

FINAL BILL REPORT

HB 1520

C 202 L 07

Synopsis as Enacted

Brief Description: Concerning polygraph examinations of sexual assault victims.

Sponsors: By Representatives Williams, Rodne, Simpson, Moeller, O'Brien, Kirby and Kenney.

House Committee on Judiciary

Senate Committee on Judiciary

Background:

Polygraph examinations are sometimes used by law enforcement agencies as an investigative tool. Washington courts have held that polygraph evidence is inherently unreliable as an indicator of deception. The results of a polygraph examination are not admissible as evidence in a trial without a stipulation from both parties.

The Violence Against Women Act (VAWA) established federal grant programs to assist states, local governments, and other entities in preventing and responding to crimes such as domestic violence and sexual assault.

One provision in the 2005 enactment of the VAWA requires grant applicants to certify that their laws, policies, or practices ensure that law enforcement, prosecutors, and other government officials do not ask or require a victim of a sex offense to take a polygraph examination as a condition of proceeding with an investigation of that offense.

Summary:

Law enforcement officers, prosecuting attorneys, and other government officials may not ask or require a victim of an alleged sex offense to submit to a polygraph exam or other truth telling device as a condition of proceeding with the investigation of the offense. The victim's refusal to take a polygraph exam or other truth telling device shall not by itself prevent the investigation, charging, or prosecution of the offense.

Votes on Final Passage:

House	97	0	
Senate	48	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 22, 2007