



**Virginia
Regulatory
Town Hall**

**Notice of Intended Regulatory Action
Agency Background Document**

Agency Name:	20
VAC Chapter Number:	171
Regulation Title:	Regulations Relating to Private Security Services
Action Title:	Promulgate
Date:	12/21/98

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of these regulations is to set forth a regulatory program which mandates and prescribes standards, requirements, and procedures that serve to protect the public safety and welfare from unqualified, unscrupulous, and incompetent persons engaged in the activities of private security services. The regulations will replace 6 VAC 20-170-10 et seq., being repealed due to the substantive format changes.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Pursuant to the statutory authority set forth by Section 9-182, Code of Virginia, the Criminal Justice Services Board (CJSB) will amend and revise the regulations relating to private security

services. The current regulations (6 VAC 20-170) are being repealed to incorporate substantive formatting changes to be issued as 6 VAC 20-171. The primary basis for amending the regulations is to incorporate changes that, while continuing to protect the public safety and welfare, decrease specific fees to regulated individuals and allow the agency to more expeditiously license and certify individuals and businesses who have fulfilled application requirements.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

As stated, the proposed regulations are made up of primarily formatting changes. The primary content changes are as follows:

- a) Section 10 (Fees) reduces the initial and renewal fees for registered individuals from the current \$35 to \$25 and \$20, respectively. Licensed businesses and certified training schools are provided the opportunity to renew for a 24-month period for an additional fee reduction of \$50. In an effort to allocate fees more evenly between registered and certified individuals, the certification applications were increased from the current \$15 every 2 years, to \$20 for the same period. In addition, instructor certifications were increased from \$25 every 3 years to \$75 for the same period. The proposed fee schedule will allow the section to meet expenses based on the fee revenue;
- b) Section(s) 50 & 80 (Applications requirements for businesses and training schools) increases the minimum level of the optional surety bond coverage from the current \$25,000 to \$100,000. This was increase in an effort to protect the public as much as possible from those companies that may opt for the surety bond as opposed to a general liability insurance coverage;
- c) Section 120 (Initial Registration Application) requires individuals applying for electronic security categories to submit the registration application immediately on the date of hire. This change is incorporated to eliminate the amount of time during which a person may be exposed to the general public without any authorization from the department. A temporary registration will immediately be issued for a period not to exceed 90 days, meeting provisions set forth by Section 9-183.3(G) of the Code allowing individuals to be employed for a 90 day period pending completion of required training;
- d) Section 140 (Initial Certification Application) requires same as (c), above, except for unarmed security officers;
- e) Section 180 (Reinstatement) reduces that period that an individual or entity may reinstate an expired license, registration or certification from the current 180 days to 90 days;

- f) Part IV (Administrative Requirements/Standards of Conduct) specifically identify compliance requirements for businesses, training schools and individuals in a more easily referenced fashion than provided in the current regulations;
- g) Section 350.B(1)(f) (Entry-level training for personal protection specialists) decreases the compulsory minimum training for this category from the current 68 hours to 60 hours;
- h) Section 360.D (In-service training course content) eliminates the majority of legal authority required, and instead specifies job-related training. This allows individuals to receive training more specifically applicable and designed for their particular area of service;
- i) Section 480 (Complaint submittal requirements) specifies that the department may accept anonymous reports of violations, provided sufficient information is included to conduct an investigation; and
- j) Section 490 (Department investigation) specifies that the department shall attempt to keep all information gathered in an investigation confidential prior to adjudication. This would not exempt the department from applicable Federal or State laws regarding the dissemination of records upon request.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

Section 9-182 of the Code of Virginia mandates the training, licensing, registration and certification standards be prescribed via regulation promulgated by the Criminal Justice Services Board.

Family Impact Statement

Please provide a preliminary analysis of the potential 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.

These regulations will not affect the authority and rights of parents in the education, nurturing, and supervision of their children. The regulations will encourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents as well as strengthening the marital commitment. The regulations also should increase disposable family income. This should be accomplished as the purpose of these regulations is to set forth a regulatory program that protects the public from unscrupulous, incompetent or unqualified persons engaging in the activities of private security services and to prescribe standards and procedures that will enhance the professionalism and quality of service offered by the private security profession