

IDAPA 11 – IDAHO STATE POLICE

Idaho Public Safety and Security Information

11.10.02 – Rules Governing State Criminal History Records and Crime Information

Who does this rule apply to?

Law enforcement agencies, any agency or person requesting criminal history records or crime information, and members of the general public who have criminal history records and crime information.

What is the purpose of this rule?

This rule relates to the governance and operation of criminal history records and crime information. It provides an expungement procedure, a procedure for contesting the accuracy and completeness of a criminal history record contained in an agency file, and sets fees for various types of services available.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

State Government and State Affairs -

Criminal History Records and Crime Information:

- [Section 67-3001, Idaho Code](#) – Definitions
- [Section 67-3003, Idaho Code](#) – Duties of the Department
- [Section 67-3004, Idaho Code](#) – Fingerprinting and Identification
- [Section 67-3007, Idaho Code](#) – Completeness, Accuracy and Security of Criminal History Records
- [Section 67-3010, Idaho Code](#) – Fees Authorized

Who do I contact for more information on this rule?

Idaho State Police

Bureau of Criminal Identification

Monday through Friday, 8:00 a.m. to 5:00 p.m.

700 S. Stratford Drive, Suite 125

Meridian, ID 83642

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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. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 11.10.02, “Rules Governing State Criminal History Records and Crime Information.” (3-20-20)T

02. Scope. The rules relate to the governance and operation of criminal history records and crime information. (3-20-20)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

Except as otherwise specifically provided, the terms defined or abbreviated in Section 67-3001, Idaho Code, have the same meaning in these rules. Any other terms not defined in Section 67-3001 are given their ordinary and commonly understood meaning. (3-20-20)T

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

02. Criminal Summons. Includes any summons, information or indictment issued in a criminal proceeding or action. (3-20-20)T

03. Dismissal. Termination of a criminal action without further hearing or trial in the interest of justice. (3-20-20)T

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. (3-20-20)T

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

011. -- 020. (RESERVED)

021. EXPUNGEMENT PROCEDURE.

A person seeking to expunge their criminal history record must: (3-20-20)T

01. Application. Submit the proper completed application to the Bureau of Criminal Identification as provided by the Bureau. (3-20-20)T

02. Required Information. Include a copy of one (1) of the following to the Bureau of Criminal Identification: (3-20-20)T

a. Criminal citation; or (3-20-20)T

b. Criminal Summons, Complaint, and Affidavit of Service by the county sheriff’s office; or (3-20-20)T

c. Indictment; or (3-20-20)T

d. Information. (3-20-20)T

03. Certified Copy of Order of Acquittal or Order of Dismissal. (3-20-20)T

a. Include a certified copy of the court’s order of acquittal finding the applicant was not guilty of the crime charged; or (3-20-20)T

b. A certified copy of the dismissal order, showing that all charges related to that arrest were dismissed. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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

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. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

024. -- 030. (RESERVED)

031. FEES FOR SERVICES.

The Bureau shall charge fees as follows: (3-20-20)T

01. Fingerprint Check. Not more than twenty-five dollars (\$25) for each fingerprint check requested for other than law enforcement purposes. (3-20-20)T

02. Name Check. Not more than twenty dollars (\$20) for each name check requested for other than law enforcement purposes. (3-20-20)T

03. Rolling Fingerprint. 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. (3-20-20)T

032. -- 999. (RESERVED)

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