

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2164
(Senators Lyson, Sitte, Krebsbach)
(Representatives Grande, Porter, Schatz)

AN ACT to amend and reenact sections 43-31-02, 43-31-07, and 43-31-16 of the North Dakota Century Code, relating to requirements for detection of deception instruments and examiners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

43-31-07. Qualifications of applicant.

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

1. Who is at least ~~eighteen~~twenty-one years of age.
2. Who establishes that the person is a person of honesty, truthfulness, integrity, and moral fitness.
3. Who has not been convicted of an offense determined by the attorney general to have a direct bearing upon a person's ability to serve the public as an examiner, or who, 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**Exemption 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~~
5. ~~That the applicant had lawfully engaged in the administration of polygraph examinations under the laws of such state for at least two years prior to the application for license hereunder.~~The applicant:
 - a. Is licensed in a state that has substantially equivalent licensing requirements and grants reciprocity to examiners licensed in North Dakota; or
 - b. Is a North Dakota resident and has within the previous twelve months successfully completed a basic polygraph examiners course taught by an accredited school and approved by the attorney general.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2164.

Senate Vote: Yeas 45 Nays 0 Absent 2

House Vote: Yeas 87 Nays 0 Absent 7

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State