

Dear Senators DARRINGTON, Bock, Vick, and
Representatives WILLS, Luker, Burgoyne:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Idaho State Police:

IDAPA 11.10.02 - Rules Establishing Fees for Services - Idaho Criminal Justice Information System
(Docket No. 11-1002-1101).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/28/2011. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/25/2011.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address or FAX
number indicated on the memorandum enclosed.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Judiciary, Rules & Administration Committee

FROM: Principal Legislative Research Analyst - Brooke Murdoch

DATE: October 11, 2011

SUBJECT: Idaho State Police

IDAPA 11.10.02 - Rules Establishing Fees for Services - Idaho Criminal Justice Information System
(Docket No. 11-1002-1101)

The Idaho State Police submits notice of proposed rulemaking at IDAPA 11.10.02 - Rules Establishing Fees for Services - Idaho Criminal Justice Information System. The proposed fee rule increases the maximum fingerprint check fee from \$10.00 to \$25.00, increases the maximum name check fee from \$10.00 to \$20.00, establishes a \$10.00 maximum fee for a set of rolling fingerprints and establishes a maximum \$5.00 fee for each additional copy of such rolled fingerprints. These fees are related to requests for other than law enforcement purposes.

Negotiated rulemaking was not conducted because the fees were set by financial review of the fund. There is no negative impact to the general fund as a result of this rulemaking.

The proposed fee rule is within the authority granted to the Idaho State Police in Section 67-3010, Idaho Code.

cc: Idaho State Police
Colonel G. Jerry Russell
Dawn Peck

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 - 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.

Col. G. Jerry Russell, Director
Idaho State Police
700 S. Stratford Dr.
Meridian, ID 83642
Phone: 208-884-7003
Fax: 208-884-7090

THE FOLLOWING IS THE PROPOSED TEXT OF FEE 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 (~~\$10~~25) 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 (~~\$10~~20) 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. ()

013. 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)

014. -- 999. (RESERVED)