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**IDAPA 11  
TITLE 10  
CHAPTER 02**

**11.10.02 - RULES GOVERNING STATE CRIMINAL HISTORY RECORDS AND CRIME INFORMATION**

**000. LEGAL AUTHORITY.**

These rules are authorized by Sections 67-3001, 67-3003, 67-3004, 67-3007, and 67-3010, Idaho Code. (3-20-14)

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 11.10.02, "Rules Governing State Criminal History Records and Crime Information." (3-20-14)

**02. Scope.** The rules relate to the governance and operation of criminal history records and crime information. (3-30-01)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretation of these rules. (3-30-01)

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (3-30-01)

**004. MAILING ADDRESS AND OFFICE HOURS.**

The mailing address is Idaho State Police, Bureau of Criminal Identification, 700 S. Stratford, Suite 120, Meridian, ID 83642. Office Hours are 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. (3-21-12)

**005. -- 009. (RESERVED)**

**010. DEFINITIONS.**

Except as otherwise specifically provided, the terms defined in Section 67-3001, Idaho Code, shall have the same meaning in these rules. Any other terms defined in Section 67-3001 shall be given their ordinary and commonly understood meaning. (3-20-14)

**01. Acquittal.** The legal certification by a jury or judge that a person is not guilty of the crime charged. (3-20-14)

**02. Criminal Summons.** Shall include any summons, information or indictment issued in a criminal proceeding or action. (3-20-14)

**03. Dismissal.** Termination of a criminal action without further hearing, especially before the trial of the issues involved. (3-20-14)

**04. Expunge.** To erase or destroy, to declare null and void outside the record, so that it is noted in the original record as expunged, and redacted from all future copies. (3-20-14)

**05. Serious Misdemeanor.** A crime, that if convicted, could be punishable by imprisonment in a county jail. (3-20-14)

**011. ABBREVIATIONS.**

Except as otherwise specifically provided, any terms abbreviated in Chapter 30, Title 67, Idaho Code, shall have the same identification and meaning in these rules. (3-20-14)

**012. -- 020. (RESERVED)**

**021. EXPUNGEMENT PROCEDURE.**

The procedure for any criminal history record expungement shall be as follows: (3-20-14)

**01. Application.** A person seeking to expunge their criminal history record must submit the proper application to the Bureau of Criminal Identification as provided by the Bureau. (3-20-14)

**02. Required Information Included.** The applicant must also include a copy of one of the following to the Bureau of Criminal Identification: (3-20-14)

**a.** Criminal citation; or (3-20-14)

**b.** Criminal Summons, Complaint, and Affidavit of Service by the county sheriff's office; or (3-20-14)

**c.** Indictment; or (3-20-14)

**d.** Information. (3-20-14)

**03. Certified Copy of Acquittal.** The applicant must also include a certified copy of the court's order of acquittal finding the applicant was not guilty of the crime charged. (3-20-14)

**04. Return of Incomplete Application.** The Bureau of Criminal Identification shall return an application to the applicant, if the application is incomplete or if the required documents are not provided. (3-20-14)

**022. TRANSMITTAL OF CRIMINAL HISTORY RECORDS.**

The transmittal of criminal history arrest fingerprint(s) may be via electronic submission from a live-scan or card scanner over a secured and approved network or by hard copy through regular mail. (3-20-14)

**023. PROCEDURE FOR CONTESTING THE ACCURACY AND COMPLETENESS OF A CRIMINAL HISTORY RECORD CONTAINED IN AGENCY FILE.**

**01. Challenge Accuracy of Records.** A person may challenge the accuracy and correctness of their criminal history records contained in the Bureau's database. (3-20-14)

**a.** The applicant must submit to fingerprinting through either the Bureau of Criminal Identification or other law enforcement agency. A fingerprinting fee may apply. (3-20-14)

**02. Notification of Fingerprints Not Matched.** If the applicant's fingerprints do not match those contained in the Bureau's database, the applicant will be notified by certified mail. (3-20-14)

**03. Documentation of Erroneous Information.** If the applicant's fingerprints match, but the applicant has documentation showing the information is in error, the applicant may submit such information to the Bureau of Criminal Identification. (3-20-14)

**04. Correction of Records.** The Bureau of Criminal Identification will correct its records per the direction of the law enforcement agency where the initial criminal action arose or appropriate court order. (3-20-14)

**024. -- 030. (RESERVED)**

**031. FEES FOR SERVICES.**

**01. Fingerprint Check.** The Bureau shall charge a fee of not more than twenty-five dollars (\$25) for each fingerprint check requested for other than law enforcement purposes. (3-21-12)

**02. Name Check.** The Bureau shall charge a fee of not more than twenty dollars (\$20) for each name check requested for other than law enforcement purposes. (3-21-12)

**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. (3-21-12)

**032. 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)

**033. -- 999. (RESERVED)**

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