



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	20
VAC Chapter Number:	171
Regulation Title:	Regulations Relating to Private Security Services
Action Title:	Promulgate
Date:	12/13/99

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

These regulations are proposed in accordance with and pursuant to the authority granted to the Criminal Justice Services Board by subsections A and B of Section 9-182, Code of Virginia. Based upon substantive formatting changes, the current regulations, 6 VAC 20-170 will be repealed and replaced with the attached 6 VAC 20-171.

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 guide the department and inform the general public of the methods, process, and requirements relating to the administration, operation, licensing, registration, training, and certification of persons engaged in the activities of private security services.

Changes Made Since the Proposed Stage

Please detail any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication. Please provide citations of the sections of the proposed regulation that have been altered since the proposed stage and a statement of the purpose of each change.

The substantive changes from the proposed regulations to these final regulations include a return to the current standards and application process established by 6 VAC 20-170 (being repealed). The changes are as follows:

1. Section 400: The firearms retraining course will consist of a total 2 hour block of training, to include shotgun classroom information. The proposed regulation required a 2 hour classroom training for handgun with an additional 1 hour classroom training for shotgun; and
2. Section 260: Private security training schools shall only be required to maintain pass/fail recording of examination and range qualification scores for individuals, as opposed to the actual numeric scoring.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

In accordance with the Administrative Process Act, on December 7, 1999, the Criminal Justice Services Board adopted a final regulation entitled the "Regulations Relating to Private Security Services" (6 VAC 20-171). The adoption of this regulation repeals the previous regulations (6 VAC 20-170).

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law

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.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

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.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

Existing regulations (6 VAC 20-170) are being repealed and replaced with proposed regulations (6 VAC 20-171). Changes to proposed submittal are outlined below.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the 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 include a sentence to that effect.

The primary advantages that these regulations provide to the general public are: (i) Sets forth standards, procedures, and requirements that serve to protect the safety and welfare of the general public from deceptive or misleading private security services business practitioners, and; (ii) Secures the public safety and welfare against incompetent, unscrupulous and unqualified persons by establishing methods of licensure, registration and certification that serve to enhance the competency of persons performing or engaged in the activities of private security services. A possible disadvantage of these regulations is that the program it prescribes receives no moneys from the General Fund, therefore, the cost to administer the program must be absorbed by the affected entities.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

During the proposed regulation public comment period, the department received 18 written comments. A summary matrix of the public comments, the agency response and subsequent action taken in the final regulations may be requested directly from the department.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

As stated, the proposed regulations are made up of primarily formatting changes. In addition, those changes submitted in the proposed regulation package that have been removed from this final regulation are identified within the regulation summary statement. The same content changes identified during the proposed process 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 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;
- d) 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;
- e) 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;
- f) 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;
- g) 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

h) 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.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which 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