



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jason S. Miyares
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120

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By Electronic Mail
Virginia Regulatory Town Hall

Re: 6 VAC 40-40 Regulations for the Implementation of the Law Permitting DNA
Analysis Upon Arrest for All Violent Felonies and Certain Burglaries

Dear All:

I have reviewed the Department of Forensic Science's regulation as identified above. The regulations are being revised in accordance with EO-19, which directed all executive agencies review their regulations to eliminate unnecessary mandates. In my view, as counsel to the Department, I concur that the Department has legal authority to promulgate these regulations pursuant to §§ 2.2-4007.02 and 9.1-1110 of the Code of Virginia.

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/ William J. Wittenbrook
Assistant Attorney General