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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Corrections
Virginia Administrative Code (VAC) citation(s)	6 VAC15-81
Regulation title(s)	Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities
Action title	Periodic Review to repeal existing 6 VAC 15-80 to be replaced with 6 VAC 15-81 Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities
Date this document prepared	October 23, 2015

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Subject matter and intent

Conduct a Periodic Review with the intent to repeal the existing 6 VAC 15-80 Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities to be replaced with the updated regulation 6 VAC 15-81 Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities which is being updated to current Code of Virginia requirements as well as current fire, building code and audit standards.

Legal basis

Section 53.1-5 and 53.1-80 through 53.1-82 of the Code of Virginia provides that the Board of Corrections prescribe standards for the planning, design, construction and reimbursement of local correctional facilities.

Purpose

Current 6 VAC15-80 was originally issued in May of 1994 and since issuance there have been significant changes in the Code of Virginia, building and fire codes as well as audit standards for the construction of local correctional facilities. Technological advances allow for changes in facility staff and management which impact the facility physical plant.

Substance

Current 6 VAC15-80 will be repealed and replaced with 6 VAC 15-81 Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities.

Alternatives

Code of Virginia §53.1-80 and §53.1-81 require the Department of Corrections to oversee the construction and reimbursement to localities and regional jail authorities for construction of local correctional facilities. Amending existing regulation 6 VAC 15-80 is not feasible due to the significant number of changes required to update regulation to current needs.

Public participation

The agency is seeking comments on this regulatory action, including but not limited to: ideas to be considered in the development of this proposal, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation.

The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: projected reporting, recordkeeping, and other administrative costs; the probable effect of the regulation on affected small businesses; and the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, or email to Jim Bruce, PO Box 26963, Richmond, Virginia, 23261-6963, 804-887-8215, james.bruce@vadoc.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.

Periodic review/small business impact review announcement

In addition, pursuant to Executive Order 17 (2014) and § 2.2-4007.1 of the Code of Virginia, the agency is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.