

**WSR 09-24-015**  
**EXPEDITED RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed November 23, 2009, 8:11 a.m.]

Title of Rule and Other Identifying Information: Chapter 139-30 WAC, Firearms certification—Security guards.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Sonja Hirsch, Rules Coordinator, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, AND RECEIVED BY Monday, February 1, 2010, at 4 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Simple grammar changes and addition of new definition (corporate officer) missing from prior versions.

Statutory Authority for Adoption: RCW 43.101.080.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting: Rachelle Parslow, Burien, Washington, (206) 835-7346; Implementation and Enforcement: Steve Lettic, Burien, Washington, (206) 835-7337.

November 23, 2009

Sonja Hirsch

Rules Coordinator

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

**WAC 139-30-005 Firearms certification—Definitions.** (1) Words and terms used in WAC 139-30-005 through 139-30-025 shall have the same meaning as under chapter 18.170 RCW, 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 security guard company.

(3) "Principal partner" means a partner who exercises operational control over a private security guard company.

(4) "Corporate officer" means a designee with operational and administrative control at a private security guard company.

(5) "Department" means Washington state department of licensing.

(~~(5)~~) (6) "Commission" means Washington state criminal justice training commission.

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

**WAC 139-30-010 Firearms certification—Licensing requirement.** (1) Any licensed private security guard desiring to be licensed as an armed private security guard by the department shall, as a precondition of being licensed as an armed private security guard, obtain a firearms (~~(certificate))~~ certification from the commission.

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

AMENDATORY SECTION (Amending WSR 08-08-017, filed 3/19/08, effective 4/19/08)

**WAC 139-30-015 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, or a (~~(principal))~~ corporate officer(;) of the licensed private security company 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 security guard license.

(d) Be accompanied by payment of a processing fee as set by the commission.

(2) After receipt and review of an application, the commission will provide written notification within ten business days to the requesting company regarding applicant's eligibility to obtain and possess a firearms (~~(certificate))~~ certification.

(3) An armed private security guard must be qualified by a firearms instructor certified by the commission(;) and provide the commission with proof of the initial qualification for each firearm that he/she is authorized to use in the performance of his/her duties. All firearms carried by armed private security guards in the performance of their duties must be owned or leased by the employer.

(4) It shall be the responsibility of the employer to insure that the armed private (~~(detective))~~ security guard demonstrates proficiency standards on an annual basis with each firearm that he/she is certified to use. Proficiency standards shall be set by the commission.

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

**WAC 139-30-020 Firearms certification—Requirements.** (1) A firearms (~~(certificate))~~ certification 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 pur-

pose and conducted by a certified firearms 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 the applicant by the applicant's employing company.

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

AMENDATORY SECTION (Amending WSR 03-02-007, filed 12/20/02, effective 1/20/03)

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

(2) By renewing the armed private security (~~(officer)~~) guard license with the department, the principal partner (~~(or)~~) principal owner, or corporate officer for the private security guard company is making declaration that the armed private 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.

#### WSR 09-24-016

#### EXPEDITED RULES

#### CRIMINAL JUSTICE

#### TRAINING COMMISSION

[Filed November 23, 2009, 8:12 a.m.]

Title of Rule and Other Identifying Information: Chapter 139-35 WAC, Firearms certification—Private detectives.

#### NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Sonja Hirsch, Rules Coordinator, Criminal Justice Training Commission, 19010 1st

Avenue South, Burien, WA 98148, AND RECEIVED BY Monday, February 1, 2010, at 4 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Simple grammar changes and addition of new definition (corporate officer) missing from prior versions.

Title changed from "Firearms certification—Private detectives" to "**Firearms certification—Private investigators.**"

Statutory Authority for Adoption: RCW 43.101.080.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting: Rachele Parslow, Burien, Washington, (206) 835-7346; Implementation and Enforcement: Steve Lettic, Burien, Washington, (206) 835-7337.

November 23, 2009

Sonja Hirsch

Rules Coordinator

AMENDATORY SECTION (Amending WSR 03-02-008, filed 12/20/02, effective 1/20/03)

**WAC 139-35-005 Firearms certification—Definitions.** (1) Words and terms used in WAC 139-35-005 through 139-35-025 shall have the same meaning as under chapter 18.165 RCW, 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 investigator agency.

(3) "Principal partner" means a partner who exercises operational control over a private investigator agency.

(4) "Corporate officer" means a designee who exercises operational and administrative control over a private investigator agency.

(5) "Department" means Washington state department of licensing.

(~~(5)~~) (6) "Commission" means Washington state criminal justice training commission.

AMENDATORY SECTION (Amending WSR 03-02-007, filed 12/20/02, effective 1/20/03)

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

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

AMENDATORY SECTION (Amending WSR 08-08-018, filed 3/19/08, effective 4/19/08)

**WAC 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))~~ or corporate officer ~~((, or designated agent))~~ of the licensed private ~~((detective))~~ investigator 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))~~ investigator license, if applicable.

(d) Be accompanied by payment of a processing fee as set by the commission.

(2) After receipt and review of an application, the commission will provide written notification within ten business days to the requesting agency regarding applicant's eligibility to obtain and possess a firearms ~~((certificate))~~ certification.

(3) An armed private ~~((detective))~~ investigator must be qualified by a firearms instructor certified by the commission and provide the commission with proof of the initial qualification for each firearm that he/she is authorized to use in the performance of his/her duties.

(4) It shall be the responsibility of the employer to insure that the armed private ~~((detective))~~ investigator demonstrates proficiency standards on an annual basis with each firearm that he/she is certified to use. Proficiency standards shall be set by the commission.

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

**WAC 139-35-020 Firearms certification—Requirements.** (1) A firearms ~~((certificate))~~ certification 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 firearms 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 the applicant or by the applicant's employing agency.

(2) A firearms ~~((certificate))~~ certification shall be issued in the name of each successful applicant and forwarded to the

respective employing agency, principal owner, principal partner, or corporate officer.

AMENDATORY SECTION (Amending WSR 03-02-007, filed 12/20/02, effective 1/20/03)

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

(2) By renewing the armed private investigator license with the department, the corporate officer, the principal partner, or principal owner for the private ~~((detective))~~ investigator 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.

**WSR 09-24-100**  
**WITHDRAWAL OF**  
**EXPEDITED RULE MAKING**  
**STATE BOARD OF HEALTH**

[Filed December 1, 2009, 4:58 p.m.]

This serves as notice that the Washington state board of health is withdrawing the CR-105 Expedited rule making for WAC 246-105-040. The notice was filed September 2, 2009, and published as WSR 09-18-124. The original proposal was to update the reference to national immunization guidelines as they relate to Washington state school and child care center immunizations against certain vaccine preventable diseases.

Within forty-five days after the publication of WSR 09-18-124, the board received a letter objecting to expedited rule making and requesting a hearing so that members of the public could speak to issues of vaccine safety.

WAC 246-105-040 references the advisory committee on immunization practice (ACIP) schedule to establish "ages and intervals"—in other words, when children should get their doses—for vaccines against preventable diseases that are listed elsewhere in the rule. The proposal to reference the 2009 schedule rather than the 2008 schedule would have clarified the rule without changing its effect.

Additional changes to the ACIP schedule are expected in January 2010. If the board were to prepare a CR-102 Notice of rule making and related documents, file the notice, and then schedule a hearing at least twenty days after publication, it would end up holding a hearing on whether to adopt the 2009 schedule by reference after the 2010 schedule had been published. This could be confusing for health care providers, school employees, and parents, and would be an unnecessary expenditure of state resources. For these reasons, the board has chosen to withdraw the CR-105 for WAC 246-105-040.

Craig McLaughlin  
Executive Director