

Act No. 2
Public Acts of 2005
Approved by the Governor
April 1, 2005
Filed with the Secretary of State
April 1, 2005
EFFECTIVE DATE: April 1, 2005

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Senator Cropsey

ENROLLED SENATE BILL No. 137

AN ACT to amend 1972 PA 295, entitled "An act to license and regulate persons who purport to be able to detect deception, verify truthfulness, or provide a diagnostic opinion of either through the use of any device or instrumentation as lie detectors, forensic polygraphs, deceptographs, emotional stress meters or similar or related devices and instruments; to create a state board of forensic polygraph examiners with licensing and regulatory powers over all such persons and instruments; to provide for administrative proceedings and court review; to establish minimum standards and requirements for all such instrumentation or devices and to prohibit the use of instruments or devices which do not meet minimum standards and requirements; and to provide for injunctions and penalties," by amending section 10 (MCL 338.1710).

The People of the State of Michigan enact:

Sec. 10. (1) Upon application and payment of the required fee, a person fulfilling the following is qualified to receive a license as an examiner:

- (a) Is at least 18 years of age.
- (b) Is a citizen of the United States.
- (c) Has not been under sentence for the commission of a felony within 5 years prior to his or her application, including parole, probation, or actual incarceration.
- (d) Has either 1 of the following, subject to subsection (2):
 - (i) An academic degree, at least at the baccalaureate level, from an accredited college or university, with an academic degree to include specialized study in 1 academic major, or 2 academic minor areas that the department determines to be suitable for and related to specialization as an examiner.
 - (ii) A high school diploma or its equivalent from an accredited high school and at least 5 years of continuous investigative experience with a recognized governmental law enforcement or governmental investigative agency.
- (e) Has either 1 of the following:
 - (i) Has satisfactorily completed an internship training program approved by the department.
 - (ii) Satisfies the department that he or she has training or experience equivalent to an internship training program described in subparagraph (i).
- (f) Furnishes the department with satisfactory proof that he or she has suitable experience in the personal administration of polygraph examinations during an internship, or its equivalent.
- (g) Furnishes the department with a completed fingerprint card, bearing the applicant's fingerprints and such other identifying information or certification as to their authenticity as the department may reasonably require and arranges for the conduct of a criminal history check that fails to demonstrate ineligibility under this section. The department shall

submit the applicant's fingerprints along with the appropriate state and federal fees to the department of state police for a criminal history check. The department of state police may then forward the fingerprints to the federal bureau of investigation for a criminal history check. The fee shall be paid by the applicant and shall accompany the submission of the fingerprints to the department. The information obtained as a result of the criminal history check of an applicant shall be limited to officially determining the character and fitness of the applicant for licensing purposes.

(h) Has not previously had an examiner's license, or its equivalent, refused, revoked, suspended or otherwise invalidated for a reason that would also represent lawful grounds for revoking or denying applicant's license under this act.

(i) Upon reasonable investigation, satisfies the department that no substantial derogatory information exists regarding applicant's loyalty, honesty, or integrity as would reasonably and prudently justify denying him or her a license.

(j) Has continuously resided in this state or has been continuously eligible to apply for an absentee voter's ballot for the general elections in this state for at least 6 calendar months immediately before the date of the application; or any combination of these 2 requirements that totals at least 6 calendar months.

(k) Has satisfactorily passed required qualifying examinations conducted by the department, or under its supervision, to determine his or her competency to obtain a license to practice as an examiner, except that the applicant first shall have satisfied all the other requirements in this section before taking such a qualifying examination.

(2) All applicants shall have received an academic degree, at least at the baccalaureate level, from an accredited college or university, with such academic degree to include specialized study in 1 academic major, or 2 academic minor areas that the department determines to be suitable for and related to specialization as an examiner.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor