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Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

Agency name	Department of State Police
Virginia Administrative Code (VAC) citation	19 VAC 30-170
Regulation title	Regulations Governing the Operation and Maintenance of the Sex Offender Registry
Date	December 2, 2014

This information is required pursuant to Executive Order 17 (2014).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including: 1) the most relevant law and/or regulation; and 2) promulgating entity, i.e., agency, board, or person.

Pursuant to § 9.1-915 of the Code of Virginia The Superintendent of State Police shall promulgate regulations and develop forms to implement and enforce this chapter; including the operation and maintenance of the Registry and the removal of records on persons who are deceased, whose convictions have been reversed or who have been pardoned, and those for whom an order of removal or relief from frequent registration has been entered. Such regulations and forms shall not be subject to the provisions of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were

rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

There are no reasonable alternatives for achieving the purpose of the regulations and the regulations are mandated by Code.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

NO COMMENTS WERE RECIEVED

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The Regulations meet the requirements of the executive Order and provide clear guidance for the implementation of the mandate.

Result

Please state that the reason why the agency is recommending that the regulation should stay in effect without change.

The regulations are mandated by § 9.1-915 and are necessary to carry out the functions of the registry. No need for changes was identified during the review process.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency’s consideration of: 1) the continued need for the regulation; 2) the nature of complaints or comments received concerning the regulation from the public; 3) the complexity of the regulation; 4) the extent to the which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and 5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the basis for the agency’s determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

In determining economic impact on small business the agency determined that (1) the statutory authority both authorizes and necessitates the continued need for the regulation; (2) that no complaints or comments were received concerning the regulation from the public; (3) the regulation is not complex and provides a basic framework for administering the program; (4) the regulation does not overlap, duplicate, or conflict with federal or state law or regulation; and (5) that technological, economic, or other changes in the area affected by the regulation have not impacted the need or form of the regulation. The regulation intended to protect the citizens of the Commonwealth is consistent with the stated objectives of applicable law and has little or no economic impact on small businesses. The regulation shall therefore be retained in its current form.