



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Forensic Science
Virginia Administrative Code (VAC) citation	6 VAC 40-40
Regulation title	Regulations for the Implementation of the Law Permitting DNA Analysis upon Arrest for All Violent Felonies and Certain Burglaries
Action title	Amendment to Reflect Change in Website Address
Final agency action date	January 3, 2013
Document preparation date	April 23, 2013

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This amendment of 6VAC 40-40-40, "Use of LIDS," corrects a website address for the State Compensation Board by deleting the outdated address "www.scb.state.va.us" and inserting the current State Compensation Board website address of "www.scb.virginia.gov."

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.

The Department of Forensic Science's Forensic Science Board voted to approve this amendment to the Regulations for the Implementation of the Law Permitting DNA Analysis upon Arrest for All Violent Felonies and Certain Burglaries on January 3, 2013.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action has no impact on the institution of family and family stability.

Periodic review

If this final regulation is not the result of a periodic review of the regulation, please delete this entire section. If this final regulation is the result of a periodic review, please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and (2) indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

Commenter	Comment	Agency response
NA	NA	NA

- 1) The public comment period for the Periodic Review related to 6VAC 40-40 closed on September 4, 2012 without comment from any member of the public.
- 2) These regulations detail the procedure for collecting DNA samples from individuals arrested for violent felonies and certain burglaries as required by Virginia Code §19.2-310.2;1 and 19.2-310.3:1. DNA samples collected and analyzed pursuant to these Code Sections are included in the Virginia DNA data bank. “Hits” between known profiles and crime scene samples are reported to law enforcement agencies to assist their efforts to solve crimes committed in Virginia. To the extent these regulations clarify or explain this collection process, they are necessary for the protection of public health, safety and welfare. The regulations are clearly written and easily understandable. Finally, these regulations meet, but do not exceed, statutory authority.