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HOUSE BILL 2126

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State of Washington                      55th Legislature                      1997 Regular Session

By Representatives Delvin, Hickel and Robertson

Read first time 02/21/97. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to security guard licenses; and amending RCW  
2 18.170.010, 18.170.030, 18.170.110, 18.170.130, 18.170.165, and  
3 43.43.838.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 18.170.010 and 1991 c 334 s 1 are each amended to read  
6 as follows:

7            Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9            (1) "Armed private security guard" means a private security guard  
10 who has a current firearms certificate issued by the commission and is  
11 licensed as an armed private security guard under this chapter.

12            (2) "Armored vehicle guard" means a person who transports in an  
13 armored vehicle under armed guard, from one place to another place,  
14 valuables, jewelry, currency, documents, or any other item that  
15 requires secure delivery.

16            (3) "Burglar alarm response runner" means a person employed by a  
17 private security company to respond to burglar alarm system signals.

18            (4) "Burglar alarm system" means a device or an assembly of  
19 equipment and devices used to detect or signal unauthorized intrusion,

1 movement, or exit at a protected premises, other than in a vehicle, to  
2 which police or private security guards are expected to respond.

3 (5) "Chief law enforcement officer" means the elected or appointed  
4 police administrator of a municipal, county, or state police or  
5 sheriff's department that has full law enforcement powers in its  
6 jurisdiction.

7 (6) "Commission" means the criminal justice training commission  
8 established in chapter 43.101 RCW.

9 (7) "Department" means the department of licensing.

10 (8) "Director" means the director of the department of licensing.

11 (9) "Employer" includes any individual, firm, corporation,  
12 partnership, association, company, society, manager, contractor,  
13 subcontractor, bureau, agency, service, office, or an agent of any of  
14 the foregoing that employs or seeks to enter into an arrangement to  
15 employ any person as a private security guard.

16 (10) "Firearms certificate" means the certificate issued by the  
17 commission.

18 (11) "Licensee" means a person granted a license required by this  
19 chapter.

20 (12) "Person" includes any individual, firm, corporation,  
21 partnership, association, company, society, manager, contractor,  
22 subcontractor, bureau, agency, service, office, or an agent or employee  
23 of any of the foregoing.

24 (13) "Principal corporate officer" means the president, vice-  
25 president, treasurer, secretary, comptroller, or any other person who  
26 performs the same functions for the corporation as performed by these  
27 officers.

28 (14) "Private security company" means a person or entity licensed  
29 under this chapter and engaged in the business of providing the  
30 services of private security guards on a contractual basis.

31 (15) "Private security guard" means an individual who is licensed  
32 under this chapter and principally employed as or typically referred to  
33 as one of the following:

34 (a) Security officer or guard;

35 (b) Patrol or merchant patrol service officer or guard;

36 (c) Armed escort or bodyguard;

37 (d) Armored vehicle guard; or

38 (e) Burglar alarm response runner(~~(i) or~~

39 (~~f) Crowd control officer or guard~~)).

1 (16) "Qualifying agent" means an officer or manager of a  
2 corporation who meets the requirements set forth in this chapter for  
3 obtaining a license to own or operate a private security company.

4 (17) "Sworn peace officer" means a person who is an employee of the  
5 federal government, the state, a political subdivision, agency, or  
6 department branch of a municipality, or other unit of local government,  
7 and has law enforcement powers.

8 **Sec. 2.** RCW 18.170.030 and 1995 c 277 s 1 are each amended to read  
9 as follows:

10 An applicant must meet the following minimum requirements to obtain  
11 a private security guard license:

12 (1) Be at least eighteen years of age;

13 (2) Be a citizen of the United States or a resident alien;

14 (3) Not have been convicted of a crime in any jurisdiction, if the  
15 director determines that the applicant's particular crime directly  
16 relates to his or her capacity to perform the duties of a private  
17 security guard, and the director determines that the license should be  
18 withheld to protect the citizens of Washington state. The director  
19 shall make her or his determination to withhold a license because of  
20 previous convictions notwithstanding the restoration of employment  
21 rights act, chapter 9.96A RCW;

22 ~~(4) ((Be employed by or have an employment offer from a licensed  
23 private security company or be licensed as a private security company;~~

24 ~~(+5))~~ Satisfy the training requirements established by the  
25 director;

26 ~~((+6))~~ (5) Submit a set of fingerprints;

27 ~~((+7))~~ (6) Pay the required nonrefundable fee for each  
28 application; and

29 ~~((+8))~~ (7) Submit a fully completed application that includes  
30 proper identification on a form prescribed by the director for each  
31 company of employment.

32 **Sec. 3.** RCW 18.170.110 and 1995 c 277 s 8 are each amended to read  
33 as follows:

34 (1) A private security company shall notify the director within  
35 thirty days after the death or termination of employment of any  
36 employee who is a licensed private security guard or armed private  
37 security guard ~~((by returning the license to the department with the~~

1 word ["]terminated["] written across the face of the license, the date  
2 of termination, and the signature of the principal or the principal's  
3 designee of the private security guard company)).

4 (2) A private security company shall notify the department within  
5 seventy-two hours and the chief law enforcement officer of the county,  
6 city, or town in which the private security guard or armed private  
7 security guard was last employed immediately upon receipt of  
8 information affecting his or her continuing eligibility to hold a  
9 license under the provisions of this chapter.

10 (3) A private security guard company shall notify the local law  
11 enforcement agency whenever an employee who is an armed private  
12 security guard discharges his or her firearm while on duty other than  
13 on a supervised firearm range. The notification shall be made within  
14 ten business days of the date the firearm is discharged.

15 **Sec. 4.** RCW 18.170.130 and 1995 c 277 s 10 are each amended to  
16 read as follows:

17 (1) Applications for licenses required under this chapter shall be  
18 filed with the director on a form provided by the director. The  
19 director may require any information and documentation that reasonably  
20 relates to the need to determine whether the applicant meets the  
21 criteria.

22 (2) (~~After receipt of an application for a license, the director~~  
23 ~~shall conduct an investigation to determine whether the facts set forth~~  
24 ~~in the application are true and shall request that the Washington state~~  
25 ~~patrol compare the fingerprints submitted with the application to~~  
26 ~~fingerprint records available to the Washington state patrol.)) In  
27 order to determine an applicant's suitability for a private security  
28 guard license, the applicant shall be fingerprinted and undergo a  
29 record check conducted by the Washington state patrol under RCW  
30 43.43.838. If no disqualifying record is identified by the Washington  
31 state patrol ((shall forward)), the fingerprints ((of applicants for an  
32 armed private security guard license)) shall be forwarded to the  
33 Federal Bureau of Investigation for a national criminal history  
34 ((records)) record check. The director may require that fingerprint  
35 cards of licensees be periodically reprocessed to identify criminal  
36 convictions subsequent to registration.~~

37 (3) The director shall solicit comments from the chief law  
38 enforcement officer of the county and city or town in which the

1 applicant's employer, if applicable, is located on issuance of a  
2 permanent private security guard license.

3 (4) A summary of the information acquired under this section, to  
4 the extent that it is public information, shall be forwarded by the  
5 department to the applicant's employer, if applicable.

6 **Sec. 5.** RCW 18.170.165 and 1995 c 277 s 2 are each amended to read  
7 as follows:

8 (~~(A licensee who transfers from one company to another must submit~~  
9 ~~a transfer application on a form prescribed by the director along with~~  
10 ~~a transfer fee established by the director)) Upon employment, a  
11 licensee must notify the department on a form prescribed by the  
12 director. A licensee who becomes employed by more than one employer  
13 must notify the department on a form prescribed by the director, along  
14 with a dual employment fee established by the director.~~

15 **Sec. 6.** RCW 43.43.838 and 1995 c 29 s 1 are each amended to read  
16 as follows:

17 (1) After January 1, 1988, and notwithstanding any provision of RCW  
18 43.43.700 through 43.43.810 to the contrary, the state patrol shall  
19 furnish a transcript of the conviction record, disciplinary board final  
20 decision and any subsequent criminal charges associated with the  
21 conduct that is the subject of the disciplinary board final decision,  
22 or civil adjudication record pertaining to any person for whom the  
23 state patrol or the federal bureau of investigation has a record upon  
24 the written request of:

25 (a) The subject of the inquiry;

26 (b) Any business or organization for the purpose of conducting  
27 evaluations under RCW 43.43.832;

28 (c) The department of social and health services;

29 (d) Any law enforcement agency, prosecuting authority, or the  
30 office of the attorney general; (~~or~~)

31 (e) The department of licensing for the purpose of determining the  
32 suitability of an applicant for a security guard license under RCW  
33 18.170.130; or

34 (f) The department of social and health services for the purpose of  
35 meeting responsibilities set forth in chapter 74.15, 18.51, 18.20, or  
36 72.23 RCW, or any later-enacted statute which purpose is to regulate or  
37 license a facility which handles vulnerable adults. However, access to

1 conviction records pursuant to this subsection (1)((~~e~~)) (f) does not  
2 limit or restrict the ability of the department to obtain additional  
3 information regarding conviction records and pending charges as set  
4 forth in RCW 74.15.030(2)(b).

5 After processing the request, if the conviction record,  
6 disciplinary board final decision and any subsequent criminal charges  
7 associated with the conduct that is the subject of the disciplinary  
8 board final decision, or adjudication record shows no evidence of a  
9 crime against children or other persons or, in the case of vulnerable  
10 adults, no evidence of crimes relating to financial exploitation in  
11 which the victim was a vulnerable adult, an identification declaring  
12 the showing of no evidence shall be issued to the business or  
13 organization by the state patrol and shall be issued within fourteen  
14 working days of the request. The business or organization shall  
15 provide a copy of the identification declaring the showing of no  
16 evidence to the applicant. Possession of such identification shall  
17 satisfy future record check requirements for the applicant for a two-  
18 year period unless the prospective employee is any current school  
19 district employee who has applied for a position in another school  
20 district.

21 (2) The state patrol shall by rule establish fees for disseminating  
22 records under this section to recipients identified in subsection  
23 (1)(a) and (b) of this section. The state patrol shall also by rule  
24 establish fees for disseminating records in the custody of the national  
25 crime information center. The revenue from the fees shall cover, as  
26 nearly as practicable, the direct and indirect costs to the state  
27 patrol of disseminating the records: PROVIDED, That no fee shall be  
28 charged to a nonprofit organization for the records check: PROVIDED  
29 FURTHER, That in the case of record checks using fingerprints requested  
30 by school districts and educational service districts, the state patrol  
31 shall charge only for the incremental costs associated with checking  
32 fingerprints in addition to name and date of birth. Record checks  
33 requested by school districts and educational service districts using  
34 only name and date of birth shall continue to be provided free of  
35 charge.

36 (3) No employee of the state, employee of a business or  
37 organization, or the business or organization is liable for defamation,  
38 invasion of privacy, negligence, or any other claim in connection with

1 any lawful dissemination of information under RCW 43.43.830 through  
2 43.43.840 or 43.43.760.

3 (4) Before July 26, 1987, the state patrol shall adopt rules and  
4 forms to implement this section and to provide for security and privacy  
5 of information disseminated under this section, giving first priority  
6 to the criminal justice requirements of this chapter. The rules may  
7 include requirements for users, audits of users, and other procedures  
8 to prevent use of civil adjudication record information or criminal  
9 history record information inconsistent with this chapter.

10 (5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an  
11 employer to make an inquiry not specifically authorized by this  
12 chapter, or be construed to affect the policy of the state declared in  
13 chapter 9.96A RCW.

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