



## Fast Track Proposed Regulation Agency Background Document

<b>Agency name</b>	Department of Criminal Justice Services
<b>Virginia Administrative Code (VAC) citation</b>	6 VAC 20-110
<b>Regulation title</b>	Rules Relating to Training Standards for Private Security Services Business Personnel
<b>Action title</b>	Repeal outdated Regulations
<b>Date this document prepared</b>	July 2, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.*

The Governor's 2012 Regulatory Reform Initiative was established to repeal regulations that are unnecessary or no longer in use. This chapter was replaced on July 13, 1994 with 6VAC20-170: Regulations Relating to Private Security Services, which included the training standards for Private Security Services Business Personnel. 6VAC20-110 was never repealed and since that time, 6VAC20-170 was repealed on February 2, 2000 and replaced with 6VAC20-171: Regulations Relating to Private Security Services, which are currently in effect. The regulations within chapter 6VAC20-110 have not been in use since 1994.

### Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

None

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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The Department of Criminal Justice Services is taking final action to repeal the Rules Relating to Training Standards for Private Security Services Business Personnel 6VAC20-110 on July 2, 2013.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.*

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The Governor's 2012 Regulatory Reform Initiative instructed all agencies to conduct a comprehensive review of regulations currently in place and repeal regulations that are unnecessary or no longer in use. These regulations have been replaced by current regulations promulgated pursuant to §9.1-141 of the Code of Virginia, and in accordance with the Code of Virginia §2.2-4012.1.

### Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

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The regulatory chapter no longer serves its intended purpose and was replaced by newly promulgated regulations in July 1994. Repealing this regulation is not expected to have any impact on public health, safety, or welfare.

### Rationale for using fast track process

*Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?*

*Please note: If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.*

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The Department is seeking to repeal the entire chapter 6VAC20-110. These regulations have not been enforced since they were replaced with a new chapter in 1994, 6VAC20-170 which has since been repealed and replaced with the current chapter 6VAC20-171.

**Substance**

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.) Please be sure to define any acronyms.*

The Department is seeking to repeal the entire chapter 6VAC20-110. These regulations have not been enforced since they were replaced with a new chapter in 1994, 6VAC20-170 which has since been repealed and replaced with the current chapter 6VAC20-171.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*  
1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*  
2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*  
3) *other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.*

These regulations have not been enforced since they were replaced in 1994. Current Administrative Code is in effect that governs the Private Security Services industry and these regulations are obsolete. The advantage to the public and the agency in repealing this regulation is that such action would eliminate unnecessary regulations. There are no known disadvantages to the public or the agency.

**Requirements more restrictive than federal**

*Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.*

None

**Localities particularly affected**

*Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.*

None  
Enter statement here

**Regulatory flexibility analysis**

*Pursuant to §2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

These regulations have been replaced with regulations that have been in effect and continuously implemented since 1994. There are no other alternative methods in regard to repealing outdated regulations.

**Economic impact**

*Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact. Please keep in mind that we are looking at the impact of the proposed changes to the status quo.*

<b>Description of the individuals, businesses or other entities likely to be affected (positively or negatively) by this regulatory proposal.</b> Think broadly, e.g., these entities may or may not be regulated by this board	None, these regulations have not been enforced since 1994.
<b>Agency’s best estimate of the number of (1) entities that will be affected, including (2) small businesses affected.</b> Small business means a business, including affiliates, that is independently owned and operated, employs fewer than 500 full-time employees, or has gross annual sales of less than \$6 million.	None
<b>Benefits expected as a result of this regulatory proposal.</b>	Meet the requirements of Governor’s McDonnell’s Regulatory Reform Initiative by repealing regulations that unnecessary or no longer in use.
<b>Projected cost to the <u>state</u> to implement and enforce this regulatory proposal.</b>	None
<b>Projected cost to <u>localities</u> to implement and enforce this regulatory proposal.</b>	None
<b>All projected costs of this regulatory proposal for <u>affected individuals, businesses, or other entities</u>.</b> Please be specific and include all costs, including projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses, and costs related to real	None

estate development.	
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**Alternatives**

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.*

There are not alternatives to the proposal to repeal outdated, obsolete regulations.

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

No direct impact.

**Detail of changes**

*Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.*

*If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all differences between the **pre-emergency** regulation and this proposed regulation, and (2) only changes made since the publication of the emergency regulation.*

For changes to existing regulation(s) or regulations that are being repealed and replaced, use this chart:

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change, intent, rationale, and likely impact of proposed requirements</b>
6VAC20-110		Rules Relating to Training Standards for Private Security Services Business Personnel	Repeal the entire section. Regulations are not obsolete and were replaced

