

H.B. 178
As Introduced

Topic: Restrict firearm transfers; require background checks

_____ moved to amend as follows:

In line 6 of the title, after "2923.16," insert "2929.28,"; 1
delete the first "and"; after "4749.10" insert ", and 5122.311" 2

In line 7 of the title, delete "section" and insert 3
"sections"; after "2923.111" insert "and 2923.26" 4

In line 16 of the title, delete "and" 5

In line 20 of the title, after "licensee" insert ", requiring 6
a firearm transfer to be made through a dealer, through a law 7
enforcement agency, or pursuant to a specified exception, and 8
requiring a background check when a firearm is transferred" 9

In line 24, after "2923.16," insert "2929.28," 10

In line 25, delete the first "and"; after "4749.10" insert ", 11
and 5122.311"; delete "section" and insert "sections"; after 12
"2923.111" insert "and 2923.26" 13

After line 3856, insert: 14

"Sec. 2923.26. (A) As used in this section: 15

(1) "Federally licensed firearms dealer" has the same meaning 16
as in section 5502.63 of the Revised Code. 17

(2) "Unlicensed transferee" means a person who is not a 18

federally licensed firearms dealer and who desires to receive a
firearm from an unlicensed transferor.

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(3) "Unlicensed transferor" means a person who is not a
federally licensed firearms dealer and who desires to transfer a
firearm to an unlicensed transferee.

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(4) "Identification document" means a document made or issued
by or under the authority of the United States government, this
state, or any other state, a political subdivision of this state
or any other state, a sponsoring entity of an event designated as
a special event of national significance, a foreign government, a
political subdivision of a foreign government, an international
governmental organization, or an international quasi-governmental
organization that, when completed with information concerning a
particular individual, is of a type intended or commonly accepted
for the purpose of identification of individuals and that includes
a photograph of the individual.

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(B) No federally licensed firearms dealer shall transfer a
firearm to any person unless the federally licensed firearms
dealer complies with the requirements of 18 U.S.C. 922(t).

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(C)(1) No unlicensed transferor shall transfer a firearm to
an unlicensed transferee, unless both of the following apply with
respect to the transfer of the firearm:

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(a) The firearm is transferred through a federally licensed
firearms dealer under division (E) of this section, through a law
enforcement agency under division (F) of this section, or in
accordance with an exception described in division (G) of this
section.

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(b) Except as provided in division (G) of this section, the
federally licensed firearms dealer through which the transfer is

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made under division (E) of this section gives a notice described 48
in division (E)(3)(a) of this section, or the law enforcement 49
agency through which the transfer is made under division (F) of 50
this section gives a notice described in division (F)(5)(a) of 51
this section, with respect to the firearm. 52

(2) No unlicensed firearms dealer shall transfer a firearm to 53
an unlicensed transferee if the federally licensed firearms dealer 54
through which the transfer is to be made under division (E) of 55
this section gives a notice described in division (E)(3)(b) of 56
this section, or the law enforcement agency through which the 57
transfer is to be made under division (F) of this section gives a 58
notice described in division (F)(5)(b) of this section, with 59
respect to the firearm. 60

(D)(1) No unlicensed transferee shall receive a firearm from 61
an unlicensed transferor, unless both of the following apply with 62
respect to the transfer of the firearm: 63

(a) The firearm is transferred through a federally licensed 64
firearms dealer under division (E) of this section, through a law 65
enforcement agency under division (F) of this section, or in 66
accordance with an exception described in division (G) of this 67
section. 68

(b) Except as provided in division (G) of this section, the 69
federally licensed firearms dealer through which the transfer is 70
made under division (E) of this section gives a notice described 71
in division (E)(3)(a) of this section, or the law enforcement 72
agency through which the transfer is made under division (F) of 73
this section gives a notice described in division (F)(5)(a) of 74
this section, with respect to the firearm. 75

(2) No unlicensed firearms transferee shall receive a firearm 76
from an unlicensed transferor if the federally licensed firearms 77

dealer through which the transfer is to be made under division (E) of this section gives a notice described in division (E)(3)(b) of this section, or the law enforcement agency through which the transfer is to be made under division (F) of this section gives a notice described in division (F)(5)(b) of this section, with respect to the firearm.

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(E) A federally licensed firearms dealer who agrees to assist in the transfer of a firearm between an unlicensed transferor and an unlicensed transferee under division (C) or (D) of this section shall do all of the following:

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(1) Comply with 18 U.S.C. 922(t) as if transferring the firearm from the inventory of the federally licensed firearms dealer to the unlicensed transferee, except that a federally licensed firearms dealer assisting in the transfer of a firearm under this division shall not be required to comply again with the requirements of that provision in delivering the firearm to the unlicensed transferee;

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(2) Conduct an incompetency records check of the unlicensed transferee by contacting the attorney general and requesting a check of the records maintained under section 5122.311 of the Revised Code, to determine if the transfer of the firearm to the unlicensed transferee or the unlicensed transferee's acquisition or possession of the firearm would violate the law of this state;

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(3) Notify the unlicensed transferor and unlicensed transferee of whichever of the following is applicable:

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(a) That the dealer has complied with 18 U.S.C. 922(t) as provided in division (E)(1) of this section and the transfer of the firearm is not prohibited under that provision and that the dealer has conducted the incompetency records check of the unlicensed transferee as provided in division (E)(2) of this

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section and has not determined in that check that the unlicensed transferee's acquisition or possession of the firearm would violate the law of this state; 108
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(b) That the dealer has complied with 18 U.S.C. 922(t) as provided in division (E)(1) of this section and has received a notice from the national instant criminal background check system that the transfer would violate 18 U.S.C. 922 or the law of this state or that the dealer has conducted the incompetency records check of the unlicensed transferee as provided in division (E)(2) of this section and has determined in that check that the unlicensed transferee's acquisition or possession of the firearm would violate the law of this state. 111
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(F) A law enforcement agency of this state or of a political subdivision of this state that agrees to assist an unlicensed transferor in carrying out the responsibilities of the unlicensed transferor under division (C) or (D) of this section with respect to the transfer of a firearm shall do all of the following: 120
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(1) Contact the national instant criminal background check system under 18 U.S.C. 922(t) and either receive an identification number as described in 18 U.S.C. 922(t)(1)(B)(i) or wait the period described in 18 U.S.C. 922(t)(1)(B)(ii); 125
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(2) Conduct an incompetency records check of the unlicensed transferee by contacting the attorney general and requesting a check of the records maintained under section 5122.311 of the Revised Code, to determine if the transfer of the firearm to the unlicensed transferee or the unlicensed transferee's acquisition or possession of the firearm would violate the law of this state; 129
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(3) Conduct any other checks that the agency considers appropriate to determine whether the receipt or possession of the firearm by the unlicensed transferee would violate 18 U.S.C. 922 135
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or the law of this state;

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(4) Verify the identity of the unlicensed transferee by either examining a valid identification document of the unlicensed transferee containing a photograph of the unlicensed transferee or confirming that the unlicensed transferor has examined such a valid identification document;

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(5) Notify the unlicensed transferor and transferee of whichever of the following is applicable:

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(a) That the law enforcement agency has complied with the requirements under divisions (F)(1), (2), (3), and (4) of this section and that the transfer of the firearm is not prohibited under 18 U.S.C 922(t) and the agency has not determined in the incompetency records check conducted under division (F)(2) of this section or a records check conducted under division (F)(3) of this section that the unlicensed transferee's acquisition or possession of the firearm would violate the law of this state;

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(b) That the law enforcement agency has complied with the requirements under divisions (F)(1), (2), (3), and (4) of this section and either has received a notification from the national instant criminal background check system that the transfer would violate 18 U.S.C. section 922 or the law of this state or has determined under the incompetency records check conducted under division (F)(2) of this section or a records check conducted under division (F)(3) of this section that the unlicensed transferee's acquisition or possession of the firearm would violate the law of this state.

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(G) Unless prohibited by any other provision of law, divisions (C) and (D) of this section shall not apply to any transfer of a firearm between an unlicensed transferor and unlicensed transferee if any of the following apply with respect

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to the transfer:

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(1) The transfer is temporary and occurs while in the home of the unlicensed transferee, the unlicensed transferee is not otherwise prohibited from possessing firearms, and the unlicensed transferee believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to the unlicensed transferee.

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(2) The transfer is a temporary transfer of possession without transfer of title that takes place in any of the following circumstances:

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(a) At a shooting range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in firearms;

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(b) At a target firearm shooting competition under the auspices of or approved by an agency of this state or a nonprofit organization;

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(c) While hunting, fishing, or trapping, if the activity is legal in all places where the unlicensed transferee possesses the firearm, and the unlicensed transferee holds any required license or permit.

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(3) The transfer is to an authorized representative of a law enforcement agency of any municipal corporation, any county, this state, or the federal government for exclusive use by that governmental entity and, prior to the transfer, written authorization from the head of the agency authorizing the transaction is presented to the person from whom the transfer is being made. The proper written authorization shall be verifiable written certification from the head of the agency by which the transferee is employed, identifying the employee as an individual

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authorized to conduct the transaction, and authorizing the 197
transaction for the exclusive use of the agency by which that 198
person is employed. 199

(4) The transfer is a loan of the firearm by an authorized 200
law enforcement representative of a municipal corporation, a 201
county, this state, or the federal government, the loan is made to 202
a peace officer who is employed by that governmental entity and 203
authorized to carry a firearm, and the loan is made for the 204
carrying and use of that firearm by that peace officer in the 205
course and scope of the officer's duties. 206

(5) The transfer is by a law enforcement agency to a peace 207
officer. 208

(6) The transfer is to an authorized representative of a 209
municipal corporation, a county, this state, or the federal 210
government and is for the governmental entity, and the entity is 211
acquiring the firearm as part of an authorized, voluntary program 212
in which the entity is buying or receiving weapons from private 213
individuals. 214

(7) The transfer is by an authorized law enforcement 215
representative of a municipal corporation, a county, this state, 216
or the federal government to any public or private nonprofit 217
historical society, museum, or institutional collection, if all of 218
the following conditions are met: 219

(a) The entity receiving the firearm is open to the public. 220

(b) The firearm prior to delivery is deactivated or rendered 221
inoperable. 222

(c) The firearm is not of a type prohibited by provision of 223
law from being transferred to the public at large. 224

(d) Prior to delivery, the entity receiving the firearm 225

submits a written statement to the law enforcement representative 226
stating that the firearm will not be restored to operating 227
condition and will either remain with that entity, or if 228
subsequently disposed of, will be transferred in accordance with 229
the applicable provisions of law. 230

(8) The transfer is by any person other than a representative 231
of an authorized law enforcement agency to any public or private 232
nonprofit historical society, museum, or institutional collection, 233
if all of the conditions set forth in divisions (G)(7)(a) to (d) 234
of this section are met. 235

(9) The transfer is delivery of a firearm to a gunsmith for 236
service or repair, is the return of the firearm to its owner by 237
the gunsmith, or is the delivery of a firearm by a gunsmith to a 238
federally licensed firearms dealer for service or repair or the 239
return of the firearm to the gunsmith. 240

(10) The transfer is made by a person who resides in this 241
state, is made to a person who resides outside this state and is a 242
federally licensed firearms dealer, and is in accordance with 243
federal firearms law. 244

(11) The transfer is of any unloaded firearm to a wholesaler 245
as merchandise in the wholesaler's business by a manufacturer or 246
importer licensed to engage in that business pursuant to federal 247
firearms law or by another wholesaler and is made in accordance 248
with federal firearms law. 249

(H) A federally licensed firearms dealer or law enforcement 250
agency that processes the transfer of a firearm under this section 251
may assess and collect a fee, in an amount not to exceed ten 252
dollars, with respect to each firearm transfer processed. 253

(I) Nothing in this section shall be construed to authorize 254

the attorney general of the United States to inspect records 255
described in this section or to require that the records be 256
transferred to a facility owned, managed, or controlled by this 257
state or the United States. 258

(J)(1) No person shall recklessly violate division (B), (C), 259
or (D) of this section. 260

(2) Whoever violates division (J)(1) of this section is 261
guilty of illegal transfer of a firearm, and shall be punished as 262
provided in divisions (J)(2)(a) to (c) of this section. 263

(a) Except as otherwise provided in division (J)(2)(b) or (c) 264
of this section, illegal transfer of a firearm is a misdemeanor of 265
the fourth degree and the offender shall be fined an amount from 266
the range of possible fines for a misdemeanor of the fourth degree 267
set forth in section 2929.28 of the Revised Code. Notwithstanding 268
sections 2929.21 to 2929.28 of the Revised Code, no other sanction 269
shall be imposed on the offender under any of those sections. 270

(b) If the offender previously has been convicted of or 271
pleaded guilty to one violation of this section, illegal transfer 272
of a firearm is a misdemeanor of the second degree and the 273
offender shall be fined an amount from the range of possible fines 274
for a misdemeanor of the second degree set forth in section 275
2929.28 of the Revised Code. Notwithstanding sections 2929.21 to 276
2929.28 of the Revised Code, no other sanction shall be imposed on 277
the offender under any of those sections. 278

(c) If the offender previously has been convicted of or 279
pleaded guilty to two or more violations of this section, illegal 280
transfer of a firearm is a misdemeanor of the first degree, the 281
offender shall be fined an amount from the range of possible fines 282
for a misdemeanor of the first degree set forth in section 2929.28 283
of the Revised Code, and, in addition to the mandatory fine, the 284

court may impose any other sanction or sanctions authorized for a 285
misdemeanor of the first degree other than a fine specified in 286
section 2929.28 of the Revised Code. 287

Sec. 2929.28. (A) In addition to imposing court costs 288
pursuant to section 2947.23 of the Revised Code, the court 289
imposing a sentence upon an offender for a misdemeanor, including 290
a minor misdemeanor, may sentence the offender to any financial 291
sanction or combination of financial sanctions authorized under 292
this section. If the court in its discretion imposes one or more 293
financial sanctions, the financial sanctions that may be imposed 294
pursuant to this section include, but are not limited to, the 295
following: 296

(1) Unless the misdemeanor offense is a minor misdemeanor or 297
could be disposed of by the traffic violations bureau serving the 298
court under Traffic Rule 13, restitution by the offender to the 299
victim of the offender's crime or any survivor of the victim, in 300
an amount based on the victim's economic loss. The court may not 301
impose restitution as a sanction pursuant to this division if the 302
offense is a minor misdemeanor or could be disposed of by the 303
traffic violations bureau serving the court under Traffic Rule 13. 304
If the court requires restitution, the court shall order that the 305
restitution be made to the victim in open court or to the adult 306
probation department that serves the jurisdiction or the clerk of 307
the court on behalf of the victim. 308

If the court imposes restitution, the court shall determine 309
the amount of restitution to be paid by the offender. If the court 310
imposes restitution, the court may base the amount of restitution 311
it orders on an amount recommended by the victim, the offender, a 312
presentence investigation report, estimates or receipts indicating 313
the cost of repairing or replacing property, and other 314

information, provided that the amount the court orders as
 restitution shall not exceed the amount of the economic loss
 suffered by the victim as a direct and proximate result of the
 commission of the offense. If the court decides to impose
 restitution, the court shall hold an evidentiary hearing on
 restitution if the offender, victim, or survivor disputes the
 amount of restitution. If the court holds an evidentiary hearing,
 at the hearing the victim or survivor has the burden to prove by a
 preponderance of the evidence the amount of restitution sought
 from the offender.

All restitution payments shall be credited against any
 recovery of economic loss in a civil action brought by the victim
 or any survivor of the victim against the offender. No person may
 introduce evidence of an award of restitution under this section
 in a civil action for purposes of imposing liability against an
 insurer under section 3937.18 of the Revised Code.

If the court imposes restitution, the court may order that
 the offender pay a surcharge, of not more than five per cent of
 the amount of the restitution otherwise ordered, to the entity
 responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecutor in the
 case file a motion, or the offender may file a motion, for
 modification of the payment terms of any restitution ordered. If
 the court grants the motion, it may modify the payment terms as it
 determines appropriate.

(2) A fine of the type described in divisions (A)(2)(a) and
 (b) of this section payable to the appropriate entity as required
 by law:

(a) A fine in the following amount:

(i) For a misdemeanor of the first degree, not more than one thousand dollars;	344 345
(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;	346 347
(iii) For a misdemeanor of the third degree, not more than five hundred dollars;	348 349
(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;	350 351
(v) For a minor misdemeanor, not more than one hundred fifty dollars.	352 353
(b) A state fine or cost as defined in section 2949.111 of the Revised Code.	354 355
(3)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:	356 357 358
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	359 360 361
(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;	362 363 364 365 366
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	367 368 369 370 371

(b) The amount of reimbursement ordered under division (A)(3)(a) of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that division. If the court does not order reimbursement under that division, confinement costs may be assessed pursuant to a repayment policy adopted under section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

(4) For a misdemeanor violation of section 2923.26 of the Revised Code, the court shall impose upon the offender a mandatory fine in the amount specified in division (J)(2)(a), (b), or (c) of that section.

(B) If the court determines a hearing is necessary, the court may hold a hearing to determine whether the offender is able to pay the financial sanction imposed pursuant to this section or court costs or is likely in the future to be able to pay the sanction or costs.

If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of imposing a financial sanction or court costs. If the court does not determine that the offender is indigent, the court may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. The court may order community service for a minor misdemeanor pursuant to division (D) of section 2929.27 of the

Revised Code in lieu of or in addition to imposing a financial 402
 sanction under this section and in addition to imposing court 403
 costs. If a person fails to pay a financial sanction or court 404
 costs, the court may order community service in lieu of the 405
 financial sanction or court costs. 406

(C)(1) The offender shall pay reimbursements imposed upon the 407
 offender pursuant to division (A)(3) of this section to pay the 408
 costs incurred by a county pursuant to any sanction imposed under 409
 this section or section 2929.26 or 2929.27 of the Revised Code or 410
 in operating a facility used to confine offenders pursuant to a 411
 sanction imposed under section 2929.26 of the Revised Code to the 412
 county treasurer. The county treasurer shall deposit the 413
 reimbursements in the county's general fund. The county shall use 414
 the amounts deposited in the fund to pay the costs incurred by the 415
 county pursuant to any sanction imposed under this section or 416
 section 2929.26 or 2929.27 of the Revised Code or in operating a 417
 facility used to confine offenders pursuant to a sanction imposed 418
 under section 2929.26 of the Revised Code. 419

(2) The offender shall pay reimbursements imposed upon the 420
 offender pursuant to division (A)(3) of this section to pay the 421
 costs incurred by a municipal corporation pursuant to any sanction 422
 imposed under this section or section 2929.26 or 2929.27 of the 423
 Revised Code or in operating a facility used to confine offenders 424
 pursuant to a sanction imposed under section 2929.26 of the 425
 Revised Code to the treasurer of the municipal corporation. The 426
 treasurer shall deposit the reimbursements in the municipal 427
 corporation's general fund. The municipal corporation shall use 428
 the amounts deposited in the fund to pay the costs incurred by the 429
 municipal corporation pursuant to any sanction imposed under this 430
 section or section 2929.26 or 2929.27 of the Revised Code or in 431
 operating a facility used to confine offenders pursuant to a 432

sanction imposed under section 2929.26 of the Revised Code. 433

(3) The offender shall pay reimbursements imposed pursuant to 434
division (A)(3) of this section for the costs incurred by a 435
private provider pursuant to a sanction imposed under this section 436
or section 2929.26 or 2929.27 of the Revised Code to the provider. 437

(D) In addition to any other fine that is or may be imposed 438
under this section, the court imposing sentence upon an offender 439
for misdemeanor domestic violence or menacing by stalking may 440
impose a fine of not less than seventy nor more than five hundred 441
dollars, which shall be transmitted to the treasurer of state to 442
be credited to the address confidentiality program fund created by 443
section 111.48 of the Revised Code. 444

(E) Except as otherwise provided in this division, a 445
financial sanction imposed under division (A) of this section is a 446
judgment in favor of the state or the political subdivision that 447
operates the court that imposed the financial sanction, and the 448
offender subject to the financial sanction is the judgment debtor. 449
A financial sanction of reimbursement imposed pursuant to division 450
(A)(3)(a)(i) of this section upon an offender is a judgment in 451
favor of the entity administering the community control sanction, 452
and the offender subject to the financial sanction is the judgment 453
debtor. A financial sanction of reimbursement imposed pursuant to 454
division (A)(3)(a)(ii) of this section upon an offender confined 455
in a jail or other residential facility is a judgment in favor of 456
the entity operating the jail or other residential facility, and 457
the offender subject to the financial sanction is the judgment 458
debtor. A financial sanction of restitution imposed pursuant to 459
division (A)(1) of this section is an order in favor of the victim 460
of the offender's criminal act that can be collected through a 461
certificate of judgment as described in division (E)(1) of this 462

section, through execution as described in division (E)(2) of this 463
section, or through an order as described in division (E)(3) of 464
this section, and the offender shall be considered for purposes of 465
the collection as the judgment debtor. 466

Once the financial sanction is imposed as a judgment or order 467
under this division, the victim, private provider, state, or 468
political subdivision may do any of the following: 469

(1) Obtain from the clerk of the court in which the judgment 470
was entered a certificate of judgment that shall be in the same 471
manner and form as a certificate of judgment issued in a civil 472
action; 473

(2) Obtain execution of the judgment or order through any 474
available procedure, including any of the procedures identified in 475
divisions (E)(1) and (2) of section 2929.18 of the Revised Code. 476

(3) Obtain an order for the assignment of wages of the 477
judgment debtor under section 1321.33 of the Revised Code. 478

(F) The civil remedies authorized under division (E) of this 479
section for the collection of the financial sanction supplement, 480
but do not preclude, enforcement of the criminal sentence. 481

(G) Each court imposing a financial sanction upon an offender 482
under this section may designate the clerk of the court or another 483
person to collect the financial sanction. The clerk, or another 484
person authorized by law or the court to collect the financial 485
sanction may do the following: 486

(1) Enter into contracts with one or more public agencies or 487
private vendors for the collection of amounts due under the 488
sanction. Before entering into a contract for the collection of 489
amounts due from an offender pursuant to any financial sanction 490
imposed pursuant to this section, a court shall comply with 491

sections 307.86 to 307.92 of the Revised Code. 492

(2) Permit payment of all or any portion of the sanction in 493
installments, by financial transaction device if the court is a 494
county court or a municipal court operated by a county, by credit 495
or debit card or by another electronic transfer if the court is a 496
municipal court not operated by a county, or by any other 497
reasonable method, in any time, and on any terms that court 498
considers just, except that the maximum time permitted for payment 499
shall not exceed five years. If the court is a county court or a 500
municipal court operated by a county, the acceptance of payments 501
by any financial transaction device shall be governed by the 502
policy adopted by the board of county commissioners of the county 503
pursuant to section 301.28 of the Revised Code. If the court is a 504
municipal court not operated by a county, the clerk may pay any 505
fee associated with processing an electronic transfer out of 506
public money or may charge the fee to the offender. 507

(3) To defray administrative costs, charge a reasonable fee 508
to an offender who elects a payment plan rather than a lump sum 509
payment of any financial sanction. 510

(H) No financial sanction imposed under this section shall 511
preclude a victim from bringing a civil action against the 512
offender." 513

After line 4103, insert: 514

"**Sec. 5122.311.** (A) Notwithstanding any provision of the 515
Revised Code to the contrary, if, on or after April 8, 2004, an 516
individual is found by a court to be a mentally ill person subject 517
to court order or becomes an involuntary patient other than one 518
who is a patient only for purposes of observation, the probate 519
judge who made the adjudication or the chief clinical officer of 520

the hospital, community mental health services provider, or 521
 facility in which the person is an involuntary patient shall 522
 notify the office of the attorney general, on the form described 523
 in division (C) of this section, of the identity of the 524
 individual. The notification shall be transmitted by the judge or 525
 the chief clinical officer not later than seven days after the 526
 adjudication or commitment. 527

(B) The office of the attorney general shall compile and 528
 maintain the notices it receives under division (A) of this 529
 section and the notices shall be used for the purpose of 530
 conducting incompetency records checks requested by sheriffs, 531
federally licensed firearms dealers, or law enforcement agencies 532
 pursuant to section 311.41 or 2923.26 of the Revised Code. Records 533
checks requested by a federally licensed firearms dealer or law 534
enforcement agency pursuant to section 2923.26 of the Revised Code 535
shall be conducted, and results of the checks shall be provided, 536
immediately upon receipt of the request. The notices referred to 537
in this division and the information they contain are 538
 confidential, except as provided in this division, and are not 539
 public records. 540

(C) The attorney general, by rule adopted under Chapter 119. 541
 of the Revised Code, shall prescribe and make available to all 542
 probate judges and all chief clinical officers a form to be used 543
 by them for the purpose of making the notifications required by 544
 division (A) of this section." 545

In line 4108, after "2923.16," insert "2929.28, "; delete 546
 "and"; after "4749.10" insert ", and 5122.311" 547

The motion was _____ agreed to.

