
HOUSE BILL 2947

State of Washington

59th Legislature

2006 Regular Session

By Representatives McDonald, Ericks and Dunn

Read first time 01/17/2006. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to clarifying and making technical amendments to
2 the prehire screening process for law enforcement applicants; amending
3 RCW 43.101.095; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.101.095 and 2005 c 434 s 2 are each amended to read
6 as follows:

7 (1) As a condition of continuing employment as peace officers, all
8 Washington peace officers: (a) Shall timely obtain certification as
9 peace officers, or timely obtain certification or exemption therefrom,
10 by meeting all requirements of RCW 43.101.200, as that section is
11 administered under the rules of the commission, as well by meeting any
12 additional requirements under this chapter; and (b) shall maintain the
13 basic certification as peace officers under this chapter.

14 (2)(a) As a condition of continuing employment for any applicant
15 that has been offered a conditional offer of employment as a fully
16 commissioned peace officer or a reserve officer after July 24, 2005,
17 (~~including any person whose certification has lapsed as a result of a~~
18 ~~break of more than twenty four consecutive months in the officer's~~
19 ~~service as a fully commissioned peace officer or reserve officer,)) the~~

1 applicant shall successfully pass a psychological examination and a
2 polygraph or similar test as administered by the county, city, or state
3 law enforcement agency that complies with the following requirements:

4 (i) The psychological examination shall be administered by a
5 psychiatrist licensed in the state of Washington pursuant to chapter
6 18.71 RCW or a psychologist licensed in the state of Washington
7 pursuant to chapter 18.83 RCW. The examination shall consist of, at a
8 minimum, a standardized clinical test that is widely used as an
9 objective clinical screening tool for personality and psychosocial
10 disorders. The test that is used and the conditions under which the
11 test is administered, scored, and interpreted must comply with accepted
12 psychological standards. Additional tests may be administered at the
13 option of the employing law enforcement agency.

14 (ii) The polygraph examination (~~(or similar assessment)~~) shall be
15 administered by an experienced polygrapher who is a graduate of a
16 polygraph school accredited by the American polygraph association.
17 Similar tests used in place of the polygraph shall be conducted by an
18 experienced and certified examiner of that particular test.

19 (b) The employing county, city, or state law enforcement agency may
20 require that each peace officer or reserve officer who is required to
21 take a psychological examination and a polygraph or similar test pay a
22 portion of the testing fee based on the actual cost of the test or four
23 hundred dollars, whichever is less. County, city, and state law
24 enforcement agencies may establish a payment plan if they determine
25 that the peace officer or reserve officer does not readily have the
26 means to pay for his or her portion of the testing fee.

27 (3) The commission shall certify peace officers who have satisfied,
28 or have been exempted by statute or by rule from, the basic training
29 requirements of RCW 43.101.200 on or before January 1, 2002.
30 Thereafter, the commission may revoke certification pursuant to this
31 chapter.

32 (4) The commission shall allow a peace officer to retain status as
33 a certified peace officer as long as the officer: (a) Timely meets the
34 basic law enforcement training requirements, or is exempted therefrom,
35 in whole or in part, under RCW 43.101.200 or under rule of the
36 commission; (b) meets or is exempted from any other requirements under
37 this chapter as administered under the rules adopted by the commission;

1 (c) is not denied certification by the commission under this chapter;
2 and (d) has not had certification revoked by the commission.

3 (5) As a prerequisite to certification, as well as a prerequisite
4 to pursuit of a hearing under RCW 43.101.155, a peace officer must, on
5 a form devised or adopted by the commission, authorize the release to
6 the commission of his or her personnel files, termination papers,
7 criminal investigation files, or other files, papers, or information
8 that are directly related to a certification matter or decertification
9 matter before the commission.

10 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of the
12 state government and its existing public institutions, and takes effect
13 immediately.

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