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SENATE BILL 5635

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State of Washington

60th Legislature

2007 Regular Session

By Senators Brandland, Kline and Delvin; by request of Criminal Justice Training Commission

Read first time 01/26/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to requiring polygraph tests; and amending RCW  
2 49.44.120.

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

4 **Sec. 1.** RCW 49.44.120 and 2005 c 265 s 1 are each amended to read  
5 as follows:

6 (1) It shall be unlawful for any person, firm, corporation or the  
7 state of Washington, its political subdivisions or municipal  
8 corporations to require, directly or indirectly, that any employee or  
9 prospective employee take or be subjected to any lie detector or  
10 similar tests as a condition of employment or continued employment:  
11 PROVIDED, That this section shall not apply to persons making  
12 (~~initial~~) application for employment with any law enforcement agency  
13 or with the juvenile court services agency of any county, or to persons  
14 returning after a break of more than twenty-four consecutive months in  
15 service as a fully commissioned law enforcement officer: PROVIDED  
16 FURTHER, That this section shall not apply to either the initial  
17 application for employment or continued employment of persons who  
18 manufacture, distribute, or dispense controlled substances as defined

1 in chapter 69.50 RCW, or to persons in sensitive positions directly  
2 involving national security.

3 (2) Nothing in this section shall be construed to prohibit the use  
4 of psychological tests as defined in RCW 18.83.010.

5 (3) Any person violating this section is guilty of a misdemeanor.

6 (4) As used in this section, "person" includes any individual,  
7 firm, corporation, or agency or political subdivision of the state.

8 (5) Nothing in this section may be construed as limiting any  
9 statutory or common law rights of any person illegally denied  
10 employment or continued employment under this section for purposes of  
11 any civil action or injunctive relief.

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