

HOUSE BILL NO. 1345

Introduced by

Representatives Heinert, Jones, Klemin, Meier, Satrom, Vetter

Senators Larson, Luick, Myrdal

1 A BILL for an Act to amend and reenact sections 43-31-07, 43-31-09, 43-31-10, and 43-31-14 of
2 the North Dakota Century Code, relating to the licensing of detection of deception examiners
3 and to repeal sections 43-31-07.1 and 43-31-16 of the North Dakota Century Code, relating to
4 internship licenses and exemptions from testing requirements of detection of deception
5 examiners.

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

7 **SECTION 1. AMENDMENT.** Section 43-31-07 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-31-07. Qualifications of applicant.**

10 A person is qualified to receive a license as an examiner if the applicant:

- 11 1. ~~Who is~~ is at least twenty-one years of age.
- 12 2. ~~Who establishes that the person is a person of honesty, truthfulness, integrity, and~~
13 ~~moral fitness~~ Within the last five years has not:
 - 14 a. ~~Pled guilty or nolo contendere to, or been found guilty of, a criminal~~ felony offense
15 in a court of this state or a criminal offense from another court in the United
16 States, a tribal court, or court of another country; or
 - 17 b. Been released from incarceration or probation.
- 18 3. ~~Who has not been convicted of an offense determined by the attorney general to have~~
19 ~~a direct bearing upon a person's ability to serve the public as an examiner, or who,~~
20 ~~following~~ Following conviction of any offense or release from incarceration or probation,
21 is determined, pursuant to section 12.1-33-02.1, to be rehabilitated, ~~or who has not~~
22 ~~been released or discharged under other than honorable conditions from any of the~~
23 ~~armed services of the United States.~~

- 1 4. ~~Who has passed a test conducted by the attorney general, Has not been released or~~
2 ~~under the attorney general's supervision, to determine~~discharged under other than
3 honorable conditions from any of the applicant's competency to obtain a license to
4 ~~practice as an examiner~~armed services of the United States.
- 5 5. ~~Who has~~Has satisfactorily completed a polygraph examiners course certified by either
6 the American polygraph association or the American association of police
7 polygraphicistspolygraphists. or approved by the attorney general ~~and has.~~
- 8 6. Has satisfactorily completed not less than six months of internship training under the
9 supervision of a licensed polygraph examiner.

10 **SECTION 2. AMENDMENT.** Section 43-31-09 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **43-31-09. Contents of license - Posting.**

13 A license must be prominently displayed at the principal place of business of every
14 examiner or may be in the possession of the examiner when conducting examinations in a
15 location other than the examiner's principal place of business. Each license must be signed by
16 the attorney general and must be issued under the seal of the attorney general's office.

17 **SECTION 3. AMENDMENT.** Section 43-31-10 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **43-31-10. Revocation or suspension.**

20 The attorney general may refuse to issue or renew or may suspend or revoke a license for
21 any one of the following grounds:

- 22 1. Material misstatement in the application for original license or in the application for any
23 renewal license under this chapter.
- 24 2. Willful disregard or violation of this chapter or of any regulation or rule issued pursuant
25 thereto.
- 26 3. Conviction of an offense determined by the attorney general to have a direct bearing
27 upon a person's ability to serve the public as an examiner, or when the attorney
28 general determines, following a person's conviction of any offense, that the person is
29 not sufficiently rehabilitated under section 12.1-33-02.1.

- 1 4. Making any willful misrepresentation or false promises or causing to be printed any
- 2 false or misleading advertisement for the purpose of directly or indirectly obtaining
- 3 business or trainees.
- 4 5. ~~Having demonstrated incompetency to act as an examiner as defined under this~~
- 5 ~~chapter.~~
- 6 6. Allowing one's license under this chapter to be used by an unlicensed person in
- 7 violation of the provisions of this chapter.
- 8 ~~7.6.~~ Willfully aiding or abetting another in the violation of this chapter or of any rule issued
- 9 by the attorney general pursuant thereto.
- 10 ~~8.7.~~ The licenseholder has been adjudged mentally ill, mentally deficient, or in need of
- 11 mental treatment.
- 12 ~~9.8.~~ Failing, within a reasonable time, to provide information requested by the attorney
- 13 general as the result of a formal or informal complaint to the attorney general, which
- 14 would indicate a violation of this chapter.

15 **SECTION 4. AMENDMENT.** Section 43-31-14 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **43-31-14. Examination and license License fees.**

- 18 1. ~~The fee to be paid by an applicant for examination to determine the applicant's fitness~~
- 19 ~~to receive an examiner's license is fifty dollars.~~
- 20 2. The annual license fee is thirty-five dollars, and is due and payable on or before
- 21 October first of each year. A reinstatement fee of fifty dollars is required in addition to
- 22 the annual license fee for each license renewal applied for after ~~September-~~
- 23 ~~thirtieth~~October first.
- 24 ~~3.2.~~ The fee to be paid for the issuance of a duplicate license is five dollars.
- 25 ~~4.3.~~ The fee to be paid for an internship license, and for the extension or renewal thereof,
- 26 is twenty-five dollars.

27 **SECTION 5. REPEAL.** Sections 43-31-07.1 and 43-31-16 of the North Dakota Century
28 Code are repealed.