



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Washington State Criminal Justice Training Commission	<input checked="" type="checkbox"/> Permanent Rule
(1) Date of adoption: September 10, 2003	<input type="checkbox"/> Emergency Rule
	<input type="checkbox"/> Expedited Rule Making

(2) Purpose: WAC 139-05-200 Requirement of Basic Law Enforcement Training

The change would provide consistency in training requirements for fully commissioned officers to attend the Basic Law Enforcement Academy. Currently, officers who are fully commissioned but work only part time are not required to attend the basic academy; however, they exercise the same authority as fully commissioned, full-time officers.

(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Repealed: N/A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 03-11-055 on July 9, 2003.
 Describe any changes other than editing from proposed to adopted version: N/A
 03-15-029

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:	Emergency Rules
Permanent Rules	<input type="checkbox"/> Immediately
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Later (specify) _____
<input type="checkbox"/> Other (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 <i>Sharon M. Tolton</i>
Title Deputy Director
Date 9/16/03

CODE REVISER USE ONLY

SEP 17 2003

TIME 9:20 AM

WSR 03-19-23 PM

**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:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	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>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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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>
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The number of sections adopted using:

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	Repealed	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	Repealed	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	Repealed	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

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-05-200 Requirement of basic law enforcement training.

(1) All (~~full-time~~) commissioned law enforcement (~~employees~~) officers of a city, county, or political subdivision of the state of Washington, except volunteers and reserve officers whether paid or unpaid and officers of the Washington state patrol, unless otherwise exempted by the Washington state criminal justice training commission, shall as a condition of continued employment successfully complete a basic law enforcement academy sponsored or conducted by the commission, or obtain a certificate of equivalent basic training from the commission. This requirement of basic law enforcement training shall be met within the initial six-month period of law enforcement employment, unless otherwise extended by the commission.

(2) Law enforcement personnel exempted from the requirement of subsection (1) of this section shall include:

(a) Individuals holding the office of sheriff of any county on September 1, 1979;

(b) Auxiliary and reserve personnel; and

(c) Commissioned personnel.

(i) Who have been granted an administrative exemption by the commission, provided that the initial grant and continuing effect of such exemption shall be governed by the following:

(A) No police chief or sheriff of any agency with ten or fewer commissioned officers shall be eligible to receive such exemption;

(B) Any request for such exemption shall be submitted to the commission on an approved form with a criminal records check completed by the Washington state patrol and, in any instance wherein the requestor is a police chief, such request shall be cosigned by requestor's appointing authority;

(C) Any individual receiving such exemption may not engage in patrol or other general enforcement activity on a usual or regular basis but shall limit such involvement to that required for supervision, agency management, or manpower replacement on an emergency or exigent basis;

(D) Any approved administrative exemption shall remain in effect for the duration of the exemptee's term of service within the position upon which such exemption is based or until the nature of exemptee's primary duties and responsibilities change from administrative to general enforcement; and

(E) Any approved administrative exemption may be revoked by the commission at any time upon its finding that the conditions of such exemption are not being met or the basis for such exemption no longer exists;

(ii) Whose initial date of full-time, regular and commissioned

law enforcement employment within the state of Washington precedes January 1, 1978; or

(iii) Who have been (~~certified~~) awarded a certificate of completion of the basic law enforcement academy or the basic law enforcement equivalency in accordance with the requirement of subsection (1) of this section, and thereafter have engaged in regular and commissioned law enforcement employment without break or interruption in excess of twenty-four months duration.

(3) Each law enforcement agency of the state of Washington, or any political subdivision thereof, except the Washington state patrol, shall immediately notify the commission by approved form of each instance wherein a commissioned officer begins continuing and regular employment with that agency. Such notification shall be maintained by the commission and shall be utilized by the commission for the subsequent scheduling, notification and enrollment required for compliance with the basic law enforcement training requirement.

(4) Failure to comply with the above requirement of basic law enforcement training shall result in notification of noncompliance, by the commission, on approved form, to:

- (a) The individual in noncompliance;
- (b) The head of his/her agency;
- (c) The civil service commission having jurisdiction of such agency;
- (d) The judges and clerks of the municipal, district, and superior courts in which said agency is located;
- (e) The state auditor's office; and
- (f) Any other agency or individual, as determined by the commission.