

<b>Regulatory Analysis Form</b> (Completed by Promulgating Agency)		<b>INDEPENDENT REGULATORY REVIEW COMMISSION</b>	
(All Comments submitted on this regulation will appear on IRRC's website)		2013 APR 30 AM 10:50	
(1) Agency: <b>County Probation and Parole Officers' Firearm Education Training Commission (FETC)</b>			
(2) Agency Number: 41 Identification Number: 021		IRRC Number: 3009	
(3) PA Code Cite: <b>Pa. Code §§ 79.2 (a), 79.25 (proposed), 79.26 (proposed), 79.61, 79.63</b>			
(4) Short Title: <b>County Probation and Parole Officers' Firearm Education and Training Commission</b>			
(5) Agency Contacts (List Telephone Number and Email Address):			
<p>Primary Contact: <b>Todd Burns, Executive Director</b>  <b>Firearm Education and Training Commission</b>  <b>1101 South Front Street</b>  <b>Suite 5600</b>  <b>Harrisburg, PA 17104</b>  <b>717.783.4692</b>  <b>tburns@pa.gov</b></p> <p>Secondary Contact: <b>John C. Manning</b>  <b>Assistant Counsel</b>  <b>Office of Chief Counsel</b>  <b>Pennsylvania Board of Probation and Parole</b>  <b>1101 South Front Street</b>  <b>Suite 5100</b>  <b>Harrisburg, PA 17104</b>  <b>717.787.8126</b>  <b>jmanning@pa.gov</b></p>			
(6) Type of Rulemaking (check applicable box):			
<input checked="" type="checkbox"/> Proposed Regulation <input type="checkbox"/> Final Regulation <input type="checkbox"/> Final Omitted Regulation		<input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General	
(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)			
<b>Duty Weapon Change (proposed regulation): This regulation mandates that when an officer has a change of firearm, that officer must complete the Commission's qualification course on that firearm</b>			

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before carrying it.

**Break-in-Service Regulation:** This regulation provides what qualifications a former officer must achieve to again carry a weapon as a county probation or parole officer after they have been rehired by their respective department. The necessary qualifications depend on the duration of the officer's break-in-service.

**Requirements for in-service training courses:** This regulation would give the Commission the power to waive the 90-day requirement in 37 Pa. Code § 79.63 (b) if the course has been approved by entities such as the Federal Bureau of Investigation, Pennsylvania State Police, or National Rifle Association.

**Approval of instructors:** For clarity purposes, this regulation would revise the language of 37 Pa. Code § 79.61 (b) and (c) (1).

(8) State the statutory authority for the regulation. Include specific statutory citation.

The County Probation Officers' Firearm Education and Training Law provides that the Commission has the power "[t]o make rules and regulations...as may be reasonably necessary or appropriate to implement the training program for county probation officers." 61 Pa. Cons. Stat. Ann. § 6305 (13).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

No.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The compelling public interests that are served include: assurance that the Commonwealth's probation and parole officers are qualified when carrying any new firearm; probation and parole officers remain qualified when they have a break-in-service; and the institutions and instructors are qualified to train the officers. The entire public benefits from these safety measures, as do the probation and parole officers and the offenders the officers supervise.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

**No.**

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

**The proposed regulations are Commonwealth specific. The proposed regulations have no effect on Pennsylvania's ability to compete with other states.**

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

**No.**

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

**Proposed regulations were discussed at open bi-monthly meetings, where county probation and parole representatives were in attendance and their comments were taken into consideration. Additionally, proposed regulations have been placed on the Commission's website and every weapon-carrying probation department in Pennsylvania has been given the website link to view the Commission's proposed regulations.**

**With respect to the impact on small businesses, the Commission's proposed regulations will not have any impact on small businesses as the regulated community that will be affected by these regulations are county probation and parole officers and county probation departments. As such, the Commission did not have any communications with or solicit any input from small businesses or groups representing small businesses in the development of their proposed regulations.**

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

**The regulations will affect county probation and parole departments, officer applicants or candidates, schools that provide training courses and instructors at training courses. This will affect over 1,000 people.**

**With respect to the impact on small businesses, the Commission's proposed regulations will not have any impact on small businesses as the regulated community that will be affected by these regulations are county probation officers and county probation departments. As such, the Commission did not have any communications with or solicit any input from small businesses or groups representing small businesses in the development of their proposed regulations.**

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

**The regulations will affect county probation and parole departments, officer applicants or candidates, schools that provide training courses and instructors at training courses. This will affect over 1,000 people.**

**With respect to the impact on small businesses, the Commission's proposed regulations will not have any impact on small businesses as the regulated community that will be affected by these regulations are county probation officers and county probation departments. As such, the Commission did not have any communications with or solicit any input from small businesses or groups representing small businesses in the development of their proposed regulations.**

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

**The impact of these regulations is that there will be better trained probation officers in the Commonwealth who will be specifically required to qualify on a Commission firearm range with their individual duty weapon. Further, the regulations will eliminate the redundancy and waste of completely retraining an officer after they have left the position of probation officer for a short period of time and decided to return to service. Finally, the regulations will eliminate redundancy and waste by allowing probation officers to get training credit towards their recertification even if the training has not been previously approved by the Commission.**

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

**The public at large, probationers and parolees, and probation and parole officers all benefit from these proposed regulations. These regulations ensure that probation and parole officers are qualified to carry any new weapon and are qualified despite a break-in-service.**

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

**No additional costs for the additions to the Definition Section of 37 Pa. Code § 79.2 (a).**

**The fiscal impact for a Duty Weapon Change (proposed regulation 37 Pa. Code § 79.25) will cost: Officer: 1 Hour (approximate) X Salary + Instructor: 1 Hour (approximate) X Salary + Rounds: 60 minimum/180 maximum @ 50 cents per round maximum + Targets: 2 minimum/6 maximum @ \$1 per target maximum.**

**The fiscal impact for the Break-in-Service (proposed regulation 37 Pa. Code § 79.26) will cost (depending on the duration of the break-in-service):**

**Written Test: Officer takes 50 minutes maximum to take the test X Salary + Instructor: 50 minutes maximum X Salary**

**Qualification: Officer: 1 Hour (approximate) X Salary + Instructor: 1 Hour (approximate) X Salary + Rounds: 60 minimum/180 maximum @ 50 cents per round maximum + Targets: 2 minimum/6 maximum @ \$1 per target maximum**

**Classroom Time:**

**Officer – 18 hours classroom time:**

**Day 1: 12pm - 6pm (hotel room @ \$79 maximum) + Day 2: 8am - 5pm (hotel room @ \$79 maximum) + Day 3: 8am – 12pm + Per diem and mileage (if POV)**

**Officer – 31 hours range time:**

**Day 1: 8am - 5pm (hotel room @ \$79 maximum) + Day 2: 8am - 5pm (hotel room @ \$79 maximum) + Day 3: 8am - 5pm (hotel room @ \$79 maximum) + Day 4: 8am – 12pm + Per diem and mileage (if POV) + Ammunition : 1000 rounds maximum @ 50 cents per round maximum**

**No additional costs for the new Requirements for In-service Training Courses under 37 Pa. Code § 79.63.**

**No additional costs for amendments to the Approval of Instructors section of 37 Pa. Code § 79.61.**

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

**See above (14).**

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

**No additional costs or savings for the additions to the Definition Section of 37 Pa. Code § 79.2 (a).**

**The fiscal impact for a Duty Weapon Change (proposed regulation 37 Pa. Code § 79.25) will cost an additional hour of instruction/instructor time per training to train the officer specifically on the duty weapon.**

**The fiscal impact for the Break-in-Service (proposed regulation § 79.63) would be the amount of money spent would be a pen for a student and a manual (\$10) which is supplied to the officer. The regulation would only apply to officers with a break-in-service of more than 12 months, which typically would only apply to one or two officers a year.**

**No additional costs or savings with respect to the change in recertification dates for instructors pursuant to proposed regulation 37 Pa. Code § 79.61.**

**No additional costs with respect to proposed regulation 37 Pa. Code § 79.63. There may be some savings to the Commission as allowing the Commission to waive the 90-day approval requirement will allow an officer to receive credit for a class and thus it would not cost the Commission to provide in-service training for the officer.**

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

**Weapon change information and qualification results must be recorded in the Firearm Commission Training Management System (FCTMS). This record keeping is not overly burdensome because weapon information and qualification results must be recorded already. As such, the additional recording required by these regulations would only come up in the event that a probation or parole officer had a change in her duty weapon.**

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	<b>Current FY Year</b>	<b>FY +1 Year</b>	<b>FY +2 Year</b>	<b>FY +3 Year</b>	<b>FY +4 Year</b>	<b>FY +5 Year</b>
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Savings</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>COSTS:</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Costs</b>	N/A	N/A	N/A	N/A	N/A	N/A

<b>REVENUE LOSSES:</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Revenue Losses</b>	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY -09-10</b>	<b>FY – 10-11</b>	<b>FY -11-12</b>	<b>Current FY 12-13</b>
<i>County Probation and Parole Officers' Firearm Education and Training Commission</i>	\$451,843	\$463,988	\$495, 352	\$55,807

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

**The Commission's proposed regulations will not have any impact on small businesses as the regulated community that will be affected by these regulations are county probation and parole officers and county probation departments. Therefore, this question is not applicable with respect to the proposed regulations.**

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

**Probation and parole officers fall into this affected group. The Break-in-Service regulation has special provisions that take into account how long an officer has had a break in service and adjusts the qualification hurdles that must be met according to that break in service. The regulations make sure that officers with longer breaks are tested more stringently.**

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

**Testing standards are the least burdensome way to ensure qualification of county probation and parole officers.**

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

**The Commission's proposed regulations will not have any impact on small businesses as the regulated community that will be affected by these regulations are county probation officers and county probation departments. Therefore, this question is not applicable with respect to the proposed regulations.**

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

**No data was used as the basis for this regulation.**

(29) Include a schedule for review of the regulation including:

- |   |   |
|---|---|
| A. The date by which the agency must receive public comments:           | <b>30 calendar days<br/>after publication</b> |
| B. The date or dates on which public meetings or hearings will be held: | <b>Unknown</b>                                |



- |   |                |
|---|----------------|
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <b>Unknown</b> |
| D. The expected effective date of the final-form regulation:                                | <b>Unknown</b> |
| E. The date by which compliance with the final-form regulation will be required:            | <b>Unknown</b> |
| F. The date by which required permits, licenses or other approvals must be obtained:        | <b>Unknown</b> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

**The Commission will continually assess the regulation and the procedures it requires for compliance and will introduce revisions, which address any valid procedural concern that may arise.**

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FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to  
form and legality. Attorney General

*Angela Elliott*

BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

Copy below is hereby certified to be a true and correct  
copy of a document issued, prescribed or promulgated by:

County Probation and Parole Officers  
Firearm Education Training Commission

\_\_\_\_\_  
(AGENCY)

Copy below is approved as  
to form and legality.  
Executive or Independent  
Agency

*Shawn E. Smith*  
SHAWN E. SMITH

DOCUMENT/FISCAL NOTE NO. 41-021

APR 04 2013  
DATE OF APPROVAL

DATE OF ADOPTION: \_\_\_\_\_

JAN 31 2013  
DATE OF APPROVAL

BY: *Keith Graybill*  
Keith Graybill

Chairman  
TITLE: \_\_\_\_\_  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Deputy General Counsel  
(Chief Counsel,  
Independent Agency)  
(Strike inapplicable title)

[ ] Check if applicable  
Copy not approved.  
Objections attached.

[ ] Check if applicable.  
No Attorney General approval  
or objection within 30 days  
after submission.

PROPOSED RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA

37 PA. CODE, CH. 79

(County Probation and Parole Officers' Firearm Education and  
Training Commission)

PREAMBLE- PROPOSED RULEMAKING

BOARD OF PROBATION AND PAROLE

[37 PA. CODE PART II, CR. 79]

County Probation and Parole Officers'  
Firearm Education and Training Commission  
[ \_\_\_\_\_ Pa. B. \_\_\_\_\_ ]

The County Probation and Parole Officers' Firearm Education and Training Commission (hereinafter FETC) proposes to add Sections 79.2 (a), 79.25, and 79.26 to Chapter 79 to read as set forth in Annex A. The FETC further proposes to amend Sections 79.61 (b)-(c) and 79.63 of Chapter 79 to read as set forth in Annex A.

Statutory Authority

Notice is hereby given that the FETC, under the authority of the County Probation Officers' Firearm Education and Training Law, 61 Pa.C.S. § 6305 (13), intends to adopt the regulations set forth in Annex A.

Purpose of Regulations

These regulations will serve to accelerate the firearm qualification process for officers and the approval process for in-service training courses, while at the same time, maintaining public safety by ensuring that officers are properly qualified on their duty weapons and instructors are properly certified to conduct training courses. The first part of the proposed regulations (§ 79.2 (a)) defines new terms set forth in the proposed regulations. Regulations often have particular words that are better explained in the definition section, rather than in the regulation itself. The next part (§ 79.25) explains the qualification requirements that county probation and parole officers must adhere to in the event of a duty weapon change. The next part (§ 79.26) explains the requisite qualification requirements that county probation and parole officers must adhere to depending on the duration of the officer's break-in-service. The next part (§ 79.61(b)) alters the recertification and renewal requirements for Certified Firearms Instructors who attain Master Instructor status. The final part (§ 79.63) grants the FETC the discretion to waive certain requirements in the approval process for in-service training courses.

Explanation of Regulatory Requirements

The proposed rulemaking is enumerated and detailed as follows:

§ 79.2 (a) (relating to definitions of new terms in the proposed regulations)

These proposed additions require that the terms "Break-in-Service" and "Duty Weapon" are included under 37 Pa. Code § 79.2 (a).

§ 79.25 (relating to firearm qualification requirements following a Duty Weapon Change)

This proposed regulation provides new requirements when a county probation or parole officer has any change involving his duty weapon. Officers must adhere to this proposed regulation. A different manufacturer, a different model from the same manufacturer, or a change in firearm caliber all constitute a duty weapon change. A change in duty weapon will require a county probation or parole officer to satisfactorily complete all FETC qualification course of fire before carrying the new weapon on duty. This proposed regulation also requires that the weapon change information and the qualification results are recorded in the Firearm Commission Training Management System (FCTMS).

As the regulations currently exist, the FETC does not require an officer to pass a qualification course of fire on a new duty weapon. Instead, an officer is required to pass a qualification course of fire only when the officer's qualification certification expires.

§ 79.26 (relating to qualification requirements for officers who had a Break-in-Service)

This proposed regulation provides that when an officer has a break-in-service of less than 12 months, that officer will *not* have to undergo additional training as a result of the break-in-service. However, an officer who has a break-in-service lasting between 12 and 24 months must satisfactorily complete a current written test, requalify on the Commission's qualification course, and resubmit fingerprints pursuant to statute. An officer who has a break-in-service lasting 24 months or more must meet all the requirements of a new hire.

§ 79.61 (b) (amending recertification dates for instructors)

This proposed amendment provides that when a Certified Firearms Instructor (CFI) attains Master Instructor (MI) status, the MI recertification date will default to the instructor's CFI recertification date. The current language of 37 Pa. Code § 79.61 (b) determines the MI recertification date by calculating a 36-month period from the date MI status is attained. Instead of relying on calculations, this proposed amendment would simply apply the existing CFI recertification date as the MI recertification date.

This proposed amendment also alters the requirements for CFI certification renewal. The current language of 37 Pa. Code § 79.61 (c) (1) requires documentation demonstrating that the instructor provided at least 12 hours of relevant academic and range instruction to county probation personnel in the last 36 months. This proposed amendment would only require that the instructor provided at least 12 hours of firearm instruction to county probation personnel in the last 36 months.

§ 79.63 (b)(1) (amending the approval process/or in-service training courses)

This proposed amendment would grant the Commission discretion to waive the 90-day requirement in § 79.63 (b) if the course has been approved by entities such as the Federal Bureau of Investigation, Pennsylvania State Police, or the National Rifle Association. This section requires counties, seeking approval for in-service training courses, to submit an application to the Executive Director at least 90 calendar days before the first proposed day of training.

### Affected Parties

The affect of these proposed regulations adds only a slight burden on county probation and parole officers depending on whether there has been a change in duty weapon or a break-in-service. Officers would have to adhere to these new requirements even if the officer would not otherwise be up for requalification.

Additionally, any Commission-approved school or vendor that provides in-service training courses may experience a slight increase in the number of officers it must test depending on whether the officer has had a duty weapon change or a break-in-service. Additionally, firearm instructors may derive a benefit from the proposed recertification regulation (§ 79.61 (b)) since it simplifies the recertification dates for instructors reaching Master Instructor status.

### Fiscal Impact

Commonwealth: The Commission has determined that the regulations will have a minimal financial impact on the Commonwealth since all funds budgeted for the Commission are derived from the County Probation and Parole Officers' Firearm Education and Training Fund, which, under the law, is a restricted receipts account within the General Fund. Moneys for this fund are derived from costs imposed on any person who accepts Accelerated Rehabilitative Disposition or pleads guilty or nolo contendere or is convicted of a felony or misdemeanor. This fund is used exclusively for the training activities and expenses of the Commission.

Political Subdivisions: The projected fiscal impact of these regulations is negligible. The costs associated with firearm qualification courses will only apply when the officer has a change in duty weapon or a break-in-service.

Overview of the costs: The time an officer spends requalifying usually takes one hour. As such, the subject county would have to pay that percentage of the officer's salary, plus the hourly percentage of the instructor's salary, plus the 60-180 rounds (\$.50 per round) expended, plus the 2-6 targets (\$1 per target) used. When a written test is required, the county must pay the officer and the testing instructor a percentage of their salary based on the 50 minute test. Finally, when an officer must meet the requirements of a new hire because of break-in-service lasting 24 or more months, the county will have to pay for 18 hours of classroom time, 31 hours of range time, 1,000 rounds of ammunition, the cost for hotel rooms (maximum \$79.00 per night), and a per diem and mileage.

Private Sector: The proposed regulation will have no adverse fiscal impact on the private sector.

General Public: The proposed regulation will not impose any costs and will have no adverse fiscal impact on the general public.

### Costs and Paperwork Requirements

The proposed regulation directly relates to implementation of a program, which is already in effect and for which funding is already in place. Therefore, there will be no new fiscal impact. The proposed regulations may result in marginal increases in paperwork since any weapon

change information and any qualification results must be recorded in the Firearm Commission Training Management System. There may be a slight reduction in paperwork for certified firearm instructors since they would only have to document and demonstrate 12 hours of firearms training, rather than 12 hours of academic and range instruction when renewing CFT certification.

#### Impact on Small Business

The Commission's proposed regulations will have no impact on small businesses as the regulations only affect county probation and parole officers and county probation departments.

#### Effective Date

These proposed regulations will become effective upon final publication in the *Pennsylvania Bulletin*.

#### Sunset Date

No sunset date has been assigned. The FETC will review the efficacy of this regulation on an ongoing basis.

#### Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Todd Burns, Executive Director, Firearm Education and Training Commission, 1101 South Front Street, Suite 5600, Harrisburg, PA 17104-2522 within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 37 Pa. Code, Chapter 79 when submitting comments.

Persons with a disability who require an auxiliary aid or service may submit comments by calling Mr. Burns at (717) 783-4692.

#### Regulatory Review Act

Under § 5 (a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 30, 2013, the FETC submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Majority and Minority Chairpersons of both the House and Senate Judiciary Committees.

Under § 5 (g) of the Regulatory Review Act, if the IRRC has any comments, recommendations, or objections to any portion of the proposed regulation, it may notify the FETC within 10 days after the close of the public comment period. Such notification shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review by the FETC, the General Assembly, and the Governor, of any comments, recommendations or objections raised, prior to final publication of the regulation.

Keith Graybill  
Chairman

ANNEX A

Title 37. Law

PART II - Board of Probation & Parole

Chapter 79 - County Probation and Parole Officers' Firearm Education  
and Training Commission

GENERAL PROVISIONS

§ 79.2 Definitions. (amendment)

(a) The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Break-in-Service- The time period between the date an officer, qualified to carry a duty weapon, terminates employment for any reason and the date that the officer is rehired by the same or another armed county probation and parole office.

Duty Weapon- The firearm an officer qualifies with and carries while on duty.

MAINTENANCE OF CERTIFICATION

§ 79.25. Duty Weapon Change (proposal for an entirely new subchapter)

Any change in an officer's duty weapon involving a different manufacturer, a different model from the same manufacturer or a change in firearm caliber requires that:

- (1) The officer satisfactorily completes a commission qualification course of fire on the new duty weapon.
- (2) Qualification occurs prior to the officer carrying the new weapon on duty.
- (3) Weapon change information and qualification results are recorded in FCTMS.

§79.26. Break-in-Service (proposal for an entirely new subchapter)

(a) Requirements:

- (1) An officer who has a break-in-service of less than 12 months will have no additional training required as a result of the officer's break-in-service.



- (2) An officer who has a break-in-service lasting between 12 and 24 months shall satisfactorily complete a current written test and successfully requalify on the Commission's qualification course as a result of the officer's break-in-service.
- (3) An officer who has a break-in-service of 24 months or more shall meet the requirements of a new hire as a result of the officer's break-in-service.

## **APPROVAL OF INSTRUCTORS, SCHOOLS and VENDORS**

### **§ 79.61. Approval of Instructors. (amendment)**

(b) Certifications for both CFI and MI shall be for a period of 36 months following approval by the Commission unless sooner revoked by the Commission. When a CFI attains MI status, [the 36-month period shall be calculated based upon the date that MI status is attained] the MI recertification date will default to the instructor's CFI recertification date.

(c) To renew certification an instructor shall be required to submit an application for renewal of certification. The application must at least include documentation demonstrating that the instructor has provided the following:

- (1) For CFI certification renewal, a minimum of 12 hours of relevant [academic and range] firearms instruction to county probation personnel in the preceding 36 months, including at least one basic training. The requirement to conduct one basic training during the preceding 36-month period for CFI renewal may be waived by the Commission.

### **§ 79.63. Requirements for In-Service Training Course(s). (amendment)**

(b) Counties seeking approval of an in-service training course developed by an entity other than the Commission-approved school or vendor shall submit an application to the Executive Director at least 90 calendar days prior to the first proposed day of training. The proposal must be submitted in writing to the Executive Director.

- (1) The Commission may waive the 90-day requirement in paragraph (b) on a case-by-case basis if the course has been approved by such entities as the Federal Bureau of Investigation, Pennsylvania State Police, or the National Rifle Association.

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 41-021  
 SUBJECT: COUNTY PROBATION AND PAROLE OFFICERS'  
 FIREARM EDUCATION AND TRAINING COMMISSION  
 AGENCY: BOARD OF PROBATION & PAROLE

**TYPE OF REGULATION**

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

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**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
4/30/13	<i>Thomas R. Callaghan</i>	HOUSE COMMITTEE ON JUDICIARY
4/30/13	<i>[Signature]</i>	MAJORITY CHAIRMAN <u>Ronald S. Marsico</u>
4/30/13	<i>Sam Small</i>	SENATE COMMITTEE ON JUDICIARY
4/30/13	<i>Pat Lively</i>	MAJORITY CHAIRMAN <u>Stewart J. Greenleaf</u>
4/30/13	<i>[Signature]</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
4/30/13	<i>Samuel H. Hason</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)