



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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January 28, 2024

By Electronic Mail
Virginia Regulatory Town Hall

Re: 6 VAC 20-300 Rules Relating to the Waiver Process for Law Enforcement
Agencies to Use Certain Military Property

Dear All:

I have reviewed the Department of Criminal Justice Services regulation as identified above. In my view, as counsel to the Department, I concur that the Department has legal authority to promulgate this permanent regulation pursuant to § 9.1-102(62) of the Code of Virginia. The Department previously adopted this regulation as an emergency regulation pursuant to § 2.2-4011(B) of the Code of Virginia because the third enactment clause in Chapter 37 of the 2020 Acts of Assembly (Special Session 1, SB5030) required the regulation to be promulgated within 280 days of the effective date of this act. There are no changes to the text from the emergency regulation to the permanent regulation.

The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect. This approval addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the action.

Sincerely,

/s/ Cathie F. Hutchins
Senior Assistant Attorney General