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Exempt Action Final Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation(s)	6VAC20-230
Regulation title(s)	Regulations Relating to Special Conservator of the Peace
Action title	Powers and duties of special conservators of the peace.
Final agency action date	9/25/18
Date this document prepared	9/27/18

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Chapter 792 of the 2018 Acts of Assembly amended § 19.2-13 of the Code of Virginia to (i) limit the powers that may be provided to a special conservator of the peace in the order of appointment to those duties for which he is qualified by training as established by the Criminal Justice Services Board; (ii) require that the order of appointment provide that a special conservator of the peace may exercise his duties only in the geographical limitations specified by the court in such order; (iii) subject to certain exceptions, prohibit special conservators of the peace from using the word "police" on their equipment in the performance of their duties; and (iv) subject to certain exceptions, prohibit special conservators of the peace other than those employed by a state agency from using the seal of the Commonwealth on their equipment in the performance of their duties.

The statutory amendments contained in Chapter 792 of the 2018 Acts of Assembly became effective on July 1, 2018. This regulatory action is intended to update the regulations relating to special conservators of the peace in order to conform to the amendments contained in Chapter 792 of the 2018 Acts of Assembly and, thus, is exempt from the provisions of the Administrative Process Act pursuant to § 2.2-4006(A)(4)(a) of the Code of Virginia.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On September 25, 2018, the Criminal Justice Services Board, through the actions of its Executive Committee, authorized an exempt action for the Regulations Relating to Special Conservator of the Peace.

Periodic Review Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the proposed stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.

In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

This form is not being used to report the result of a periodic review or a small business impact review.

Commenter	Comment	Agency response