



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: July 26, 2023

TIME: 2:33 PM

WSR 23-16-060

Agency: Washington State Criminal Justice Training Commission

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 23-10-031 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Including limited authority officers, who have the powers to arrest and carry a firearm, under the authority of peace officer certification processes, procedures, and rules. This filing also includes general updates to the impacted WAC chapters.

Hearing location(s):

Date: **Time:** **Location:** (be specific) **Comment:**

9/13/2023	10AM	19010 1 st Ave S Burien, WA 98148	
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Date of intended adoption: 9/13/2023 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Lacey Ledford
Address: 19010 1st Ave S Burien, WA 98148
Email: Lacey.ledford@cjtc.wa.gov
Fax: N/A
Other:
By (date) 9/10/2023

Assistance for persons with disabilities:

Contact Lacey Ledford
Phone: 206-670-5813
Fax: N/A
TTY: N/A
Email: Lacey.Ledford@cjtc.wa.gov
Other:
By (date) 9/8/2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Updating WAC 139 due to state legislative changes to 43.101 RCW to include limited authority officers, who have the powers of arrest and carry a firearm, under the requirements of peace officers in RCW 43.101. The impacted sections are WAC 139-01-310, WAC 139-05-200, WAC 139-05-210, WAC 139-06-020, WAC 139-06-040, WAC 139-06-050, WAC 139-06-070, and WAC 139-06-100.

Reasons supporting proposal: The WAC specified above need updated due to recent RCW changes to include limited authority peace officers, who have the powers of arrest and carry a firearm, to be defined as peace officers under RCW 43.101.

Statutory authority for adoption: RCW 43.101.080.

Statute being implemented: RCW 43.101.080

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Type of proponent: Private Public Governmental

Name of proponent: (person or organization)

Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting: Weaver	Chad Arceneaux & Valerie	19010 1 st Ave S Burien, WA 98148	206-835-7368
Implementation:	Valerie Weaver	19010 1 st Ave S Burien, WA 98148	206-835-7368
Enforcement:	Chad Arceneaux	19010 1 st Ave S Burien, WA 98148	206-835-7368

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement
 Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
 This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
 Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

<input checked="" type="checkbox"/> RCW 34.05.310 (4)(b) (Internal government operations)	<input checked="" type="checkbox"/> RCW 34.05.310 (4)(e) (Dictated by statute)
<input type="checkbox"/> RCW 34.05.310 (4)(c) (Incorporation by reference)	<input type="checkbox"/> RCW 34.05.310 (4)(f) (Set or adjust fees)
<input checked="" type="checkbox"/> RCW 34.05.310 (4)(d) (Correct or clarify language)	<input checked="" type="checkbox"/> RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: 7/26/2023

Name: Derek Zable

Title: Records Manager

Signature:

