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March 22, 1979

ATTORNEY GENERAL OPINION NO. 79- 40

Mr. Allen Meyers
Chief of Police
Kansas City, Kansas Police Department
Kansas City, Kansas 66101

Re: Private Investigative or Security Operations --
Private Detectives -- Electronic Truth Verification.

Synopsis: Any person who engages in the business of electronic truth verification must be licensed as a private detective pursuant to K.S.A. 75-7b01 et seq. A law enforcement officer is prohibited by K.S.A. 75-7b02(c) from being licensed as a private detective.

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Dear Chief Meyers:

In your letter of March 2, 1979 you have requested our opinion whether an off-duty law enforcement officer may engage in the business of electronic truth verification. We conclude he may not.

Attorney General Opinion No. 74-6 dealt with the question of licensing polygraph examiners under the provisions of K.S.A. 75-7b01 et seq. In referring to the definition of "detective business" in K.S.A. 75-7b01(a), this opinion states:

"It is rather clear from this language that an individual holding himself out to perform polygraph examinations for more than one client for any of the purposes enumerated above, and for any consideration whatsoever is required to be licensed."

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The result of Opinion No. 74-6 and one in which we concur is that a person engaged in the business of performing polygraph examinations or electronic truth verification must be licensed as a private detective.

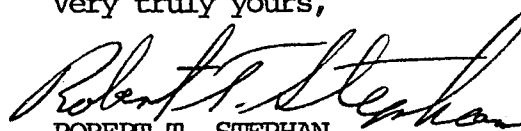
K.S.A. 75-7b02(c) provides:


"No law enforcement officer or any person who holds a special commission from any law enforcement agency of the federal government or of the state or any political subdivision thereof may be licensed as a private detective or private detective agency."

Thus, a law enforcement officer may not engage in the practice of electronic truth verification as an outside business, since such officer is unable to secure the necessary private detective license.

Attached is a copy of Attorney General Opinion No. 74-6 for your information.

Very truly yours,


ROBERT T. STEPHAN
Attorney General of Kansas


Elsbeth D. Schafer
Assistant Attorney General

RTS:TDH:EDS:may