



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

1 VAC 45-10 – Regulations Governing Disclosure of CID (Civil Investigative Demand)
Department of Law/Office of the Attorney General
August 31, 2014 (revised August 17, 2015)

Summary of the Proposed Amendments to Regulation

The Department of Law/Office of the Attorney General (OAG) proposes to update and amend for clarity its Regulations Governing Disclosure of CID (Civil Investigative Demand).

Result of Analysis

Benefits likely outweigh costs for these proposed regulatory changes.

Estimated Economic Impact

This regulation was promulgated in 1981 and is being updated in this action. This regulation sets procedures by which local law enforcement authorities may access case evidence and information that is in the possession of the OAG. The OAG was originally authorized by Virginia Code § 59.1-9.10(M) to promulgate a regulation for civil investigative demands (CIDs) pertaining to the Virginia Antitrust Act. Several pieces of legislation have been enacted since that incorporate the mandate for CID regulations (Virginia Code §§ 57-59(C), 59.1-201.1, and 59.1-516 incorporate the provisions of Virginia Code § 59.1-9.10, thereby authorizing the Attorney General to promulgate regulations pertaining to CIDs).

The OAG now proposes to update its regulation so that CIDs initiated pursuant to investigations under the Virginia Consumer Protection Act, Virginia Telephone Privacy Protection Act or the Solicitation of Contributions law are covered under this regulation. The OAG also proposes to amend this regulation to make it more clear that that requesting local law enforcement agencies are bound to keep information given confidential with the exceptions that such material may be presented in a court of law and may be disclosed when required by the Code of Virginia or other controlling law.

No entity is likely to incur costs on account of these proposed changes. To the extent that these changes make this regulation more complete (by updating references to existing law) and more clear, readers will benefit.

Businesses and Entities Affected

The OAG reports that all local law enforcement entities that pursue CIDs will be affected by these regulatory changes.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

This proposed regulation will likely have no effect on employment in the Commonwealth.

Effects on the Use and Value of Private Property

This proposed regulation will likely have no effect on the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

No small business is likely to incur any costs on account of the proposed regulation.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No small business is likely to incur any costs on account of the proposed regulation.

Real Estate Development Costs

This proposed regulation is unlikely to affect real estate development costs.

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.

AMH/mkw

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