

1 HB139
2 135749-1
3 By Representative McCutcheon
4 RFD: Boards, Agencies and Commissions
5 First Read: 07-FEB-12
6 PFD: 02/02/2012

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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 to two complete sets of fingerprints to the board;
15 would require the board to submit the fingerprints
16 to the Alabama Bureau of Investigation (ABI); would
17 require the ABI to forward a set of the prints to
18 the FBI for a national criminal history background
19 check; would require written consent by the
20 applicant for the release of the criminal history
21 background information to the board; and would
22 require the applicant to bear the costs of the
23 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 Alabama Bureau of Investigation 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 Alabama Bureau
24 of Investigation to conduct a criminal history background
25 check. The ABI shall forward a copy of the applicant's prints
26 to the Federal Bureau of Investigation for a national criminal
27 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."

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