



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Mark R. Herring
Attorney General

MEMORANDUM

TO: Col. W.S. Flaherty, Superintendent
Department of State Police

FROM: Michael A. Jagels
Assistant Attorney General

DATE: December 2, 2014

SUBJECT: Regulations to implement the provisions of the Virginia Crimes Against Minors and Sex Offender Registry, Chapter 9 of Title 9.1 of the Code of Virginia. — 19 VAC 30-170.

In response to a request from the Department of State Police, I have reviewed the proposed regulations, 19 VAC 30-170, relating to the regulations to implement the provisions of the Virginia Crimes Against Minors and Sex Offender Registry pursuant to Chapter 9 of Title 9.1 of the Code of Virginia. Virginia Code § 9.1-915 provides that the Department shall promulgate regulations and develop forms to implement and enforce provisions of the Virginia Crimes Against Minors and Sex Offender Registry, including the operation and maintenance of the Registry and the removal of records of persons who are deceased, whose convictions have been reversed or who have been pardoned, and those for whom an order of removal or relief from frequent registration has been entered. Upon review of the aforesaid regulations, I find the proposed regulations to be constitutional, consistent with the statutory authority granted by § 9.1-915 of the Code of Virginia, and in conformity with existing statutory provisions. Pursuant to § 9.1-915 of the Code of Virginia, the regulations are exempted from Article 2 (§ 2.2-4006 et. seq.) of the Administrative Process Act.

Please note that this memorandum is intended to provide legal interpretations and legal advice, not policy advice. To the extent that this communication may advise you that certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency and this communication should not be construed as a comment for or against the merits of such action.