

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

Agency Name

State Highway Patrol

Division

James Dinsmore

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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:

This rule filing is based on a R.C. 119.032 rule review of Ohio Administrative Code Chapter 4501:2-10. Proposed changes are to update language and include reference to provisions of a recently effective federal law.

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 sets forth requirements and limitations for agencies that operate a terminal

accessing NCIC. A proposed change in paragraph (C) deletes "ODPS" from the reference to ODPS/LEADS intranet. Proposed new paragraph (I) addresses the Adam Walsh Child Protection and Safety Act of 2006 which allows access to FBI criminal history record information (CHRI) by governmental social service agencies with child protection responsibilities. To enable identification of NCIC and CCH/III transactions conducted pursuant to section 151 of the Adam Walsh Child Protection and Safety Act and to facilitate state and federal compliance audits, it requires that agencies that meet NCIC requirements use a prescribed code for inquiries made for those agencies.

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:

Section 121.75 of the Revised Code provides an exception to the provisions of sections 121.71 to 121.74 of the Revised Code when a federal act or regulation or other text is incorporated by reference into a rule, so long as the incorporation by reference consists of a citation that will be intelligible to the persons who reasonably can be expected to be affected by the rule and that, if the incorporated text was, is, or reasonably can be expected to be subject to change, identifies, and specifies the date of, the particular edition or other version that is incorporated. As required under the Revised Code, the incorporated federal laws and regulations with applicable dates are cited. Additionally, this information is also provided to those who access LEADS and these are the persons who reasonably can be expected to be affected by the rule. Further this information is available through depository and other public libraries. This rule also incorporates the NCIC operating manual, the NCIC code manual and enhancements contained in the NCIC technical and operational updates, NCIC newsletter, or any other official notification from FBI/NCIC. This information is provided to those who access LEADS and again, these are the persons who reasonably can be expected to be affected by the 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:

Section 121.75 of the Revised Code provides an exception to the provisions of sections 121.71 to 121.74 of the Revised Code when a federal act or regulation or other text is incorporated by reference into a rule, so long as the incorporation by reference consists of a citation that will be intelligible to the persons who reasonably can be expected to be affected by the rule and that, if the incorporated

text was, is, or reasonably can be expected to be subject to change, identifies, and specifies the date of, the particular edition or other version that is incorporated. As required under the Revised Code, the incorporated federal laws and regulations with applicable dates are cited. Additionally, this information is also provided to those who access LEADS and these are the persons who reasonably can be expected to be affected by the rule. Further this information is available through depository and other public libraries. This rule also incorporates the NCIC operating manual, the NCIC code manual and enhancements contained in the NCIC technical and operational updates, NCIC newsletter, or any other official notification from FBI/NCIC. This information is provided to those who access LEADS and again, these are the persons who reasonably can be expected to be affected by the 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: **11/29/2007**

(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.

We do not anticipate that this rule filing will affect the agency budget.

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:

This rule filing 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**