

H. B. No. 272
As Introduced

_____ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections"; 1
after "2923.123" insert ", 2929.28, and 5122.311 and to enact section 2
2923.26" 3

In line 6 of the title, after "session" insert ", to require a 4
firearm transfer to be made through a dealer, through a law enforcement 5
agency, or pursuant to a specified exception, and to require a background 6
check when a firearm is transferred" 7

In line 7, delete "section" and insert "sections"; after "2923.123" 8
insert ", 2929.28, and 5122.311 be amended and section 2923.26" 9

In line 8, delete "amended" and insert "enacted" 10

After line 145, insert: 11

"Sec. 2923.26. (A) As used in this section: 12

(1) "Federally licensed firearms dealer" has the same 13
meaning as in section 5502.63 of the Revised Code. 14

(2) "Unlicensed transferee" means a person who is not a 15
federally licensed firearms dealer and who desires to receive a 16



firearm from an unlicensed transferor. 17

(3) "Unlicensed transferor" means a person who is not a 18
federally licensed firearms dealer and who desires to transfer a 19
firearm to an unlicensed transferee. 20

(4) "Identification document" means a document made or 21
issued by or under the authority of the United States 22
government, this state, or any other state, a political 23
subdivision of this state or any other state, a sponsoring 24
entity of an event designated as a special event of national 25
significance, a foreign government, a political subdivision of a 26
foreign government, an international governmental organization, 27
or an international quasi-governmental organization that, when 28
completed with information concerning a particular individual, 29
is of a type intended or commonly accepted for the purpose of 30
identification of individuals and that includes a photograph of 31
the individual. 32

(B) No federally licensed firearms dealer shall transfer a 33
firearm to any person unless the federally licensed firearms 34
dealer complies with the requirements of 18 U.S.C. 922(t). 35

(C) (1) No unlicensed transferor shall transfer a firearm 36
to an unlicensed transferee, unless both of the following apply 37
with respect to the transfer of the firearm: 38

(a) The firearm is transferred through a federally 39
licensed firearms dealer under division (E) of this section, 40
through a law enforcement agency under division (F) of this 41
section, or in accordance with an exception described in 42
division (G) of this section. 43

(b) Except as provided in division (G) of this section, 44
the federally licensed firearms dealer through which the 45

transfer is made under division (E) of this section gives a 46
notice described in division (E) (3) (a) of this section, or the 47
law enforcement agency through which the transfer is made under 48
division (F) of this section gives a notice described in 49
division (F) (5) (a) of this section, with respect to the firearm. 50

(2) No unlicensed firearms dealer shall transfer a firearm 51
to an unlicensed transferee if the federally licensed firearms 52
dealer through which the transfer is to be made under division 53
(E) of this section gives a notice described in division (E) (3) 54
(b) of this section, or the law enforcement agency through which 55
the transfer is to be made under division (F) of this section 56
gives a notice described in division (F) (5) (b) of this section, 57
with respect to the firearm. 58

(D) (1) No unlicensed transferee shall receive a firearm 59
from an unlicensed transferor, unless both of the following 60
apply with respect to the transfer of the firearm: 61

(a) The firearm is transferred through a federally 62
licensed firearms dealer under division (E) of this section, 63
through a law enforcement agency under division (F) of this 64
section, or in accordance with an exception described in 65
division (G) of this section. 66

(b) Except as provided in division (G) of this section, 67
the federally licensed firearms dealer through which the 68
transfer is made under division (E) of this section gives a 69
notice described in division (E) (3) (a) of this section, or the 70
law enforcement agency through which the transfer is made under 71
division (F) of this section gives a notice described in 72
division (F) (5) (a) of this section, with respect to the firearm. 73

(2) No unlicensed firearms transferee shall receive a 74

firearm from an unlicensed transferor if the federally licensed 75
firearms dealer through which the transfer is to be made under 76
division (E) of this section gives a notice described in 77
division (E) (3) (b) of this section, or the law enforcement 78
agency through which the transfer is to be made under division 79
(F) of this section gives a notice described in division (F) (5) 80
(b) of this section, with respect to the firearm. 81

(E) A federally licensed firearms dealer who agrees to 82
assist in the transfer of a firearm between an unlicensed 83
transferor and an unlicensed transferee under division (C) or 84
(D) of this section shall do all of the following: 85

(1) Comply with 18 U.S.C. 922(t) as if transferring the 86
firearm from the inventory of the federally licensed firearms 87
dealer to the unlicensed transferee, except that a federally 88
licensed firearms dealer assisting in the transfer of a firearm 89
under this division shall not be required to comply again with 90
the requirements of that provision in delivering the firearm to 91
the unlicensed transferee; 92

(2) Conduct an incompetency records check of the 93
unlicensed transferee by contacting the attorney general and 94
requesting a check of the records maintained under section 95
5122.311 of the Revised Code, to determine if the transfer of 96
the firearm to the unlicensed transferee or the unlicensed 97
transferee's acquisition or possession of the firearm would 98
violate the law of this state; 99

(3) Notify the unlicensed transferor and unlicensed 100
transferee of whichever of the following is applicable: 101

(a) That the dealer has complied with 18 U.S.C. 922(t) as 102
provided in division (E) (1) of this section and the transfer of 103

the firearm is not prohibited under that provision and that the 104
dealer has conducted the incompetency records check of the 105
unlicensed transferee as provided in division (E)(2) of this 106
section and has not determined in that check that the unlicensed 107
transferee's acquisition or possession of the firearm would 108
violate the law of this state; 109

(b) That the dealer has complied with 18 U.S.C. 922(t) as 110
provided in division (E)(1) of this section and has received a 111
notice from the national instant criminal background check 112
system that the transfer would violate 18 U.S.C. 922 or the law 113
of this state or that the dealer has conducted the incompetency 114
records check of the unlicensed transferee as provided in 115
division (E)(2) of this section and has determined in that check 116
that the unlicensed transferee's acquisition or possession of 117
the firearm would violate the law of this state. 118

(F) A law enforcement agency of this state or of a 119
political subdivision of this state that agrees to assist an 120
unlicensed transferor in carrying out the responsibilities of 121
the unlicensed transferor under division (C) or (D) of this 122
section with respect to the transfer of a firearm shall do all 123
of the following: 124

(1) Contact the national instant criminal background check 125
system under 18 U.S.C. 922(t) and either receive an 126
identification number as described in 18 U.S.C. 922(t)(1)(B)(i) 127
or wait the period described in 18 U.S.C. 922(t)(1)(B)(ii); 128

(2) Conduct an incompetency records check of the 129
unlicensed transferee by contacting the attorney general and 130
requesting a check of the records maintained under section 131
5122.311 of the Revised Code, to determine if the transfer of 132
the firearm to the unlicensed transferee or the unlicensed 133

transferee's acquisition or possession of the firearm would 134
violate the law of this state; 135

(3) Conduct any other checks that the agency considers 136
appropriate to determine whether the receipt or possession of 137
the firearm by the unlicensed transferee would violate 18 U.S.C. 138
922 or the law of this state; 139

(4) Verify the identity of the unlicensed transferee by 140
either examining a valid identification document of the 141
unlicensed transferee containing a photograph of the unlicensed 142
transferee or confirming that the unlicensed transferor has 143
examined such a valid identification document; 144

(5) Notify the unlicensed transferor and transferee of 145
whichever of the following is applicable: 146

(a) That the law enforcement agency has complied with the 147
requirements under divisions (F) (1), (2), (3), and (4) of this 148
section and that the transfer of the firearm is not prohibited 149
under 18 U.S.C 922(t) and the agency has not determined in the 150
incompetency records check conducted under division (F) (2) of 151
this section or a records check conducted under division (F) (3) 152
of this section that the unlicensed transferee's acquisition or 153
possession of the firearm would violate the law of this state; 154

(b) That the law enforcement agency has complied with the 155
requirements under divisions (F) (1), (2), (3), and (4) of this 156
section and either has received a notification from the national 157
instant criminal background check system that the transfer would 158
violate 18 U.S.C. section 922 or the law of this state or has 159
determined under the incompetency records check conducted under 160
division (F) (2) of this section or a records check conducted 161
under division (F) (3) of this section that the unlicensed 162

transferee's acquisition or possession of the firearm would 163
violate the law of this state. 164

(G) Unless prohibited by any other provision of law, 165
divisions (C) and (D) of this section shall not apply to any 166
transfer of a firearm between an unlicensed transferor and 167
unlicensed transferee if any of the following apply with respect 168
to the transfer: 169

(1) The transfer is temporary and occurs while in the home 170
of the unlicensed transferee, the unlicensed transferee is not 171
otherwise prohibited from possessing firearms, and the 172
unlicensed transferee believes that possession of the firearm is 173
necessary to prevent imminent death or great bodily harm to the 174
unlicensed transferee. 175

(2) The transfer is a temporary transfer of possession 176
without transfer of title that takes place in any of the 177
following circumstances: 178

(a) At a shooting range located in or on premises owned or 179
occupied by a duly incorporated organization organized for 180
conservation purposes or to foster proficiency in firearms; 181

(b) At a target firearm shooting competition under the 182
auspices of or approved by an agency of this state or a 183
nonprofit organization; 184

(c) While hunting, fishing, or trapping, if the activity 185
is legal in all places where the unlicensed transferee possesses 186
the firearm, and the unlicensed transferee holds any required 187
license or permit. 188

(3) The transfer is to an authorized representative of a 189
law enforcement agency of any municipal corporation, any county, 190

this state, or the federal government for exclusive use by that 191
governmental entity and, prior to the transfer, written 192
authorization from the head of the agency authorizing the 193
transaction is presented to the person from whom the transfer is 194
being made. The proper written authorization shall be verifiable 195
written certification from the head of the agency by which the 196
transferee is employed, identifying the employee as an 197
individual authorized to conduct the transaction, and 198
authorizing the transaction for the exclusive use of the agency 199
by which that person is employed. 200

(4) The transfer is a loan of the firearm by an authorized 201
law enforcement representative of a municipal corporation, a 202
county, this state, or the federal government, the loan is made 203
to a peace officer who is employed by that governmental entity 204
and authorized to carry a firearm, and the loan is made for the 205
carrying and use of that firearm by that peace officer in the 206
course and scope of the officer's duties. 207

(5) The transfer is by a law enforcement agency to a peace 208
officer. 209

(6) The transfer is to an authorized representative of a 210
municipal corporation, a county, this state, or the federal 211
government and is for the governmental entity, and the entity is 212
acquiring the firearm as part of an authorized, voluntary 213
program in which the entity is buying or receiving weapons from 214
private individuals. 215

(7) The transfer is by an authorized law enforcement 216
representative of a municipal corporation, a county, this state, 217
or the federal government to any public or private nonprofit 218
historical society, museum, or institutional collection, if all 219
of the following conditions are met: 220

<u>(a) The entity receiving the firearm is open to the public.</u>	221 222
<u>(b) The firearm prior to delivery is deactivated or rendered inoperable.</u>	223 224
<u>(c) The firearm is not of a type prohibited by provision of law from being transferred to the public at large.</u>	225 226
<u>(d) Prior to delivery, the entity receiving the firearm submits a written statement to the law enforcement representative stating that the firearm will not be restored to operating condition and will either remain with that entity, or if subsequently disposed of, will be transferred in accordance with the applicable provisions of law.</u>	227 228 229 230 231 232
<u>(8) The transfer is by any person other than a representative of an authorized law enforcement agency to any public or private nonprofit historical society, museum, or institutional collection, if all of the conditions set forth in divisions (G) (7) (a) to (d) of this section are met.</u>	233 234 235 236 237
<u>(9) The transfer is delivery of a firearm to a gunsmith for service or repair, is the return of the firearm to its owner by the gunsmith, or is the delivery of a firearm by a gunsmith to a federally licensed firearms dealer for service or repair or the return of the firearm to the gunsmith.</u>	238 239 240 241 242
<u>(10) The transfer is made by a person who resides in this state, is made to a person who resides outside this state and is a federally licensed firearms dealer, and is in accordance with federal firearms law.</u>	243 244 245 246
<u>(11) The transfer is of any unloaded firearm to a wholesaler as merchandise in the wholesaler's business by a</u>	247 248

manufacturer or importer licensed to engage in that business 249
pursuant to federal firearms law or by another wholesaler and is 250
made in accordance with federal firearms law. 251

(H) A federally licensed firearms dealer or law 252
enforcement agency that processes the transfer of a firearm 253
under this section may assess and collect a fee, in an amount 254
not to exceed ten dollars, with respect to each firearm transfer 255
processed. 256

(I) Nothing in this section shall be construed to 257
authorize the attorney general of the United States to inspect 258
records described in this section or to require that the records 259
be transferred to a facility owned, managed, or controlled by 260
this state or the United States. 261

(J) (1) No person shall recklessly violate division (B), 262
(C), or (D) of this section. 263

(2) Whoever violates division (J) (1) of this section is 264
guilty of illegal transfer of a firearm, and shall be punished 265
as provided in divisions (J) (2) (a) to (c) of this section. 266

(a) Except as otherwise provided in division (J) (2) (b) or 267
(c) of this section, illegal transfer of a firearm is a 268
misdemeanor of the fourth degree and the offender shall be fined 269
an amount from the range of possible fines for a misdemeanor of 270
the fourth degree set forth in section 2929.28 of the Revised 271
Code. Notwithstanding sections 2929.21 to 2929.28 of the Revised 272
Code, no other sanction shall be imposed on the offender under 273
any of those sections. 274

(b) If the offender previously has been convicted of or 275
pleaded guilty to one violation of this section, illegal 276
transfer of a firearm is a misdemeanor of the second degree and 277

the offender shall be fined an amount from the range of possible 278
finest for a misdemeanor of the second degree set forth in 279
section 2929.28 of the Revised Code. Notwithstanding sections 280
2929.21 to 2929.28 of the Revised Code, no other sanction shall 281
be imposed on the offender under any of those sections. 282

(c) If the offender previously has been convicted of or 283
pleaded guilty to two or more violations of this section, 284
illegal transfer of a firearm is a misdemeanor of the first 285
degree, the offender shall be fined an amount from the range of 286
possible fines for a misdemeanor of the first degree set forth 287
in section 2929.28 of the Revised Code, and, in addition to the 288
mandatory fine, the court may impose any other sanction or 289
sanctions authorized for a misdemeanor of the first degree other 290
than a fine specified in section 2929.28 of the Revised Code. 291

Sec. 2929.28. (A) In addition to imposing court costs 292
pursuant to section 2947.23 of the Revised Code, the court 293
imposing a sentence upon an offender for a misdemeanor, 294
including a minor misdemeanor, may sentence the offender to any 295
financial sanction or combination of financial sanctions 296
authorized under this section and, if the offender is being 297
sentenced for a criminal offense as defined in section 2930.01 298
of the Revised Code, shall sentence the offender to make 299
restitution pursuant to this section and section 2929.281 of the 300
Revised Code. If the court, in its discretion or as required by 301
this section, imposes one or more financial sanctions, the 302
financial sanctions that may be imposed pursuant to this section 303
include, but are not limited to, the following: 304

(1) Unless the misdemeanor offense could be disposed of by 305
the traffic violations bureau serving the court under Traffic 306
Rule 13, restitution by the offender to the victim of the 307

offender's crime or the victim's estate, in an amount based on 308
the victim's economic loss. The court may not impose restitution 309
as a sanction pursuant to this division if the offense could be 310
disposed of by the traffic violations bureau serving the court 311
under Traffic Rule 13. If the court requires restitution, the 312
court shall order that the restitution be made to the victim in 313
open court or to the adult probation department that serves the 314
jurisdiction or the clerk of the court on behalf of the victim. 315

The court shall determine the amount of restitution to be 316
paid by the offender. The victim, victim's representative, 317
victim's attorney, if applicable, the prosecutor or the 318
prosecutor's designee, and the offender may provide information 319
relevant to the determination of the amount of restitution. The 320
amount the court orders as restitution shall not exceed the 321
amount of the economic loss suffered by the victim as a direct 322
and proximate result of the commission of the offense. If the 323
court imposes restitution for the cost of accounting or auditing 324
done to determine the extent of economic loss, the court may 325
order restitution for any amount of the victim's costs of 326
accounting or auditing provided that the amount of restitution 327
is reasonable and does not exceed the value of property or 328
services stolen or damaged as a result of the offense. If the 329
court decides to or is required to impose restitution, the court 330
shall hold an evidentiary hearing on restitution if the 331
offender, victim, victim's representative, victim's attorney, if 332
applicable, or victim's estate disputes the amount of 333
restitution. The court shall determine the amount of full 334
restitution by a preponderance of the evidence. 335

All restitution payments shall be credited against any 336
recovery of economic loss in a civil action brought by the 337
victim or the victim's estate against the offender. No person 338

may introduce evidence of an award of restitution under this 339
section in a civil action for purposes of imposing liability 340
against an insurer under section 3937.18 of the Revised Code. 341

The court may order that the offender pay a surcharge, of 342
not more than five per cent of the amount of the restitution 343
otherwise ordered, to the entity responsible for collecting and 344
processing restitution payments. 345

The victim, victim's attorney, if applicable, or the 346
attorney for the victim's estate may request that the prosecutor 347
in the case file a motion, or the offender may file a motion, 348
for modification of the payment terms of any restitution 349
ordered. If the court grants the motion, it may modify the 350
payment terms as it determines appropriate but shall not reduce 351
the amount of restitution ordered, except as provided in 352
division (A) of section 2929.281 of the Revised Code. 353

(2) A fine of the type described in divisions (A) (2) (a) 354
and (b) of this section payable to the appropriate entity as 355
required by law: 356

(a) A fine in the following amount: 357

(i) For a misdemeanor of the first degree, not more than 358
one thousand dollars; 359

(ii) For a misdemeanor of the second degree, not more than 360
seven hundred fifty dollars; 361

(iii) For a misdemeanor of the third degree, not more than 362
five hundred dollars; 363

(iv) For a misdemeanor of the fourth degree, not more than 364
two hundred fifty dollars; 365

(v) For a minor misdemeanor, not more than one hundred 366

fifty dollars. 367

(b) A state fine or cost as defined in section 2949.111 of 368
the Revised Code. 369

(3) (a) Reimbursement by the offender of any or all of the 370
costs of sanctions incurred by the government, including, but 371
not limited to, the following: 372

(i) All or part of the costs of implementing any community 373
control sanction, including a supervision fee under section 374
2951.021 of the Revised Code and the costs of global positioning 375
system device monitoring; 376

(ii) All or part of the costs of confinement in a jail or 377
other residential facility, including, but not limited to, a per 378
diem fee for room and board, the costs of medical and dental 379
treatment, and the costs of repairing property damaged by the 380
offender while confined; 381

(iii) All or part of the cost of purchasing and using an 382
immobilizing or disabling device, including a certified ignition 383
interlock device, or a remote alcohol monitoring device that a 384
court orders an offender to use under section 4510.13 of the 385
Revised Code. 386

(b) The amount of reimbursement ordered under division (A) 387
(3) (a) of this section shall not exceed the total amount of 388
reimbursement the offender is able to pay and shall not exceed 389
the actual cost of the sanctions. The court may collect any 390
amount of reimbursement the offender is required to pay under 391
that division. If the court does not order reimbursement under 392
that division, confinement costs may be assessed pursuant to a 393
repayment policy adopted under section 2929.37 of the Revised 394
Code. In addition, the offender may be required to pay the fees 395

specified in section 2929.38 of the Revised Code in accordance 396
with that section. 397

(4) For a misdemeanor violation of section 2923.26 of the 398
Revised Code, the court shall impose upon the offender a 399
mandatory fine in the amount specified in division (J)(2)(a), 400
(b), or (c) of that section. 401

(B) If the court determines a hearing is necessary, the 402
court may hold a hearing to determine whether the offender is 403
able to pay the financial sanction imposed pursuant to this 404
section or court costs or is likely in the future to be able to 405
pay the sanction or costs. 406

If the court determines that the offender is indigent and 407
unable to pay the financial sanction or court costs, the court 408
shall consider imposing and may impose a term of community 409
service under division (A) of section 2929.27 of the Revised 410
Code in lieu of imposing a financial sanction or court costs. If 411
the court does not determine that the offender is indigent, the 412
court may impose a term of community service under division (A) 413
of section 2929.27 of the Revised Code in lieu of or in addition 414
to imposing a financial sanction under this section and in 415
addition to imposing court costs. The court may order community 416
service for a minor misdemeanor pursuant to division (D) of 417
section 2929.27 of the Revised Code in lieu of or in addition to 418
imposing a financial sanction under this section and in addition 419
to imposing court costs. If a person fails to pay a financial 420
sanction or court costs, the court may order community service 421
in lieu of the financial sanction or court costs. 422

(C) (1) The offender shall pay reimbursements imposed upon 423
the offender pursuant to division (A) (3) of this section to pay 424
the costs incurred by a county pursuant to any sanction imposed 425

under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the county's general fund. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code.

(2) The offender shall pay reimbursements imposed upon the offender pursuant to division (A) (3) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in the municipal corporation's general fund. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code.

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

(D) (1) In addition to any other fine that is or may be 457
imposed under this section, the court imposing sentence upon an 458
offender for misdemeanor domestic violence or menacing by 459
stalking may impose a fine of not less than seventy nor more 460
than five hundred dollars, which shall, except as provided in 461
divisions (D) (2) and (3) of this section, be transmitted to the 462
treasurer of state to be credited to the address confidentiality 463
program fund created by section 111.48 of the Revised Code. 464

(2) A court that imposes a fine under division (D) (1) of 465
this section may retain up to twenty-five per cent of amounts 466
collected in satisfaction of the fine to cover administrative 467
costs. 468

(3) A court that imposes a fine under division (D) (1) of 469
this section may assign up to twenty-five per cent of amounts 470
collected in satisfaction of the fine to reimburse the 471
prosecuting attorney for costs associated with prosecution of 472
the offense. 473

(E) Except as otherwise provided in this division, a 474
financial sanction imposed under division (A) of this section is 475
a judgment in favor of the state or the political subdivision 476
that operates the court that imposed the financial sanction, and 477
the offender subject to the financial sanction is the judgment 478
debtor. A financial sanction of reimbursement imposed pursuant 479
to division (A) (3) (a) (i) of this section upon an offender is a 480
judgment in favor of the entity administering the community 481
control sanction, and the offender subject to the financial 482
sanction is the judgment debtor. A financial sanction of 483
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 484
section upon an offender confined in a jail or other residential 485
facility is a judgment in favor of the entity operating the jail 486

or other residential facility, and the offender subject to the 487
financial sanction is the judgment debtor. A financial sanction 488
of restitution imposed pursuant to division (A)(1) of this 489
section is an order in favor of the victim of the offender's 490
criminal act that can be collected through a certificate of 491
judgment as described in division (E)(1) of this section, 492
through execution as described in division (E)(2) of this 493
section, or through an order as described in division (E)(3) of 494
this section, and the offender shall be considered for purposes 495
of the collection as the judgment debtor. 496

Once the financial sanction is imposed as a judgment or 497
order under this division, the victim, private provider, state, 498
or political subdivision may do any of the following: 499

(1) Obtain from the clerk of the court in which the 500
judgment was entered, at no charge, a certificate of judgment 501
that shall be in the same manner and form as a certificate of 502
judgment issued in a civil action; 503

(2) Obtain execution of the judgment or order through any 504
available procedure, including any of the procedures identified 505
in divisions (D)(1) and (2) of section 2929.18 of the Revised 506
Code. 507

(3) Obtain an order for the assignment of wages of the 508
judgment debtor under section 1321.33 of the Revised Code. 509

(F) The civil remedies authorized under division (E) of 510
this section for the collection of the financial sanction 511
supplement, but do not preclude, enforcement of the criminal 512
sentence. 513

(G) Each court imposing a financial sanction upon an 514
offender under this section may designate the clerk of the court 515

or another person to collect the financial sanction. The clerk, 516
or another person authorized by law or the court to collect the 517
financial sanction may do the following: 518

(1) Enter into contracts with one or more public agencies 519
or private vendors for the collection of amounts due under the 520
sanction. Before entering into a contract for the collection of 521
amounts due from an offender pursuant to any financial sanction 522
imposed pursuant to this section, a court shall comply with 523
sections 307.86 to 307.92 of the Revised Code. 524

(2) Permit payment of all or any portion of the sanction 525
in installments, by financial transaction device if the court is 526
a county court or a municipal court operated by a county, by 527
credit or debit card or by another electronic transfer if the 528
court is a municipal court not operated by a county, or by any 529
other reasonable method, in any time, and on any terms that 530
court considers just. If the court is a county court or a 531
municipal court operated by a county, the acceptance of payments 532
by any financial transaction device shall be governed by the 533
policy adopted by the board of county commissioners of the 534
county pursuant to section 301.28 of the Revised Code. If the 535
court is a municipal court not operated by a county, the clerk 536
may pay any fee associated with processing an electronic 537
transfer out of public money or may charge the fee to the 538
offender. 539

(3) To defray administrative costs, charge a reasonable 540
fee to an offender who elects a payment plan rather than a lump 541
sum payment of any financial sanction. 542

(H) No financial sanction imposed under this section shall 543
preclude a victim from bringing a civil action against the 544
offender. 545

(I) If the court imposes restitution, fines, fees, or 546
incarceration costs on a business or corporation, it is the duty 547
of the person authorized to make disbursements from assets of 548
the business or corporation to pay the restitution, fines, fees, 549
or incarceration costs from those assets. 550

Sec. 5122.311. (A) Notwithstanding any provision of the 551
Revised Code to the contrary, if, on or after April 8, 2004, an 552
individual is found by a court to be a person with a mental 553
illness subject to court order or becomes an involuntary patient 554
other than one who is a patient only for purposes of 555
observation, the probate judge who made the adjudication or the 556
chief clinical officer of the hospital, community mental health 557
services provider, or facility in which the person is an 558
involuntary patient shall notify the office of the attorney 559
general, on the form described in division (C) of this section, 560
of the identity of the individual. The notification shall be 561
transmitted by the judge or the chief clinical officer not later 562
than seven days after the adjudication or commitment. 563

(B) The office of the attorney general shall compile and 564
maintain the notices it receives under division (A) of this 565
section and the notices shall be used for the purpose of 566
conducting incompetency records checks requested by sheriffs, 567
federally licensed firearms dealers, or law enforcement agencies 568
pursuant to section 311.41 or 2923.26 of the Revised Code. 569
Records checks requested by a federally licensed firearms dealer 570
or law enforcement agency pursuant to section 2923.26 of the 571
Revised Code shall be conducted, and results of the checks shall 572
be provided, immediately upon receipt of the request. The 573
notices referred to in this division and the information they 574
contain are confidential, except as provided in this division, 575
and are not public records. 576

(C) The attorney general, by rule adopted under Chapter 577
119. of the Revised Code, shall prescribe and make available to 578
all probate judges and all chief clinical officers a form to be 579
used by them for the purpose of making the notifications 580
required by division (A) of this section." 581

In line 146, delete "section" and insert "sections"; after 582
"2923.123" insert ", 2929.28, and 5122.311" 583

In line 147, delete "is" and insert "are" 584

After line 147, insert: 585

"Section 3. Section 2929.28 of the Revised Code is 586
presented in this act as a composite of the section as amended 587
by both H.B. 33 and S.B. 16 of the 135th General Assembly. The 588
General Assembly, applying the principle stated in division (B) 589
of section 1.52 of the Revised Code that amendments are to be 590
harmonized if reasonably capable of simultaneous operation, 591
finds that the composite is the resulting version of the section 592
in effect prior to the effective date of the section as 593
presented in this act." 594

The motion was _____ agreed to.

SYNOPSIS 595

Firearms transfers 596

R.C. 2923.26, 2929.28, and 5122.311 597

Prohibits a federally licensed firearms dealer from 598
transferring a firearm to any person unless the dealer complies 599

with the relevant requirements under federal law, which 600
generally requires background checks through the National 601
Instant Criminal Background Check System. 602

Prohibits any transfer of a firearm from a person who is 603
not a federally licensed firearms dealer to a person who is not 604
a federally licensed firearms dealer unless the firearm is 605
transferred through a federally licensed firearms dealer, 606
through a state or local law enforcement agency, or pursuant to 607
any of a list of specified exceptions. 608

Makes the penalty for a violation of the prohibitions a 609
first, second, or fourth degree misdemeanor and imposes a 610
mandatory fine. 611