



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Leonard G. Cooke, Director
Department of Criminal Justice Services

FROM: Matthew A. Conrad
Assistant Attorney General

DATE: November 14, 2007

SUBJECT: Regulations Relating to Bail Enforcement Agents, 6 VAC 20-260-10, *et seq.*

In response to a request from the Department of Criminal Justice Services (“Department”), I have reviewed the revised proposed regulations, titled “Regulations Relating to Bail Enforcement Agents”, to be set forth in 6 VAC 20-260-10, *et seq.* These regulations were revised in response to a recommendation from the Governor to include a mechanism for reinstatement of bail enforcement licenses.

Virginia Code § 9.1-102 provides the Department with the power and duty to license and regulate bail enforcement agents in accordance with a newly created Article 12 (§ 9.1-186 *et seq.*) within Chapter 1 of Title 9.1.¹ Article 12 grants the Department full regulatory authority and oversight of bail enforcement agents. Specifically, § 9.1-186.2 requires that the Department adopt regulations that are necessary to ensure respectable, responsible, safe and effective bail enforcement within the Commonwealth. Upon review, I find the proposed regulations to be constitutional, consistent with the statutory authority granted by § 9.1-102(47) and § 9.1-186 *et seq.* of the Code of Virginia, and in conformity with existing statutory provisions.

Please note that this memorandum is intended to provide legal interpretations and legal advice, not policy advice. To the extent that this communication may advise you that certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency and this communication should not be construed as a comment for or against the merits of such action.

¹ 2004 Va. Acts c. 397.