CALIFORNIA DEPARTMENT OF JUSTICE

TITLE 11. LAW
DIVISION 1. ATTORNEY GENERAL
CHAPTER 13.6. DEPARTMENT OF JUSTICE REGULATIONS FOR THE CERTIFICATION OF NON-EXEMPTED INDIVIDUALS WHO TAKE FINGERPRINT IMPRESSIONS

ADDENDUM TO INITIAL STATEMENT OF REASONS

The Department of Justice (DOJ) has modified its proposed regulations to clarify them, and provide additional necessity and purpose, and has prepared this Addendum (Addendum) to the Initial Statement of Reasons (ISOR). This Addendum explains the purpose and necessity of the modifications and the reasons for these modifications, and other proposed regulations, below. This statement of necessity is intended to supplement and/or add additional reasons to the original statement of necessity set forth in the ISOR published on May 1, 2026.

PURPOSE AND NECESSITY OF MODIFICATIONS TO PROPOSED REGULATIONS

General

Some general non-substantive changes were made to delete extra spacing from deleted text in the originally proposed regulations, add commas for grammatical purposes, indicate deletion of periods that had not been properly indicated previously, change capitalization, and underline new numbering that had not been indicated as new proposed language previously.

Article 1. General

§ 994.2. Definitions of Key Terms.

Subdivision (d) was amended non-substantively to add additional quotation marks around the defined terms, and to remove the capitalization in “criminal offender record information.” This was necessary for grammatical purposes and because the proposed regulations did not capitalize that term.

New subdivision (g) was amended non-substantively to remove capitalization in “DOJ reviewing officer.” This was necessary for grammatical purposes and consistency as DOJ reviewing officer has been made lowercase throughout the regulations.

New subdivision (h) was amended non-substantively to remove capitalization in “fingerprint roller.” This was necessary for grammatical purposes and because the proposed regulations did not capitalize that term.

Subdivision (i) was amended to remove language about who are non-exempted individuals. The language was redundant and incomplete since those who are non-exempted are already defined in the referenced statutory language and the language did not include all those listed in statute.

Penal Code section 11102.1, subdivisions (a)(2)(A) and (a)(2)(B) already list who is non-exempted and the regulation cannot be inconsistent with what is set forth in statute.

Subdivision (i) was also amended non-substantively to remove the capitalization in "non-exempted individuals." This was necessary for grammatical purposes and because the proposed regulations did not capitalize that term.

Article 2. Qualifications and Application for Certification

§ 994.4. Application for Certification.

Subdivision (a) was amended to provide necessary notice to applicants about how they can access and submit the application. The absence of such information meant that the applicants would not know how to get the application, or the manner of submission.

Subdivisions (a)(3)-(9) were revised for grammatical reasons and ease of comprehension. Because the originally proposed regulations referred to "you" in these paragraphs, but otherwise used the term applicant, the use of "you" could be confusing for individuals to understand who "you" referred to. DOJ replaced references of "you" with applicant to resolve this potential confusion and ease in comprehension, and made non-substantive conforming changes because of that change. Additionally, the questions were revised to rephrase the questions as statements. This was necessary to conform with subdivision (a), which stated that these were requests for information.

Subdivision (d)(6) was amended non-substantively to add commas after "certification" and "P.O. Box 903387" for grammatical purposes.

Article 5. Procedures for Denial of an Application, and Suspension or Revocation of an Existing Certification

§ 994.10. Denial, Revocation, or Suspension of Existing Certification.

Subdivision (a)(1) was amended to revise the reference of Penal Code 1203.4, subdivision (a), to Penal Code section 1203.4a. This is necessary because Penal Code section 1203.4a is a relief statute and it was not properly included originally. Convictions receiving relief under Penal Code section 1203.4a would be treated like any of the other referenced statutes and it is necessary to communicate the accurate list of convictions that received relief that will still be considered a conviction.

This Addendum provides additional explanation regarding the necessity and purpose of subdivision (a)(3)(C). DOJ chose to consider the evidence of rehabilitation in paragraphs (i) and (iii) because when an individual may have only committed one offense and served their sentence successfully, and had no other involvement with the criminal justice system, an individual could be considered rehabilitated as a result of that prior involvement and sentence.

DOJ chose to consider the evidence of rehabilitation in paragraphs (ii) and (v) because it could rely on the evaluation or determination by a judge or the Legislature that an individual had met certain conditions to be considered deserving of receiving relief, or rely on the state or regulatory agency issuing and never revoking a license to the individual because the individual had met all requirements set forth by those agencies. Paragraph (v) was amended to add the word "been" between the words "never revoked." This was necessary for grammatical purposes.

DOJ chose to consider the evidence of rehabilitation in paragraphs (iv) and (vi) because obtaining degrees, certificates, or other positions can indicate the individual followed the requirements for doing so.

DOJ chose to consider the evidence of rehabilitation in paragraphs (vii) and (viii) because individuals sometimes submits references or letters explaining their previous history. The references and letters can demonstrate an individual's rehabilitation by speaking to their character and providing examples of how the individual is reliable and trustworthy, or through their honesty, transparency, and accountability for their prior actions, that is not apparent elsewhere in the application or information provided to DOJ.

Subdivision (b) was amended non-substantively to capitalize "The" for grammatical purposes as it begins a new sentence and remove the capitalization in "DOJ reviewing officer" for consistency throughout the regulations.

§ 994.11. Administrative Hearing.

Subdivision (a) was amended to add language regarding what an individual is requesting, and the timeframe for submitting their request. The originally proposed language did not state that the individual was requesting an administrative hearing, or adjudication and did not let the individual know what a timely request would be. Such absence of language could be confusing and lack clarity. The changes clarify for the individual the process available to them and the time for which they must submit a request for an administrative adjudication.

Subdivision (a) was also amended non-substantively to remove the capitalization in "DOJ reviewing officer" for consistency throughout the regulations, and replace "is" with "are" and add a comma after "suspension" for grammatical purposes.

Article 6. Fingerprint Roller Responsibilities

§ 994.12. Fingerprint Roller Responsibilities.

No changes were made to subdivisions (c) or (d). However, this Addendum clarifies that subdivision (d) does not prohibit the use of the applicant's information. The limits of the use of the applicant's information is in subdivision (c).

Subdivision (e) was amended non-substantively to remove the capitalization in "live scan provider." This was necessary because this term does not need to be capitalized.