



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*

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February 2, 2023

By Electronic Mail  
Virginia Regulatory Town Hall

Re: 6 VAC 20-300 Rules Relating to the Waiver Process for Law Enforcement Agencies to Use Certain Military Property and Equipment

Dear All:

I have reviewed the Department of Criminal Justice Services regulation as identified above. In my view, as counsel to the Department, I concur that the Department has legal authority to promulgate this regulation pursuant to § 9.1-102(62) of the Code of Virginia. Additionally, the Department has the authority to adopt this regulation as an emergency regulation pursuant to § 2.2-4011(B) of the Code of Virginia because the third enactment clause in Chapter 37 of the 2020 Acts of Assembly (Special Session 1, SB5030) requires the regulation to be promulgated within 280 days of the effective date of this act.

The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect. This approval addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the action.

Sincerely,

/s/ Cathie F. Hutchins  
Senior Assistant Attorney General