

REVISED

STATEMENT OF PURPOSE

RS31079 / H0622

This legislation provides a definition of the term "retainable offense," which is used to determine who must provide their fingerprints to an Idaho law enforcement agency, upon being arrested or prosecuted for such an offense. Up until now, the Legislature has delegated its lawmaking power in this regard to the Idaho State Police, which has defined it broadly to include almost all misdemeanor offenses.

This is important because, by law, Idaho must share with the federal government the fingerprints processed by Idaho law enforcement agencies. As a result, under the current definition found in Idaho administrative rules, almost every Idahoan who is arrested or prosecuted for almost any misdemeanor is having his or her fingerprints taken and shared with the federal government.

This legislation would set the definition in code, such that only those arrested or prosecuted for felonies, misdemeanors which can be punished by greater than six months in jail, and misdemeanors that, upon repeated offenses, are eventually punishable by greater than six months in jail, must have their fingerprints taken.

FISCAL NOTE

No impact to any public fund is expected. If any impact were to occur, it would have the effect of reducing the cost of administering fingerprinting, as fewer fingerprints overall would need to be taken.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).