



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Criminal Justice Training Commission

- Permanent Rule
 Emergency Rule

(1) Date of adoption: December 11, 1991

(2) Purpose:

Establishes requirements and process for obtainment of a firearms certificate by licensed private detectives desiring to be licensed armed private detectives.

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

Repealed: none
Amended: none
Suspended: none

(4) Authority for adoption:

Statute: 43.101.080(2)
Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 91-22-069 on November 4, 1991 (date).

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

Please see attachment

(5.2) EMERGENCY RULE ONLY

Pursuant to 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

Emergency Rules

- 31 days after filing
 Other (specify) _____ *
- Immediately
 Later (specify) _____

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

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 24 1991

TIME: 1:37
WSR: 92-02-041

NAME (TYPE OR PRINT)

James C. Scott

SIGNATURE

Executive Director

DATE 12/12/91

CR 103 ATTACHMENT

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

Added: Requirement that application for armed license be submitted to DOL within 90 days following issuance of firearms certificate by the Commission.

Added: Inclusion of "designated agent" of a licensed private detective company with ineligible requestors for firearms certification.

Added: Requirement that Commission provide written notification within 10 business days to the requesting company regarding applicant's eligibility to obtain and possess a firearms certificate.

Deleted: 15-month expiration term for firearms certification.

Added: Requirement that firearms recertification occur within the three-month period preceding expiration of an armed license.

NEW SECTION

- 139-35-005 FIREARMS CERTIFICATION--DEFINITIONS. (1) Words and terms used in 139-35-005 through 139-35-025 shall have the same meaning as under RCW 18.165, unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.
- (2) "Principal owner" means the sole owner of a private detective agency.
 - (3) "Principal partner" means a partner who exercises operational control over a private detective agency.
 - (4) "Department" means Washington state Department of Licensing.
 - (5) "Commission" means Washington State Criminal Justice Training Commission.

NEW SECTION

- 139-35-010 FIREARMS CERTIFICATION--LICENSING REQUIREMENT.
- (1) Any licensed private detective desiring to be licensed as an armed private detective by the Department shall, as a precondition of being licensed as an armed private detective, obtain a firearms certificate from the Commission.
 - (2) An application for armed license must be submitted to the Department within 90 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.

NEW SECTION

- 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 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.

NEW SECTION

139-35-020 FIREARMS CERTIFICATION--REQUIREMENTS. (1) A firearms certificate will be issued to any eligible applicant who has satisfactorily completed an approved program of at least eight hours of instruction and testing prescribed by the Commission for this purpose and conducted by a certified instructor. Such program shall include:

(a) classroom instruction which, through established learning objectives, addresses:

(i) legal issues regarding the use of deadly force;

(ii) decision making regarding the use of deadly force;

(iii) safe firearms handling; and

(iv) basic tactics in the use of deadly force.

(b) a written examination based upon the aforementioned learning objectives;

(c) a skills test wherein the applicant is required to demonstrate satisfactory proficiency in safe firearms handling; and

(d) a range qualification course wherein an applicant is required to demonstrate requisite proficiency with the specific firearm provided to applicant by applicant's employing agency.

(2) A firearms certificate shall be issued in the name of each successful applicant and forwarded to the respective employing agency.

NEW SECTION

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.