**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**

**TEXT OF MODIFIED REGULATIONS**

The original text published in the California Code of Regulations has no underline. The initial proposal (noticed on May 1, 2026) is illustrated by single blue underline for proposed additions and ~~single red strikethrough~~ for proposed deletions. Changes made after the 45-day comment period are illustrated by **bold double underline** for proposed additions and ~~**bold double strikethrough**~~ for proposed deletions.

## Article 1. General

~~**§ 994. Title.**~~

~~This chapter shall be known as the "Department of Justice Regulations for the Certification of Non-Exempted Individuals Who Take Fingerprint Impressions," may be cited as such and will be referred to herein as "these regulations."~~

~~NOTE: Authority cited: Section 11102.1, Penal Code. Reference: Section 11102.1, Penal Code.~~

~~**§ 994.1. Scope.**~~

~~The provisions of these regulations implement, interpret, and make specific the mandate in California Penal Code section 11102.1 which became effective January 1, 2003. The mandate requires the Department to certify individuals who take fingerprint impressions for criminal offender record information (CORI) clearances for employment, licensing, and certification purposes. Individuals who are law enforcement personnel, or who are state employees who have received training pertaining to applicant fingerprinting and have undergone a criminal offender record information background investigation are exempted from these regulations. These regulations also establish procedures for the application form and for the issuance of the required~~

~~certification number and notification process. These regulations also set forth appeal procedures if the application is denied, suspended, or revoked.~~

~~NOTE: Authority cited: Section 11102.1, Penal Code. Reference: Section 11102.1, Penal Code.~~

**§ 994.2. Definitions of Key Terms.**

~~(a) "Administrative Hearing Officer" means an individual designated by the Director to conduct any hearing required under these regulations.~~

(~~b~~a) "Applicant Live Scan" means a system for the electronic submission of applicant fingerprints.

~~(c) "Attorney General" means the Attorney General of the State of California.~~

(~~d~~b) "~~CDL or~~ California Driver's License" means a license to drive a vehicle issued by the California Department of Motor Vehicles (DMV), which may be used as evidence of identity, age, and residence.

(ec) "~~CA ID or~~ California Identification" means a form of identification issued by the ~~California Department of Motor Vehicles~~DMV, which may be used as evidence of identity, age, and residence.

(~~f~~d) "CORI~~"~~ or ~~"c~~**C**~~C~~riminal **o**~~O~~ffender **r**~~R~~ecord **i**~~I~~nformation" means the same as defined in Penal Code section 13102.

~~(g) "Director" means the Director of the Division of California Justice Information Services, Department of Justice, State of California.~~

(~~h~~e) "DMV" means the California Department of Motor Vehicles.

(~~i~~f) "DOJ" means the California Department of Justice.

(g) "DOJ **r**~~R~~eviewing **o**~~O~~fficer" means the DOJ manager who will review the request for reconsideration after a denial, suspension, or revocation.

(h) "Fingerprint r~~R~~oller" means non-exempted individuals that have received a certification from DOJ to take fingerprint impressions of others for licensing, employment, and certification purposes.

(~~j~~i) "Non-**e**~~E~~xempted **i**~~I~~ndividuals" means those individuals not exempted from the certification requirements of these regulations as specified in Penal Code section 11102.1, subdivisions (a)(2)(A) and (a)(2)(B)~~(2)(A)(B)~~. ~~**It does not include those who are law enforcement personnel,**~~

~~**state employees, or employees of a tribal gaming agency who have received training pertaining to applicant fingerprinting and have undergone a criminal offender record information background investigation.**~~

~~(k) "SSN" means the Social Security Number as issued by the United States Social Security Administration.~~

NOTE: Authority cited: Section 11102.1, Penal Code. Reference: Section 17520, Family Code; Section 11425.30, Government Code; and Sections 11102.1, 13102 and 13125, Penal Code.

**Article 2. Qualifications and Application for Certification**

[Omitting § 994.3.]

**§ 994.4. Application for Certification.**

(a) An~~y~~ individual ~~who desires to apply~~ applying for certification**, on a form prescribed by DOJ and available on the Attorney General's fingerprint rolling certification webpage, must mail the application to the Department of Justice, Fingerprint Rolling Certification Program, P.O. Box 903387, Sacramento, CA 94203-3870, and** must provide responses to the following requests for information on the application: ~~under these regulations can access the BCIA 8372 (rev. 07/10) "Application for Certification for Non-Exempted Individuals to Take Fingerprint Impressions," on the Attorney General's website, located under the Fingerprint Submissions heading. Also on the Attorney General's website are pre-certification materials that each applicant may review prior to submitting the application. This Form is incorporated herein by reference.~~

~~The application form shall contain the following information:~~

(~~a~~1) The applicant's full name, date of birth, address, including the city, ~~county~~state, and ~~zip~~ZIP code, email address, Social Security Number, and ~~tele~~phone number ~~of the person applying for certification~~.

(~~b~~2) The applicant's California Driver's License number on a valid California Driver's License issued by the DMV, or a California ~~ID~~Identification number on a valid California I~~i~~dentification card issued by the DMV.

~~(c) The SSN of the person applying for certification.~~

~~(d) A yes or no answer to the following questions. Except in item (1), in any case where a yes answer is given, an explanation must be provided in the space provided on the application:~~

(~~1~~3) ~~**Are you**~~**Whether the applicant is** a legal resident of California ~~resident.~~**?**

(~~2~~4) ~~**Have you**~~**Whether the applicant has** ever used a name other than the one on ~~**this**~~**the** application**.**~~**?**~~ ~~**If yes, please**~~ **If the applicant has ever used a name other than the one on the application, the applicant shall** list **the** other names.

(~~3~~5) ~~**Have you**~~**Whether the applicant has** ever been convicted by any court of a felony or misdemeanor offense in California or any other state**.**~~**?**~~ ~~**If yes,**~~ **If the applicant has ever been convicted by any court of a felony or misdemeanor offense in California or any other state, the applicant shall** disclose the date and place of conviction, whether the conviction was for a felony or misdemeanor, and the sentence imposed.

(~~4~~6) ~~**Have you**~~**Whether the applicant has** ever been arrested in California or any other state and/or ~~**are you**~~ **is the applicant** awaiting adjudication for any offense for which ~~**you**~~ **the applicant** ~~**were**~~ **was** arrested**.**~~**?**~~ If ~~**yes**~~**the applicant has ever been arrested in California or any other state, the applicant shall** disclose the date and state of arrest, whether ~~**you**~~ **the applicant is** ~~**are**~~ awaiting adjudication, **and** the status of ~~**your**~~**the applicant's** case, court, and case number.

(7) ~~**Do you**~~**Whether the applicant** currently hold**s** any professional or vocational license(s)? If ~~**yes,**~~**the applicant currently holds any professional or vocational license(s), the applicant shall** provide the issuing agency, type of license(s), and license number(s).

(~~5~~8) ~~Have you ever been denied a professional license or had such license revoked, suspended, or restricted?~~~~**Have you**~~**Whether the applicant has** 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**~~**the applicant has ever had any professional or vocational license or application denied, suspended, revoked, placed on probation, or has had other disciplinary action taken by this or any other governmental authority in California, any other state, or any foreign country, the applicant shall** disclose the date, licensing agency, underlying circumstances, and disposition.

(~~6~~9) ~~**Have you**~~**Whether the applicant has** ever been adjudged liable for damages in any civil or administrative suit grounded in fraud, misrepresentation, or in violation of state regulatory laws**.**~~**?**~~ If ~~**yes**~~**the applicant has ever been adjudged liable for damages in any civil or administrative**

**suit grounded in fraud, misrepresentation, or in violation of state regulatory laws, the applicant shall** disclose the date, tribunal, case number, underlying circumstances, damages, and disposition.

~~(7) Have you ever failed to satisfy any court ordered money judgment including restitution?~~

(~~e~~b) Applicant must sign under penalty of perjury and certify on the application to the following: "~~I certify that I have read the pre-certification materials provided by the DOJ.~~ I certify under penalty of perjury under the laws of the State of California to the truth and accuracy of all statements, answers, and representations made in the foregoing application, including all supplementary statements."

(~~f~~c) Misrepresentation or failure to disclose requested information on the application for certification is cause for denial or revocation of certification.

(d) DOJ will also provide the following privacy notice on the application:

**(1)** **Collection and Use of Personal Information.** The California Justice Information Services (CJIS) Division in the California Department of Justice (DOJ) collects the information requested on this form as authorized by Penal Code section 11102.1, subdivision (d)(3). The CJIS Division uses this information for the purpose of providing fingerprint-based criminal offender record information (CORI) background checks on individuals who roll fingerprint impressions manually or electronically for non-law enforcement purposes (licensure, employment, certification, custodial child placement, or adoption purposes). In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. DOJ's general privacy policy is available at: **https://oag.ca.gov/privacy-policy.**

**(2)** **Providing Personal Information**. All the personal information requested in the form must be provided. Failure to provide the requested information will result in denial of the application.

**(3)** **Access to Your Information**. You may review the records maintained by the CJIS Division in DOJ that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

**(4)** **Possible Disclosure of Personal Information.** In order to provide fingerprint-based CORI background checks on individuals who roll applicant fingerprint

impressions manually or electronically for non-law enforcement purposes (licensure, employment, certification, custodial child placement, or adoption purposes), we may need to share the information you give us with other law enforcement, regulatory agencies, or businesses where the transfer is necessary to perform its statutory duties.

**(5)** The information you provide may also be disclosed in the following circumstances:

**(i)** With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes; Or

**(ii)** To another government agency as required by state or federal law.

**(6)** **Contact Information.** For questions about this notice or access to your records, you may contact the Fingerprint Rolling Certification Program manager by email at FPCERT@doj.ca.gov, by phone at (916) 210-2922, or via mail at: California Department of Justice Records & Biometric Identification Branch Fingerprint Rolling Certification, P.O. Box 903387, Sacramento, CA 94203-3870.

NOTE: Authority cited: Section 11102.1, Penal Code. Reference: Section 17520, Family Code; and Sections 11102.1 and 13125, Penal Code.

[Omitting § 994.5]

**Article 3. Certification Letter**

[Omitting §§ 994.6 and 994.7.]

**§ 994.8. Ownership and Non-Transferability of Certification.**

The certification belongs to the individual named in the certification. The certification is not transferable or assignable to another individual or to an entity.

NOTE: Authority cited: Section 11102.1, Penal Code. Reference: Section 11102.1, Penal Code.

**Article 4. Processing Times ~~and Appeals~~**

**§ 994.9. Processing Time.**

~~The following time standards will apply to the processing of applications for certification if individuals who take fingerprint impressions:~~

~~(a) Within 30 days after the date of receipt of an application for certification, the DOJ shall notify the applicant in writing that the application has been received and is being processed as complete, or that the application is deficient. If the application is deficient, the written notice will specify what specific additional information is required.~~

~~(b)~~ Within 120 days after the receipt of a completed application, and ~~other documents~~the California and federal background check response as specified in section 994.5 ~~of these regulations~~, ~~the~~ DOJ shall ~~complete the processing of the application and~~ either approve or deny the application. When an application is approved, DOJ shall forward a certification notice as specified in section 994.6 ~~of these regulations~~. ~~If after processing the application the applicant has been determined to not meet the requirements for certification, the DOJ shall notify the applicant that the application has been denied along with a statement of reasons on which the denial is based~~.

NOTE: Authority cited: Section 11102.1, Penal Code. Reference: Section 11102.1, Penal Code.

**~~§ 994.10. Processing Time Appeal Process.~~**

~~(a) If the DOJ fails to meet the time period for concluding the processing of an application for certification, the applicant may apply in writing for la full refund of all applicable fees. The request must be received by the DOJ within 30 days from the date of service of the final decision granting or denying the certification.~~

~~(b) The DOJ shall respond within 10 days from the date of receipt of a request for refund.~~

~~(c)If the refund is denied by the DOJ, the applicant may directly appeal the denial in writing to the Director. The appeal must be filed within 20 days from the date of service of the refund denial from the DOJ. The appeal shall set forth a concise statement of facts and chronology of events regarding the application for certification.~~

~~(d)An appeal in subsection (c) of this section will promptly be reviewed, and a decision will be issued within 30 days from the completion of any investigation which the Director deems appropriate. The appeal in subsection (c) of this section will be decided in the applicant's favor if the DOJ has exceeded its maximum time period for the issuance or denial of the application for certification, and the DOJ has failed to establish good cause for exceeding this time period.~~

~~(e)The DOJ shall include information regarding this appeal process with all denial notices.~~

~~NOTE: Authority cited: Section 11102.1, Penal Code. Reference: Section 11102.1, Penal Code.~~

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

**§ 994.~~11~~10. Denial, Revocation, or Suspension of Existing Certification**.

(a) For purposes of Penal Code section 11102.1: ~~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.~~

(1) Convictions that received relief under Penal Code sections 1203.4, 1203.4a~~, subdivision (a)~~, 1203.41, 1203.42, 1203.425, 1203.44, or 1203.49 are convictions.

(2) If a court reduced a felony conviction to a misdemeanor and reported the reduction to DOJ, and the reduction is included in the background check results, DOJ will consider the conviction a misdemeanor.

(3) When determining whether an arrest or conviction is substantially related to the qualifications, functions, or duties of a fingerprint roller, DOJ will consider the following factors:

(A) The nature and gravity of the offense, including the age of the individual at the time of the offense and whether the offense indicates dishonesty, fraud, deceit, lack of credibility, lack of integrity, or that the individual cannot be trusted to handle confidential information or transmit fees to DOJ.

(B) The number of years that have passed since the date of the conviction.

(C) Whether the individual has offered credible evidence of rehabilitation, including but not limited to, whether the individual:

(i) Had only one conviction;

(ii) Received judicial or automatic record relief on their criminal record;

(iii) Successfully served any sentence imposed for the disqualifying conviction as reflected in their criminal history record;

(iv) Obtained any educational degrees or certificates since the arrest or conviction;

(v) Obtained any professional certificates or licenses issued by other state or regulatory agencies that have remained in good standing and never **been** revoked;

(vi) Held other employment or volunteer positions indicating the individual has the required qualifications and ability to perform the functions and duties of a fingerprint roller;

(vii) Offers character references attesting to their ability to perform the functions and duties of a fingerprint roller; and

(viii) Demonstrates honesty, transparency, and accountability regarding their criminal history in their application.

~~(b) When an application is denied, or existing certification is suspended or revoked, the DOJ shall provide the applicant with a written notice which will specify all causes on which the denial, suspension, or revocation is based.~~

(~~c~~b) When an application is denied, or when an existing certification is suspended or revoked, DOJ shall provide the individual with a written notice which shall specify all causes on which the denial, suspension, or revocation is based. ~~t~~**T**he individual~~applicant~~ may file, within 30 days from the date of the written notification of the denial, suspension, or revocation, a written request for reconsideration by a~~n Administrative Hearing Officer~~ DOJ **r**~~**R**~~eviewing **o**~~**O**~~fficer. ~~Such requests may include any and~~ The individual shall include all evidence and legal arguments ~~which the applicant feels is relevant~~ to support a reconsideration of the application, suspension, or revocation, including any evidence of rehabilitation as listed in subdivision (a)(3)(C) not previously presented. The DOJ **r**~~**R**~~eviewing **o**~~**O**~~fficer shall provide the individual~~applicant~~ with a written notice of its final decision within 60 days of the time the request for reconsideration is received.

NOTE: Authority cited: Section 11102.1, Penal Code; and Section 11400.20, Government Code. Reference: Section 11102.1, Penal Code~~; and Sections 11445.10-11445.60, Government Code~~.

**§ 994.~~12~~11. Administrative Hearing.**

(a) If the individual is not satisfied with the decision made by the DOJ r~~R~~eviewing o~~O~~fficer in section 999.10, subdivision (b), the individual may submit a written request **for an administrative adjudication within 30 days from the date the DOJ reviewing officer provides the individual with a written notice of its final decision and shall include~~,~~ ~~including~~** the reason for the request and all evidence and legal arguments which they feel ~~is~~**are** relevant to a reconsideration of the application, suspension**,** or revocation by an administrative law judge.

(b) If a hearing is timely requested by an individual 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 the certificate should be granted or restored. ~~If an administrative hearing is requested by the applicant, or the person with an existing certification that has been suspended or revoked, a hearing shall be held within 30 days unless a later date is requested by the person requesting the hearing. The hearing shall be conducted by an Administrative Hearing Officer appointed by the DOJ. The hearing officer shall not have participated in the decision to deny the application for certification or in suspending or revoking the existing certification that is the subject of the hearing before them.~~

~~(b) The person whose application has been denied or whose existing certification has been suspended or revoked shall be given the opportunity to be heard and to be represented by counsel during any hearing proceedings.~~

~~(c) An Administrative Hearing Officer shall disqualify themself and withdraw from any case in which they cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of the Administrative Hearing Officer by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined by another Administrative Hearing Officer appointed by the DOJ.~~

~~(d) The proceedings at the hearing shall be reported by a certified shorthand reporter, except that, upon the consent of all the parties, the proceedings may be reported electronically.~~

NOTE: Authority cited: Section 11102.1, Penal Code; and Section 11400.20, Government Code. Reference: Section 11102.1, Penal Code~~; and Sections 11445.10-11445.60, Government Code~~.

**~~§ 994.13. Time and Place of Administrative Hearing.~~**

~~The DOJ shall notify the person requesting the hearing of the time and place of the hearing. Failure of the person requesting the hearing to appear at the hearing shall be deemed a withdrawal of the request for the hearing and the action of the DOJ shall be final.~~

~~NOTE: Authority cited: Section 11102.1, Penal Code; and Section 11400.20, Government Code. Reference: Section 11102.1, Penal Code; and Sections 11445.10-11445.60, Government Code.~~

**~~§ 994.14. Evidence Rules.~~**

~~(a) Oral evidence shall be taken only on oath or affirmation.~~

~~(b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called the witness to testify; and to rebut the evidence against the party. If the person requesting the hearing does not testify on their own behalf, they may be called and examined as if under cross-examination.~~

~~(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.~~

~~NOTE: Authority cited: Section 11102.1, Penal Code; and Section 11400.20, Government Code. Reference: Section 11102.1, Penal Code; and Sections 11445.10-11445.60, Government Code.~~

**~~§ 994.15. Proposed Decision.~~**

~~The Administrative Hearing Officer shall prepare a Proposed Decision in such a form that it may be adopted as the decision in the case. A copy of the proposed decision shall be furnished to the person requesting the hearing and the Director no later than 20 days after the hearing. The Director may adopt the decision in its entirety or may decide the case upon the record with or without taking additional evidence. The person requesting the hearing shall be notified of the Director's decision within 30 days of the hearing or within 30 days of the taking of additional evidence, whichever is later.~~

~~NOTE: Authority cited: Section 11102.1, Penal Code; and Section 11400.20, Government Code. Reference: Section 11102.1, Penal Code; and Sections 11445.10-11445.60, Government Code.~~

## Article 6. Fingerprint Roller Responsibilities

### § 994.12. Fingerprint Roller Responsibilities.

Fingerprint rollers must comply with the following responsibilities related to the protection, use, and handling of confidential information. Fingerprint rollers who fail to comply with these responsibilities will have their certifications denied, suspended, or revoked. Fingerprint rollers must:

(a) Request and collect only the information required to perform an applicant live scan transaction.

(b) Enter accurate and complete data or images into the fields on the live scan device, and must not omit or modify existing valid data for an applicant live scan transaction.

(c) Not use personal applicant information for any purpose other than the applicant live scan transaction.

(d) Not share, replicate, compile, alter, or delete applicant information.

(e) Take precautions to protect applicant information from unauthorized access, including but not limited to:

**(1)** Ensuring that any live scan device is inaccessible when unattended;

**(2)** Ensuring that unauthorized persons are not allowed to view the screen of a live scan device;

**(3)** Storing materials containing confidential information in a space that can be locked, such as a file cabinet or private office, that unauthorized individuals cannot access; and

**(4)** Immediately reporting unauthorized or suspicious individuals or activities to the **l**~~L~~ive **s**~~S~~can **p**~~P~~rovider or to DOJ.

Note: Authority cited: Section 11102.1, Penal Code. Reference: Section 11102.1, Penal Code.