

# HOUSE BILL REPORT

## HB 1262

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**As Reported by House Committee On:**  
Public Safety

**Title:** An act relating to background investigations of peace officers, reserve officers, and corrections officers.

**Brief Description:** Concerning background investigations of peace officers, reserve officers, and corrections officers.

**Sponsors:** Representatives Klippert and Chase.

**Brief History:**

**Committee Activity:**

Public Safety: 2/5/21, 2/12/21 [DP].

**Brief Summary of Bill**

- Provides that law enforcement and corrections agencies may use an eye-based truth verification test as an alternative to, or in addition to, a polygraph in conducting a background investigation of a prospective officer.
- Adds the eye-based truth verification test to the list of background tests for which the candidate may be required to pay a portion of the testing fee, up to \$400.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 11 members: Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis, Graham, Hackney, Lovick, Orwall, Simmons and Young.

**Minority Report:** Do not pass. Signed by 1 member: Representative Ramos.

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

**Staff:** Omeara Harrington (786-7136).

**Background:**

Any law enforcement or corrections agency that makes a conditional offer of employment to an applicant for a peace officer, reserve officer, or corrections officer position must administer a background investigation to determine the applicant's suitability for employment as an officer. A background investigation is required of all new applicants as well as applicants who are seeking reinstatement following a lapse in service. The background investigation must include a criminal history check, verification of citizenship or lawful permanent resident status, a psychological examination, and a polygraph or similar assessment.

An employing agency may require that each prospective officer who undergoes the psychological examination and the polygraph or similar assessment pay a portion of the testing fee based on the actual cost of the test or \$400, whichever is less. The agency may establish a payment plan if the officer does not readily have the means to pay the testing fee.

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**Summary of Bill:**

Law enforcement and corrections agencies may use an eye-based truth verification test as an alternative to a polygraph in conducting a background investigation of a prospective officer, or, if the agency chooses, it may use both the eye-based test and the polygraph. An "eye-based truth verification test" is a test that measures credibility through analysis of the physiological responses of the eyes, including, but not limited to, changes in pupil diameter, eye movement, reading behavior, blinks, and fixations. The eye-based truth verification test is included in the list of background tests for which the candidate may be required to pay a portion of the testing fee.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill allows a new technology to be utilized in officer background investigations. American ingenuity is a great thing, and this new technology will contribute to the protection of citizens. This legislation is an important step in hiring the right people

who want to serve in public service. There is an extensive and intrusive hiring process for officers, with a background investigation involving cognitive, physical, personality, drug, and lie detection testing, and a medical and psychological evaluation. It is not uncommon to screen 50 to 100 candidates to fill one position. Lie detection is an important component in the larger process, used to screen out those who do not belong in the profession. Technology, including lie detection technology, has changed over the decades that we have been using polygraphs. This technology is based in science, takes less time, money, and training than a polygraph, and is less intrusive as no wires are connected to the candidate. It is COVID-compliant because the examiner can be in a different room, and there is no human interpretation, which reduces error. It also allows screening to go forward if a polygraph examiner is unavailable.

(Opposed) None.

**Persons Testifying:** Representative Klippert, prime sponsor; and Jon Walters, Public Safety Testing.

**Persons Signed In To Testify But Not Testifying:** None.