



# RULE-MAKING ORDER

**SR-103 (June 2004)**  
(Implements RCW 34.05.360)

**Agency:** Office of Administrative Hearings

- Permanent Rule
- Emergency Rule

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** This rule would prohibit firearms or other dangerous weapons at all Office of Administrative Hearings (OAH) facilities or other rooms where OAH is conducting an administrative hearing. Some state agencies may already prohibit weapons in their facilities where hearings are held, but there is no consistent rule for all OAH hearings.

**Citation of existing rules affected by this order:**

Repealed: 0  
 Amended: 0  
 Suspended: 0

**Statutory authority for adoption:** RCW 34.12.030(6) and 34.12.080

**Other authority :**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 04-24-005 on 11-19-04 (date).  
 Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- 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.
- 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:

**Date adopted:** January 5, 2005

**NAME (TYPE OR PRINT)**  
Art Wang

**SIGNATURE**

**TITLE**  
Chief Administrative Law Judge

**CODE REVISER USE ONLY**

FILED DEPT. OF COMM. SERVICE  
STATE OF WASHINGTON

JAN 5 2005

TIME \_\_\_\_\_ AM

WSR \_\_\_\_\_ 05-03-0030

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	<u>3</u>	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>3</u>	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

## Chapter 10-20 WAC

### FIREARMS AND WEAPONS IN ADMINISTRATIVE HEARINGS

#### NEW SECTION

**WAC 10-20-010 Firearms, weapons prohibited in administrative hearings.** (1) Firearms or other dangerous weapons are prohibited at all facilities owned, leased, or operated by the office of administrative hearings and in rooms where the office of administrative hearings is conducting an administrative hearing. This prohibition applies to all parties or witnesses at hearings, all office of administrative hearings employees, and all other persons present. However, it does not apply to law enforcement personnel, security personnel, or military personnel, all while engaged in official duties.

(2) As used in this chapter, "firearm or other dangerous weapon" means any firearm as defined in RCW 9.41.010, explosive as defined in RCW 70.74.010, or weapon listed in RCW 9.41.250.

(3) Possession of a valid concealed weapons permit is not a defense to the prohibition in this section.

(4) This prohibition does not apply to lawful firearms or other lawful weapons while confined to private motor vehicles in parking areas at hearings facilities.

(5) This prohibition does not apply to firearms or other dangerous weapons offered as evidence in an administrative hearing.

#### NEW SECTION

**WAC 10-20-020 Notice of prohibited weapons.** Notice that firearms and other dangerous weapons are prohibited shall be posted conspicuously in the waiting area of all office of administrative hearings offices and shall be included with every notice of hearing issued by the office of administrative hearings.

NEW SECTION

**WAC 10-20-030 Sanctions for possession of weapons.** Any person in possession of a firearm or other dangerous weapon at facilities owned, leased, or operated by the office of administrative hearings or in rooms being used by the office of administrative hearings for administrative hearings may be excluded from the hearings facility or room, may be held in default from the hearing, and may face any other applicable legal consequences.