



Fast Track Proposed Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation	6 VAC20-30
Regulation title	Rules Relating to Compulsory In-Service Training for Law Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers
Action title	In-Service Training Rules
Date this document prepared	October 19, 2012

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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 proposed amendments do three things: First, it stipulates that courses of fire used by officers to annually recertify shall be approved by the Committee on Training of the Criminal Justice Services Board; Second, it removes the specific number of rounds from the rules (these remain specified in the approved courses of fire); and third, removes the specifics listed in the in-service requirement for officers of the Department of Corrections (the specifics remain in the approved courses of fire).

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.

The Criminal Justice Services Board last adopted amendments to the Rules Relating to Compulsory In-Service Training for Law Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers in September 2006.

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.

Code of Virginia § 9.1-102(4)

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.

The Courses of Fire for annual requalification of all criminal justice personnel who are required to recertify are periodically reviewed and need to be updated. Approval for all other changes to training standards is authorized by the Committee on Training of the Criminal Justice Services Board. The proposed amendment makes this regulation consistent with the other regulations that impact the training of criminal justice personnel statewide.

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.

The proposed changes are administrative and clean-up the regulation. The specifics of the courses of fire do not need to be listed within the regulation. These are reviewed periodically and if changes to these are needed, such changes are more properly reviewed and approved by the Committee on Training of the Criminal Justice Services Board.

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.

6VAC20-30-80: Adds language to authorize the Committee on Training of the Criminal Justice Services Board to approve firearms courses.

6VAC20-30A: Amends the language to reflect changes already made to the courses of fire for entry-level training and make this consistent in the in-service rules; it also removes the specifics regarding rounds and distance since these are contained in the actual course of fire.

6VAC20-30B: Amends the language for the Department of Corrections, Division of Operations to reflect the name of the approved course of fire and removes the specifics on targets, rounds, scoring and instructions since these are contained in the actual course of fire.

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.

The advantage for criminal justice personnel is to have courses of fire that can be reviewed more frequently and approved by a knowledgeable body with oversight responsibility for criminal justice training without having to go through an extensive and time-consuming regulatory process for needed changes in training. There are no disadvantages since the oversight committee is composed of knowledgeable and experienced persons appointed to serve by the Governor through the Criminal Justice Services Board.

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.

There are no federal requirements related to this action.

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.

No particular locality is affected. This action affects all criminal justice personnel who must annually prequalify with a firearm statewide.

Regulatory flexibility analysis

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.

There are no alternative regulatory methods.

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.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	0
Projected cost of the <i>new regulations or changes to existing regulations</i> on localities.	0
Description of the individuals, businesses or other entities likely to be affected by the <i>new regulations or changes to existing regulations</i>.	0
Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	No businesses affected. No individuals impacted by this change since the current requirement is already an annual requalification on firearms.
All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities.	0

<p>Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	
<p>Beneficial impact the regulation is designed to produce.</p>	<p>Provides for updating courses of fire in a more cost efficient and timely manner.</p>

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 no alternatives since this change must be made first through the regulatory process.

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 family 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), use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
6VAC20-30		Every criminal justice officer required to carry a firearm in the performance of duty shall qualify annually using an applicable firearms course set forth below.	Every criminal justice officer required to carry a firearm in the performance of duty shall qualify annually using an applicable firearms course approved by the Committee on Training of the Criminal Justice Services Board.
6VAC20-30-80A		<ol style="list-style-type: none"> 1. Virginia Modified Double Action Course for Revolvers, 60 rounds, 7, 15, 25 yards shooting. 2. Virginia Modified Double Action Course for Semi-automatic Pistols, 60 rounds, 7, 15, 25 yards shooting. 3. Virginia Modified Combat Course I, 60 rounds, 25, 15, 7 yards shooting. 4. Virginia Modified Combat Course II, 60 rounds, 25, 15, 7, 5, 3 yards shooting. 5. Virginia Qualification Course I, 50 rounds, 25 to 5 yards shooting. 6. Virginia Qualification Course II, 60 rounds, 3 to 25 yards shooting. 7. Virginia Tactical Qualification Course I, 50 rounds, 5 or 7, 25 yards shooting. 8. Virginia Tactical Qualification Course II, 36 rounds, 3-25 yards shooting. 	<ol style="list-style-type: none"> 1. Virginia Modified Double Action Course for Semi-Automatic Pistols and Revolvers 2. Virginia Modified Double Action Course for Semi-Automatic Pistols (Retired) 3. Virginia Modified Combat Course I 4. Virginia Modified Combat Course II 5. Virginia Qualification Course I 6. Virginia Qualification Course II 7. Virginia Tactical Qualification Course I 8. Virginia Tactical Qualification Course II
6VAC20-30-80B		<p>B. Officers of the Department of Corrections, Division of Operations.</p> <ol style="list-style-type: none"> 1. Handgun <ol style="list-style-type: none"> a. Double Action Combat Course. 	<p>Officers of the Department of Corrections, Division of Operations</p> <ol style="list-style-type: none"> 1. Handgun <ol style="list-style-type: none"> a. Department of Corrections Virginia Modified Double Action Combat Course

		<ul style="list-style-type: none">- Target—Silhouette- 60 rounds- Double action only- Minimum qualifying score—70% (points per hit on silhouette—minimum 210 points out of a possible 300 points)- 7 yards—two handed crouch—6 rounds (one on whistle)- 7 yards—two handed crouch—6 rounds (two on whistle)- 7 yards—two handed crouch—12 rounds (30 seconds from whistle)- 15 yards—two handed point shoulder—6 rounds (one on whistle)- 15 yards—two handed point shoulder—6 rounds (two on whistle)- 15 yards—two handed point shoulder—12 rounds (30 seconds from whistle)- 25 yards—two handed point shoulder—6 rounds (10 seconds/right hand)- 25 yards—two handed point shoulder—6 rounds (10 seconds/left hand)	
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