

EXHIBIT B

ECONOMIC IMPACT STATEMENT OF PROPOSED RULES OR REGULATIONS EO 05-04: Regulatory Flexibility

Department: Commission on Law Enforcement Standards and Training	Division: N/A
Contact Person: Ken Jones	Date: January 15, 2013
Contact Phone: 870-574-1810	Contact Email: ken.jones@arkansas.gov
Title or Subject: Minimum Standards for Firearms Qualification	

Benefits of the Proposed Rule or Regulation

1. Explain the need for the proposed change(s). Did any complaints motivate you to pursue regulatory action? If so, please explain the nature of such complaints. No complaints.
2. What are the top three benefits of the proposed rule or regulation? 1. To establish minimum standards for firearms training in law enforcement. 2. Documentation of training requirement and completion. 3. To improve firearms proficiency.
3. What, in your estimation, would be the consequence of taking no action, thereby maintaining the status quo? Law enforcement agencies could use firearms qualifications that fail to adequately demonstrate proficiency.
4. Describe market-based alternatives or voluntary standards that were considered in place of the proposed regulation and state the reason(s) for not selecting those alternatives. N/A

Impact of Proposed Rule or Regulation

5. Estimate the cost to state government of *collecting information, completing paperwork, filing, recordkeeping, auditing and inspecting* associated with this new rule or regulation. N/A
6. What types of small businesses will be required to comply with the proposed rule or regulation? Please estimate the number of small businesses affected. N/A
7. Does the proposed regulation create barriers to entry? If so, please describe those barriers and why those barriers are necessary. N/A
8. Explain the additional requirements with which small business owners will have to comply and estimate the costs associated with compliance. N/A
9. State whether the proposed regulation contains different requirements for different sized entities, and explain why this is, or is not, necessary. N/A
10. Describe your understanding of the ability of small business owners to implement changes required by the proposed regulation. N/A
11. How does this rule or regulation compare to similar rules and regulations in other states or the federal government? N/A
12. Provide a summary of the input your agency has received from small business or small business advocates about the proposed rule or regulation. N/A

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS WITH THE
ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

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:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- *****
- 1. What is the short title of this rule? MINIMUM STANDARDS FOR FIREARMS QULIFICATION.
 - 2. What is the subject of the proposed rule? FIREARMS TRAINING STANDARDS.
 - 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ___ No X
 - 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? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes ___ No ___
 - 5. Is this a new rule? Yes X No ___ If yes, **please provide a brief summary explaining the regulation.** This rule would establish a minimum standard for firearms training which currents does not exist.

Does this repeal an existing rule? Yes ___ No X 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.

Is this an amendment to an existing rule? Yes ___ No X 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.
 - 6. Cite the state law that grants the authority for this proposed rule. If codified, please give Arkansas Code citation. ACA 12-9-104.
 - 7. What is the purpose of this proposed rule? Why is it necessary? TO ESTABLISH A MINIMUM STANDARD FOR FIREARMS QUALIFICATION.
 - 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). CLEST.ORG.

9. Will a public hearing be held on this proposed rule? Yes No
If yes, please complete the following:
Date: February 21, 2013
Time: 10:00 A. M.
Place: Arkansas Law Enforcement Training Academy, East Camden, AR
10. When does the public comment period expire for the permanent promulgation? (February 21, 2013.)
11. What is the proposed effective date of this proposed rule? (June 1, 2013.)
12. Do you expect this rule to be controversial? Yes No If yes, please explain.
13. Please give us the names of persons, groups, or organizations that you expect to comment on these rules. Please provide their position (for or against) if known. None Known

SUMMARY OF RULE

The proposed rule of the Commission establishes a minimum firearms qualification for Hand Guns, Patrol Rifles and Select Fire Weapons, Precision Rifles, and Shotguns for law enforcement agencies in the State of Arkansas.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: Commission on Law Enforcement Standards and Training

DIVISION: N/A

PERSON COMPLETING THIS STATEMENT: Ken Jones

TELEPHONE NO. 870-574-1810

FAX NO. 870-574-2706

EMAIL: ken.jones@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE:

Minimum Standards for Firearms Qualifications.

1. Does this proposed, amended, or repealed rule have a financial impact?

Yes _____ No X

2. Does this proposed, amended, or repealed rule affect small businesses?

Yes _____ No X

If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain. N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

CURRENT FISCAL YEAR		NEXT FISCAL YEAR	
General Revenue	N/A	General Revenue	N/A
Federal Funds		Federal Funds	
Cash Funds		Cash Funds	
Special Revenue		Special Revenue	
Other (Identify)		Other (Identify)	
Total		Total	

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

CURRENT FISCAL YEAR	NEXT FISCAL YEAR
\$ N/A	\$ N/A

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

CURRENT FISCAL YEAR	NEXT FISCAL YEAR
\$ N/A	\$ N/A

CLEST Minimum Standards For Handgun Qualification For Law Enforcement Agencies

Paragraph I. Law Enforcement personnel are required to qualify with their handgun a minimum of one time annually. Law Enforcement Agencies may choose to shoot the "Model Course of Fire" as outlined in paragraph III or construct their own course of fire ensuring all required minimum tasks/standards are met as outlined in paragraph II. Agencies that elect to construct their own qualification course must submit their course of fire to CLEST for approval 30 days prior to course instruction.

Paragraph II. Required minimum tasks/standards for the Arkansas Handgun Qualification Course:

1. Qualification courses must be taught by a CLEST certified firearms instructor.
2. All agencies must shoot a 50 round minimum course of fire
3. All Agencies must incorporate a minimum of two (2) mandatory reload drills during the course of fire.
4. All Agencies must incorporate a minimum of one (1) malfunction drill during the course of fire.
5. All agencies must incorporate firing from a holstered as well as ready position.
6. All agencies must incorporate weak, strong and two hand shooting. Reasonable accommodations may be made when dealing with individual disabilities.
7. All agencies must incorporate a time component into their firearms training for a minimum of 75% of the course of fire. Time components may not exceed three (3) seconds per round from a holstered position or two (2) seconds per round from the drawn or ready position. Four (4) seconds may be added to a particular battery of fire when such battery includes a reload drill or malfunction drill.
8. All shooters must score a minimum of 80% to pass their course of fire or meet higher standard established by their agency.
9. All agencies must utilize the B-27 target or other scoring target not to exceed 337 square inches of scoring area (The B-27 scoring target contains approximately 337 square inches within the circumference of the seven (7) ring. The Q target contains approximately 275 square inches of scoring area. Instructors may utilize multiple targeting areas, such as incorporating headshots, as long as no single scoring area exceeds 337 square inches and each target area is scored separately.)
10. Agencies must construct a course of fire that includes the following:
 - a. 1-3 yard line Minimum of 10 rounds
 - b. 3-5 yard line Minimum of 5 rounds
 - c. 7 yard line Minimum of 10 rounds
 - d. 15 yard line Minimum of 5 rounds
 - e. Agency discretion Minimum of 20 rounds (Fifteen (15) of the discretionary rounds must be fired from 7 yards or greater. Agencies may choose to fire the remaining discretionary rounds from any distance deemed best for their agency. Agencies may choose to exceed the 15-yard minimum at their discretion).

11. Form F-18 will be completed and submitted to CLEST upon completion of a certified course of instruction. Agencies will maintain firearms qualification records for employees that may be audited by CLEST at any time. Records will be maintained for the duration of an employee's employment plus 5 years.

Paragraph III. Arkansas Model Handgun Course
(Meets all minimum requirements.)
(Fifty round course of fire; B-27 Standard Silhouette)

3 Yards

1. Starting with an empty chamber and a loaded magazine inserted into the weapon, from the holster, draw and fire on empty chamber, execute an immediate action drill, followed by 2 rounds, both hands, in 9 seconds.
2. From the ready, 2 rounds, both hands, in 4 seconds.
3. From the ready, 2 rounds, both hands, in 4 seconds.

4. From the holster, 2 rounds, strong hand only, in 5 seconds.
5. From the ready, 2 rounds, strong hand only, in 4 seconds.
6. From the ready, 2 rounds, strong hand only, in 4 seconds, then a tactical exchange of magazines.

7. From the holster, 2 rounds, weak hand only, in 5 seconds.
8. From the ready, 2 rounds, weak hand only, in 4 seconds.
9. From the ready, 2 rounds, weak hand only, in 4 seconds.

7 Yards

1. From the holster, 3 rounds in 7 seconds.
2. From the ready, 3 rounds, combat reload, 3 more rounds, 16 seconds.
3. From the ready, 5 rounds in 10 seconds.

15 Yards

1. From the holster, 4 rounds in 9 seconds.
2. From the ready, 4 rounds in 8 seconds.

3. From the holster, 3 rounds in 7 seconds.
4. From the ready, 2 rounds in 4 seconds.
5. From the holster, 3 rounds in 7 seconds.
6. From the ready, 2 rounds in 4 seconds.

CLEST Minimum Standards For Patrol Rifle and Select Fire Weapons
For Law Enforcement Agencies

Paragraph I. Law Enforcement personnel assigned to utilize a Patrol Rifle are required to qualify with the Rifle a minimum of one time annually. A Patrol Rifle is defined as any center fire rifle primarily designed for Military/Law Enforcement use and has a detachable box magazine (i.e. M-16, AR15, M4, HK MP5, UMP, Ruger Mini 14, Remington 7600P, and or variants.) Sporting rifles, converted sporting rifles, or bolt-action rifles are not considered patrol rifles. "Select Fire Weapon" is defined as any firearm that is capable of shooting more than one round with a single depression of the trigger. Law Enforcement Agencies may choose to shoot the "Model Course of Fire" as outlined in paragraph III or construct their own course of fire ensuring all required minimum tasks/standards are met as outlined in paragraph II. Agencies that elect to construct their own qualification course must submit their course of fire to CLEST for approval 30 days prior to course instruction.

Paragraph II. Required minimum tasks/standards for the Arkansas Patrol Rifle Qualification Course:

1. Qualification courses must be taught by a CLEST certified firearms instructor.
2. All agencies must shoot a minimum of 20 rounds during their course of fire.
3. All Agencies must incorporate a minimum of one (1) mandatory reload drill during the course of fire. Five seconds may be added to particular battery of fire when such battery includes a reload drill.
4. All agencies must incorporate firing from standing, kneeling, and prone positions.
5. All shooters must score a minimum of 80% to pass their course of fire or meet higher standard established by their agency.
6. All agencies must utilize targets that do not exceed 93.5 square inches of scoring area which is equal to a 8.5" x 11" piece of notebook paper (the B-27 target contains 86.5 square inches of scoring area within the circumference of the 9 ring and therefore meets this requirement as limited to the 9 and 10 ring area.) Instructors may utilize multiple targeting areas (such as incorporating head shots) as long as no single scoring area exceeds 93.5 square inches and each target area is scored separately.
7. Agencies must construct a course of fire that includes the following:

a. 3-7 yard line	Minimum of 5 rounds	7 seconds
b. 10-15 yard line	Minimum of 5 rounds	10 seconds
c. 25 yard line	Minimum of 5 rounds	25 seconds
d. 50 yard line	Minimum of 5 rounds	30 seconds
8. Agencies that utilize select fire weapons are required to shoot an additional 20 rounds in a select fire mode, by firing 2-3 rounds per single depression of the trigger. All rounds will be fired between the 7 and 10 yard lines at the Agencies discretion. Select fire rounds will be scored separately. Minimum passing score is 80%.
9. Form F-18 will be completed and submitted to CLEST upon completion of a certified course of instruction. Agencies will maintain firearms qualification records for employees that may be audited by CLEST at any time. Records

will be maintained for the duration of an employee's employment plus 5 years.

Paragraph III. Arkansas Model Patrol Rifle Qualification Course
(Meets all minimum requirements for non-select fire weapons. Officers utilizing weapons capable of select fire must shoot additional rounds as described in Paragraph II.)

Target: B-27 Standard Silhouette
Rounds: 20

Scoring: Shots inside the 9 ring = 10 points
Shots outside the 9 ring = 0 points
Center head shots (if applicable) = 10 points

200 points are possible.
160 points, (80%) needed to Qualify.

Stage 1. 50-yard line
1. Starting from the ready position, fire 2 rounds standing, then 3 rounds prone.
5 rounds total
30 seconds.

Stage 2. 25-yard line
1. Starting from the ready position, fire 2 rounds standing, combat reload, then fire 3 more rounds kneeling
5 rounds total
30 seconds.

Stage 3. 15-yard line
1. Starting from the ready position, fire 5 rounds standing.
5 rounds total
10 seconds.

Stage 4. 3-yard line
1. Starting from the ready position, fire 5 rounds standing.
5-rounds total
7 seconds

Shots to the center of the head are recommended at this stage so that the shooter may demonstrate that he is aware of the impact change created by the sight over bore phenomenon that occurs with AR15/M16/M4 style rifles at close distances.

CLEST Minimum Standards Precision Rifle
Annual Qualification Course

Paragraph I. Law Enforcement personnel who have successfully completed a Sniper certification course approved by CLEST, and hold a position as a sniper with their respective departments, are required to qualify with the precision rifle a minimum of one time annually. Law Enforcement Agencies may choose to shoot the "Model Course of Fire" as outlined in paragraph III or construct their own course of fire ensuring all minimum tasks/standards are met as outlined in paragraph II. Agencies that elect to construct their own course must submit their course of fire to CLEST for approval 30 days prior to course instruction. A "Precision Rifle" is defined as any center fire rifle .223 caliber/ 5.56 mm or larger with magnified optical scope, capable of one-minute of angle accuracy at 100 yards. One-minute of angle is defined as the rifle's ability to repeatedly strike an intended target with a one-inch accuracy group at 100 yards from a bench rest or similar shooting position.

Paragraph II. Required minimum tasks/standards for the Arkansas Precision Rifle Qualification Course:

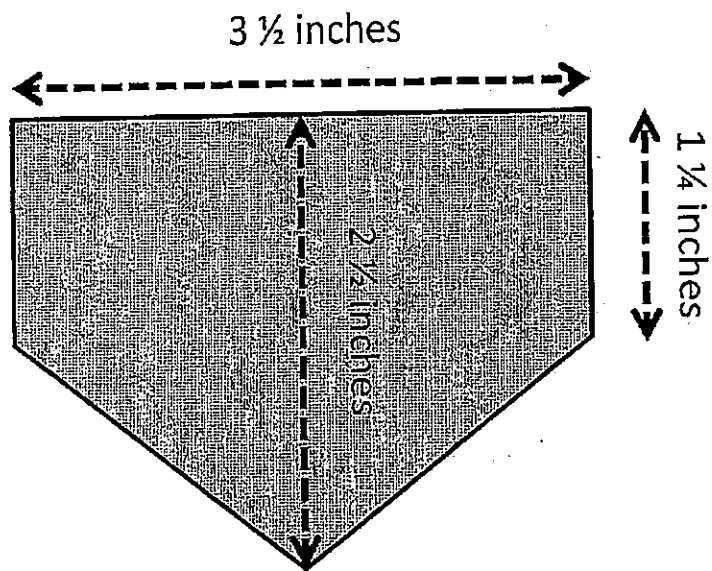
1. Qualification courses must be taught by a CLEST certified firearms instructor.
2. All Agencies will shoot a minimum of 10 rounds per course of fire.
3. Agencies must construct a timed course of fire that includes the following shooting distances and minimum rounds:

a. 25 yard line	Minimum of 2 rounds
b. 50 yard line	Minimum of 2 rounds
c. 75 yard line	Minimum of 2 rounds
d. 100 yard line	Minimum of 2 rounds
e. Agency discretion	Minimum of 2 rounds
4. Time used to complete a 10 round course of fire may not exceed four (4) minutes. Additional time may be added for additional rounds fired in excess of 10 rounds not to exceed 45 seconds per round from distances of 100 yards or greater and not more than 22 seconds per round from distances of 75 yards or less.
5. All agencies will incorporate prone and kneeling positions.
6. The target scoring area will not exceed 7.5 square inches (target diagram provided below is approximately 7 square inches).
7. All shooters must score 100% to pass this course of fire.
8. Form F-18 will be completed and submitted to CLEST upon completion of a certified course of instruction. Agencies will maintain firearms qualification records for employees that may be audited by CLEST at any time. Records will be maintained for the duration of the employee's employment plus 5 years.

Paragraph III. Arkansas Precision Rifle Model Qualification Course

- I. Phase One (1 minute 30 seconds time limit)
 - a. 100 yard line, prone shooting, 2 rounds
 - i. Begin in the prone shooting position at the 100-yard line. Load 2 rounds and make ready. At the command of fire, shoot 2 rounds into the scoring area of the target. Each shooter will have a total time limit of one minute and thirty seconds to fire the 2 rounds. Phase One time begins at the command to fire and stops upon the last shot.
- II. Phase Two (2 minutes 30 seconds)
 - a. 75-yard line, prone shooting position, 2 rounds.
 - i. From the 100-yard line, the sniper will run to the 75-yard line, assume a prone position, load and fire 2 rounds into the scoring area.
 - b. 50-yard line, prone shooting position, 3 rounds.
 - i. From the 75-yard line, the sniper will run to the 50-yard line, assume prone position, load and fire 3 rounds into the scoring area.
 - c. 25-yard line, kneeling barricade shooting position, 3 rounds.
 - i. From the 50-yard line, the sniper will run to the 25-yard line and assume a kneeling barricade shooting position (simulated window), load and fire 3 rounds into the scoring area.
 - d. Phase Two time begins at the first command to run from the 100 yard line to the 75 yard line as outlined in bullet list "a" and stops upon firing the last round at the 25 yard line as described in bullet list "c."
 - e. Suggested Target, see below. Scoring area can be drawn over the appropriate targeted area of a face target.

SNIPER SCORING AREA



CLEST Minimum Standards For Shotgun Qualification
For Law Enforcement Agencies

Paragraph I. Law Enforcement personnel assigned to utilize a Shotgun are required to qualify with the shotgun a minimum of one time annually. Ammunition to be used is limited to buckshot, slug, or a combination thereof. Law Enforcement Agencies may choose to shoot the "Model Course of Fire" as outlined in paragraph III or construct their own course of fire ensuring all required minimum tasks/standards are met as outlined in paragraph II. Agencies that elect to construct their own qualification course must submit their course of fire to CLEST for approval 30 days prior to course instruction.

Paragraph II. Required minimum tasks/standards for the Arkansas Shotgun Qualification Course:

1. Qualification courses must be taught by a CLEST certified firearms instructor.
2. All shooters must shoot a minimum of 10 rounds during their course of fire.
3. All Agencies must incorporate a time component during the shotgun course of fire that does not exceed 5 seconds per round.
4. All Agencies must incorporate a minimum of one (1) mandatory reload drill during the course of fire.
5. All shooters must score a minimum of 80% to pass their course of fire or meet higher standard established by their agency. To accomplish a passing score, 80% of all buckshot projectiles and/or 80% of all slug projectiles must land within the scoring area.
6. All agencies must utilize targets that do not exceed 337 square inches of scoring area. (The B-27 scoring target contains 337 square inches of scoring area within the circumference of the 7 ring.)
7. Agencies must construct a course of fire that includes one or both of the following depending on the agencies selection of ammunition to be fired:
 - a. Buckshot rounds fired from 10 yards or greater.
 - b. Slug rounds fired from 25 yards or greater.
8. Form F-18 will be completed and submitted to CLEST upon completion of a certified course of instruction. Agencies will maintain firearms qualification records for employees that may be audited by CLEST at any time. Records will be maintained for the duration of an employee's employment plus 5 years.

Paragraph III. Arkansas Model Shotgun Qualification Course
(Meets all minimum requirements)

Target: B-27 standard Silhouette

Rounds: 5, eight pellet Buckshot
5 slugs

Scoring: Only buckshot pellets or slugs that land inside the scoring rings will be considered as hits. 80% or better is required for both buckshot and slugs. Buckshot and slugs will be scored separately.

Buckshot: 32 out of 40 pellets (80%) inside the scoring rings needed to qualify.
Slugs: 4 out of 5 slugs (80%) inside the scoring rings needed to qualify.

- Stage 1.**
- Buckshot
15-yard line**
1. Load **3** rounds Buckshot.
 2. Starting from the ready position, fire **2** rounds **standing**, reload **2** rounds, then fire **3** rounds.

**5 rounds total
25 seconds.**

- Slugs**
- Stage 2.**
- 25-yard line**
1. Load **5** rounds slugs.
 2. Starting from the ready position, fire **5** rounds **Standing**.

**5 rounds total
25 seconds**