

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**

NOTICE OF PROPOSED RULEMAKING

Notice published May 1, 2026

The Department of Justice (DOJ) proposes to repeal or amend sections 994, 994.1, 994.2, 994.4, 994.8, 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, and 994.15 of title 11, division 1, chapter 13.6 of the California Code of Regulations concerning the Department of Justice Regulations for the Certification of Individuals Who Take Fingerprint Impressions for non-law-enforcement purposes.

PUBLIC HEARING

DOJ has not scheduled a public hearing on this proposed regulatory action. However, DOJ will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on **June 16, 2026, at 5:00 p.m.** Only written comments received by that time will be considered. Please submit written comments to:

Department of Justice
California Justice Information Services Division
Attn: Tessa Edwin
P.O. Box 903387
Sacramento, CA 94203-3870
(916) 210-3142
fpcert@doj.ca.gov

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Authority: Section 11102.1, Penal Code.

Reference: Section 11102.1, Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

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, 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.

Effect of the Proposed Rulemaking:

The proposed regulations specify the application process for DOJ's Fingerprint Roller Certification Program (FRCP), including the criteria for determining whether an offense is substantially related to the qualifications, functions, or duties of a fingerprint roller, specify appeal procedures related to denied or revoked certifications by replacing alternative administrative hearing procedures with the hearing process in chapter 5 of the Administrative Procedure Act (APA), and setting forth fingerprint roller responsibilities.

Anticipated Benefits of the Proposed Regulations:

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 APA, and codify requirements for the protection, use, and handling of confidential information.

Comparable Federal Regulations:

There are no existing federal regulations or statutes comparable to these proposed regulations.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

DOJ has determined that these proposed regulations are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, DOJ has concluded that these are the only regulations that concern certification of qualified applicants who apply to become fingerprint rollers.

Forms Incorporated by Reference:

1. Repeal: BCIA 8372 (rev. 07/2010) - Application for Certification for Non-Exempted Individuals to Take Fingerprint Impressions

Other Statutory Requirements:

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

DOJ’s Initial Determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other non-discretionary costs or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on representative person or business: DOJ is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: None.

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

Results of the Economic Impact Assessment (EIA):

DOJ concludes that it is unlikely that the proposal (1) will create or eliminate jobs within the state, (2) will create new businesses or eliminate existing businesses within the state, (3) or will result in the expansion of businesses currently doing business within the state.

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 will not have a discernable impact on worker safety.

(3) The proposal will not have a discernable impact on the state's environment.

Business report requirement: None.

Small business determination: DOJ has determined that this proposed action does not affect small businesses because these regulations only specify 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. Additionally, codifying security requirements do not require small businesses to incur any new costs. Certified fingerprint rollers already have safeguards in place to protect confidential information.

CONSIDERATION OF ALTERNATIVES

Government Code section 11346.5, subdivision (a)(13), requires that DOJ must determine that no reasonable alternative considered by DOJ or that has otherwise been identified and brought to the attention of DOJ would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. DOJ invites interested persons to submit alternatives with respect to the proposed regulations during the written comment period.

DOJ has determined that the proposed regulations are the most effective way to specify the application process for DOJ's FRCP, including appeal procedures related to denied or revoked certifications.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Department of Justice
California Justice Information Services Division
Attn: Tessa Edwin
P.O. Box 903387
Sacramento, CA 94203-3870
(916) 210-3142
fpcert@doj.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Department of Justice
California Justice Information Services Division
Attn: Jennifer Price
P.O. Box 903387
Sacramento, CA 94203-3870
(916) 210-3142
fpcert@doj.ca.gov

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

DOJ will have the entire rulemaking file available for inspection and copying throughout the rulemaking process upon request to the contact person above. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the "express terms" of the regulations), the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on DOJ's website at <https://www.oag.ca.gov/regulations>. Please refer to the contact information listed above to obtain copies of these documents.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After DOJ analyzes all timely and relevant comments received during the 45-day public comment period, DOJ will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If DOJ makes modifications which are

sufficiently related to the originally-proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before DOJ adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. DOJ will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons will be available on DOJ's website at <https://www.oag.ca.gov/regulations>. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on DOJ's website at <https://www.oag.ca.gov/regulations>.