

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 109:5-1-01

Rule Type: Amendment

Rule Title/Tagline: Procedure for requesting criminal records.

Agency Name: Attorney General

Division: Bureau of Criminal Identification and Investigation

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 11/11/2020
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 109.57(E)
5. **What statute(s) does the rule implement or amplify?** 109.57(E)
6. **What are the reasons for proposing the rule?**

Funding support for increased services.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides for the procedure for requesting criminal records. The amendment changes the fee for this service from \$22 to \$35.
8. **Does the rule incorporate material by reference?** No

9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will increase revenues.

\$20,800,000

The increase of \$13 per background check on an estimated 1,600,000 background checks processed during 2019, would raise this amount.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The cost of compliance will now be \$35, an increase of \$13 from the current cost.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). Yes**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

The fee support BCI's operations.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? No**

17. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

This change will require an additional fee of \$13 to the current background check system.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes

This change will require an additional fee of \$13 to the current background check system.

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable

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Part B - Local Governments Questions

1. Does the rule increase costs for:

A. Public School Districts	Yes
B. County Government	No
C. Township Government	No
D. City and Village Governments	No

2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.

The fee for the Ohio background check submitted by each school district will increase from \$22 to \$35.

3. Is this rule the result of a federal government requirement? No

A. If yes, does this rule do more than the federal government requires? *Not Applicable*

B. If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?

Not Applicable

4. Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:

A. Personnel Costs

\$0

B. New Equipment or Other Capital Costs

\$0

C. Operating Costs

Additional \$13 per background check

D. Any Indirect Central Service Costs

\$0

E. Other Costs

\$0

- 5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.**

The school districts will likely pass the cost of the background check on to the applicant.

- 6. What will be the impact on economic development, if any, as the result of this rule?**

None that we are aware of.