

JUDICIARY, RULES & ADMINISTRATION COMMITTEE

ADMINISTRATIVE RULES REVIEW

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2012 Legislative Session

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IDAPA 11- IDAHO STATE POLICE

11.10.02 - RULES ESTABLISHING FEES FOR SERVICES - IDAHO CRIMINAL JUSTICE INFORMATION SYSTEM

DOCKET NO. 11-1002-1101 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-3010, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [October 5, 2011 Idaho Administrative Bulletin, Vol. 11-10, page 237 and 238.](#)

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The rule change will increase the cost for a non-criminal justice fingerprint based state background check to \$25, a state name check to \$20, and the fee for rolling fingerprints to \$10 with a \$5 fee for each additional copy. Fees are authorized under Section 67-3010, Idaho Code, for taking fingerprints and for processing a request for criminal record review of state and federal files when the purpose is other than the administration of criminal justice.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dawn Peck, (208) 884-7136 or dawn.peck@isp.idaho.gov.

DATED this 6th day of November, 2011.

Colonel G. Jerry Russell, Director
Idaho State Police
700 S. Stratford Drive
Meridian, ID 83643
(208) 884-7003
(208) 884-7090

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-3010, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The fees currently collected do not cover the costs of processing the background checks or rolling fingerprints. The fund has rapidly depleted as more of the costs of the stated programs are completely funded by these fees. Some costs were previously funded by general fund dollars that are no longer available. In order to continue doing all the work mandated by statute in these units, the fees need to be raised to meet the costs. The Idaho fees will still be among the lowest in the nation.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The rule change will increase the cost for a non-criminal justice fingerprint based state background check to \$25, a state name check to \$20, and the fee for rolling fingerprints to \$10 with a \$5 fee for each additional copy. Fees are authorized under Section 67-3010, Idaho Code, for taking fingerprints and for processing a request for criminal record review of state and federal files when the purpose is other than the administration of criminal justice.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

No negative impact to the general fund will be experienced.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the fees were set by financial review of the fund.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dawn Peck, Idaho State Police Bureau of Criminal Identification Manager, 208-884-7136.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2011.

DATED this 8th day of September, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-1002-1101

004. MAILING ADDRESS AND OFFICE HOURS.

The mailing address is Idaho State Police, Bureau of Criminal Identification, 700 S. Stratford, Suite 120, Meridian, ID 83864. Office Hours are 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. ~~(3-30-01)~~()

(BREAK IN CONTINUITY OF SECTIONS)

011. ABBREVIATIONS.

Except as otherwise specifically provided, the terms defined in Section 67-3001, Idaho Code, shall have the same meaning in these rules. ()

012. FEES FOR SERVICES.

01. Fingerprint Check. The Bureau shall charge a fee of not more than ~~ten~~ twenty-five dollars (~~\$1025~~) for each fingerprint check requested for other than law enforcement purposes. ~~(7-1-96)~~()

02. Name Check. The Bureau shall charge a fee of not more than ~~ten~~ twenty dollars (~~\$1020~~) for each name check requested for other than law enforcement purposes. ~~(3-30-01)~~()

03. Rolling Fingerprint. The Bureau shall charge a fee of not more than ten dollars (\$10) for rolling a set of fingerprints and no more than five dollars (\$5) for each additional copy of such rolled fingerprints. ()

0123. NON-EXPANSION OF SERVICES.

Nothing within these rules shall be construed to alter or expand the services which will be provided to those requesting fingerprint checks and name checks. (7-1-96)

0134. -- 999. (RESERVED)