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**Commerce & Labor Committee**

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**SB 5635**

**Brief Description:** Revising provisions relating to limitations on polygraph tests.

**Sponsors:** Senators Brandland, Kline and Delvin; by request of Criminal Justice Training Commission.

**Brief Summary of Bill**

- Allows law enforcement agencies and county juvenile court services agencies to require persons returning after 24-month breaks in service as fully-commissioned law enforcement officers to take lie detector and similar tests.

**Hearing Date:** 3/15/07

**Staff:** Jill Reinmuth (786-7134).

**Background:**

Employers are prohibited from requiring employees or prospective employees to take lie detector or similar tests as a condition of employment. There are exceptions to this prohibition for persons making initial application for employment with law enforcement agencies and county juvenile court services agencies, persons applying for or continuing employment with drug manufacturers, distributors, and dispensers, and persons in sensitive positions directly involving national security.

Employers who unlawfully require lie detector or similar tests may be subject to civil and criminal liability. In a civil action, a prevailing employee or prospective employee may be awarded actual damages, a civil penalty of \$500, and reasonable attorneys' fees and costs. (A prevailing employer may be awarded reasonable attorneys' fees and expenses if the civil action is frivolous and advanced without reasonable cause.) In a criminal action, an employer may be found guilty of a misdemeanor.

**Summary of Bill:**

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The exception to the prohibition on lie detector and similar tests is modified. In addition to persons making initial application for employment, law enforcement agencies and county juvenile court services agencies may require persons returning after 24-month breaks in service as fully-commissioned law enforcement officers to take lie detector and similar tests as a condition of employment.

**Rules Authority:** The bill does not address the rule-making powers of an agency.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.