

EXHIBIT 35E—KENTUCKY

SESSION LAWS OF KENTUCKY, 1963

CHAPTER 78

(S.B. 63)

AN ACT Relating to "Detection of Deception Examiners," for licensing and regulating same

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. As used in this Act, unless the context otherwise requires:

- (1) "Detection of Deception Examiner," hereinafter referred to as "Examiner," means any person, other than on a trainee, who uses any device or instrument to test or question individuals for the purpose of detecting deception.
- (2) "Trainee" means any person who administers detection of deception examinations under the personal supervision and control of an examiner.
- (3) "Person" means any natural person, partnership, association, corporation or trust.
- (4) "Department" means the Department of Public Safety of the Commonwealth of Kentucky.
- (5) "Commissioner" means the Commissioner of the Department of Public Safety of the Commonwealth of Kentucky.

SEC. 2. Every examiner shall use an instrument which records permanently and simultaneously the subject's cardiovascular and respiratory patterns as minimum standards, but such an instrument may record additional physiological changes pertinent to the detection of deception.

SEC. 3. (1) No person shall administer a detection of deception examination as set forth in Section 1 of this Act, or any imitation thereof, without first securing a trainee's license or an examiner's license. Each application for a trainee's license shall be made to the department within ten days of the commencement of the trainee's internship, and said application shall contain such information as may be reasonably required by the department. The department shall issue the trainee license free of charge. Each application for an examiner's license shall be made to the department in writing on forms provided by the department and shall contain such information as is required by the department to determine the eligibility of the applicant. Each application for an examiner's license shall be accompanied by a fee of twenty dollars, which is nonrefundable.

(2) Each applicant for an examiner's license shall submit his fingerprints to the department together with a sworn affidavit that said applicant:

- (a) Is a citizen of the United States;
- (b) Is at least twenty-one years of age;
- (c) Has administered detection of deception examinations for a period of at least two years using the instrumentation prescribed in Section 2 of this Act;
- (d) Has completed a course of formal training in detection of deception in an institution accepted by the department; and
- (e) Has not been convicted of a misdemeanor involving moral turpitude or a felony, or who has not been released or discharged under other than honorable conditions from any of the Armed Services of the United States, or any branch of the state, city or federal government.

(3) Upon receipt of an application for a trainee's license or for an examiner's license, the commissioner shall investigate each application, and no license will be issued until said investigation is complete.

SEC. 4. On the effective date of this Act, any person who has actually engaged in the occupation, business or profession of an examiner for a period of five years, and who has used for that period the instrumentation prescribed in Section 2 of this Act, shall, upon application within one year after the effective date of this Act and upon payment of the required license fee, be issued a license hereunder, without completion of formal training in an institution; provided, however, that the commissioner may require such applicant to submit satisfactory proof that he has so engaged for such period and has the other qualifications of an examiner as are set forth in this Act.

SEC. 5. (1) Each examiner's license shall be issued for the term of one calendar year or for such part thereof as remains at the time of the issuance thereof. Each examiner's license shall be renewed during the month of December of each year, and each examiner's not so renewed shall expire on December 31, of that year. A renewal fee of fifteen dollars shall accompany each renewal application for the examiner's license.