

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

Agency Name

Division

Tomi Dorris

Contact

1970 West Broad St., Suite 531 P.O. Box 182081
Columbus OH 43218 - 2081

Agency Mailing Address (Plus Zip)

614 466-7014

Phone

614 752-6063

Fax

4501:2-10-09

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

National crime information center (NCIC).**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: **R.C. 5503.10**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 5503.10**

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

The rule is being filed based upon a R.C. 119.032 rule review. The rule is being proposed to provide that LEADS is to adhere to NCIC requirements and ensure that agencies LEADS services do the same and to clarify existing language.

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 rule provides requirements for accessing the National crime enforcement

center (NCIC). Changes are to indicate LEADS must follow NCIC requirements and ensure agencies LEADS services do the same. Changes also provide clarifying language.

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 users are the people who reasonably can be expected to be affected by this rule and the NCIC information referenced in the rule is generally available to them. All of these materials are either sent directly to participating LEADS agencies or posted electronically on the ODPS/LEADS intranet. Necessary updates to referenced materials are provided to LEADS agencies via the ODPS/LEADS intranet. Also, all referenced materials are covered during the required annual user training that is provided by LEADS.

Additionally R.C. 121.75 provides that provisions of R.C. 121.71 to 121.74 do not apply with regard to the incorporation by reference of federal laws if citations are intelligible and include the date as provided in paragraphs (F) and (G) of this rule.

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:

R.C. 121.75 provides that provisions of R.C. 121.71 to 121.74 do not apply with regard to the incorporation by reference of a text or material that is generally available to persons who reasonably can be expected to be affected by the rule. As stated above, LEADS users are the people who reasonably can be expected to be affected by this rule and the NCIC information referenced in the rule is generally available to them. All of these materials are either sent directly to participating LEADS agencies or posted electronically on the ODPS/LEADS intranet. Necessary updates to referenced materials are provided to LEADS agencies via the ODPS/LEADS intranet. Also, all referenced materials are covered during the required annual user training that is provided by LEADS.

Additionally R.C. 121.75 provides that provisions of R.C. 121.71 to 121.74 do not apply with regard to the incorporation by reference of federal laws if citations are intelligible and include the date as provided in paragraphs (F) and (G) of this rule.

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: **7/31/2003**

(If 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: At 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.

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We do not anticipate that this rule will affect the agency's projected budget.

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:

The proposed rule is not expected to create additional costs.

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**