
25          2. ~~That the~~ The applicant is a citizen of the United States;  
26          3. ~~That the~~ The applicant is of good moral character; and  
27          4. ~~That the requirements for the licensing of examiners in such particular state of the~~  
28          ~~United States were at the date of licensing substantially equivalent to the requirements~~  
29          ~~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.