

FORENSIC POLYGRAPH EXAMINERS ACT (EXCERPT)
Act 295 of 1972

338.1719 Refusal to issue or suspension or revocation of license; grounds.

Sec. 19.

The board may refuse to issue a license, or may suspend or revoke a license on 1 or more of the following grounds, if the holder or applicant for a license has:

- (a) Made a material misstatement in the application for a license or in the application for a renewal license.
- (b) Disregarded or violated this act or any rule promulgated pursuant to this act.
- (c) Been convicted of a felony; a misdemeanor punishable by more than 1 year imprisonment; or any crime involving moral turpitude including, but not limited to, dishonesty or fraud, or unauthorized divulging or selling of information or evidence.
- (d) Made a misrepresentation or false promise or caused to be printed any false or misleading advertisement for the purpose of directly or indirectly obtaining business or interns.
- (e) Demonstrated unworthiness or incompetency to act as an examiner or intern in a manner as to affect the interests of the public.
- (f) Allowed his or her license to be used by an unlicensed person in violation of this act.
- (g) Aided or abetted another in the violation of this act or of any rule promulgated pursuant to this act.
- (h) Been adjudged mentally ill, mentally deficient, or in need of mental treatment.
- (i) Failed, within a reasonable time, to provide information requested by the board as the result of a formal complaint in writing to the board, or as the result of substantive information otherwise received by the board which would reasonably indicate a violation of this act, or any rules promulgated pursuant to this act.
- (j) Asked test questions during a polygraph examination regarding the examinee's sexual practices, labor union, political, or religious affiliations, or his or her marital relationship, except where such questions have a bearing on the areas or issues under examination.
- (k) Failed to inform the examinee of all specific question areas to be explored prior to their actual exploration during the examination.
- (l) Conducted an examination without having informed the examinee of all of the following:
 - (i) The examinee has the right to refuse or accept the examination.
 - (ii) The examinee cannot be discharged from employment solely because he or she so refuses or accepts the examination.
 - (iii) The examinee cannot be denied employment solely because he or she so refuses or accepts the examination.
 - (iv) The examinee has the right to halt an examination in progress at any time.
 - (v) The examinee is not required to answer any questions or give any information.
 - (vi) Any information that the examinee volunteers could be used against him or her, or made available to the party requesting the examination, unless otherwise specified and agreed to in writing.
- (m) Conducted an examination that he or she knew or should have known violated the polygraph protection act of 1981.

History: 1972, Act 295, Eff. Mar. 30, 1973 ;— Am. 1982, Act 46, Eff. Mar. 30, 1983

Compiler's Notes: In subdivision (j), "marital" evidently should read "marital". For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws. For abolishment of the state board of forensic polygraph examiners and transfer of its powers and duties to the department of labor and economic growth, see E.R.O. No. 2007-18, compiled at MCL 445.2024.