

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



May 26, 2005

ALL-COUNTY INFORMATION NOTICE NO. I-29-05

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL PUBLIC ADOPTION AGENCIES
ALL CDSS ADOPTIONS DISTRICT OFFICES
ALL LICENSED PRIVATE ADOPTION AGENCIES

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: MANDATORY ELECTRONIC TRANSMISSION REQUIREMENT FOR FINGERPRINT SUBMISSIONS

The purpose of this letter is to provide information regarding recently enacted legislation that will change the method that fingerprint images and associated data may be submitted to the Department of Justice (DOJ).

Senate Bill 970 (Ortiz), Chapter 470, Statutes of 2003, added Section 11077.1 to the California Penal Code. This section provides that, effective July 1, 2005, the DOJ may only accept fingerprint images and related information to process requests for criminal offender record information (CORI) for employment, licensing, certification, custodial child placement, or adoption purposes, if those images and related information are electronically transmitted. Fingerprint cards (FD 258) received by the DOJ after July 1, 2005, will be returned to the submitting agency for resubmission to the DOJ in the required electronic format.

It is important that applicants are advised of the new electronic submission requirement, and that initial use of Live Scan will avoid delays in processing criminal background clearance requests, as well as additional rolling fees that may be associated with fingerprint resubmissions. The DOJ may, where specific circumstances warrant, accept fingerprint cards (FD 258) if necessary to process requests for CORI. The form to request an exemption from the electronic transmission requirement will be available on the Attorney General's website at <http://www.ag.ca.gov/publications/index.htm>. Effective May 1, 2005, the DOJ will no longer supply fingerprint cards (FD 258) unless a specific need is demonstrated, or the requestor is granted an exemption from the electronic submission requirement.

All-County Information Notice No.
Page Two

Enclosed are copies of the DOJ Information Bulletin that delineates the specific legislative changes effective July 1, 2005, and the form to request an exemption from the electronic transmission requirement.


If you have any questions regarding the change to the fingerprint submission process for relative approvals please contact Myrna Hernandez, Policy Analyst, Kinship Care Policy & Support Unit at (916) 654-1883. If you have any questions regarding this change to the fingerprint submission process for adoptions please contact Azadeh M-Fares at (916) 657-3751, Policy Analyst, Concurrent Planning Policy Unit.

Sincerely,

Original Document Signed By

BARBARA EATON
Acting Deputy Director
Children and Family Services Division

Bill Lockyer, Attorney General

<p>California Department of Justice DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES Nick L. Dedier, Director/CIO</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Mandatory Electronic Transmission Requirement for Applicant Fingerprint Submissions</p>	<p><i>No.</i> 05-04-BCI I</p> <hr/> <p><i>Date:</i> 02/8/05</p>	<p><i>Contact for information:</i> Record Improvement and Field Liaison Program (916) 227-3332</p>


TO: ALL CALIFORNIA APPLICANT REGULATORY AGENCIES

This is to advise all California applicant regulatory agencies of recently enacted legislation that will change the method that fingerprint images and associated data may be submitted to the Department of Justice (DOJ). Senate Bill 970 (Ortiz), Chapter 470, Statutes of 2003, added section 11077.1 to the California Penal Code. This section provides that, commencing *July 1, 2005*, the DOJ may only accept fingerprint images and related information to process requests for criminal offender record information (CORI) for employment, licensing, certification, custodial child placement, or adoption purposes, *if those images and related information are electronically transmitted*. Therefore, fingerprint cards (FD 258) received by the DOJ after July 1, 2005 will be returned to the submitting agency for resubmission to the DOJ in the required electronic format. It is important that applicants be advised of the new electronic submission requirement to avoid delays in processing CORI requests, as well as additional rolling fees that may be associated with fingerprint resubmissions. A current listing of Live Scan sites offering electronic fingerprint services is available to the public on the Attorney General's (AG's) website at: www.ag.ca.gov/fingerprints/publications/contact.pdf.

The above legislation also resulted in the establishment of a separate communication network to allow the electronic transmission of applicant fingerprints to the DOJ directly from private fingerprint service providers in California. The ability to connect directly to the DOJ communication network is expected to result in the expansion of privately operated applicant Live Scan sites across California, and provide greater public accessibility to electronic fingerprint services. The DOJ will continually monitor the statewide availability of electronic transmission sites, and may, where specific circumstances warrant, accept fingerprint cards (FD 258) if necessary to process requests for CORI. The form to request an exemption from the electronic transmission requirement is available on the AG's website at: www.ag.ca.gov/fingerprints/publications/exemption.pdf; and is included on Page 2 of this Information Bulletin.

As a result of the impending elimination of hard fingerprint card processing associated with applicant CORI requests, effective May 1, 2005, the DOJ will no longer supply fingerprint cards (FD 258) unless a specific need has been demonstrated, or the requestor has been granted an exemption from the electronic submission requirement.

Sincerely,


GARY COOPER, Bureau Chief
Bureau of Criminal Identification and Information

For **BILL LOCKYER**
Attorney General

**REQUEST FOR EXEMPTION FROM
MANDATORY ELECTRONIC FINGERPRINT
SUBMISSION REQUIREMENT**

BCII 9004 (3/05)

Bureau of Criminal Identification and Information
P.O. Box 903417
Sacramento, CA 94203-4170

APPLICANT INSTRUCTIONS: Please type or print clearly all information. Illegible or incomplete information may result in processing delays or denial of your request. Mail this form, together with your fingerprint card(s) (FD258), to the above address.

APPLICANT'S NAME:

LAST

FIRST

MIDDLE

APPLICANT'S ADDRESS:

STREET

CITY

COUNTY

STATE

ZIP CODE

EMPLOYER OR LICENSING AGENCY:**BASIS FOR EXEMPTION:**

1. • • NO REGIONAL ACCESS TO FINGERPRINTING SERVICES:

Nearest Electronic Fingerprint Site: (Refer to public sites listed on the Attorney General's website at <http://ag.ca.gov/fingerprints/publications/contact.htm>)

BUSINESS NAME

ADDRESS

2. • • OTHER (explain):

Pursuant to California Penal Code section 11077.1(b), I request an exemption from the mandatory electronic fingerprint submission requirement. I certify that the foregoing is true and correct.

APPLICANT'S SIGNATURE

DATE

The Department of Justice will evaluate your request and determine whether adequate justification exists to accept your hard fingerprint card(s) in order to process a request for criminal offender record information for employment, licensing, certification, child placement, or adoption purposes.