



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: ~~January 20, 2003~~ 12/11/02

(2) Purpose:

WAC 139-35-010: Making this change will make the WAC language consistent with the language in RCW 18.165, Private investigators, and WAC 308-17, Private Investigative Agencies and Private Investigators.

WAC 139-35-025/139-30-025: This change is required to eliminate the need for a person renewing their private investigator's/private security guard's license to take the same firearms certification course they took to get their initial firearms certification.

(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Repealed: N/A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 (date).

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

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

12-20-02

CODE REVISER USE ONLY

CODE REVISOR'S OFFICE
STATE OF WASHINGTON
FBI

DEC 20 2002

TIME 2:29
PM 03-02-007

(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:

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 92-02-041, filed 12/24/91, effective 1/24/92)

WAC 139-35-010 Firearms certification--Licensing requirement. (1) Any licensed private ~~((detective))~~ investigator desiring to be licensed as an armed private ~~((detective))~~ investigator by the department shall, as a precondition of being licensed as an armed private ~~((detective))~~ investigator, obtain a firearms certificate from the commission.

(2) An application for armed license must be submitted to the department within ~~((90))~~ ninety days following issuance of a firearms certificate by the commission. If application is not submitted within that time period, the firearms certificate will be deemed lapsed by the commission and shall not serve as the basis for an armed license.

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

WAC 139-35-025 Firearms certification--Expiration and renewal. (1) Any firearms certificate issued by the commission shall expire on the expiration date of any armed private detective license issued by the department.

(2) ~~((Renewal of any active armed license shall require firearms recertification within the three-month period preceding expiration of the license. Recertification is valid until expiration of the renewed armed license.~~

~~(3) If firearms recertification is not completed on or before the expiration of the armed license, the licensee is not eligible for firearms recertification, but instead must meet full requirements for firearms certification.~~

~~(4) Firearms recertification shall require:~~

~~(a) Submission of an application to the commission on a form provided by the commission;~~

~~(b) Payment of a fee of twenty dollars to the commission;~~
and

~~(c) Satisfactory completion of an approved program of at least four hours of instruction and testing prescribed by the commission for firearms recertification purposes and conducted by a certified instructor.)~~ By renewing the armed private investigator license with the department, the principal partner or principal owner for the private detective company is making declaration that the armed private investigator has met the requirements for annual proficiency with the firearms for which he/she is certified.

(3) Proof of annual proficiency must be kept in the employee's file within the private investigator company.

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

WAC 139-30-025 Firearms certification--Expiration and renewal. (1) Any firearms certificate issued by the commission shall expire on the expiration date of any armed security guard license issued by the department.

(2) ~~((Renewal of any active armed license shall require firearms recertification within the three-month period preceding expiration of the license. Recertification is valid until expiration of the renewed armed license.~~

~~(3) If firearms recertification is not completed on or before the expiration of the armed license, the licensee is not eligible for firearms recertification, but instead must meet full requirements for firearms certification.~~

~~(4) Firearms recertification shall require:~~

~~(a) Submission of an application to the commission on a form provided by the commission;~~

~~(b) Payment of a fee of twenty dollars to the commission;~~
and

~~(c) Satisfactory completion of an approved program of at least four hours of instruction and testing prescribed by the commission for firearms recertification purposes and conducted by a certified instructor.)~~ By renewing the armed private security officer license with the department, the principal partner or principal owner for the private security guard company is making declaration that the armed security guard has met the requirements for annual proficiency with the firearms for which he/she is certified.

(3) Proof of annual proficiency must be kept in the employee's file within the private security company.