

**Unified Regulatory Plan of the Department of Forensic Science  
for State Fiscal Year 2025**

Prepared on June 28, 2024

The Department of Forensic Science, a nationally accredited laboratory system, is authorized to provide forensic laboratory services in criminal matters, provide advanced training to law-enforcement agencies in the location, collection and preservation of evidence, and maintain and test the accuracy of equipment used to test the blood alcohol content of breath. It is also authorized to establish and maintain a DNA testing program to receive DNA samples taken pursuant to Virginia Code § 19.2-310.2 et seq., determine identification characteristics specific to an individual, and to store and maintain the resulting identification profiles in a DNA Data Bank. Code of Virginia, Title 9.1, Chapter 11, Article 1; Title 19.2, Chapter 18, Article 1.1. The Department is also authorized to (i) prescribe the methods for obtaining information from the DNA Data Bank, (ii) approve field test kits for the detection of controlled substances and marijuana, (iii) license persons to administer breath tests, and (iv) prescribe methods and equipment for breath tests. Code of Virginia, Title 19.2, Chapter 18, Article 1.1; Title 19.2, Chapter 12; and Title 18.2, Chapter 7, Article 2.

The Forensic Science Board is authorized to adopt regulations for all provisions of the Code of Virginia as they relate to the responsibilities of the Department. Code of Virginia, Title 9.1, Chapter 11, Article 2.

The Department operates under the supervision of the Secretary of Public Safety and Homeland Security.

<b>Action/Stage or Guidance Document Forum ID (if available)</b>	
6448/10307	
<b>Title of Proposed Regulatory Action or Guidance Document</b>	
Regulatory Reduction Action for 6 VAC 40-40	
<b>Brief Overview</b>	
This fast-track action is undertaken to reduce the regulatory requirements contained in 6 VAC 40-40 and to streamline the process for submission of DNA samples for arrestees under this Chapter.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input checked="" type="checkbox"/> Fast-Track
<b>Additional Description</b>	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	This action eliminates the requirement that law enforcement fill out a handwritten submission with DNA samples collected for arrestees under Virginia Code § 19.2-310.2:1. Agencies will instead be able to prelog these samples through the Department’s DNA data bank sample tracking system. The prelogging of the samples will create greater efficiency for DFS DNA Data Bank staff members when receiving these samples because the handwritten forms are often difficult to read and process.
<b>Expected Date</b>	December 2024

<b>Action/Stage or Guidance Document Forum ID (if available)</b>	
N/A	
<b>Title of Proposed Regulatory Action or Guidance Document</b>	
Breath Test Operator Instructional Manual Intox EC/IR II	
<b>Brief Overview</b>	
The Breath Test Operator Instructional Manual Intox EC/IR II provides instruction for law enforcement personnel on the operation of the Intox EC/IR II and the scientific principles governing breath testing and the Intox EC/IR II.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
<b>Additional Description</b>	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input checked="" type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	The Department of Forensic Science will be replacing the Intox EC/IR II breath instruments currently deployed around the state. This will necessitate revisions to the Operator Instructional Manual. During this revision, the Department will endeavor to shorten the document by 2,500 words, which represents 25% of the length of the guidance document.
<b>Expected Date</b>	December 2024