

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 63

Senator Thomas

Cosponsors: Senators Maharath, Yuko, Antonio, Craig

A BILL

To amend sections 2929.28 and 5122.311 and to enact
section 2923.26 of the Revised Code to require a
firearm transfer to be made through a dealer,
through a law enforcement agency, or pursuant to
a specified exception, and to require a
background check when a firearm is transferred.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2929.28 and 5122.311 be amended
and section 2923.26 of the Revised Code be enacted to read as
follows:

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

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

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

(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. 18

(4) "Identification document" means a document made or 19
issued by or under the authority of the United States 20
government, this state, or any other state, a political 21
subdivision of this state or any other state, a sponsoring 22
entity of an event designated as a special event of national 23
significance, a foreign government, a political subdivision of a 24
foreign government, an international governmental organization, 25
or an international quasi-governmental organization that, when 26
completed with information concerning a particular individual, 27
is of a type intended or commonly accepted for the purpose of 28
identification of individuals and that includes a photograph of 29
the individual. 30

(B) No federally licensed firearms dealer shall transfer a 31
firearm to any person unless the federally licensed firearms 32
dealer complies with the requirements of 18 U.S.C. 922(t). 33

(C)(1) No unlicensed transferor shall transfer a firearm 34
to an unlicensed transferee, unless both of the following apply 35
with respect to the transfer of the firearm: 36

(a) The firearm is transferred through a federally 37
licensed firearms dealer under division (E) of this section, 38
through a law enforcement agency under division (F) of this 39
section, or in accordance with an exception described in 40
division (G) of this section. 41

(b) Except as provided in division (G) of this section, 42
the federally licensed firearms dealer through which the 43
transfer is made under division (E) of this section gives a 44
notice described in division (E)(3)(a) of this section, or the 45
law enforcement agency through which the transfer is made under 46

division (F) of this section gives a notice described in 47
division (F) (5) (a) of this section, with respect to the firearm. 48

(2) No unlicensed firearms dealer shall transfer a firearm 49
to an unlicensed transferee if the federally licensed firearms 50
dealer through which the transfer is to be made under division 51
(E) of this section gives a notice described in division (E) (3) 52
(b) of this section, or the law enforcement agency through which 53
the transfer is to be made under division (F) of this section 54
gives a notice described in division (F) (5) (b) of this section, 55
with respect to the firearm. 56

(D) (1) No unlicensed transferee shall receive a firearm 57
from an unlicensed transferor, unless both of the following 58
apply with respect to the transfer of the firearm: 59

(a) The firearm is transferred through a federally 60
licensed firearms dealer under division (E) of this section, 61
through a law enforcement agency under division (F) of this 62
section, or in accordance with an exception described in 63
division (G) of this section. 64

(b) Except as provided in division (G) of this section, 65
the federally licensed firearms dealer through which the 66
transfer is made under division (E) of this section gives a 67
notice described in division (E) (3) (a) of this section, or the 68
law enforcement agency through which the transfer is made under 69
division (F) of this section gives a notice described in 70
division (F) (5) (a) of this section, with respect to the firearm. 71

(2) No unlicensed firearms transferee shall receive a 72
firearm from an unlicensed transferor if the federally licensed 73
firearms dealer through which the transfer is to be made under 74
division (E) of this section gives a notice described in 75

division (E) (3) (b) of this section, or the law enforcement 76
agency through which the transfer is to be made under division 77
(F) of this section gives a notice described in division (F) (5) 78
(b) of this section, with respect to the firearm. 79

(E) A federally licensed firearms dealer who agrees to 80
assist in the transfer of a firearm between an unlicensed 81
transferor and an unlicensed transferee under division (C) or 82
(D) of this section shall do all of the following: 83

(1) Comply with 18 U.S.C. 922(t) as if transferring the 84
firearm from the inventory of the federally licensed firearms 85
dealer to the unlicensed transferee, except that a federally 86
licensed firearms dealer assisting in the transfer of a firearm 87
under this division shall not be required to comply again with 88
the requirements of that provision in delivering the firearm to 89
the unlicensed transferee; 90

(2) Conduct an incompetency records check of the 91
unlicensed transferee by contacting the attorney general and 92
requesting a check of the records maintained under section 93
5122.311 of the Revised Code, to determine if the transfer of 94
the firearm to the unlicensed transferee or the unlicensed 95
transferee's acquisition or possession of the firearm would 96
violate the law of this state; 97

(3) Notify the unlicensed transferor and unlicensed 98
transferee of whichever of the following is applicable: 99

(a) That the dealer has complied with 18 U.S.C. 922(t) as 100
provided in division (E) (1) of this section and the transfer of 101
the firearm is not prohibited under that provision and that the 102
dealer has conducted the incompetency records check of the 103
unlicensed transferee as provided in division (E) (2) of this 104

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; 105
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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. 108
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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: 117
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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); 123
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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; 127
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(3) Conduct any other checks that the agency considers 134
appropriate to determine whether the receipt or possession of 135
the firearm by the unlicensed transferee would violate 18 U.S.C. 136
922 or the law of this state; 137

(4) Verify the identity of the unlicensed transferee by 138
either examining a valid identification document of the 139
unlicensed transferee containing a photograph of the unlicensed 140
transferee or confirming that the unlicensed transferor has 141
examined such a valid identification document; 142

(5) Notify the unlicensed transferor and transferee of 143
whichever of the following is applicable: 144

(a) That the law enforcement agency has complied with the 145
requirements under divisions (F) (1), (2), (3), and (4) of this 146
section and that the transfer of the firearm is not prohibited 147
under 18 U.S.C 922(t) and the agency has not determined in the 148
incompetency records check conducted under division (F) (2) of 149
this section or a records check conducted under division (F) (3) 150
of this section that the unlicensed transferee's acquisition or 151
possession of the firearm would violate the law of this state; 152

(b) That the law enforcement agency has complied with the 153
requirements under divisions (F) (1), (2), (3), and (4) of this 154
section and either has received a notification from the national 155
instant criminal background check system that the transfer would 156
violate 18 U.S.C. section 922 or the law of this state or has 157
determined under the incompetency records check conducted under 158
division (F) (2) of this section or a records check conducted 159
under division (F) (3) of this section that the unlicensed 160
transferee's acquisition or possession of the firearm would 161
violate the law of this state. 162

(G) Unless prohibited by any other provision of law, 163
divisions (C) and (D) of this section shall not apply to any 164
transfer of a firearm between an unlicensed transferor and 165
unlicensed transferee if any of the following apply with respect 166
to the transfer: 167

(1) The transfer is temporary and occurs while in the home 168
of the unlicensed transferee, the unlicensed transferee is not 169
otherwise prohibited from possessing firearms, and the 170
unlicensed transferee believes that possession of the firearm is 171
necessary to prevent imminent death or great bodily harm to the 172
unlicensed transferee. 173

(2) The transfer is a temporary transfer of possession 174
without transfer of title that takes place in any of the 175
following circumstances: 176

(a) At a shooting range located in or on premises owned or 177
occupied by a duly incorporated organization organized for 178
conservation purposes or to foster proficiency in firearms; 179

(b) At a target firearm shooting competition under the 180
auspices of or approved by an agency of this state or a 181
nonprofit organization; 182

(c) While hunting, fishing, or trapping, if the activity 183
is legal in all places where the unlicensed transferee possesses 184
the firearm, and the unlicensed transferee holds any required 185
license or permit. 186

(3) The transfer is to an authorized representative of a 187
law enforcement agency of any municipal corporation, any county, 188
this state, or the federal government for exclusive use by that 189
governmental entity and, prior to the transfer, written 190
authorization from the head of the agency authorizing the 191

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

(4) The transfer is a loan of the firearm by an authorized 199
law enforcement representative of a municipal corporation, a 200
county, this state, or the federal government, the loan is made 201
to a peace officer who is employed by that governmental entity 202
and authorized to carry a firearm, and the loan is made for the 203
carrying and use of that firearm by that peace officer in the 204
course and scope of the officer's duties. 205

(5) The transfer is by a law enforcement agency to a peace 206
officer. 207

(6) The transfer is to an authorized representative of a 208
municipal corporation, a county, this state, or the federal 209
government and is for the governmental entity, and the entity is 210
acquiring the firearm as part of an authorized, voluntary 211
program in which the entity is buying or receiving weapons from 212
private individuals. 213

(7) The transfer is by an authorized law enforcement 214
representative of a municipal corporation, a county, this state, 215
or the federal government to any public or private nonprofit 216
historical society, museum, or institutional collection, if all 217
of the following conditions are met: 218

(a) The entity receiving the firearm is open to the 219
public. 220

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

(c) The firearm is not of a type prohibited by provision 223
of 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 226
representative stating that the firearm will not be restored to 227
operating condition and will either remain with that entity, or 228
if subsequently disposed of, will be transferred in accordance 229
with the applicable provisions of law. 230

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

(9) The transfer is delivery of a firearm to a gunsmith 236
for service or repair, is the return of the firearm to its owner 237
by the gunsmith, or is the delivery of a firearm by a gunsmith 238
to a federally licensed firearms dealer for service or repair or 239
the 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 242
a federally licensed firearms dealer, and is in accordance with 243
federal firearms law. 244

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

(H) A federally licensed firearms dealer or law enforcement agency that processes the transfer of a firearm under this section may assess and collect a fee, in an amount not to exceed ten dollars, with respect to each firearm transfer processed. 250
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(I) Nothing in this section shall be construed to authorize the attorney general of the United States to inspect records described in this section or to require that the records be transferred to a facility owned, managed, or controlled by this state or the United States. 255
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(J) (1) No person shall recklessly violate division (B), (C), or (D) of this section. 260
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(2) Whoever violates division (J) (1) of this section is guilty of illegal transfer of a firearm, and shall be punished as provided in divisions (J) (2) (a) to (c) of this section. 262
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(a) Except as otherwise provided in division (J) (2) (b) or (c) of this section, illegal transfer of a firearm is a misdemeanor of the fourth degree and the offender shall be fined an amount from the range of possible fines for a misdemeanor of the fourth degree set forth in section 2929.28 of the Revised Code. Notwithstanding sections 2929.21 to 2929.28 of the Revised Code, no other sanction shall be imposed on the offender under any of those sections. 265
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(b) If the offender previously has been convicted of or pleaded guilty to one violation of this section, illegal transfer of a firearm is a misdemeanor of the second degree and the offender shall be fined an amount from the range of possible fines for a misdemeanor of the second degree set forth in section 2929.28 of the Revised Code. Notwithstanding sections 273
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2929.21 to 2929.28 of the Revised Code, no other sanction shall 279
be imposed on the offender under any of those sections. 280

(c) If the offender previously has been convicted of or 281
pleaded guilty to two or more violations of this section, 282
illegal transfer of a firearm is a misdemeanor of the first 283
degree, the offender shall be fined an amount from the range of 284
possible fines for a misdemeanor of the first degree set forth 285
in section 2929.28 of the Revised Code, and, in addition to the 286
mandatory fine, the court may impose any other sanction or 287
sanctions authorized for a misdemeanor of the first degree other 288
than a fine specified in section 2929.28 of the Revised Code. 289

Sec. 2929.28. (A) In addition to imposing court costs 290
pursuant to section 2947.23 of the Revised Code, the court 291
imposing a sentence upon an offender for a misdemeanor, 292
including a minor misdemeanor, may sentence the offender to any 293
financial sanction or combination of financial sanctions 294
authorized under this section. If the court in its discretion 295
imposes one or more financial sanctions, the financial sanctions 296
that may be imposed pursuant to this section include, but are 297
not limited to, the following: 298

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

open court or to the adult probation department that serves the 309
jurisdiction or the clerk of the court on behalf of the victim. 310

If the court imposes restitution, the court shall 311
determine the amount of restitution to be paid by the offender. 312
If the court imposes restitution, the court may base the amount 313
of restitution it orders on an amount recommended by the victim, 314
the offender, a presentence investigation report, estimates or 315
receipts indicating the cost of repairing or replacing property, 316
and other information, provided that the amount the court orders 317
as restitution shall not exceed the amount of the economic loss 318
suffered by the victim as a direct and proximate result of the 319
commission of the offense. If the court decides to impose 320
restitution, the court shall hold an evidentiary hearing on 321
restitution if the offender, victim, or survivor disputes the 322
amount of restitution. If the court holds an evidentiary 323
hearing, at the hearing the victim or survivor has the burden to 324
prove by a preponderance of the evidence the amount of 325
restitution sought from the offender. 326

All restitution payments shall be credited against any 327
recovery of economic loss in a civil action brought by the 328
victim or any survivor of the victim against the offender. No 329
person may introduce evidence of an award of restitution under 330
this section in a civil action for purposes of imposing 331
liability against an insurer under section 3937.18 of the 332
Revised Code. 333

If the court imposes restitution, the court may order that 334
the offender pay a surcharge, of not more than five per cent of 335
the amount of the restitution otherwise ordered, to the entity 336
responsible for collecting and processing restitution payments. 337

The victim or survivor may request that the prosecutor in 338

the case file a motion, or the offender may file a motion, for 339
modification of the payment terms of any restitution ordered. If 340
the court grants the motion, it may modify the payment terms as 341
it determines appropriate. 342

(2) A fine of the type described in divisions (A) (2) (a) 343
and (b) of this section payable to the appropriate entity as 344
required by law: 345

(a) A fine in the following amount: 346

(i) For a misdemeanor of the first degree, not more than 347
one thousand dollars; 348

(ii) For a misdemeanor of the second degree, not more than 349
seven hundred fifty dollars; 350

(iii) For a misdemeanor of the third degree, not more than 351
five hundred dollars; 352

(iv) For a misdemeanor of the fourth degree, not more than 353
two hundred fifty dollars; 354

(v) For a minor misdemeanor, not more than one hundred 355
fifty dollars. 356

(b) A state fine or cost as defined in section 2949.111 of 357
the Revised Code. 358

(3) (a) Reimbursement by the offender of any or all of the 359
costs of sanctions incurred by the government, including, but 360
not limited to, the following: 361

(i) All or part of the costs of implementing any community 362
control sanction, including a supervision fee under section 363
2951.021 of the Revised Code; 364

(ii) All or part of the costs of confinement in a jail or 365

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;

(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.

(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 395
unable to pay the financial sanction or court costs, the court 396
shall consider imposing and may impose a term of community 397
service under division (A) of section 2929.27 of the Revised 398
Code in lieu of imposing a financial sanction or court costs. If 399
the court does not determine that the offender is indigent, the 400
court may impose a term of community service under division (A) 401
of section 2929.27 of the Revised Code in lieu of or in addition 402
to imposing a financial sanction under this section and in 403
addition to imposing court costs. The court may order community 404
service for a minor misdemeanor pursuant to division (D) of 405
section 2929.27 of the Revised Code in lieu of or in addition to 406
imposing a financial sanction under this section and in addition 407
to imposing court costs. If a person fails to pay a financial 408
sanction or court costs, the court may order community service 409
in lieu of the financial sanction or court costs. 410

(C) (1) The offender shall pay reimbursements imposed upon 411
the offender pursuant to division (A) (3) of this section to pay 412
the costs incurred by a county pursuant to any sanction imposed 413
under this section or section 2929.26 or 2929.27 of the Revised 414
Code or in operating a facility used to confine offenders 415
pursuant to a sanction imposed under section 2929.26 of the 416
Revised Code to the county treasurer. The county treasurer shall 417
deposit the reimbursements in the county's general fund. The 418
county shall use the amounts deposited in the fund to pay the 419
costs incurred by the county pursuant to any sanction imposed 420
under this section or section 2929.26 or 2929.27 of the Revised 421
Code or in operating a facility used to confine offenders 422
pursuant to a sanction imposed under section 2929.26 of the 423
Revised Code. 424

(2) The offender shall pay reimbursements imposed upon the 425

offender pursuant to division (A) (3) of this section to pay the 426
costs incurred by a municipal corporation pursuant to any 427
sanction imposed under this section or section 2929.26 or 428
2929.27 of the Revised Code or in operating a facility used to 429
confine offenders pursuant to a sanction imposed under section 430
2929.26 of the Revised Code to the treasurer of the municipal 431
corporation. The treasurer shall deposit the reimbursements in 432
the municipal corporation's general fund. The municipal 433
corporation shall use the amounts deposited in the fund to pay 434
the costs incurred by the municipal corporation pursuant to any 435
sanction imposed under this section or section 2929.26 or 436
2929.27 of the Revised Code or in operating a facility used to 437
confine offenders pursuant to a sanction imposed under section 438
2929.26 of the Revised Code. 439

(3) The offender shall pay reimbursements imposed pursuant 440
to division (A) (3) of this section for the costs incurred by a 441
private provider pursuant to a sanction imposed under this 442
section or section 2929.26 or 2929.27 of the Revised Code to the 443
provider. 444

(D) In addition to any other fine that is or may be 445
imposed under this section, the court imposing sentence upon an 446
offender for misdemeanor domestic violence or menacing by 447
stalking may impose a fine of not less than seventy nor more 448
than five hundred dollars, which shall be transmitted to the 449
treasurer of state to be credited to the address confidentiality 450
program fund created by section 111.48 of the Revised Code. 451

(E) Except as otherwise provided in this division, a 452
financial sanction imposed under division (A) of this section is 453
a judgment in favor of the state or the political subdivision 454
that operates the court that imposed the financial sanction, and 455

the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A)(3)(a)(i) of this section upon an offender is a judgment in favor of the entity administering the community control sanction, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A)(3)(a)(ii) of this section upon an offender confined in a jail or other residential facility is a judgment in favor of the entity operating the jail or other residential facility, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of restitution imposed pursuant to division (A)(1) of this section is an order in favor of the victim of the offender's criminal act that can be collected through a certificate of judgment as described in division (E)(1) of this section, through execution as described in division (E)(2) of this section, or through an order as described in division (E)(3) of this section, and the offender shall be considered for purposes of the collection as the judgment debtor.

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

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

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

(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	486 487
(F) The civil remedies authorized under division (E) of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence.	488 489 490 491
(G) Each court imposing a financial sanction upon an offender under this section may designate the clerk of the court or another person to collect the financial sanction. The clerk, or another person authorized by law or the court to collect the financial sanction may do the following:	492 493 494 495 496
(1) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	497 498 499 500 501 502
(2) Permit payment of all or any portion of the sanction in installments, by financial transaction device if the court is a county court or a municipal court operated by a county, by credit or debit card or by another electronic transfer if the court is a municipal court not operated by a county, or by any other reasonable method, in any time, and on any terms that court considers just, except that the maximum time permitted for payment shall not exceed five years. If the court is a county court or a municipal court operated by a county, the acceptance of payments by any financial transaction device shall be governed by the policy adopted by the board of county commissioners of the county pursuant to section 301.28 of the Revised Code. If the court is a municipal court not operated by	503 504 505 506 507 508 509 510 511 512 513 514 515

a county, the clerk may pay any fee associated with processing 516
an electronic transfer out of public money or may charge the fee 517
to the offender. 518

(3) To defray administrative costs, charge a reasonable 519
fee to an offender who elects a payment plan rather than a lump 520
sum payment of any financial sanction. 521

(H) No financial sanction imposed under this section shall 522
preclude a victim from bringing a civil action against the 523
offender. 524

Sec. 5122.311. (A) Notwithstanding any provision of the 525
Revised Code to the contrary, if, on or after April 8, 2004, an 526
individual is found by a court to be a mentally ill person 527
subject to court order or becomes an involuntary patient other 528
than one who is a patient only for purposes of observation, the 529
probate judge who made the adjudication or the chief clinical 530
officer of the hospital, community mental health services 531
provider, or facility in which the person is an involuntary 532
patient shall notify the office of the attorney general, on the 533
form described in division (C) of this section, of the identity 534
of the individual. The notification shall be transmitted by the 535
judge or the chief clinical officer not later than seven days 536
after the adjudication or commitment. 537

(B) The office of the attorney general shall compile and 538
maintain the notices it receives under division (A) of this 539
section and the notices shall be used for the purpose of 540
conducting incompetency records checks requested by sheriffs, 541
federally licensed firearms dealers, or law enforcement agencies 542
pursuant to section 311.41 or 2923.26 of the Revised Code. 543
Records checks requested by a federally licensed firearms dealer 544
or law enforcement agency pursuant to section 2923.26 of the 545

Revised Code shall be conducted, and results of the checks shall 546
be provided, immediately upon receipt of the request. The 547
notices referred to in this division and the information they 548
contain are confidential, except as provided in this division, 549
and are not public records. 550

(C) The attorney general, by rule adopted under Chapter 551
119. of the Revised Code, shall prescribe and make available to 552
all probate judges and all chief clinical officers a form to be 553
used by them for the purpose of making the notifications 554
required by division (A) of this section. 555

Section 2. That existing sections 2929.28 and 5122.311 of 556
the Revised Code are hereby repealed. 557