

**Unified Regulatory Plan of the State Board of Local & Regional Jails for State Fiscal Year 2023**

Prepared on September 23, 2022

## Description of Agency or Boards

The State Board of Local and Regional Jails, formerly the State Board of Corrections, is established in Article 2 (§ [53.1-2](#) et seq.) of Chapter 1 of Title 53.1. The 2020 Acts of Assembly renamed the State Board of Corrections as the State Board of Local and Regional Jails and clarified the authority and duties of the Board in relation to the Department of Corrections. The State Board of Local and Regional Jails is authorized to: establish operational and fiscal standards governing the operation of local and regional correctional facilities; establish minimum standards for health care services in local, regional, and community correctional facilities and procedures for enforcing such minimum standards; develop and implement policies and procedures for the review of the death of any inmate that the board determines warrants review that occurs in any local, regional, or community correctional facility; establish minimum standards for the construction, equipment, administration, and operation of local correctional facilities and lockups.

<b>Title of Proposed Regulatory Action or Guidance Document</b> Revisions to Public Participation Guidelines (6VAC15-11)	
<b>Brief Overview</b> An action is already underway (Action 5942) and is currently pending review by the Office of the Attorney General. The proposed regulatory action seeks to amend 6 VAC 15-11-10 (“Purpose”) and 6 VAC 15-11-20 (“Definitions”) of the Board’s public participation guidelines to replace the agency name “Department of Corrections” with “Board of Local and Regionals Jails.” In addition, the action would change 6 VAC 15-11-50 (“Public Comment”) of the guidelines to direct the Board, when considering regulatory actions, to afford interested parties an opportunity to be accompanied and represented by counsel or other representatives. This change is mandated by Chapter 795 of the 2012 Acts of Assembly.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	Not applicable
<b>Expected Date</b>	December 2022

<b>Title of Proposed Regulatory Action or Guidance Document</b> Repeal of Regulations for Human Subject Research (6VAC15-26)	
<b>Brief Overview</b> Along with the name change from the Board of Corrections to the State Board of Local and Regional Jails, the regulatory authority for promulgation of these regulations shifted from the Board to the Director of the Department of Corrections. The action currently underway (action 6012) is to repeal 6 VAC 15-20 in entirety, as the Board no longer has the legal authority for the regulations. DPB approved the Fast-Track process on 9/16/2022. The action is currently undergoing policy analysis and economic impact review by DPB.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	The proposed changes will remove 82 regulatory requirements.
<b>Expected Date</b>	Early November 2022

<b>Title of Proposed Regulatory Action or Guidance Document</b> Periodic Review of Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities (6VAC15-81)	
<b>Brief Overview</b> These standards are currently undergoing periodic review (Review 2169). The public comment period will end on October 3, 2022. Revision will be necessary to reflect the change from Board of Corrections to State Board of Local and Regional Jails. Changes are also necessary to ensure compliance with additional Department of General Services (DGS) requirements placed into the Appropriations Act during Special Session I. Changes are anticipated to be non-controversial in nature; therefore, following the public comment period, the Board will seek fast track approval of the revisions.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	The Board hopes to eliminate three rules for submission of documentation to approve construction projects. However, the new requirements from DGS may cause a zero sum balance due to new forms required to be submitted following the Board's approval of a project.
<b>Expected Date</b>	February 2023

