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Proposed Regulation 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	March 23, 2016

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*.

Brief summary

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.

Acronyms and Definitions

There are no acronyms or definitions used in the Agency Background Document that are not defined in the definition section of the regulation.

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Current 6 VAC15-80 will be repealed and replaced with 6 VAC 15-81 Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities.

Issues

The existing regulation is out of date and the promulgation of 6 VAC15-81 is intended to update the current planning, design, construction, and reimbursement standards to comply with the Code of Virginia, current fire and building codes, audit standards as well as current correctional practice. This regulation will improve public safety, and provide for a safe environment for staff and offenders.

Requirements more restrictive than federal

There are no known federal requirements applicable to this regulation.

Localities particularly affected

This regulation will affect any locality that intends to build or renovate a local correctional facility and receive reimbursement from state funds.

Public participation

In addition to any other comments, the Board of Corrections is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail or email to James Bruce, P.O. Box 26963, Richmond, Virginia, 23261-6963, 804-887-8215,

james.bruce@vadoc.virginia.gov. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

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

Economic impact

<p>Projected cost to the state to implement and enforce the proposed regulation, including: a) fund source / fund detail; and b) a delineation of one-time versus on-going expenditures</p>	<p>There is no anticipated significant cost to the state to implement and enforce the proposed regulation.</p>
<p>Projected cost of the new regulations or changes to existing regulations on localities.</p>	<p>Cost to localities will be dependent on the scope of the construction or renovation project.</p>
<p>Description of the individuals, businesses, or other entities likely to be affected by the new regulations or changes to existing regulations.</p>	<p>There is no known impact to individuals, businesses or other entities.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>There is no known impact to small businesses or other entities.</p>
<p>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs including: a) the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; and b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	<p>There is no known projected cost associated with the new regulations or changes to existing regulations for affected individuals, businesses, or other entities.</p>
<p>Beneficial impact the regulation is designed to produce.</p>	<p>This regulation will improve public safety, and provide for a safe environment for staff and offenders.</p>

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.

Regulatory flexibility analysis

The Code of Virginia requires the Department of Corrections to oversee the construction and reimbursement to localities and regional jail authorities for construction of local correctional facilities. There are no known alternative regulatory methods.

Public comment

There were no relevant comments received during the public comment period following the publication of the NOIRA.

Family impact

There is no known impact on the institution of the family and family stability.

Detail of changes

Current chapter-number	Proposed new chapter number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
6 VAC 15-80	6 VAC 15-81	Based on outdated building and fire codes.	Based on current building and fire codes and correctional technology. Impact will be limited to those localities who construct or renovate local correctional facilities and request reimbursement from the state.