



Exempt Action Final Regulation Agency Background Document

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| Agency name | Department of Corrections |
| Virginia Administrative Code (VAC) citation | 6 VAC15-31 |
| Regulation title | Standards for State Correctional Facilities |
| Action title | Amend 6VAC15-31-320 (Mail, Telephone and Visiting) |
| Final agency action date | July 16, 2008 |
| Document preparation date | July 28, 2008 |

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, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

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.

6VAC15-31-320 Standards for State Correctional Facilities currently requires the Department of Corrections facilities to hold incoming and outgoing letters to inmates no more than 24 hours, excluding weekends and holidays. The current regulation allows no flexibility for staff shortage, extremely heavy mail flow or institutional emergencies. The Department proposes to increase this time frame from 24 hours to 48 hours to address these issues. The Department has had preliminary contact with the Office of the Attorney General and it has been verified that this regulation is exempt from the Administrative Process Act, based on §2.2-4002 b. 9-10; and that the Board of Corrections has the statutory authority to amend the current regulations pursuant to §53.1-5 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 July 16m 2008 the Board of Corrections met and approved the amendment to 6 VAC 15-31-320 (1. c. Mail, Telephone and Visiting) to increase the time frame to hold incoming and outgoing letters to inmates from 24 hours to 48 hours.

Family impact

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

Increasing the time frame to hold incoming and outgoing letters to inmates from 24 hours to 48 hours should have no impact on the institution of the family and family stability. The Department of Corrections currently has provisions in place (i.e. telephone notification) to receive notification from families in the case of emergencies and to provide for immediate contact an incarcerated family member if necessagy.