



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 137 (as enrolled)
Sponsor: Senator Alan L. Cropsy
Senate Committee: Judiciary
House Committee: Judiciary

Date Completed: 3-18-05

RATIONALE

The Forensic Polygraph Examiners Act specifies eligibility criteria for a person to receive a license as a forensic polygraph examiner. These include a requirement that an applicant not have been under a felony sentence, including parole, probation, or incarceration, within the five years before applying for licensure. The Act also requires an applicant to furnish the State board of forensic polygraph examiners with his or her fingerprints, along with other identifying information or certification as to the fingerprints' authenticity that the board requires. Although the Act does not explicitly state that the fingerprints are to be used to check the applicant's criminal history, the Department of State Police does conduct such a check of statewide records and forwards the fingerprints to the Federal Bureau of Investigation (FBI) for a check of national records. The FBI apparently has provided these background checks for years, but recently notified the Department that it will cease doing so unless the Department has statutory authorization to send the fingerprints to the FBI for a criminal history check. Some people believe that this authorization should be enacted, in order for the FBI to continue running a check on forensic polygraph examiner applicants' criminal history.

CONTENT

The bill would amend the Forensic Polygraph Examiners Act to revise the requirement that an applicant for a license as a forensic polygraph examiner furnish fingerprints to the State board of forensic polygraph examiners, and authorize the Department of

State Police to forward the fingerprints to the FBI.

Currently, upon application and payment of the required license fee, an applicant must furnish the board with "completed fingerprint cards in duplicate" and other identifying information or certification as to their authenticity as the board requires. Under the bill, an applicant instead would have to furnish the Department of Labor and Economic Growth (DLEG) with a single completed fingerprint card, along with other identifying information or certification that DLEG required, and arrange for "the conduct of a criminal history check that fails to demonstrate ineligibility" under the Act.

The bill would require DLEG to 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 then could forward the fingerprints to the FBI for a criminal history check. The applicant would have to pay the fee when submitting the fingerprints to DLEG. Information obtained from the criminal history check would be limited to an official determination of the applicant's character and fitness for licensing purposes.

(Although the Act established the board of forensic polygraph examiners within the Department of State Police, it has been transferred to various departments by executive orders issued over the last 25 years. The board currently exists and operates in the Department of Labor and Economic Growth.)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would authorize the Department of State Police to continue the longstanding practice of forwarding the fingerprints of an applicant for a polygraph examiner license to the FBI for it to conduct a criminal history check. By providing this authorization, the bill would bring Michigan into conformity with a Federal policy requiring states to have statutory authority to forward the fingerprints to the FBI. Without this amendment, it is possible that the FBI will discontinue performing criminal history checks on applicants for a polygraph examiner license.

In addition, the bill would codify the current practice of requiring polygraph examiner applicants to pay the fees necessary for both a State and a national criminal history check to be conducted.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The Department of State Police currently requires an applicant's fingerprints for criminal background checks. The applicant pays a \$54 fee of which \$24 is forwarded to the Federal government and \$30 is allocated to the State Police.

Fiscal Analyst: Bill Bowerman

A0506\137ea

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.