

## **Agency Response to Economic Impact Analysis**

6 VAC 20-260

### **Regulations Relating to Bail Enforcement Agents**

The Department of Criminal Justice Services concurs generally with the Economic Impact Analysis (EIA) of the Department of Planning and Budget on the proposed Regulations Relating to Bail Enforcement Agents with one exception.

Under the Small Businesses: Alternative Method that Minimizes Adverse Impact: DBP recommended that the Agency remove the requirement that bounty hunters who do not renew their licenses on time or within the 60 day reinstatement period are then required to meet initial core training.

The provision in question is in reference to Bail Enforcement Agent in-service training requirements. The applicants are required to take a 40-hour entry-level training prior to licensure. In order to renew the license, they are required to complete an 8-hour in-service training session during the last 12 months of a 2-year license. The Department had added the provision that if in-service training is not completed by their expiration date then they are required to meet all initial training requirements. This did not allow for any reinstatement period.

The Code specifically provides that the Department establish compulsory minimum training standards that shall ensure public safety and welfare from incompetent or unqualified persons engaging in bail enforcement activities. Furthermore, the Department is required to ensure continued competency of the regulated community.

Under 9.1-186.6, the Code specifically states that prior to renewing the 2-year license, the applicant must: complete 8 hours of continuing education approved by the Department and that any license not renewed by its expiration date shall terminate on such date.

This requirement was added to clarify to the applicant the penalty for not meeting renewal requirements and to encourage applicants to stay in compliance with the regulations. This is consistent with all other regulatory programs under the authority of the Private Security Services Section. They have 12 months to take an 8-hour course as well as a provision to extend this requirement under an emergency situation, such as illness, injury or active duty, (6VAC 20-260-170) as well as a provision that they may receive alternate in-service credit for taking training that meets or exceeds the standards promulgated by the Board. (6VAC 20-260-150)

DPB's concern was over the provision was that the requirement of re-taking entry level training again was too harsh a penalty. The Agency agrees that it was too harsh to require entry-level training if requirements were not met by the expiration date of the license, but does not agree that it is too harsh a penalty to require entry-level training if training was not met within an additional 60 day reinstatement period after the expiration of the license. The Agency has rewritten the regulations to incorporate a 60 day reinstatement period in which to meet renewal requirements.