



Fast-Track Action 5721/Stage 9262- Repeal of the Rules Relating to the Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections

Agency Response to the Department of Planning and Budget Economic Impact Analysis (dated July 1, 2021)

December 18, 2023

Background

This Fast-Track Action was submitted in May of 2021, after multiple meetings and discussions with the Department of Corrections and the Office of the Attorney General. As of the date of this response, the Department of Corrections currently employs only 32 noncustodial officers and maintains that it is in agreement with the Department of Criminal Justice Services and the Office of the Attorney General, in that DCJS does not have statutory authority to establish training standards for these individuals. The original intent to repeal this regulation in its entirety, remains unchanged, for those reasons.

Estimated Costs, Benefits, and Impact to Businesses

As stated in the Department of Planning and Budget's Economic Impact Analysis, the Department of Criminal Justice Services concurs that this action to repeal 6 VAC 20-70 in its entirety does not adversely affect small businesses. Similarly, the proposed repeal does not disproportionately affect localities or affect costs for localities and does not affect total employment or the use and/or value of private property or real estate development costs. The regulation only pertains to a very small population within the Department of Corrections.

Summary

While there is no mandate for this regulatory change, after additional review by both DCJS and the Office of the Attorney General, the Department is of the position that it lacks the statutory authority under Virginia Code § 9.1-102 to regulate or promulgate such a regulation. The repeal of 6 VAC 20-70 is non-controversial in nature and does not affect any locality or small business, and all parties involved (including the Department of Corrections) are in favor of this regulatory change. As such, formal Board approval to move forward with this Fast-Track action was obtained at the May 20, 2021 Criminal Justice Services Board meeting.