

11.10.02 – RULES GOVERNING STATE CRIMINAL HISTORY RECORDS AND CRIME INFORMATION

000. LEGAL AUTHORITY.

These rules are authorized by Sections [67-3001](#), [67-3003](#), [67-3004](#), [67-3007](#), and [67-3010](#), Idaho Code. (3-23-22)

001. SCOPE.

The rules relate to the governance and operation of criminal history records and crime information. (3-23-22)

002. -- 009. (RESERVED)

010. DEFINITIONS.

Except as otherwise specifically provided, the terms defined or abbreviated in Section [67-3001](#), Idaho Code, have the same meaning in these rules. (3-23-22)

01. Acquittal. The legal certification by a jury or judge that a person is not guilty of the crime charged. (3-23-22)

02. Criminal Summons. Includes any summons, information or indictment issued in a criminal proceeding or action. (3-23-22)

03. Dismissal. Termination of a criminal action without further hearing or trial in the interest of justice. (3-23-22)

04. Expunge. ~~To erase or destroy, to declare null and void outside the record, so that it is noted in the original record as expunged, and redacted from all future copies.~~ Destroy, delete, erase, or seal a criminal history record. (3-23-22)

05. Serious Misdemeanor. A crime, that if convicted, could be punishable by imprisonment in a county jail. (3-23-22)

011. -- 020. (RESERVED)

021. EXPUNGEMENT PROCEDURE.

A person seeking to expunge their criminal history record must: (3-23-22)

01. Application. Submit the proper completed application to the Bureau of Criminal Identification as provided by the Bureau. (3-23-22)

02. Information. Include a copy of one (1) of the following to the Bureau of Criminal Identification: (3-23-22)

a. Criminal citation; or (3-23-22)

b. Criminal Summons, Complaint, and Affidavit of Service by the county sheriff's office; or (3-23-22)

c. Indictment; or (3-23-22)

d. Information. (3-23-22)

03. Certified Copy of Order of Acquittal or Order of Dismissal. (3-23-22)

a. Include a certified copy of the ~~court's~~ order of acquittal ~~finding the applicant was not guilty of the crime charged;~~ or (3-23-22)

- b. A certified copy of the dismissal order, showing ~~that~~ all charges related to that arrest were dismissed. (3-23-22)

022. TRANSMITTAL OF CRIMINAL HISTORY RECORDS:

~~The transmittal of criminal history arrest fingerprint(s) may be via electronic submission from a live scan or card scanner over a secured and approved network or by hard copy through regular mail.~~ (RESERVED) (3-23-22)

023. PROCEDURE FOR CONTESTING THE ACCURACY AND COMPLETENESS OF A CRIMINAL HISTORY RECORD CONTAINED IN AGENCY FILE.

01. Challenge Accuracy of Records. A person may challenge the accuracy and correctness of their criminal history records contained in the Bureau's database. (3-23-22)

a. The applicant must submit ~~to fingerprints~~ ~~ing through either to~~ the Bureau of Criminal Identification ~~or other law enforcement agency for comparison.~~ ~~A fingerprinting fee may apply.~~ (3-23-22)

02.b. Notification of Fingerprints Not Matched. If the applicant's fingerprints do not match those contained in the Bureau's database, the applicant will be notified by ~~certified~~ mail. (3-23-22)

03.c. Documentation of Erroneous Information. If the applicant's fingerprints match, but the applicant has documentation showing the information is in error, the applicant may submit such information to the Bureau of Criminal Identification ~~for correction.~~ (3-23-22)

04.d. Correction of Records. The Bureau of Criminal Identification will correct its records per the direction of the law enforcement agency where the initial criminal action arose or appropriate court order. (3-23-22)

024. -- 030. (RESERVED)

031. FEES FOR SERVICES.

The Bureau shall charge fees as follows: (3-23-22)

01. Fingerprint Check. Not more than twenty-five dollars (\$25) for each fingerprint check requested for other than law enforcement purposes. (3-23-22)

02. Name Check. Not more than twenty dollars (\$20) for each name check requested for other than law enforcement purposes. (3-23-22)

03. Rolling Fingerprint. Not more than ten dollars (\$10) for rolling a set of fingerprints and no more than five dollars (\$5) for each additional copy of such rolled fingerprints. (3-23-22)

032. -- 999. (RESERVED)