
SENATE BILL 5157

State of Washington

61st Legislature

2009 Regular Session

By Senators Brandland, Pridemore, McCaslin, Keiser, and Shin; by request of Criminal Justice Training Commission

Read first time 01/15/09. Referred to Committee on Judiciary.

1 AN ACT Relating to psychological examinations for peace officer
2 certification; and amending RCW 43.101.095.

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

4 **Sec. 1.** RCW 43.101.095 and 2008 c 74 s 8 are each amended to read
5 as follows:

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

13 (2)(a) As a condition of continuing employment for any applicant
14 that has been offered a conditional offer of employment as a fully
15 commissioned peace officer or a reserve officer after July 24, 2005,
16 including any person whose certification has lapsed as a result of a
17 break of more than twenty-four consecutive months in the officer's
18 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
8 a 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)) in compliance with standards established in rules of
13 the commission. (~~(Additional tests may be administered at the option
14 of the employing law enforcement agency.)~~))~~

15 (ii) The polygraph examination or similar assessment shall be
16 administered by an experienced polygrapher who is a graduate of a
17 polygraph school accredited by the American polygraph association.

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

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

31 (4) The commission shall allow a peace officer to retain status as
32 a certified peace officer as long as the officer: (a) Timely meets the
33 basic law enforcement training requirements, or is exempted therefrom,
34 in whole or in part, under RCW 43.101.200 or under rule of the
35 commission; (b) meets or is exempted from any other requirements under
36 this chapter as administered under the rules adopted by the commission;
37 (c) is not denied certification by the commission under this chapter;
38 and (d) has not had certification revoked by the commission.

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

8 (6) The commission is authorized to receive criminal history record
9 information that includes nonconviction data for any purpose associated
10 with employment by the commission or peace officer certification under
11 this chapter. Dissemination or use of nonconviction data for purposes
12 other than that authorized in this section is prohibited.

13 (7) For a national criminal history records check, the commission
14 shall require fingerprints be submitted and searched through the
15 Washington state patrol identification and criminal history section.
16 The Washington state patrol shall forward the fingerprints to the
17 federal bureau of investigation.

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