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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Department of Corrections State Board of Local and Regional Jails
Virginia Administrative Code (VAC) Chapter citation(s)	__6__ VAC_15__-__20__
VAC Chapter title(s)	Regulations Governing Certification and Inspection
Date this document prepared	1/6/2022

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"Board" means State Board of Local and Regional Jails.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

This regulation is promulgated by the State Board of Local and Regional Jails, in accordance with §53.1-5 of the Code of Virginia. The regulation is necessary to interpret the law for the protection for the health,

safety, and welfare of facility staff, defendants, and inmates in local, regional, and community correctional facilities.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no known alternatives whereby all local, regional, and community correctional facilities may be audited for compliance with operational and fiscal standards established by the State Board of Local and Regional Jails to ensure the health, safety, and welfare of staff, defendants, and inmates within these facilities. Authority has been vested with the Board in §53.1-5 of the Code of Virginia to adopt and promulgate regulations as may be necessary to carry out provisions set forth in the Code of Virginia.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received during the public comment period following the publication of the Notice of Periodic Review. No informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

6 VAC15-20, Regulations Governing Certification and Inspection, meets the criteria set out in Executive Order 14 (as amended, July 16, 2018) in that it is necessary for the protection of the health, safety, and welfare of staff, defendants, and inmates within local, regional, and community correctional facilities. This regulation has proven effective in meeting this need and is deemed to be easily understandable. Due to changes in the Code of Virginia, technical and clarifying amendments are necessary.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

Amend the regulation:

6 VAC15-20 requires amendments to reflect changes in the name of the Board and other technical and clarification amendments to reflect similar changes made to the Code of Virginia in recent years.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

6 VAC15-20, Regulations Governing Certification and Inspection, is necessary for the protection of the health, safety, and welfare of staff, defendants, and inmates within local, regional, and community correctional facilities operating within the Commonwealth of Virginia. There have been no complaints or comments received from the public concerning the regulation. The regulation is not deemed to be overly complex nor does it overlap, duplicate, or conflict with Federal or State law or regulation. Technology, economic conditions, or other factors have not significantly changed in the area affected by the regulations since it was last updated. The regulation was last reviewed in 2015 and last updated 2011. Small businesses do not operate the facilities which are covered by the Code of Virginia and subject to this regulation, as they are all public facilities; therefore, the regulation has no impact on small businesses.