



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Mark R. Herring
Attorney General

MEMORANDUM

TO: Francine C. Ecker, Director
Department of Criminal Justice Services

FROM: Michael A. Jagels
Senior Assistant Attorney General

DATE: March 31, 2015

SUBJECT: Regulations Relating to Special Conservators of the Peace– 6-VAC-20-230

In response to a request from the Department of Criminal Justice Services ("Department"), I have reviewed the proposed regulation, 6 VAC 20-230, relating to Special Conservators of the Peace. The *Code of Virginia* requires persons appointed as a special conservator of the peace to be covered by a cash or surety bond or evidence of a policy of liability insurance or self-insurance in an amount and with coverage as fixed by the Criminal Justice Services Board ("Board"). Virginia Code § 19.2-13(C). Virginia Code § 9.1-150.2 enables the Department to adopt regulations that establish the qualifications of applicants for registration for special conservators of the peace and to administer the regulatory system promulgated by the Board. Virginia Code § 9.1-102(1) requires the Department to adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter. Upon review of the aforesaid regulation, I find the proposed regulation to be constitutional, consistent with the statutory authority granted by Virginia Code §§ 9.1-150.2 and 19.2-13 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.