## Rule Summary and Fiscal Analysis (Part A)

**Attorney General**
Agency Name

**Bureau of Criminal Identification and Investigation**          **Doug Crew**
Division                                                          Contact

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# 109:5-1-01          # AMENDMENT
Rule Number          TYPE of rule filing

Rule Title/Tag Line          **Procedure for requesting criminal records.**

### *RULE SUMMARY*

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **109.57(E)**

5. Statute(s) the rule, as filed, amplifies or implements: **109.57(E)**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The Bureau of Criminal Identification and Investigations (BCI&I) is proposing this revised rule to request a fee increase for non-profit and for-profit entities for the criminal background check service due to the increased cost of operations. The fee has not been increased in 16 years, while the costs of the variety of services that BCI&I provides have increased. The Ohio Automated Fingerprint Information System (AFIS), through which background checks are processed, must be upgraded every three years. Demand for fingerprint-based employee background reports has dramatically increased over the past 10 years due to the statutory protection of children and the elderly and issues dealing with homeland security, resulting in a

need for more fingerprint examiners and AFIS operators in the Identification Section.

With the addition of Web-Check equipment to electronically transmit prints and demographics to BCI&I for searching, many hundreds of private locations have been established to forward job applicants prints to BCI&I. There is currently no process or program in place to audit the proper operation of these locations to ensure the accurate submission of demographic and fingerprint information. A portion of the revenue from the increase will be used to add a Quality Assurance unit to perform audits, which will verify the accuracy of information and prints being submitted.

The latest trend in law enforcement is to utilize advanced technology in intelligence lead, data driven criminal investigations, and processing of evidence. In order for BCI&I to be on the forefront of these new advances for the State and to further develop its expertise, it will need the revenue derived from this fee increase to hire, equip and train additional staff to meet the increased demand from law enforcement in the areas of criminal intelligence and computer forensic services. In addition, the workload for analysis in the BCI&I crime labs in areas such as firearms, trace and chemistry has increased on average seventy percent over the past five years. In order to meet the continually increasing demands of Ohio local law enforcement, staffing levels need to be increased.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The existing rule establishes the procedure for requesting criminal background checks, including the establishement of the record check fee. The record check fee was originally established at $3.00 in 1984. In 1991, this fee was increased from $12.00 to $15.00 per record check.

The proposed amendment to the rule will create a more equitable tiered fee structure based on entity type. There will be no fee increase for governmental units and school districts, an increase from $15.00 to $20.00 for non-profit organizations and an increase from $15.00 to $30.00 for private sector organizations for a BCI&I criminal record check.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

*Not Applicable.*

12. 119.032 Rule Review Date: **9/14/2007**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

## *FISCAL ANALYSIS*

13. Estimate the total amount by which *this proposed rule* would **increase/ decrease** either **revenues/ expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will increase revenues.

$6,427,434

The net impact of the proposed changes to the Attorney General's Office is a projected annual increase in revenue of $6,427,434 for the biennium.

This projection was based on a total of 589,612 BCI&I record check transactions in calendar year 2006, with an annual average increase in record checks of 5 percent. Once enacted, the proposed increase in record check fees would generate an additional $5.00 per record check from non-profit organizations and an extra $15.00 per record check for private sector entities. Based on an estimated effective date of December 1, 2007, the Fiscal Year 2008 revenue will increase by $2,295,912 and the Fiscal Year 2009 revenue will increase by $4,131,922. The total increase in revenues for the biennium is estimated at $6,427,434

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

055 612, Fund 1060

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

An estimated cost of compliance is difficult to project due to the different needs and employment situations for the impacted entities. The cost of the record check, in most cases will be borne by the agency or organization requesting the record check; however, it may be borne by the individual applying for employment. Regardless, the impact for non-profit organizations or employees will be $5.00, time the number of record checks performed and the impact on private sector organizations or employees will be $15.00 times the number of record checks performed.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**