



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

6 VAC 20-120 – Regulations Relating to Criminal History Record Information Use and Security

Department of Criminal Justice Services

January 7, 2015

Summary of the Proposed Amendments to Regulation

The Criminal Justice Services Board proposes to clarify regulations relating to criminal history records.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The proposed changes will clarify the current language relating to criminal history records. Clarification of existing language is expected to benefit all affected entities. However, there is no change in the regulatory requirements. Thus, no significant economic impact is expected as a result of this proposed action.

Businesses and Entities Affected

These regulations apply to state and local criminal justice agencies which include the Commonwealth's Attorneys, Courts, Corrections, Emergency Operators, Fire Marshalls, Local Agencies, Magistrates, Police Departments, State Agencies, Sheriff's Offices, State Police, and Federal Agencies. According to the Department of Criminal Justice Services, there are approximately 650 such entities in Virginia.

Localities Particularly Affected

The proposed regulations apply throughout the Commonwealth.

Projected Impact on Employment

No impact on employment is expected.

Effects on the Use and Value of Private Property

No impact on the use and value of private property is expected.

Small Businesses: Costs and Other Effects

The proposed regulations do not impose costs and other effects on small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed regulations do not have adverse impact on small businesses.

Real Estate Development Costs

No impact on real estate development costs is expected.

Legal Mandate

General: 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 and Executive Order Number 17 (2014). Section 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to:

- the projected number of businesses or other entities to whom the proposed regulation would apply,
- the identity of any localities and types of businesses or other entities particularly affected,
- the projected number of persons and employment positions to be affected,
- the projected costs to affected businesses or entities to implement or comply with the regulation, and
- the impact on the use and value of private property.

Small Businesses: If the proposed regulation will have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include:

- an identification and estimate of the number of small businesses subject to the proposed regulation,
- the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents,
- a statement of the probable effect of the proposed regulation on affected small businesses, and
- a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Additionally, pursuant to § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules (JCAR) is notified at the time the proposed regulation is submitted to the *Virginia Register of Regulations*

for publication. This analysis shall represent DPB's best estimate for the purposes of public review and comment on the proposed regulation.

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