
HOUSE BILL 1757

State of Washington 55th Legislature 1997 Regular Session

By Representatives Delvin, Sterk, Zellinsky and Hickel

Read first time 02/07/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to security guard licenses; and amending RCW
2 18.170.030, 18.170.110, 18.170.130, 18.170.165, and 43.43.838.

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

4 **Sec. 1.** RCW 18.170.030 and 1995 c 277 s 1 are each amended to read
5 as follows:

6 An applicant must meet the following minimum requirements to obtain
7 a private security guard license:

8 (1) Be at least eighteen years of age;

9 (2) Be a citizen of the United States or a resident alien;

10 (3) Not have been convicted of a crime in any jurisdiction, if the
11 director determines that the applicant's particular crime directly
12 relates to his or her capacity to perform the duties of a private
13 security guard, and the director determines that the license should be
14 withheld to protect the citizens of Washington state. The director
15 shall make her or his determination to withhold a license because of
16 previous convictions notwithstanding the restoration of employment
17 rights act, chapter 9.96A RCW;

18 (4) ~~((Be employed by or have an employment offer from a licensed
19 private security company or be licensed as a private security company;~~

1 ~~(5))~~ Satisfy the training requirements established by the
2 director;
3 ~~((6))~~ (5) Submit a set of fingerprints;
4 ~~((7))~~ (6) Pay the required nonrefundable fee for each
5 application; and
6 ~~((8))~~ (7) Submit a fully completed application that includes
7 proper identification on a form prescribed by the director for each
8 company of employment.

9 **Sec. 2.** RCW 18.170.110 and 1995 c 277 s 8 are each amended to read
10 as follows:

11 (1) A private security company shall notify the director within
12 thirty days after the death or termination of employment of any
13 employee who is a licensed private security guard or armed private
14 security guard (~~by returning the license to the department with the~~
15 ~~word ["terminated"] written across the face of the license, the date~~
16 ~~of termination, and the signature of the principal or the principal's~~
17 ~~designee of the private security guard company)).~~

18 (2) A private security company shall notify the department within
19 seventy-two hours and the chief law enforcement officer of the county,
20 city, or town in which the private security guard or armed private
21 security guard was last employed immediately upon receipt of
22 information affecting his or her continuing eligibility to hold a
23 license under the provisions of this chapter.

24 (3) A private security guard company shall notify the local law
25 enforcement agency whenever an employee who is an armed private
26 security guard discharges his or her firearm while on duty other than
27 on a supervised firearm range. The notification shall be made within
28 ten business days of the date the firearm is discharged.

29 **Sec. 3.** RCW 18.170.130 and 1995 c 277 s 10 are each amended to
30 read as follows:

31 (1) Applications for licenses required under this chapter shall be
32 filed with the director on a form provided by the director. The
33 director may require any information and documentation that reasonably
34 relates to the need to determine whether the applicant meets the
35 criteria.

36 (2) After receipt of an application for a license, the director
37 shall conduct an investigation to determine whether the facts set forth

1 in the application are true and shall request that the Washington state
2 patrol (a) compare the fingerprints submitted with the application to
3 fingerprint records available to the Washington state patrol(~~(.—The~~
4 ~~Washington state patrol shall forward the fingerprints of applicants~~
5 ~~for an armed private security guard license to the Federal Bureau of~~
6 ~~Investigation for a national criminal history records check))i and (b)
7 conduct an electronic background check pursuant to RCW 43.43.838. The
8 director may require that fingerprint cards of licensees be
9 periodically reprocessed to identify criminal convictions subsequent to
10 registration.~~

11 (3) The director shall solicit comments from the chief law
12 enforcement officer of the county and city or town in which the
13 applicant's employer, if applicable, is located on issuance of a
14 permanent private security guard license.

15 (4) A summary of the information acquired under this section, to
16 the extent that it is public information, shall be forwarded by the
17 department to the applicant's employer, if applicable.

18 **Sec. 4.** RCW 18.170.165 and 1995 c 277 s 2 are each amended to read
19 as follows:

20 (~~(A licensee who transfers from one company to another must submit~~
21 ~~a transfer application on a form prescribed by the director along with~~
22 ~~a transfer fee established by the director.)) Upon employment, a
23 licensee must notify the department on a form prescribed by the
24 director. A licensee who becomes employed by more than one employer
25 must notify the department on a form prescribed by the director, along
26 with a dual employment fee established by the director.~~

27 **Sec. 5.** RCW 43.43.838 and 1995 c 29 s 1 are each amended to read
28 as follows:

29 (1) After January 1, 1988, and notwithstanding any provision of RCW
30 43.43.700 through 43.43.810 to the contrary, the state patrol shall
31 furnish a transcript of the conviction record, disciplinary board final
32 decision and any subsequent criminal charges associated with the
33 conduct that is the subject of the disciplinary board final decision,
34 or civil adjudication record pertaining to any person for whom the
35 state patrol or the federal bureau of investigation has a record upon
36 the written request of:

37 (a) The subject of the inquiry;

1 (b) Any business or organization for the purpose of conducting
2 evaluations under RCW 43.43.832;

3 (c) The department of social and health services;

4 (d) Any law enforcement agency, prosecuting authority, or the
5 office of the attorney general; (~~(e)~~)

6 (e) The department of licensing for the purpose of conducting the
7 investigation of security guard license applicants under RCW
8 18.170.130; or

9 (f) The department of social and health services for the purpose of
10 meeting responsibilities set forth in chapter 74.15, 18.51, 18.20, or
11 72.23 RCW, or any later-enacted statute which purpose is to regulate or
12 license a facility which handles vulnerable adults. However, access to
13 conviction records pursuant to this subsection (1)(~~(e)~~) (f) does not
14 limit or restrict the ability of the department to obtain additional
15 information regarding conviction records and pending charges as set
16 forth in RCW 74.15.030(2)(b).

17 After processing the request, if the conviction record,
18 disciplinary board final decision and any subsequent criminal charges
19 associated with the conduct that is the subject of the disciplinary
20 board final decision, or adjudication record shows no evidence of a
21 crime against children or other persons or, in the case of vulnerable
22 adults, no evidence of crimes relating to financial exploitation in
23 which the victim was a vulnerable adult, an identification declaring
24 the showing of no evidence shall be issued to the business or
25 organization by the state patrol and shall be issued within fourteen
26 working days of the request. The business or organization shall
27 provide a copy of the identification declaring the showing of no
28 evidence to the applicant. Possession of such identification shall
29 satisfy future record check requirements for the applicant for a two-
30 year period unless the prospective employee is any current school
31 district employee who has applied for a position in another school
32 district.

33 (2) The state patrol shall by rule establish fees for disseminating
34 records under this section to recipients identified in subsection
35 (1)(a) and (b) of this section. The state patrol shall also by rule
36 establish fees for disseminating records in the custody of the national
37 crime information center. The revenue from the fees shall cover, as
38 nearly as practicable, the direct and indirect costs to the state
39 patrol of disseminating the records: PROVIDED, That no fee shall be

1 charged to a nonprofit organization for the records check: PROVIDED
2 FURTHER, That in the case of record checks using fingerprints requested
3 by school districts and educational service districts, the state patrol
4 shall charge only for the incremental costs associated with checking
5 fingerprints in addition to name and date of birth. Record checks
6 requested by school districts and educational service districts using
7 only name and date of birth shall continue to be provided free of
8 charge.

9 (3) No employee of the state, employee of a business or
10 organization, or the business or organization is liable for defamation,
11 invasion of privacy, negligence, or any other claim in connection with
12 any lawful dissemination of information under RCW 43.43.830 through
13 43.43.840 or 43.43.760.

14 (4) Before July 26, 1987, the state patrol shall adopt rules and
15 forms to implement this section and to provide for security and privacy
16 of information disseminated under this section, giving first priority
17 to the criminal justice requirements of this chapter. The rules may
18 include requirements for users, audits of users, and other procedures
19 to prevent use of civil adjudication record information or criminal
20 history record information inconsistent with this chapter.

21 (5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an
22 employer to make an inquiry not specifically authorized by this
23 chapter, or be construed to affect the policy of the state declared in
24 chapter 9.96A RCW.

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