

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

Agency Name

Bureau of Criminal Identification and Investigation

Division

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109:5-6-02

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Transmittal of Notices.**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: **SB70**General Assembly: **129**Sponsor: **Senator Schaffer**

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: **2909.14(D), 2909.15(D)**

5. Statute(s) the rule, as filed, amplifies or implements: **2909.14, 2909.15**

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

This rule is required pursuant to R.C. 2909.14(D) and R.C. 2909.15(D) in order to proscribe the methods used to transmit notice of arson registration duties to a sheriff of a county where an arson offender intends to reside and notice of confinement of an arson offender to BCI&I.

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:

This new rule lists the procedures to be followed by correctional institutions and courts in transmitting the notice of an arson's offenders duty to register to the sheriff of the county where an arson offender intends to reside. It additionally requires the officials in charge of jails, workhouses, state correctional institutions and other institutions to notify the attorney general of any arson offenders confined in the institutions.

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 rule incorporates by reference sections of the Ohio Revised Code and is available through libraries and websites. See R.C. 121.75 and R.C. 121.76.

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:

n/a

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. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

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 have no impact on revenues or expenditures.

0.00

This rule will have no impact on revenues or expenditures

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

n/a

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:

n/a

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**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

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? **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
No	Yes	No	Yes

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.

Costs of compliance would be approximately \$225 per year statewide to mail the notices of the duty to register. This would breakdown to roughly \$2.56 per year per county.

There will also be a de minimis labor cost incurred by local correctional institutions in providing notice to BCI&I of any arson offender or out-of-state arson offender confined at said institutions.

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.

This estimate for the cost to mail the notices of the duty to register was produced by looking at the number of arson related arrests in previous years in Ohio.

Approximately five hundred individuals are arrested for arson related offenses per year in Ohio. Assuming every one of these arrests for an arson related offense leads to a conviction for an offense that would require registration, courts would have to mail five hundred notices a year to sheriffs. At the current rate of first class postage (\$0.45) this would result in a total statewide cost of \$225 per year.

(a) Personnel Costs

De minimis cost of labor to mail notices of the duty to register to sheriffs and to provide notice of confinement to BCI&I.

(b) New Equipment or Other Capital Costs

Not Applicable.

(c) Operating Costs

\$2.56 per county per year for extra postage to mail notices.

(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.

These costs are de minimis and should not create a burden on local budgets. Furthermore, the law requires forwarding the notice of the duty to register and providing notice of confinement. These rules merely prescribe the means by which to forward or provide the information and any method will necessarily entail some administrative costs. These rules seek to minimize those costs to the greatest extent possible.

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

Not Applicable.