



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: Licensed private security guards and private detectives desiring to be licensed as armed guards or detectives must obtain a firearms certificate from the Training Commission. Obtainment requires successful completion of a prescribed program of training and testing conducted by a certified instructor. Proposed rules set for the requirements and process for instructor certification.

(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- Repealed: none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 91-22-070 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

- 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)

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 24 1991

TIME: 1:40
WSR: 92-02-042

NAME (TYPE OR PRINT)

James C. Scott

SIGNATURE

James C. Scott
Executive Director

DATE

12/12/91

CR 103 ATTACHMENT

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

Added: Requirement of submission of fingerprints to Commission if not currently employed as full-time commissioned law enforcement officer or licensed private security guard or detective.

Added: Disqualification of any applicant for approval as a firearms instructor if crime or wrongful conduct as specified has occurred.

Added: Authorization for Commission to monitor and review certification programs for compliance.

Added: Authorization for Commission to revoke any instructor certification and specifies the grounds for revocation.

Added: Authorization for Commission to require periodic instructor update training.

NEW SECTION

139-37-005 FIREARMS CERTIFICATION--CERTIFIED INSTRUCTORS

- (1) For the purposes of WAC 139-30 and WAC 139-35, "certified instructor" means any individual who:
 - (a) applies for instructor certification to the Commission on a form prescribed by the Commission for such purpose; and
 - (b) pays an administrative fee of twenty-five dollars; and
 - (c) satisfactorily completes an instructor orientation course regarding the requirements of instruction and testing for firearms certification of private security guards and private detectives; and
 - (i) documents satisfactory completion of a firearms instructor course approved by the Commission; or
 - (ii) satisfactorily completes a firearms instructor course conducted by the Commission; and
 - (d) meets one of the following:
 - (i) is currently employed as a full-time commissioned law enforcement officer; or
 - (ii) is currently licensed as a private security guard or private detective; or
 - (iii) submits a set of fingerprints to the Commission for the purposes of background investigation; and
 - (e) has not been convicted of a gross misdemeanor or felony; and has not been convicted of a misdemeanor involving the use or threatened use of a firearm; and has not committed any act involving moral turpitude, dishonesty, or corruption, whether the act constitutes a crime or not.
- (2) A certified instructor is authorized to conduct an approved program of instruction and testing for firearms certification of private security guards and private detectives. The certified instructor shall not be considered an employee, agent, contractor, or representative of the Commission.
- (3) The Commission may monitor and review the program of instruction and testing conducted by a certified instructor for the purpose of determining compliance with the Commission's program materials and standards.

- (4) Certified instructor status may be revoked by the Commission for cause, including, but not limited to:
 - (a) misrepresentation of facts on the initial application for instructor certification; or
 - (b) conviction of a gross misdemeanor or felony; or conviction of a misdemeanor involving the use or threatened use of a firearm; or the commission of any act involving moral turpitude, dishonesty, or corruption, whether the act constitutes a crime or not; or
 - (c) failure to conduct the armed private guard or armed private detective firearms certification/recertification program as prescribed by the Commission; or
 - (d) falsification of any documentation or score relating to the firearms certification/recertification program; or
 - (e) unsafe firearms handling during the firearms certification/recertification process.
- (5) The Commission may require periodic instructor update training at its discretion, but no more frequently than once a year.

NEW SECTION

139-37-010 FIREARMS CERTIFICATION--RECORDS

- (1) A master record of firearms certificate issuances by the Commission to private security guards and private detectives shall be maintained by the Commission.
- (2) A master record of certified instructors for purposes of WAC 139-30 and 139-35 shall be maintained by the Commission.
- (3) The aforementioned records shall be accessible by any individual, organization, private security company, or private detective agency making written inquiry to the Commission at its administrative offices, P. O. BOX 0905, Olympia WA 98504-0905.