

Enrolled Senate Bill 71

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CHAPTER

AN ACT

Relating to general polygraph examiner licensing; amending ORS 703.090.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 703.090 is amended to read:

703.090. (1) [Any] **All of the following requirements apply to an** applicant for a license as a general polygraph examiner. **The applicant** must:

(a) Be at least 18 years of age[;].

(b) Be a citizen of the United States[;].

(c) Not have demonstrated, in the preceding 10 years, a course of behavior that indicates a high degree of probability that the applicant will be unlikely to perform the duties of a polygraph examiner in a manner that would serve the interests of the public[;].

(d) If previously convicted for a criminal offense, provide information, as required by the Department of Public Safety Standards and Training, relating to the circumstances of the conviction. ORS 670.280 is applicable when the department considers information provided under this paragraph[;].

(e)(A) Have received a baccalaureate degree from a college or university that is accredited by the American Association of Collegiate Registrars and Admissions Officers; or[, *in lieu thereof*,]

(B) Have graduated from [*be a graduate of an accredited*] high school **or have been awarded a General Educational Development (GED) certificate**, and have at least five years of active investigative experience before the date of application[;].

(f) Have graduated from a polygraph examiners course approved by the department and conforming to any minimum training standards approved by the Board on Public Safety Standards and Training and have satisfactorily completed at least 200 examinations, or have worked as a polygraph examiner for a period of **at least** five years for a governmental agency within the State of Oregon and have [*completed*] **satisfactorily completed at least** 200 examinations[; *and*].

(g) Have successfully completed an examination conducted by the department to determine, consistent with any standards approved by the board, competency to act as a polygraph examiner.

(2) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Department of Public Safety Standards and Training shall require each applicant to be fingerprinted as part of the licensing procedure.

(3) Notwithstanding ORS 181.534 (5) and (6), the Department of State Police shall maintain in the department's files fingerprint cards submitted to it for purposes of conducting a state or na-

tionwide criminal records check under ORS 181.534 on applicants for a license as a general polygraph examiner.

(4) When the Department of Public Safety Standards and Training refuses to issue a license based upon an applicant's failure to meet the requirements of subsection (1)(c) of this section, the department shall prepare a concise, specific written statement of the facts supporting the department's conclusion that there is a high degree of probability that the applicant will be unlikely to perform required duties in a manner that would serve the interests of the public. A copy of the statement [shall] **must** be given to the applicant.

Passed by Senate April 13, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 25, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State