



# PROPOSED RULE MAKING

**CR-102 (July 2022)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: October 31, 2024  
TIME: 9:16 AM

WSR 24-22-082

**Agency:** Washington State Criminal Justice Training Commission

- Original Notice**
- Supplemental Notice to WSR**
- Continuance of WSR**

- Preproposal Statement of Inquiry was filed as WSR 24-19-091 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW .**

**Title of rule and other identifying information:** (describe subject) Polygraph examination or other truth verification assessment.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
12/11/2024	10:00 am	Washington State Criminal Justice Training Commission 19010 1 <sup>st</sup> Ave S, Burien, WA 98148	Commission Room

**Date of intended adoption:** 12/11/2024 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Lacey Ledford  
 Address: 19010 1<sup>st</sup> Ave S, Burien, WA 98148  
 Email: [lacey.ledford@cjtc.wa.gov](mailto:lacey.ledford@cjtc.wa.gov)  
 Fax:  
 Other:  
 By (date) 12/11/2024

**Assistance for persons with disabilities:**

Contact Lacey Ledford  
 Phone: 206-670-5813  
 Fax:  
 TTY:  
 Email: [lacey.ledford@cjtc.wa.gov](mailto:lacey.ledford@cjtc.wa.gov)  
 Other:  
 By (date) 12/11/2024

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Revising WAC 139-07-040 to remove the requirement that the commission adopt into policy polygraph examination model questions. .

**Reasons supporting proposal:** Model questions are not an industry best practice.

**Statutory authority for adoption:** RCW 43.101.080

**Statute being implemented:** RCW 43.101.080,

**Is rule necessary because of a:**

- Federal Law?  Yes  No
- Federal Court Decision?  Yes  No
- State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Type of proponent:**  Private  Public  Governmental

**Name of proponent:** (person or organization)

Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting:	Mike Devine	19010 1 <sup>st</sup> Ave S Burien, WA 98148	206-741-6200
Implementation:	Mike Devine	19010 1 <sup>st</sup> Ave S Burien, WA 98148	206-741-6200
Enforcement:	Mike Devine	19010 1 <sup>st</sup> Ave S Burien, WA 98148	206-741-6200

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:  
Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain:

**Regulatory Fairness Act and Small Business Economic Impact Statement**  
 Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**  
 This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.  
 Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

<input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b) (Internal government operations)	<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e) (Dictated by statute)
<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c) (Incorporation by reference)	<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f) (Set or adjust fees)
<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d) (Correct or clarify language)	<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g) (i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions:** *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Date:** 10/31/2024

**Name:** Lacey Ledford

**Title:** Rules Coordinator

**Signature:**

