



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Department of Forensic Science
<b>Virginia Administrative Code (VAC) citation</b>	<u>6 VAC 20 -210</u>
<b>Regulation title</b>	Regulations for the Implementation of the Law Permitting DNA Analysis Upon Arrest for All Violent Felonies and Certain Burglaries.
<b>Action title</b>	The amendments to the regulations reflect the agency's new status as a Department by changing (1) the citation for these regulations from 6 VAC 20-210-10 et seq. to 6 VAC 40-40-10 et seq. to reflect the new agency number assigned to the Department of Forensic Science by the Virginia Registrar of Regulations and (2) any reference in the regulations to the agency from the "Division" of Forensic Science to the "Department" of Forensic Science.
<b>Final agency action date</b>	February 22, 2006
<b>Document preparation date</b>	January 3, 2006

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

This regulation provides guidance to agencies responsible for collecting DNA samples from persons arrested for any violent felony and for certain burglaries as specified in Virginia Code §§ 19.2-310.2:1 and 19.2-310.3:1. This regulation describes when a sample is required, who is responsible for collecting the sample, how the sample is to be collected and labeled, and how to transport the sample to the laboratory for analysis.

In accordance with changes to the Code of Virginia, effective July 1, 2005, the Division of Forensic Science, which had formerly existed as a Division within the Department of Criminal Justice Services, became the Department of Forensic Science. The amendments to the regulations reflect the

agency's new status as a Department in two ways. First, the amendments change the citation for these regulations from 6 VAC 20-210-10 et seq. to 6 VAC 40-40-10 et seq. to reflect the new agency number assigned to the Department of Forensic Science by the Virginia Registrar of Regulations. Second, the amendments change any reference in the regulations to the agency from the "Division" of Forensic Science to the "Department" of Forensic Science.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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On November 30, 2005, the Forensic Science Board adopted amendments to the "Regulations for the Implementation of the Law Permitting DNA Analysis Upon Arrest for All Violent Felonies and Certain Burglaries."