

# SENATE BILL REPORT

## HB 1520

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As Reported By Senate Committee On:  
Judiciary, March 23, 2007

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

**Brief Description:** Concerning polygraph examinations of sexual assault victims.

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

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

**Committee Activity:** Judiciary: 3/20/07, 3/23/07 [DPA].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended.

Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, Roach and Weinstein.

**Staff:** Juliana Roe (786-7405)

**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.

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, prosecutors, 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 one of these tests will not prevent the investigation, charging, or prosecution of the offense.

**EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Judiciary):** Clarifies that the refusal of a victim to submit to a

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polygraph or other truth telling devices must not by itself prevent the investigation, charging, or prosecution of the offense.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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: The Violence Against Women Act established federal grant programs to prevent and respond to crimes such as domestic violence and sexual assault. One provision in that Act requires grant applicants to certify that their laws, policies, or practices ensure that victims of alleged sexual offenses are not asked or required to take a polygraph examination regarding the offense.

**Persons Testifying:** PRO: Betty Bailey, Executive Director of Washington Coalition of Sexual Assault Programs.