IDAPA 11 – IDAHO STATE POLICE

Idaho Public Safety and Security Information

11.10.02 – Rules Governing State Criminal History Records and Crime Information

Who does this rule apply to?
Law enforcement agencies, any agency or person requesting criminal history records or crime information, and members of the general public who have criminal history records and crime information.

What is the purpose of this rule?
This rule relates to the governance and operation of criminal history records and crime information. It provides an expungement procedure, a procedure for contesting the accuracy and completeness of a criminal history record contained in an agency file, and sets fees for various types of services available.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statutes passed by the Idaho Legislature:

State Government and State Affairs -
Criminal History Records and Crime Information:

- Section 67-3001, Idaho Code – Definitions
- Section 67-3003, Idaho Code – Duties of the Department
- Section 67-3004, Idaho Code – Fingerprinting and Identification
- Section 67-3007, Idaho Code – Completeness, Accuracy and Security of Criminal History Records
- Section 67-3010, Idaho Code – Fees Authorized

Who do I contact for more information on this rule?

Idaho State Police
Bureau of Criminal Identification
Monday through Friday, 8:00 a.m. to 5:00 p.m.
700 S. Stratford Drive, Suite 125
Meridian, ID 83642
Phone: (208) 884-7130
Fax: (208) 884-7193
Email: adminrules@isp.idaho.gov
Web: https://isp.idaho.gov/bci

This rule chapter will be reviewed in compliance with Section 67-5292, Idaho Code, and in accordance with the 8-year rule review schedule linked here.

Table of Contents

11.10.02 – Rules Governing State Criminal History Records and Crime Information

000. Legal Authority. 3
001. Scope. 3
002. -- 009. (Reserved) 3
010. Definitions. 3
011. -- 020. (Reserved) 3
021. Expungement Procedure. 3
022. (Reserved). 3
023. Procedure For Contesting The Accuracy And Completeness Of A Criminal History Record Contained In Agency File. 3
024. -- 030. (Reserved) 4
031. Fees For Services. 4
032. -- 999. (Reserved) 4

000. LEGAL AUTHORITY.
Sections 67-3001, 67-3003, 67-3004, 67-3007, and 67-3010, Idaho Code. (7-1-26)

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. Destroy, delete, erase, or seal a criminal history record. (7-1-26)

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 order of acquittal; or (7-1-26)

b. A certified copy of the dismissal order, showing all charges related to that arrest were dismissed. (7-1-26)

022. (RESERVED).

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 fingerprints to the Bureau of Criminal Identification for comparison. (7-1-26)

b. If the applicant's fingerprints do not match those contained in the Bureau's database, the applicant will be notified by mail. (7-1-26)

c. 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. (7-1-26)

d. 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. (7-1-26)

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)