

## **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

Phone: (208) 884-7130

Fax: (208) 884-7193

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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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