



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

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

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

**(1) Date of adoption:** March 12, 2003

**(2) Purpose:**

**WAC 139-30-015:** The change provides a fee increase for initial certification.

**WAC 139-35-015:** The change provides consistency with the language adopted in RCW 18.165 Private Investigators, formerly Private Detectives. It includes a fee increase for initial certification.

It would establish the responsibility of the employer to ensure that annual proficiency standards are met with each weapon the employee carries, and recognizes proof of annual firearm proficiency in lieu of a firearms recertification process that was confusing and cumbersome for the applicants and those responsible for reissuing the license.

**(3) Citation of existing rules affected by this order:**

Repealed: N/A  
 Amended: N/A  
 Suspended: N/A

**(4) Statutory authority for adoption:** RCW 43.101.080

Other Authority:

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 02-21-088 on October 21, 2002.

Describe any changes other than editing from proposed to adopted version:

139-30-015: Fee change from \$45 to \$31 dollars.

139-35-015: Fee change from \$45 to \$31 dollars. Removed (3): "All firearms carried by armed private investigators in the performance of their duties must be owned by the employer." Changed (4) to read: It shall be the responsibility of the employer to insure that the armed private detective demonstrates proficiency standards on an annual basis with each firearm that he/she is certified to use. Proficiency standards shall be set by the commission.

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:**

Yes  No If Yes, explain:

**(6) Effective date of rule:**

**Permanent Rules**

- 31 days after filing
- Other (specify) \_\_\_\_\_ \*

**Emergency Rules**

- Immediately
- Later (specify) \_\_\_\_\_

\* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Sharon M. Tolton

Signature

Title  
Deputy Director

Date

3/12/03

**CODE REVISER USE ONLY**

1047

03-07-098

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>04</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	-----------	---------	----------	----------	----------

**The number of sections adopted in the agency's own initiative:**

New	<u>0</u>	Amended	<u><del>0</del>2</u>	Repealed	<u>0</u>
-----	----------	---------	----------------------	----------	----------

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 92-02-040, filed 12/24/91, effective 1/24/92)

**WAC 139-30-015 Firearms certification--Application.** (1) Any application for firearms certification shall:

(a) Be filed with the commission on a form provided by the commission;

(b) Be signed by the principal owner, principal partner, or a principal corporate officer, of the licensed private security company employing the applicant;

(c) Establish through required documentation or otherwise that applicant:

(i) Is at least twenty-one years of age; and

(ii) Possesses a valid and current private security guard license.

(d) Be accompanied by payment of a processing fee of ((thirty)) thirty-one dollars.

(2) After receipt and review of an application, the commission will provide written notification within ten business days to the requesting company regarding applicant's eligibility to obtain and possess a firearms certificate.

(3) An armed private detective must obtain a separate firearm certificate for each firearm that he/she is authorized to use in the performance of his/her duties. All firearms carried by armed private security guards in the performance of their duties must be owned or leased by the employer.

(4) It shall be the responsibility of the employer to insure that the armed private detective demonstrates proficiency standards on an annual basis with each firearm that he/she is certified to use. Proficiency standards shall be set by the commission.

AMENDATORY SECTION (Amending WSR 92-02-041, filed 12/24/91, effective 1/24/92)

**WAC 139-35-015 Firearms certification--Application.** (1) Any application for firearms certification shall:

(a) Be filed with the commission on a form provided by the commission;

(b) Be signed by the principal owner, principal partner, principal corporate officer, or designated agent of the licensed private detective agency employing the applicant;

(c) Establish through required documentation or otherwise that applicant:

(i) Is at least twenty-one years of age; and

(ii) Possesses a valid and current private detective license.

(d) Be accompanied by payment of a processing fee of ((thirty)) thirty-one dollars.

(2) After receipt and review of an application, the commission will provide written notification within ten days to the requesting agency regarding applicant's eligibility to obtain and possess a firearms certificate.

(3) An armed private detective must obtain a separate firearm certificate for each firearm that he/she is authorized to use in the performance of his/her duties.

(4) It shall be the responsibility of the employer to insure that the armed private detective demonstrates proficiency standards on an annual basis with each firearm that he/she is certified to use. Proficiency standards shall be set by the commission.