



COMMONWEALTH of VIRGINIA

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TO: Phyllis J. Randall, Chair
Board of Corrections

FROM: Phillip O. Figura
Chief Prosecutor

DATE: April 19, 2017

SUBJECT: Regulations Relating to Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities –6 VAC 15-81-10 et seq.

In response to a request from the Board of Corrections, I have reviewed the proposed regulations, 6 VAC 15-81-10 et seq., relating to Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities. Virginia Code §§ 53.1-80, 53.1-81, 53.1-82, and 53.1-82.1 provide that the Board of Corrections shall promulgate regulations regarding the construction, enlargement, renovation, and reimbursement of local and regional correctional facilities. Virginia Code § 53.1-5 requires the Board of Corrections to adopt and promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), as may be necessary to carry out the provisions of Title 53.1 and other laws of the Commonwealth pertaining to local, regional and community correctional facilities.

Upon review of the aforesaid regulations, I find the proposed regulations to be constitutional, consistent with the statutory authority granted by Virginia Code §§ 53.1-5, 53.1-80, 53.1-81, 53.1-82, and 53.1-82.1 53.1-5 of the Code of Virginia, and in conformity with existing statutory provisions.

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 a 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.