

EXHIBIT I

AR COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING

SUBJECT: CLEST Rules

DESCRIPTION: CLEST's proposed legislation passed the General Assembly as Act 151 of 2019. The changes to state law through Act 151 are addressed throughout the proposed rule changes. Other changes made to state law as a result of the 2019 session of the General Assembly are addressed in the proposed rule changes. The specific rule change proposals are as follows:

At 315 of 2019 required that all agencies discontinue the use of the word "Regulation" (and Specifications) and refer to all agency rules as "rules." Accordingly, Specifications S-1 through S-22 have been merged into their corresponding Regulations and will be repealed. All "Regulations" have been re-named as "Rules" and any reference to "regulations" in the rules has been removed and/or changed.

Act 910 of 2019 (the "Transformation Bill") created the "Division on Law Enforcement Standards and Training." Throughout the rule changes, changes are made to clarify the responsibilities of the Commission and the Division.

Regulation 1001

- Act 151 of 2019 - Change the definition of "Full-Time Law Enforcement Officer" to someone that works more than twenty-four hours per week.
- Act 151 of 2019 - Change the definition of "Part-Time Law Enforcement Officer II" to a part-time law enforcement officer that works twenty-four hours per week or less.
- Remove definition for "Specification."

Regulation 1002

- Act 151 of 2019 - Allows for required information to be reported to Standards "in a manner adopted by the Commission."
- Increase law enforcement training hour requirements from 16 hours per year to 24 hours per year.
- Incorporates the language previously found in Specifications S-1, S-2, S-3, S-4, S-5, S-6, and S-7.
- Allows for the submission of a department of defense notice of separation (DD-214) for verification of place and/or date of birth if such information is included on the form.
- Creates a provision allowing a person who is twenty (20) years old to be appointed at a law enforcement agency for the purposes of attending the basic training academy. Prohibits the person from performing law enforcement functions until they reach the age of twenty-one (21).
- Allows for the submission of a transcript from an accredited higher education institution as substitution for a high school diploma or GED.

Regulation 1004

- Incorporates the language previously found in Specification S-8.

Regulation 1005

- Act 151 of 2019 - Changes related to new definition of Full-Time and Part-Time law enforcement officers.
- Incorporates the language previously found in Specifications S-9 and S-13.

Regulation 1007

- Repealed. Replaced with language from former Regulation 1009.
- Act 151 of 2019 allowed for required information to be reported to the Division on Law Enforcement Standards and Training “in a manner adopted by the Commission.”

Regulation 1008

- Act 820 of 2019 required agencies to provide “expedited” licensure to certain members of the military and their spouses. The person must hold a “substantially similar license in another state.” Failure to promulgate rules related to the covered individuals will result in automatic licensure for the covered individual.
- All rules related to the Veteran’s to Law Enforcement Program have been incorporated into this new reciprocity rule.

Regulation 1009

- Former Regulation 1009 has been moved to Regulation 1007.
- Regulation 1009 has been replaced with language from former Specification S-15.
- Act 151 of 2019 - Allows for required information to be reported to Standards “in a manner adopted by the Commission.”
- Replaces “unit” with “credit hour.”
- Increases the education points, training points, and/or training hours to obtain a Basic, General, Intermediate, Advanced, and Senior certificate.
- Act 151 of 2019 - Changes related to new definition of Full-Time and Part-Time law enforcement officers.
- Act 151 of 2019 - Change clarifying that the Commission has the power to revoke certification, eligibility for certification, and ability to act as a law enforcement officer.
- Changes the optional “Chief of Police” certificates to “department heads” to include eligibility for Sheriffs and other department heads.

Regulation 1010

- Act 151 of 2019 - Changes related to new definition of Full-Time and Part-Time law enforcement officers.

Regulation 1011

- Removing reference to “110 hour Auxiliary/Part-time II training course.”

Regulation 1012

- Act 151 of 2019 - Changes related to new definition of Full-Time and Part-Time law enforcement officers.

Regulation 1013

- Clarifies the duties of a specialized law enforcement officer.
- Adds a provision that specialized police personnel may assist local law enforcement during emergency situations but shall not enforce the traffic laws of the State.
- Incorporates language previously found in Specification S-20.
- Requires the Commission to issue a certificate for specialized police personnel.

Regulation 1014

- Change adds a certificate for "specialized field training officers" and outlines the requirements to obtain a specialized field training officer certificate.
- Incorporates language previously found in Specification S-19.
- Change is being made to comply with state law specifying that an officer's certification will expire if separated from law enforcement for more than three years.

Regulation 1015

- Act 151 of 2019 - Change requires CLEST to issue a police traffic radar operator certificate.
- Incorporates language previously found in Specification S-17.

Regulation 1016

- Incorporates language previously found in Specification S-16.

Regulation 1017

- Incorporates language previously found in Specification S-18.

Regulation 1018

- Change allows the Division to approve curriculum instead of the Commission.

Regulation 1019

- Act 151 of 2019 - Allow for required information to be reported to Standards "in a manner adopted by the Commission."

Regulation 1020

- Incorporates language previously found in Specification S-21.

Regulation 1024

- Change inserts a term defined by Rule 1001.

Regulation 1025

- Change cleans up the language related to a retired officer's right to carry a weapon pursuant to federal law.

Regulation 1026

- Specifies that the state standard for qualification for a handgun is the CLEST-approved course of fire and requires successful completion of a CLEST-approved

firearms qualification course for handguns and any type of firearm available in the course of duty.

Regulation 1027

- Change specifies the minimum standards, not including firearms qualification, for civil traffic wardens.

Regulation 1028

- All rules related to canines are being merged into this Regulation.
Canine “Certifying” Officials are being changed to Canine “Qualifying” Officials for clarity.

Regulation 1029 (Canine)

- Repealed

Regulation 1030 (Canine)

- Repealed

Regulation 1031 (Canine)

- Repealed

Regulation 1032

- Typo change

Regulation 1033

- Incorporates language previously found in Specification S-22.

Regulation 1034

- Act 151 of 2019 - Change clarifies that the Commission has the power to revoke certification, eligibility for certification, and ability to act as a law enforcement officer.

Specification S-1

- Repealed

Specification S-2

- Repealed

Specification S-3

- Repealed

Specification S-4

- Repealed

Specification S-5

- Repealed

Specification S-6
- Repealed

Specification S-7
- Repealed

Specification S-8
- Repealed

Specification S-9
- Repealed

Specification S-10
- Repealed

Specification S-11
- Repealed

Specification S-12
- Repealed

Specification S-13
- Repealed

Specification S-14
- Repealed

Specification S-15
- Repealed

Specification S-16
- Repealed

Specification S-17
- Repealed

Specification S-18
- Repealed

Specification S-19
- Repealed

Specification S-20
- Repealed

Specification S-21

- Repealed

Specification S-22

- Repealed

PUBLIC COMMENT: A public hearing was not held in this matter. The public comment period expired on August 20, 2019. The Commission reported that no public comments were received on August 29, 2019.

Suba Desikan, an attorney with the Bureau of Legislative Research, asked the following questions and received the following answers thereto:

QUESTION #1: For any CLEST certification/training, have the number of require hours changed? If so, what was added or removed from the curriculum to cause that change? **RESPONSE:** The requirements to obtain an advanced, non-mandatory, certificate (General, Intermediate, Advanced, and Senior) went up 200 training hours. The hours were increased to reflect the increase in training hours for the basic training academy. When the training hours were originally set for the advanced certificates, the basic academy consisted of 320 hours of training. Today, the basic academy consists of 520 hours of training. Also, we are increasing the annual continuing education requirements. CLEST now offers hours of free law enforcement training online, so the difficulty in obtaining quality continuing education in no longer a burden on agencies and/or their officers.

The proposed effective date is January 1, 2020.

FINANCIAL IMPACT: The agency indicated that there was no financial impact.

LEGAL AUTHORIZATION: The agency cited Ark. Code Ann. §§ 12-9-104, 12-9-110, 12-9-302, 12-9-402, 12-9-602, 12-9-603, as well as 12-9-101 *et seq.* generally.

CLEST was created pursuant to Ark. Code Ann. § 12-9-103. The duties and responsibilities of the Commission are defined in Ark. Code Ann. § 12-9-104, wherein the Commission is granted authority to establish minimum selection and training standards for admission to employment as a law enforcement officer or a private college or university law enforcement officer, approve institutions and facilities to be used for the specific purpose of training law enforcement officers and recruits, adopt rules and minimum standards for such schools including curriculums for probationary police officers and certified police officers refresher and in-service training, and promulgate rules for the administration of the subchapter.

Further specific rulemaking authority is found as follows:

- Ark. Code Ann. § 12-9-110 (Rule-making authority to establish qualifications including minimum training standards for persons issuing citations for parking violations and traffic accident reports)
- Ark. Code Ann. § 12-9-302 (Rule-making authority to establish minimum selection, training, and curriculum standards for auxiliary law enforcement officers and standards for training facilities)
- Ark. Code Ann. § 12-9-402 (Rule-making authority to establish minimum selection, training, and curriculum standards for police traffic radar operators and police traffic radar instructors and training facilities)
- Ark. Code Ann. §§ 12-9-602 and 12-9-603 (Rule-making authority on rules governing notice of employment, appointment or separation and subsequent certification review)

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Commission on Law Enforcement Standards and Training
DIVISION Standards

DIVISION DIRECTOR Jami Cook

CONTACT PERSON Amanda Yarbrough

ADDRESS #4 State Police Plaza Drive Little Rock, AR 72209

PHONE NO. (501) 682-4750 **FAX NO.** (501) 682-1582 **E-MAIL** amanda.yarbrough@arkansas.gov

NAME OF PRESENTER AT COMMITTEE MEETING Jami Cook, Amanda Yarbrough and/or Brad King

PRESENTER E-MAIL N/A

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

- 1. What is the short title of this rule? CLEST Rules
- 2. What is the subject of the proposed rule? Law Enforcement Certification Standards and Training Requirements
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes _____ No x
If yes, please provide the federal rule, regulation, and/or statute citation. _____
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes _____ No x
If yes, what is the effective date of the emergency rule? N/A
When does the emergency rule expire? N/A
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No x

4. Is this a new rule? Yes _____ No x If yes, please provide a brief summary explaining the rule.

SEE ATTACHED SUMMARY AND RULE MARK-UPS

5. Does this repeal an existing rule? Yes x No _____ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

SEE ATTACHED SUMMARY AND RULE MARK-UPS – Repealed Rules include Specifications S1-S-22 and Regulations 1029, 1030, and 1031.

Is this an amendment to an existing rule? Yes x No _____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”**

SEE ATTACHED SUMMARY AND RULE MARK-UPS

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.

A.C.A. 12-9-104, 12-9-110, 12-9-302, 12-9-402, 12-9-602, and 12-9-603 as well as all of 12-9-101 et seq. generally.

7. What is the purpose of this proposed rule? Why is it necessary?

To comply with changes made during the 2019 legislative session, including Act 910, Act 151, and Act 315

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

www.clest.org

9. Will a public hearing be held on this proposed rule? Yes x No _____
If yes, please complete the following:

Date: unknown at this time – will be determined when/if public comments are received

Time: unknown

Place: unknown

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

August 20, 2019

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

January 1, 2020

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.

SEE ATTACHED

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).

SEE ATTACHED

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

N/A

FINANCIAL IMPACT STATEMENT
PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Commission on Law Enforcement Standards and Training
DIVISION Standards

PERSON COMPLETING THIS STATEMENT Amanda Yarbrough

TELEPHONE NO.(501) 682-4750 **FAX NO.**(501) 682-1582 **EMAIL:**amanda.yarbrough@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE CLEST Rules

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No x

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes x No _____

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered?
Yes x No _____

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost:

N/A

(b) The reason for adoption of the more costly rule;

N/A

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

N/A

(d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

No federal rule/regulation being implemented

(a) What is the cost to implement the federal rule or regulation? N/A

Current Fiscal Year

Next Fiscal Year

General Revenue _____

General Revenue _____

Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total \$0

Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total \$0

(b) What is the additional cost of the state rule? N/A

Current Fiscal Year

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total \$0

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total \$0

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ 0

\$ 0

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ 0

\$ 0

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes _____ No x

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



GOVERNOR
Asa Hutchinson

STATE OF ARKANSAS

Commission On Law Enforcement Standards and Training

LAW ENFORCEMENT TRAINING ACADEMY
P.O. Box 3106
East Camden, Arkansas 71711
(870) 574-1810 FAX: (870) 574-2706

OFFICE OF LAW ENFORCEMENT STANDARDS
#4 State Police Plaza Drive
Little Rock, AR 72209
(501) 682-2260 FAX: (501) 682-1582



DIRECTOR
Jami Cook

Rule Change Summary 2019

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academy. Prohibits the person from performing law enforcement functions until they reach the age of twenty-one (21).

- Allows for the submission of a transcript from an accredited higher education institution as substitution for a high school diploma or GED.
- **Regulation 1004**
 - Incorporates the language previously found in Specification S-8.
- **Regulation 1005**
 - Act 151 of 2019 - Changes related to new definition of Full-Time and Part-Time law enforcement officers.
 - Incorporates the language previously found in Specifications S-9 and S-13.
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 - Repealed. Replaced with language from former Regulation 1009.
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 - Act 820 of 2019 required agencies to provide “expedited” licensure to certain members of the military and their spouses. The person must hold a “substantially similar license in another state.” Failure to promulgate rules related to the covered individuals will result in automatic licensure for the covered individual.
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- **Regulation 1013**
 - Clarifies the duties of a specialized law enforcement officer.
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 - Change allows the Division to approve curriculum instead of the Commission.
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- Change cleans up the language related to a retired officer's right to carry a weapon pursuant to federal law.
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 - Repealed
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- **Regulation 1032**
 - Typo change
- **Regulation 1033**
 - Incorporates language previously found in Specification S-22.
- **Regulation 1034**
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- **Specification S-1**
 - Repealed
- **Specification S-2**
 - Repealed
- **Specification S-3**

- Repealed
- **Specification S-4**
 - Repealed
- **Specification S-5**
 - Repealed
- **Specification S-6**
 - Repealed
- **Specification S-7**
 - Repealed
- **Specification S-8**
 - Repealed
- **Specification S-9**
 - Repealed
- **Specification S-10**
 - Repealed
- **Specification S-11**
 - Repealed
- **Specification S-12**
 - Repealed
- **Specification S-13**
 - Repealed
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