

Rule Summary and Fiscal Analysis (Part A)**Attorney General**

Agency Name

Bureau of Criminal Identification and Investigation

Division

Doug Crew

Contact

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109:5-1-03

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Procedure for requesting and processing a search of the retained applicant fingerprint database.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **SB97**General Assembly: **127**Sponsor: **Stivers**

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: **109.5721**

5. Statute(s) the rule, as filed, amplifies or implements: **109.5721**

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

The new rule establishes the procedures for requesting and processing a search of the retained applicant fingerprint database, the operation and maintenance of the database, and the establishment of a \$5.00 annual fee to cover the costs of the services.

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 proposed rule defines the retained applicant fingerprint database, and the procedures that entities that elect to utilize this service will follow in order to obtain arrest or conviction information on current employees or licensees. Furthermore, it defines the role of the Bureau of Criminal Identification and Investigation (BCI&I) in the subsequent dissemination of arrest or conviction information, and it establishes an annual fee of \$5.00 to cover the costs of providing this new service.

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:

In section (D) of the proposed rule, the "employee record" before the word "entered" was deleted. This was done for clarification purposes. Also, the word "on" before "an annual" was deleted. The word "basis" before the word "thereafter" was also deleted and the words "fee of five dollars" was inserted to clarify that the annual fee is five dollars.

In section (E), the words "provided by" before "the" were deleted and the words "may only be used for on-going employment or licensing consideration." after "investigation" were deleted and replaced by "provides to participating entities pursuant to section 109.5721 of the Revised Code and or this rule, may only be used for purposes authorized by law." This change was made to help clarify for all participating entities that information they receive from BCI&I on individual's that have been enrolled in the retained applicant fingerprint database can be used as authorized by law.

12. 119.032 Rule Review Date:

(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.

\$125,000

The net impact of the proposed rule to the Attorney General's Office is a projected annual increase in revenue of \$125,000. This projection is based on an estimated 25,000 applicants in the State of Ohio that will be checked initially. Expenditures will be initially greater than revenue to fund two new positions in the Identification Section and the purchase of additional hardware estimated to cost approximately \$1 million dollars. These expenditures are necessary to implement the continuous record monitoring service.

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

055-612 Fund 106

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:

The cost of compliance with this new rule is a \$5.00 annual fee to cover the costs of the services.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

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

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
Yes	Yes	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

An estimated cost of compliance is difficult to project due to the different needs and employment situations for the participating entities. The cost of the civilian record check on the retained applicant fingerprint database in most cases will be borne by the agency or organization requesting the record check service; however, it may be borne by the individual applying for employment. Regardless, the cost of compliance with this new rule is a \$5.00 annual fee per applicant to cover the costs of the service.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

A comprehensive cost estimate for participating entities is difficult to project since the exact number of participants for each entity is unknown and this is not a

mandatory program. Each entity will determine whether or not if they want their employees to participate. The cost for entities to participate in the continuous monitoring system by BCI&I is an initial fee of \$5.00. The annual fee thereafter will be \$5.00. Therefore, the cost of compliance should be minimal since no other direct or indirect costs are required.

(a) Personnel Costs

Unknown

(b) New Equipment or Other Capital Costs

Not Applicable

(c) Operating Costs

Unknown

(d) Any Indirect Central Service Costs

Not applicable

(e) Other Costs

Not applicable

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

As stated previously, this is not a mandatory requirement but an optional record check service if an entity so chooses. Thus, since the annual fee per applicant is \$5.00, the entity can elect to pay the cost themselves or have the employee borne the cost of the fee.

7. Please provide a statement on the proposed rule's impact on economic development.

Not applicable.