



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*  
*Richmond 23219*

**Mark R. Herring**  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071

**MEMORANDUM**

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

**FROM:** Charles A. Quagliato  
Assistant Attorney General

**DATE:** September 23, 2016

**SUBJECT:** Regulations Relating to Private Security Services Businesses and Registered Personnel –  
6 VAC 20-172-10 *et seq.* and 6 VAC 20-174-10 *et seq.*

In response to a request from the Department of Criminal Justice Services, I have reviewed the proposed regulations, 6 VAC 20-172-10 *et seq.* and 6 VAC 20-174-10 *et seq.*, relating to private security services businesses and registered personnel. Virginia Code § 9.1-141 authorizes the Criminal Justice Services Board to establish compulsory minimum, entry-level, in-service, and advanced training standards for persons employed by private security services businesses. Virginia Code § 9.1-144 requires that every person licensed as a private security services business or certified as a private security services training shall, at the time of receiving the license or certification and before the license or certification shall be operative, file with the Department a cash bond or evidence that the licensee or certificate holder is covered by a surety bond, executed by a surety company authorized to do business in the Commonwealth, in a reasonable amount to be fixed by the Department, or evidence of a policy of liability insurance in an amount and with coverage as fixed by the Department. Virginia Code § 9.1-144 also requires that Every personal protection specialist and private investigator who has been issued a registration by the Department and is hired as an independent contractor by a licensed private security services business shall maintain comprehensive general liability insurance in a reasonable amount to be fixed by the Department. Virginia Code § 9.1-102(1) authorizes 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 regulations, I find the proposed regulations to be constitutional, consistent with the statutory authority granted by Virginia Code §§ 9.1-102(1) and 9.1-161 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.*