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MEMORANDUM

TO: Peter M. Marone, Director
Department of Forensic Science

FROM: Matthew A. Conrad
Assistant Attorney General

DATE: October 24, 2007

SUBJECT: Regulations Relating to Procedures for Obtaining DNA Databank Information— 6 VAC 40-60-10 *et seq.*

In response to a request from the Department of Forensic Science, I have reviewed the proposed regulations, 6 VAC 40-60-10 *et seq.*, relating to the methods of obtaining information from the Virginia DNA Data Bank and procedures for verification and authorization of persons requesting such information. Virginia Code § 19.2-310.5 requires the Department to “adopt regulations governing ... the methods of obtaining information from the data bank” and “procedures for verification of the identity and authority of the requestor.” Upon review of the aforesaid regulations, I find the proposed regulations to be constitutional, consistent with the statutory authority granted by § 19.2-310.5 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.