Rule Summary and Fiscal Analysis
Part A - General Questions

Rule Number: 109:5-1-03

Rule Type: Amendment

Rule Title/Tagline: Procedure for requesting and processing a search of the retained applicant fingerprint database.

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?** 1/8/2023
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?** 109.5721
5. **What statute(s) does the rule implement or amplify?** 109.5721
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 the procedures for requesting and processing a search of the retained applicant fingerprint database. This amendment modifies the price for entering and maintaining an individual in the retained applicant fingerprint database from $5 to $7.

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.**

    Additional outreach was performed and the BIA and RSFA Parts A & B were further refined.

    09/18/2020 Added BIA

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.

    $1,400,000

    Increase in revenue based on enrollment number of approximately 600,000 enrollees in the Rapback system, plus an estimated addition of 100,000 enrollees this year.

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

    An additional $2 more per enrollee for both new and annual enrollments.

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.**

    Support BCI 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

       The amendment will require an additional expenditure of $2 per enrollee for both new and annual enrollments, which the enrolling government entity may choose to pass along to businesses.

    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

       The amendment will require an additional expenditure of $2 per enrollee for both new and annual enrollments, which the enrolling government entity may choose to pass along to businesses.

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

Rule Summary and Fiscal Analysis
Part B - Local Governments Questions

1. **Does the rule increase costs for:**

A. Public School Districts	Yes
B. County Government	Yes
C. Township Government	Yes
D. City and Village Governments	Yes

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.**

   While unlikely, it is possible some local government entities may see an increase in costs due to the proposed adjustment to the RAPBACK fee. This is largely mitigated by the fact that only select professions or individuals are currently required by Ohio law to enroll in the RAPBACK program. These include: operators of solid, infectious, or hazardous waste facilities, private investigators, security guards, teachers, bus drivers, foster care providers and Medicaid provider agencies. Notably, either the individual or the state agency requiring their enrollment in RAPBACK typically pay for their initial enrollment and renewal fees. However, it may be possible that some local entities serving as Medicaid provider agencies could be responsible for paying this fee. In those limited instances, the impact would by two dollars times the number of employees initially enrolled in RAPBACK in a given time period, plus two dollars times the number of employees maintained in the RAPBACK system annually.

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

N/A

B. New Equipment or Other Capital Costs

N/A

C. Operating Costs

$2 per enrollee, plus $2/yr./enrollee

D. Any Indirect Central Service Costs

N/A

E. Other Costs

N/A

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

To the extent that a local government entity is required to enroll and maintain its employees in RAPBACK, they have the option of passing some or all of the new fee on to their employees.

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

None anticipated. This is an adjustment to an existing fee.