

1 HB35
2 173243-1
3 By Representative McCutcheon
4 RFD: Boards, Agencies and Commissions
5 First Read: 02-FEB-16
6 PFD: 01/29/2016

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8 SYNOPSIS: Currently, applicants for licensure as a
9 polygraph examiner must apply in writing to the
10 Board of Polygraph Examiners and the application
11 contains requests for certain information as
12 determined by the board.

13 This bill would require applicants to submit
14 two complete sets of fingerprints to the board;
15 would require the board to submit the fingerprints
16 to the State Bureau of Investigations; would
17 require the bureau to forward a set of the prints
18 to the FBI for a national criminal history
19 background check; would require written consent by
20 the applicant for the release of the criminal
21 history background information to the board; and
22 would require the applicant to bear the costs of
23 the background checks.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 To amend Section 34-25-22, Code of Alabama 1975,
3 relating to applications for licensure as a polygraph
4 examiner; to additionally require an applicant to provide two
5 sets of fingerprints to the Board of Polygraph Examiners to
6 forward to the State Bureau of Investigations for a state and
7 national background check of the applicant; to require an
8 applicant to give written consent to release the results of
9 the background checks to the Board of Polygraph Examiners; and
10 to require the applicant to bear the costs of the background
11 checks.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 34-25-22, Code of Alabama 1975,
14 is amended to read as follows:

15 "§34-25-22.

16 "(a) Applications for original license shall be made
17 to the board in writing under oath on forms prescribed by the
18 board and shall be accompanied by the required fee, which is
19 not refundable. Any such application shall require such
20 information as in the judgment of the board will enable it to
21 pass on the qualifications of the applicant for a license.

22 "(b) An applicant shall provide the board with two
23 complete sets of fingerprints to be sent to the State Bureau
24 of Investigation to conduct a criminal history background
25 check. The State Bureau of Investigations shall forward a copy
26 of the applicant's prints to the Federal Bureau of
27 Investigations for a national criminal background check.

1 "(c) The request to the board shall contain the
2 following information:

3 "(1) Two complete functional sets of fingerprints,
4 either cards or electronic, properly executed by a criminal
5 justice agency or an individual properly trained in
6 fingerprinting techniques.

7 "(2) Written consent from the applicant for the
8 release of criminal history background information to the
9 board.

10 "(d) The applicant shall pay all costs associated
11 with the background checks required by this section.

12 "(e) The board shall keep information received
13 pursuant to this section confidential, except that such
14 information received and relied upon in denying the issuance
15 of a license in this state may be disclosed as may be
16 necessary to support the denial or when subpoenaed from a
17 court."

18 Section 2. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.