

**Rule Summary and Fiscal Analysis (Part A)****Department of Public Safety**

Agency Name

**State Highway Patrol**

Division

**Joseph Kirk**

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**4501:2-10-06**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Dissemination and record keeping.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **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: **5503.10**
5. Statute(s) the rule, as filed, amplifies or implements: **5503.10**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:
 

This rule is being filed to reinforce compliance with state and federal policies and manuals that govern access and dissemination of criminal justice information. Language on printout audit trail requirements is also being removed in response to FBI policy change.
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 rule establishes the requirements for disseminating LEADS throughput and expectations for LEADS related record keeping.

In paragraph (A): Changed "password" to "account" and removed "An audit trail shall be maintained by participating LEADS agencies across the body of the printout for each dissemination, or receipt, of any printout of information from the LEADS."

In section C: Added "Access to and dissemination of LEADS throughput is governed by the LEADS Security Policy, LEADS Manual and NCIC Operating Manual available at <http://leads.ohio.gov/Manuals>." Removed "The data shall not be sold, transmitted, or disseminated to any non-law enforcement agency, non-criminal justice agency or unauthorized person; except as provided in rule 4501:2-10-03 of the Administrative Code. The LEADS activity report, excluding criminal justice data, may be provided to an arbitrator and/or bargaining unit representative, as necessary, for use in collective bargaining proceedings; further transmission or dissemination of the LEADS activity report is prohibited."

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:

"LEADS Security Policy" effective 11/1/2016; "LEADS Manual" effective 10/1/2016; and "NCIC Operating Manual" effective 8/11/2015 are incorporated 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:

The rule states that the "LEADS Security Policy" effective 11/1/2016, "LEADS Manual" effective 10/1/2016; and the "NCIC Operating Manual" effective 8/11/2015 are available electronically at <http://leads.ohio.gov/Manuals>. The rule states this along with their effective date.

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. Five Year Review (FYR) Date: **1/20/2017**

(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 is not expected to impact the agency's budget in the current biennium.

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

Not applicable.

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:

It is estimated that this rule will not result in any costs of compliance for stakeholders.

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**

**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**