



Virginia Department of Planning and Budget **Economic Impact Analysis**

6 VAC20-11 Public Participation Guidelines
Department of Criminal Justice Services
Town Hall Action/Stage: 6923 / 11017 Fast-Track
June 2, 2026

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 19. The analysis presented below represents DPB’s best estimate of the potential economic impacts as of the date of this analysis.¹

Summary of the Proposed Amendments to Regulation

Pursuant to Chapter 795 of the 2012 *Acts of the Assembly* (Chapter 795), the Department of Criminal Justice Services (Department) proposes to specify in this regulation that interested persons shall be afforded an opportunity to be accompanied by and represented by counsel or other representative when submitting data, views, and arguments, either orally or in writing, to the agency.

Background

The current regulation *Public Participation Guidelines* states that: “In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to submit data, views, and arguments, either orally or in writing, to the agency.” Chapter 795 added to Code § 2.2-4007.02. “Public participation guidelines” that interested persons also be afforded an opportunity to be accompanied by and represented by counsel or other representative. Due to the legislation, the Department proposes to append “and (ii) be accompanied by and represented by counsel or other representative” to the current regulatory text.

¹ See Code § 2.2-4007.04 (A).

Estimated Benefits and Costs

Since the Code already specifies that interested persons shall be afforded an opportunity to be accompanied by and represented by counsel or other representative, the Department's proposal to add this language to the regulation would not change the law in effect, but would be beneficial in that it would inform interested parties who read this regulation but not the statute of their legal rights concerning representation.

Businesses and Other Entities Affected

The proposed amendment could affect persons who read the regulation, but not the statute, in that they would be better informed on legal rights concerning representation.

The Code requires DPB to assess whether an adverse impact may result from the proposed regulation.² An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.³ The proposal neither increases costs nor reduces benefit for any entity. Thus, no adverse impact is indicated.

Small Businesses⁴ Affected:⁵

The proposed amendment does not adversely affect small businesses.

Localities⁶ Affected⁷

The proposed amendment neither disproportionately affects any particular localities, nor introduces costs for local governments.

Projected Impact on Employment

The proposed amendment does not substantively affect employment.

² See Code § 2.2-4007.04 (D).

³ Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

⁴ Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

⁵ See Code § 2.2-4007.04 (A.2). and Code § 2.2-4007.1 (C).

⁶ "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁷ Code § 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Effects on the Use and Value of Private Property

The proposed amendment does not affect the use and value of private property or real estate development costs.