



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Francine C. Ecker, Director
Department of Criminal Justice Services

FROM: Charles A. Quagliato
Assistant Attorney General

DATE: May 20, 2015

SUBJECT: Regulations Relating to Bail Enforcement Agents – 6 VAC 20-260-30 and 6 VAC 20-260-230

In response to a request from the Department of Criminal Justice Services, I have reviewed the proposed regulations, 6 VAC 20-260-30 and 6 VAC 20-260-230, relating to the regulation of bail enforcement agents. Virginia Code § 9.1-102(47) requires the Department to license and regulate bail enforcement agents in accordance with Title 9.1, Article 12 (§ 9.1-186 et seq.) of the Code of Virginia. Virginia Code § 9.1-102(1) requires the Department to adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter. Upon review of the aforesaid regulations, I find the proposed regulations to be constitutional, consistent with the statutory authority granted by Virginia Code §§ 9.1-102(1), (47) and 9.1-186 et seq. of the Code of Virginia, and in conformity with existing statutory provisions. These changes to the regulations are exempted from the Administrative Process Act, pursuant to § 2.2-4006(A)(4)(a), as the changes are necessary to conform to changes in Virginia statutory law.

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 a 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.

