

HOUSE BILL REPORT

HB 1520

As Amended by the Senate

Title: An act relating to polygraph examinations of sexual assault victims.

Brief Description: Concerning polygraph examinations of sexual assault victims.

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

Brief History:

Committee Activity:

Judiciary: 1/30/07, 1/31/07 [DP].

Floor Activity:

Passed House: 2/28/07, 97-0.

Senate Amended.

Passed Senate: 4/5/07, 48-0.

Brief Summary of Bill

- Prohibits law enforcement, prosecutors, and other government officials from asking or requiring a victim of a sex offense to take a polygraph exam as a condition of investigating the offense.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Trudes Tango (786-7384).

Background:

Polygraph examinations are sometimes used by law enforcement agencies as an investigative tool. Washington courts have stated 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 the stipulation from both parties.

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.

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 of Bill:

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 prevent the investigation, charging, or prosecution of the offense.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment makes it explicit that the victim's refusal to take a polygraph may not, by itself, prevent the investigation, charging, or prosecution of the offense.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) The purpose of the bill is to comply with the Violence Against Women Act requirements. Making a victim take a polygraph exam can deter victims from reporting the crime. There is data showing that when a person is emotional and upset, as a sexual assault victim would be, a polygraph exam is not accurate. Polygraph exams do not help in bringing these types of cases forward. The purpose of federal STOP grants is to build a collaborative and improved response in the system to victims of domestic violence and sexual assault. The money received from these grants go to victim services, law enforcement, and prosecutors. Washington needs to continue to be eligible to receive grants from VAWA. Washington gets about \$4 million dollars a year under the STOP grant and other federal grants.

(Opposed) None.

Persons Testifying: Christiane Hurt, Washington Coalition of Sexual Assault Programs; and Bev Emery, Office of Crime Victims Advocacy

Persons Signed In To Testify But Not Testifying: Marcia Magee.