

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**

INITIAL STATEMENT OF REASONS

PROBLEM STATEMENT

A certified fingerprint roller takes fingerprint impressions for people who need background checks for licensing and other non-law enforcement purposes. As mandated by Penal Code section 11102.1, the Department of Justice (DOJ) is required to establish, implement, and maintain a certification program to process fingerprint-based criminal background clearances on non-exempt individuals who apply to become fingerprint rollers.

Assembly Bill (AB) 3235 (Chapter 254, Stats. 2024) amended Penal Code section 11102.1 to give DOJ more discretion in determining whether a fingerprint roller applicant's criminal conviction should disqualify them from certification. Prior to the passage of AB 3235, DOJ could not certify any applicant with any felony conviction, or any applicant with a conviction of any other offense involving moral turpitude, fraud, or dishonesty.

This proposed rulemaking implements AB 3235 by adopting regulations to aid in determining whether an offense is substantially related to the qualifications, functions, or duties of a fingerprint roller. The new law requires DOJ to consider an applicant's rehabilitation, the passage of time since the offense, and other evidence bearing on whether the applicant possesses the required honesty, credibility, truthfulness, and integrity to fulfill the responsibilities of the position in accordance with subdivisions (f) and (g) of Penal Code section 11102.1.

BENEFITS ANTICIPATED FROM REGULATORY ACTION

This rulemaking action will benefit individuals applying to become certified fingerprint rollers by satisfying due process and public policy requirements in a manner that is impartial and transparent. The rulemaking will also remove barriers to certification for persons with past criminal convictions who are otherwise qualified and have presented substantial evidence of rehabilitation, align DOJ's certification standards with other licensing schemes in California, adopt the administrative hearing procedures in chapter 5 of the Administrative Procedure Act (APA), and codify requirements for the protection, use, and handling of confidential information.

SPECIFIC PURPOSE AND NECESSITY OF EACH SECTION

Article 1. General

§ 994. Title.

This section is deleted based on previous comments from the Office of Administrative Law that title sections be deleted as they are non-substantive.

§ 994.1. Scope.

This section is deleted based on previous comments from the Office of Administrative Law that scope sections be deleted as they are non-substantive.

§ 994.2. Definitions of Key Terms.

Subdivision (a) is deleted because DOJ uses administrative law judges, which, unlike an administrative hearing officer, is not a term specific to these regulations that needs to be defined.

Subdivision (c) is deleted because there was no need to define the term since it was no longer used in the amended regulations.

Newly renumbered subdivision (b) deleted the phrase “CDL or” because there was no need to define CDL since it was no longer used in the amended regulations and for the corresponding grammatical reason. This subdivision was also amended to add “(DMV)” as an abbreviation for California Department of Motor Vehicles for subsequent references.

Newly renumbered subdivision (c) deleted the phrase “CA ID or” because there was no need to define CA ID since it was no longer used in the amended regulations and for the corresponding grammatical reason. This subdivision was also amended to replace California Department of Motor Vehicles with “DMV” for concision.

Subdivision (g) is deleted because DOJ has deleted sections that use Director.

New subdivision (g) was added to define “DOJ Reviewing Officer.” This amendment is necessary to provide those applicants or fingerprint rollers who were denied, or had their certification revoked or suspended, of the process in which they will seek reconsideration.

New subdivision (h) was added to define “Fingerprint Roller.” This amendment is necessary for the regulated community to know that these regulations apply to them because they are considered a fingerprint roller.

Newly renumbered subdivision (i) is amended to align the definition of the term “Non-Exempted Individuals” with Penal Code section 11102.1, subdivisions (a)(2)(A) and (a)(2)(B). Accurately defining this term simplifies the regulation text, making it easier to understand by those persons directly affected, and those that are not.

Subdivision (k) is deleted because there was no need to define the term since it was no longer used in the amended regulations.

Subdivisions were renumbered for consistency.

Article 2. Qualifications and Application for Certification

§ 994.4. Application for Certification.

Revised section 994.4 is amended to update the fingerprint roller application.

The existing first paragraph and new subdivision (a) is amended to repeal the previously incorporated BCIA 8372 because the regulation already contains the information an application must request from the individual. Language suggesting applicants review pre-certification materials on the website was deleted because the review was only recommended and did not provide sufficient clarity to applicants as to what was required of them before applying.

Existing subdivision (a) and new subdivision (a)(1) was amended to add Social Security Number, and email address as required information on the application. The addition of email address was necessary because it is a common method of communication between applicants and DOJ. A minor revision was made for grammatical reasons to reduce extraneous unnecessary words by adding “applicant’s” in the beginning of the subdivision and deleting the last phrase. This revision improved the flow of the subdivision. The addition of Social Security Number is not a substantive change. It was moved from existing subdivision (c). This subdivision was also amended to replace “county” with “state”, capitalize ZIP, and remove “tele” from telephone. These revisions are necessary to reflect what is on the application.

Existing subdivision (b) and new subdivision (a)(2) is revised to add “applicant’s” and “California.” This revision is necessary to specify whose information is requested, and that the driver’s license or Identification number must be issued by the California Department of Motor Vehicles. Requiring a California Driver License or Identification helps verify that the applicant is a resident of California, and meets the requirement of Penal Code section 11102.1, subdivision (d)(1), to obtain certification as a fingerprint roller.

Existing subdivisions (c) and (d) were deleted because the application information was moved and amendments were made to other subdivisions, including the specific information an application must provide when an applicant answered a question in the affirmative.

Existing subdivision (d)(1) and new subdivision (a)(3) is amended to read “legal resident of.” This amendment helps verify that the applicant meets the requirement under Penal Code 11102.1, subdivision (d)(1), to obtain certification as a fingerprint roller.

Existing subdivision (d)(2) and new subdivision (a)(4) is amended to add “If yes, please list other names.” This revision is non-substantive. The addition appears in the existing incorporated BCIA 8372 form and is necessary to help DOJ identify the applicant and confirm the fingerprint background check response, which may include aliases. The response will help DOJ determine

whether the individual is sufficiently honest, credible, and trustworthy to obtain certification as a fingerprint roller under Penal Code section 11102.1, subdivision (e).

Existing subdivision (d)(3) and new subdivision (a)(5) was revised to request that the applicant “disclose the date and place of conviction, whether the conviction was for a felony or misdemeanor, and the sentence imposed.” This revision is mostly non-substantive. Substantially similar language except date of conviction appears in the existing incorporated BCIA 8372 form and is necessary for the applicant to elaborate on the details when an applicant answers “Yes.” The response to this question will help DOJ determine whether the applicant should not be certified under Penal Code section 11102.1, subdivisions (f)(1)(A)-(C). Also, an applicant’s truthfulness in responding to this question helps DOJ assess their suitability for this role when comparing the answer and the results of the criminal history background check, and determine whether the individual is sufficiently honest, credible, and trustworthy to obtain certification as a fingerprint roller under Penal Code section 11102.1, subdivision (e).

Existing subdivision (d)(4) and new subdivision (a)(6) was revised to ask the applicant to “disclose the date and state of arrest, whether you are awaiting adjudication, the status of your case, court, and case number.” This revision is mostly non-substantive. Substantially similar but less detailed language appears in the existing incorporated BCIA 8372 form and is necessary for the applicant to elaborate on the details when an applicant answers “Yes.” These revisions are also necessary to obtain information under Penal Code section 11102.1, subdivisions (f)(1)(D) and (f)(1)(E), that will aid DOJ in determining whether an offense is substantially related to the qualifications, functions, or duties of a fingerprint roller. Also, an applicant’s truthfulness in responding to this question helps DOJ assess their suitability for this role when comparing the answer and the results of the criminal history background check, and determine whether the individual is sufficiently honest, credible, and trustworthy to obtain certification as a fingerprint roller under Penal Code section 11102.1, subdivision (e).

New subdivision (a)(7) was added to ask the applicant if they “currently hold any professional or vocational license(s)? If yes, provide the issuing agency, type of license(s), and license number(s).” This applicant information is necessary because the information provided in response helps DOJ determine if the applicant possesses the honesty, credibility, truthfulness, and integrity to become a fingerprint roller under Penal Code section 11102.1, subdivision (d)(3), and illustrates evidence of rehabilitation.

Existing subdivision (d)(5) and new subdivision (a)(8) is revised to add “Have you ever had any professional or vocational license or application denied, suspended, revoked, placed on probation, or other disciplinary action taken by this or any other governmental authority in California, any other state, or any foreign country? If yes, disclose the date, licensing agency, underlying circumstances, and disposition” and to delete “Have you ever been denied a professional license or had such license revoked, suspended, or restricted?” Similar but less detailed language appears in the existing incorporated BCIA 8372 form. These revisions are necessary to more closely align the application with the statute and to obtain information under Penal Code section 11102.1, subdivision (f)(1)(F), that will aid DOJ in determining whether a revocation, suspension, or denial of a professional license is substantially related to the qualifications, functions, or duties of a fingerprint roller.

Existing subdivision (d)(6) and new subdivision (a)(9) was amended to specify the type of suit, civil or administrative, and whether it was grounded in fraud or misrepresentation, which was necessary to help applicants understand what information to provide in response. The subdivision was also amended to ask the applicant “the date, tribunal, case number, underlying circumstances, damages, and disposition.” Similar but less detailed language appears in the existing incorporated BCIA 8372 form. These revisions are necessary for the applicant to elaborate on the details when the applicant answers “Yes.” The information is necessary to ensure that the applicant has not been adjudged liable for damages in any suit grounded in fraud, misrepresentation, or in violation of the state regulatory laws, for which DOJ may refuse to certify an individual as a fingerprint roller, or revoke or suspend the certification of a fingerprint roller pursuant to Penal Code section 11102.1, subdivision (f)(1)(H).

Existing subdivision (d)(7) was deleted to conform the regulations to revised Penal Code section 11102.1, subdivision (f)(1)(K), which was amended to delete failure to satisfy any court ordered money judgment, including restitution, as a reason DOJ may refuse to certify an individual as a fingerprint roller, or revoke or suspend the certification of any fingerprint roller.

Existing subdivision (e) and new subdivision (b) deleted language having the applicant certify that they read the pre-certification materials provided by DOJ because the reference to reviewing pre-certification materials was deleted in existing paragraph (1). This was necessary because review of the pre-certification materials was an optional requirement, and this language was inconsistent by requiring the applicant to attest that they had reviewed the materials.

Existing subdivision (f) and new subdivision (c) was renumbered for consistency.

Subdivision (d) was added to the regulations to note that DOJ would include a privacy notice in the application. Similar but less detailed language appears in the existing incorporated BCIA 8372 form. This addition is necessary for DOJ to comply with the requirements of Civil Code 1798.17, by stating: the name of the agency and the division within the agency that is requesting the information; the title, business address, and telephone number of the agency official who is responsible for the system of records and who shall, upon request, inform an individual regarding the location of their records and the categories of any persons who use the information in those records; the authority, which authorizes the maintenance of the information; that submission of the information in the application is mandatory and the consequences for failing to provide it; the purpose for the collection and use of the information; possible disclosures of the information; and the individual’s right to access the information.

Article 3. Certification Letter

§ 994.8. Ownership and Non-Transferability of Certification.

This section is revised to change its title to “Ownership and Non-Transferability of Certification.” The section is also revised to read “The certification belongs to the individual named in the certification. The certification is not transferable or assignable to another individual

or to an entity.” These revisions are necessary to reinforce and emphasize that a certification is only valid for the individual it has been granted to, and ensures DOJ maintains its oversight of individuals who have been certified as fingerprint rollers.

Article 4. Processing Times and Appeals

The title of the Article was amended to delete “and Appeals,” which was necessary to conform to the deletion of section 994.10.

§ 994.9. Processing Time.

Subdivision (a) is deleted. This revision is necessary because it is no longer required by Government Code section 15376, which was repealed.

Subdivision (b) is revised to delete (b). This revision is necessary for consistency as subdivision (a) of this section was deleted.

This section is revised to delete “other documents,” and add “the California and federal background check response.” These revisions specify what documents must be received by DOJ to complete the processing of a fingerprint roller application. This section also adds “either approve or deny the application. When an application is approved, DOJ shall...” This clarifies what actions DOJ will take and that DOJ will forward a certification notice to an applicant only if an application is approved. The language is also amended to delete “If after processing the application the applicant has been determined to not meet the requirements for certification, DOJ shall notify the applicant that the application has been denied along with a statement of reasons on which the denial is based.” This revision was necessary because this section only dealt with the time to review a completed application, and other sections apply to a denial of an application. The phrases “complete the processing of the application and” and “of these regulations” were also deleted because they were unnecessary and superfluous language that decreased the regulation’s readability.

§ 994.10. Processing Time Appeal Process.

Existing section 994.10 is deleted. This revision is necessary because it is no longer required by Government Code sections 15376 and 15378, which were repealed. DOJ has determined that an appeal process for timing delays is unnecessary because it has rarely been used by applicants, delays rarely occur, and applicants have other remedies available.

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

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

The title of this section is non-substantively amended to add a comma.

Existing section 994.11 is renumbered to 994.10 for consistency throughout the regulations. The title of this section is also non-substantively amended to add a comma for grammatical purposes.

Subdivision (a) is revised to delete “The DOJ may deny an application for certification, or may suspend or revoke an existing certification, for reasons as specified in Penal Code section 11102.1” and to add “For purposes of Penal Code section 11102.1:” These revisions are necessary for clarity purposes and to let applicants know how DOJ interprets certain subdivisions of Penal Code section 11102.1.

New subdivision (a)(1) specifies that DOJ, when determining whether an individual was convicted of an offense, will still consider convictions that received relief under the indicated Penal Code sections because applicants sometimes believe incorrectly that receiving relief under these Penal Code sections means that their conviction had been “expunged” and no longer on their record, and appeal DOJ’s denial of their application on the grounds that these were not convictions. This subdivision is necessary to describe the criteria DOJ will use when determining whether an offense is substantially related to the qualifications, functions, or duties of a fingerprint roller and how DOJ interprets the term “conviction” under Penal Code section 11102.1, subdivisions (f)(1)(A)-(B).

New subdivision (a)(2) specifies that if a court reduced an individual’s felony conviction to a misdemeanor, and the reduction was reported to DOJ by the court and included in the background check result, DOJ will consider the conviction a misdemeanor. Applicants will appeal denials because they claim that the court reduced their felony conviction to a misdemeanor and ask DOJ to ignore the results of the background check that show the court reported it as a felony conviction. However, DOJ can only rely on information reported by the court and reflected in the background check result, and not on claims made by the applicant. This subdivision is necessary to describe the criteria DOJ will use when determining whether an offense is substantially related to the qualifications, functions, or duties of a fingerprint roller and what offenses it considers a felony under Penal Code section 11102.1, subdivision (f)(1)(A).

Subdivision (a)(3) is added to ensure the regulations conform to revised Penal Code section 11102.1, which mandates that DOJ consider the nature and gravity of an offense, the passage of time since the date of the offense, and whether the applicant has offered credible evidence of rehabilitation when determining whether to deny certification to an applicant on the basis of their criminal history and if an offense is substantially related to the qualifications, functions, or duties of a fingerprint roller under Penal Code section 11102.1, subdivisions (f)(1) and (g).

New subdivision (a)(3)(A) describes information DOJ will consider when evaluating the nature and gravity of an offense. New subdivision (a)(3)(B) allows DOJ to consider the number of years that have passed since the date of the conviction in determining if the individual has the required qualifications and abilities to perform the functions and duties of a fingerprint roller. New subdivision (a)(3)(C) describes information DOJ will consider credible evidence of rehabilitation that demonstrates an individual has the required qualifications and abilities to perform the functions and duties of a fingerprint roller. The regulation is necessary to remove barriers to certification for persons with past criminal convictions who are otherwise qualified and have

presented substantial evidence of rehabilitation and will align DOJ's certification standards with other licensing schemes in California.

Existing subdivision (b) was deleted because its language was moved to subdivision (c) to avoid duplication.

Existing subdivision (c) and new subdivision (b) was revised to change applicant to individual, to delete "[a]n Administrative Hearing Officer" and replace it with "DOJ Reviewing Officer." These revisions are necessary because the broader term individual encompasses current fingerprint rollers, who also have an ability to submit a reconsideration request, not just applicants, which made the subdivision too narrow in scope. The revisions also clarify that DOJ's employees will assume responsibility for reviewing the initial requests for reconsideration. This subdivision is also revised to add "including any credible evidence of rehabilitation as listed in subdivision (a)(3)(C) not previously presented" to clarify that applicants can provide credible evidence of rehabilitation in accordance with the revised regulations when filing a request for reconsideration to DOJ.

The authority and reference section is non-substantively amended to update the citations.

§ 994.12. Administrative Hearing.

Existing section 994.12 is renumbered to 994.11 for consistency throughout the regulations. This section revises DOJ's administrative hearing process.

New subdivision (a) is added to specify how an individual may appeal DOJ's decision on reconsideration, what the individual should submit to support their appeal, and sets forth a reasonable timeframe within which a hearing can be held before an administrative law judge.

Subdivision (b) was added to incorporate the procedures under Government Code sections 11500 through 11529 of the APA for administrative evidentiary hearings for all state agencies. (Gov. Code, § 11410.20.) If no other governing procedure is provided by statute or regulation, an agency may conduct a formal hearing under the APA. (Gov. Code, § 11415.10, subd. (a).) The procedures apply as determined by a state agency's statute or regulation. (Gov. Code, § 11501, subd. (b).) Some state agencies follow administrative evidentiary hearing procedures pursuant to statutes and regulations that do not incorporate the APA, while others follow statutes and regulations that incorporate only selected provisions of the APA. Existing fingerprint roller regulations establish alternative administrative evidentiary hearing procedures that do not incorporate the APA. This section authorized DOJ to designate an administrative hearing officer if a hearing has been requested. DOJ does not have an administrative hearing officer. This section is no longer consistent with DOJ's current practice. For disputes regarding denial, suspension, or revocation of fingerprint roller certifications, DOJ refers the matter to the Office of Administrative Hearings (OAH) where the matter is heard by an administrative law judge under the APA. DOJ proposes to amend this section to replace its alternative administrative evidentiary hearing procedures with the APA's hearing procedures.

This amendment will align the regulation with DOJ's current practice. DOJ has determined that referring disputes to OAH is more efficient than following an alternative hearing process. Administrative law judges at OAH are experienced at holding hearings and DOJ does not currently have staff with the same level of hearing experience.

Accordingly, subdivisions (a) through (d) were removed and replaced with: "[i]f a hearing is timely requested by an applicant or permittee under these regulations, the matter shall be referred for administrative adjudication in accordance with chapter 5 (commencing with section 11500) of part 1, division 3, title 2 of the Government Code for a determination of whether a permit should be granted or restored." This amendment is necessary to replace DOJ's alternative hearing procedures with the APA hearing process.

The authority and reference section is non-substantively amended to update the citations.

§ 994.13. Time and Place of Administrative Hearing.

This section requires DOJ to notify the permittee of the time and place of a hearing. This section was repealed because the APA contains its own rules for notices and participation. This amendment is necessary to replace DOJ's alternative hearing procedures with the APA hearing process.

§ 994.14. Evidence Rules.

This section establishes evidentiary rules for hearings. This section was repealed because the APA contains its own rules of evidence. This amendment is necessary to replace DOJ's alternative hearing procedures with the APA hearing process.

§ 994.15. Proposed Decision.

This section established the process for DOJ to reach a final decision. This section was repealed because the APA contains its own rules for reaching a final decision. This amendment is necessary to replace DOJ's alternative hearing procedures with the APA hearing process.

Article 6. Fingerprint Roller Responsibilities

§ 994.12. Fingerprint Roller Responsibilities.

New section 994.12 specifies the responsibilities fingerprint rollers have related to the protection, use, handling, and disclosure of personal information considered to be confidential under California law. This section is necessary to protect the privacy of California residents whose confidential personal information is contained in a live scan transaction by specifying the conditions for use and disclosure of this information.

Subdivision (a) limits the collection of information to only that which is required to perform an applicant live scan transaction. This subdivision is necessary because collecting unnecessary personal information poses a risk to the privacy of individuals undergoing live scans. This

subdivision is also necessary because it ensures confidential personal information is not being used for improper purposes.

Subdivision (b) requires fingerprint rollers to accurately and completely enter the data or images into the fields on the live scan device and prohibits them from omitting or modifying existing valid data. This subdivision is necessary to ensure that applicant data is accurate.

Subdivision (c) prohibits fingerprint rollers from using personal application information for any other purpose other than the applicant's live scan transaction. This subdivision is necessary to protect the privacy of the individuals whose personal information is contained in the live scan application and ensures that applicant data is being used only for the purpose authorized.

Subdivision (d) prohibits fingerprint rollers from using, sharing, replicating, compiling, altering, or deleting applicant information. This subdivision is necessary to protect the privacy of the individuals whose personal information is contained in the live scan application and ensures that applicant data is being used only for the purpose authorized.

Subdivision (e) requires fingerprint rollers to take basic precautions to protect application information from unauthorized access. Subdivisions (e)(1)-(4) specify the minimum precautions that fingerprint rollers must take to protect applicant information from unauthorized access. This section is necessary to protect the confidential personal information of individuals undergoing live scans by ensuring proper safeguards are in place to limit the possible disclosure of confidential information to unauthorized individuals or entities.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

DOJ concludes:

(1) It is unlikely that the proposal would create or eliminate jobs within the state because it only outlines the application process for DOJ's Fingerprint Roller Certification Program (FRCP), including the criteria DOJ will use to determine if an offense is substantially related to the qualifications, functions, or duties of a fingerprint roller, and specifies appeal procedures related to denied or revoked certifications.

(2) It is unlikely that the proposal would create new businesses or eliminate existing businesses within the state because it only outlines the application process for DOJ's FRCP, including the criteria DOJ will use to determine if an offense is substantially related to the qualifications, functions, or duties of a fingerprint roller, and specifies appeal procedures related to denied or revoked certifications.

(3) It is unlikely that the proposal would result in the expansion of businesses currently doing business within the state because it only outlines the application process for DOJ's FRCP, including the criteria DOJ will use to determine if an offense is substantially related to the qualifications, functions, or duties of a fingerprint roller, and specifies appeal procedures related to denied or revoked certifications.

DOJ also concludes that:

(1) The proposal may have a discernable impact on the health and welfare of California residents because individuals may be approved as a fingerprint roller despite their criminal record, allowing those with criminal records additional employment and professional opportunities which will impact not only the individuals but perhaps increase public safety in their communities by reducing recidivism. Additionally, the regulations require that the fingerprint rollers do not tamper with or change the information of the individuals who submit their prints. These requirements will ensure that the fingerprint rollers submit accurate data for background checks. Submitting accurate data will ensure that the background checks are properly conducted on the individuals who may serve vulnerable populations or hold positions of trust. Finally, California residents submit their fingerprints and confidential personal information for many reasons, such as employment, licensing, certification, or volunteer opportunities. These regulations will help protect the privacy of their information.

(2) The proposal would not have a discernable impact on worker safety because it only outlines the application process for DOJ's (FRCP), including the criteria DOJ will use to determine if an offense is substantially related to the qualifications, functions, or duties of a fingerprint roller, and specify appeal procedures related to denied or revoked certifications.

(3) The proposal would not have a discernable impact on the state's environment because it only outlines the application process for DOJ's FRCP, including the criteria DOJ will use to determine if an offense is substantially related to the qualifications, functions, or duties of a Fingerprint Roller, and specify appeal procedures related to denied or revoked certifications.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS OR SIMILAR DOCUMENTS RELIED UPON

DOJ did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing these regulations.

EVIDENCE SUPPORTING DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

DOJ has made an initial determination that the proposed action would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

DOJ determines that these proposed regulations do not have an adverse impact on small businesses.

REASONABLE ALTERNATIVES TO THE PROPOSED ACTION AND THE AGENCY'S REASON FOR REJECTING THOSE ALTERNATIVES

DOJ finds that no alternatives were presented to, or considered by, DOJ that would be more effective in carrying out the purpose of these proposed regulations or would be as effective and less burdensome to affected private persons than these proposed regulations.

Performance Standard as Alternative:

The proposed regulation requires Fingerprint Roller applicants to provide necessary information on a form prescribed by DOJ. Prescribing a form is the easiest way to make sure that the Fingerprint Roller applicant provides all required information.