

SENATE BILL REPORT

SHB 2768

As Reported by Senate Committee On:
Judiciary, February 23, 2010

Title: An act relating to background investigations for peace officers and reserve officers.

Brief Description: Requiring background investigations for peace officers and reserve officers as a condition of employment.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Ross, O'Brien, Hurst, Ericks, Wallace, Kelley, Upthegrove and Simpson; by request of Criminal Justice Training Commission).

Brief History: Passed House: 2/11/10, 97-0.

Committee Activity: Judiciary: 2/23/10 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell, Gordon and Kohl-Welles.

Staff: Juliana Roe (786-7438)

Background: The Criminal Justice Training Commission (CJTC) provides basic corrections training, law enforcement training, and educational programs for criminal justice personnel, including commissioned officers, corrections officers, fire marshals, and prosecuting attorneys.

An applicant offered a conditional offer of employment as a peace officer or reserve officer must pass a psychological exam and a polygraph test as a condition of continuing employment. The tests must be administered by the hiring county, city, or state law enforcement agency. The psychological exam must be administered by a Washington licensed psychiatrist or psychologist, and the polygraph test must be administered by an experienced polygrapher.

The CJTC is authorized to receive criminal history record information that includes nonconviction data for employment by the CJTC or for certification of peace officers.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under certain circumstances, the CJTC may deny or revoke certification of a peace officer. The CJTC must deny certification to an officer who has lost certification as a result of a break in law enforcement work of more than two years if the officer has failed to pass the psychological exam and polygraph test.

Summary of Bill: An applicant offered a conditional offer of employment as a peace officer or reserve officer must submit to a background investigation, including a check of criminal history, as a condition of continuing employment. The results of the background investigation will be used to determine the applicant's suitability. The background investigation is administered by the agency that makes the conditional offer of employment.

The polygraph test must be administered by an experienced polygraph examiner who is in compliance with standards established by the CJTC.

The CJTC must deny certification to an officer who has lost certification as a result of a break in law enforcement work of more than two years if the officer has failed to comply with requirements regarding the background investigation, psychological exam, and polygraph test.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is merely clean-up language. The changes proposed will more accurately reflect current practice. Current statutes do not actually require background investigations or criminal history checks prior to employment. However, agencies already do this voluntarily. It also cleans-up language with regard to testing that is administered.

Persons Testifying: PRO: Doug Blair, Criminal Justice Training Commission.