

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7838

BILL NUMBER: HB 1919

DATE PREPARED: Jan 28, 2001

BILL AMENDED:

SUBJECT: Polygraph Examiner Certification.

FISCAL ANALYST: David Hoppmann

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FUNDS AFFECTED: X

X

**GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: *Polygraph Examiner Law*- This bill repeals IC 25-30-2, which provides for regulation of polygraph examiners by the Indiana State Police (the State Police). It creates a new polygraph examiner law.

Polygraph Examiner Certification Board- It provides for the establishment of a Polygraph Examiner Certification Board (the Board). It establishes new certification requirements for polygraph examiners. It provides that the Board issues, denies, and revokes certificates of competence for polygraph examiners. It exempts out-of-state law enforcement officers from the certification requirements.

Class A Infraction- It provides that an uncertified individual who uses the title of polygraph examiner commits a Class A infraction.

Effective Date: July 1, 2001.

Explanation of State Expenditures: *Polygraph Examiner Law and Certification Board*- The State Police would experience no fiscal impact due to the provisions of this bill since its personnel spend only a small percentage of time attending to polygraph examiner certification duties.

Under current law, the State Police Department is required to issue certificates of competence (certificates) to operate a polygraph instrument to eligible individuals who have met certain criteria such as successfully completing an accredited polygraph school, or having demonstrated satisfactory completion of criminal or noncriminal case examinations. In addition, the State Police Department suspends or revokes certificates based on certain actions by the polygraph examiner.

In accordance with this bill, the State Police would no longer be responsible for the issuance, suspension, or revocation of certificates as described above. Instead, the Polygraph Examiner Certification Board (the Board) would be created in order to do so.

The Professional Licensing Agency- The Professional Licensing Agency (the Agency) would experience an increase in administrative expenses due to the provisions of this bill.

Under current law, the Agency is required to perform all administrative functions, duties, and responsibilities assigned by Indiana law or administrative rule for the professional regulatory boards listed below. (The Agency has no policy making authority over the following regulatory boards. Specific policy making authority remains with each board respectively.)

1) Indiana Board of Accountancy; 2) Board of Registration for Architects and Landscape Architects; 3) Indiana Auctioneer Commission; 4) State Board of Barber Examiners; 5) State Boxing Commission; 6) State Board of Cosmetology Examiners; 7) State Board of Funeral and Cemetery Service; 8) State Board of Registration for Professional Engineers; 9) Indiana Plumbing Commission; 10) Indiana Real Estate Commission; 11) Real Estate Appraiser Licensure and Certification Board; 12) Private Detectives Licensing Board; and 13) State Board of Registration for Land Surveyors.

Under this bill, the Agency would also be administratively responsible for the Board.

Expenses could range from \$3,000 to \$7,500 per year for the following items: 1) board member payments; 2) lodging and meal reimbursements; 3) administrative hearings; and 4) license and renewal forms. In addition, the Agency could incur expenses regarding additional personnel. However, since the volume of individuals seeking polygraph examiner certification has not been historically significant in Indiana, it is not likely that additional personnel costs would be a factor.

Polygraph Examiner Certification Board- The Board would be comprised of the Superintendent of the State Police (or his designee) and four members appointed by the Governor representing polygraph expertise from various backgrounds. In addition to certifying polygraph examiners, the Board would be required to adopt rules to accomplish the following: 1) establish standards and procedures for granting and revoking certificates; 2) establish certification fees; 3) establish continuing education requirements; and 4) require prospective examiners who conduct court-ordered sex offender examinations to complete specific training.

Background- The State Police currently processes approximately ten polygraph examiner certifications, annually, for which no fee is charged. The last time certification fees were collected was in FY 1996 which generated \$125. There are currently 324 polygraph certificates on file with the State Police.

Explanation of State Revenues: *Class A Infraction-* If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class A infraction is \$10,000 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Polygraph Examiner Certification Board- The State would experience an indeterminable increase in revenues generated from fees charged to individuals seeking polygraph examiner certification. (The Board would be required to establish appropriate fees.) The specific effects would depend upon the number of fees, and the amount of each fee determined by the Board.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Class A Infraction*- If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: State Police.

Local Agencies Affected: Trial courts, Law Enforcement Agencies.

Information Sources: Steve Hillman, State Police, (317) 232-8204; Medana Davis, Professional Licensing Agency, (317) 232-3997.