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Exempt Action Final Regulation Agency Background Document

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| Agency name | Department of Criminal Justice Services |
| Virginia Administrative Code (VAC) citation(s) | 6 VAC 20-260 |
| Regulation title(s) | Regulations Relating to Bail Enforcement Agents |
| Action title | Amend Regulations to Conform to Statutory Changes |
| Final agency action date | May 7, 2015 |
| Date this document prepared | May 8, 2015 |

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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. If applicable, generally describe the existing regulation.

The proposed amendments to the regulations conform to statutory changes in the Code of Virginia made by the General Assembly in Chapter 600 of the 2015 Acts of the Assembly (House Bill 2314). The amendment reduces from 30 to 10 calendar days the time within which a bail enforcement agent must report changes to his or her residence or business address, any final administrative disposition, any arrests or summonses issued, or criminal dispositions.

The proposed amendments to the regulations conform to statutory changes in the Code of Virginia made by the General Assembly in Chapter 84 of the 2014 Acts of Assembly (House Bill 1007). The amendment replaces the acronym GED with "passed a high school equivalency examination approved by the Board of Education" which affects the eligibility requirements for bail enforcement agents.

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.

On May 7, 2015, the Criminal Justice Services Board adopted these changes to the Regulations Relating to Bail Enforcement Agents to conform to statutory amendments.

Family impact

Please assess the impact of this 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.

This regulatory action has no impact on the institution of the family and family stability.

Part III

Licensing Procedures and Requirements

6VAC20-260-30. Bail enforcement agent eligibility.

A. Persons required to be licensed pursuant to subdivision 47 of § 9.1-102 of the Code of Virginia as a bail enforcement agent shall meet all licensure requirements in this section. Persons who carry or have access to a firearm while on duty must have a valid license with a firearms endorsement as described under 6VAC20-260-80. If carrying a handgun concealed, the person must also have a valid concealed handgun permit and the written permission of his employer pursuant to § 18.2-308 of the Code of Virginia.

B. Each person applying for a bail enforcement agent license shall meet the minimum requirements for eligibility as follows:

1. Be a minimum of 21 years of age;
 2. Be a United States citizen or legal resident alien of the United States;
 3. Have received a high school diploma or ~~GED~~ passed a high school equivalency examination approved by the Board of Education; and
 4. Have successfully completed all initial training requirements, including firearms endorsement if applicable, requested pursuant to the compulsory minimum training standards in Part IV (6VAC20-260-120 et seq.) of this regulation.
- C. The following persons are not eligible for licensure as a bail enforcement agent and may not be employed by or serve as agents for a bail enforcement agent:
1. Persons who have been convicted of a felony within the Commonwealth, any other state, or the United States, who have not been pardoned, or whose civil rights have not been restored.
 2. Persons who have been convicted of any misdemeanor within the Commonwealth, any other state, or the United States within the preceding five years. This prohibition may be waived by the department, for good cause shown, so long as the conviction was not for one of the following or a substantially similar misdemeanor: carrying a concealed weapon, assault and battery, sexual battery, a drug offense, driving under the influence, discharging a firearm, a sex offense, or larceny.
 3. Persons who have been convicted of any misdemeanor within the Commonwealth, any other state, or the United States, that is substantially similar to the following: brandishing a firearm or stalking. The department may not waive the prohibitions under this subdivision.
 4. Persons currently the subject of a protective order within the Commonwealth or another state.
 5. Employees of a local or regional jail.
 6. Employees of a sheriff's office or a state or local police department.
 7. Commonwealth's attorneys and any employees of their offices.
 8. Employees of the Department of Corrections, Department of Criminal Justice Services, or a local pretrial or community-based probation services agency.
- D. The exclusions in subsection C of this section shall not be construed to prohibit law enforcement from accompanying a bail enforcement agent when he engages in bail recovery.

Part V

Recordkeeping Standards and Reporting Requirements

6VAC20-260-230. Reporting standards and requirements.

A. Each licensed bail enforcement agent shall report within ~~30~~ 10 calendar days to the department any change in his residence, name, or business name or business address, and ensure that the department has the names and fictitious names of all companies under which he carries out his bail recovery business.

B. Each licensed bail enforcement agent arrested or issued a summons for any crime shall report such fact within ~~30~~ 10 calendar days to the department and shall report to the department within ~~30~~ 10 days the facts and circumstances regarding the final disposition of his case.

C. Each licensed bail enforcement agent shall report to the department within ~~30~~ 10 calendar days of the final disposition any administrative action taken against him by another governmental agency in ~~this~~ the Commonwealth or in another jurisdiction. Such report shall include a copy of the order, consent to order or other relevant legal documents.

D. Each licensed bail enforcement agent shall report to the department within 24 hours any event in which he discharges a firearm during the course of his duties.

E. The bail enforcement agent shall retain, for a minimum of three calendar years from the date of a recovery, copies of all written documentation in connection with the recovery of a bailee pursuant to 6VAC20-260-260.