



## NICS Reporting Requirements *Municipal & County Courts*

The Ohio Attorney General's Bureau of Criminal Investigation (BCI) is responsible for maintaining the state's criminal history repository. BCI's databases are populated by data entered by law enforcement agencies, clerks of courts, judges, and other court staff. This information is used to conduct state and federal background checks. BCI must receive all of the necessary information – offense, fingerprint data, and disposition – to ensure complete and accurate information is available.

Fingerprint data is an essential part of full and timely background checks. When fingerprints are taken, an Incident Tracking Number (ITN) is generated. The clerk matches the ITN with the court's disposition and reports to BCI. The ITN is used as the connecting link for criminal history databases, matching the cases to the individual. [R.C. 109.57(A)(2)]

The court plays an integral role in ensuring fingerprints have been captured. The court shall inquire at the time of arraignment or first appearance and again at sentencing whether the defendant has been fingerprinted. If fingerprints have not yet been taken, the court shall order the person to appear before law enforcement within 24 hours for fingerprinting. [R.C. 109.60(A)]<sup>1</sup> Courts should work with the clerk of courts to develop a process for identifying defendants with missing fingerprint data appearing in court for the first time.

For more information on the duty to fingerprint and required offenses:

<https://www.supremecourt.ohio.gov/docs/JCS/courtSvcs/NICS/resources/dutyFingerprint.pdf>.

### *Reporting Requirements for NICS Disqualifiers*

The National Instant Criminal Background Check System (NICS) conducts record checks on persons who may be disqualified from owning or possessing firearms. These disqualifiers are set forth in 18 U.S.C. 922(g). The NICS databases are populated by data submitted by BCI and the Ohio Law Enforcement Automated Data System (LEADS). BCI must have the ITN before the disposition can be reported to the National Crime Information Center (NCIC), one of the NICS databases. Below are the NICS disqualifiers and related reporting requirements relevant to municipal and county courts.

| <b>FELONY CONVICTION (F4 and up) [18 U.S.C. 922(g)(1)]</b> |   |
|--|---|
| Reporting Requirement                                      | Weekly report of criminal dispositions [R.C. 109.57(A)(2)]        |
| Reporter of Information                                    | Clerk   |
| Party Responsible for Entry into NICS                      | Ohio Attorney General's Office - Bureau of Criminal Investigation |

**Felony:** A "crime punishable by imprisonment for a term exceeding one year" under [18 U.S.C. 922\(g\)\(1\)](#). In Ohio, a crime punishable by imprisonment for a term exceeding one year is classified as a felony of the fourth degree or higher under [R.C. 2929.14\(A\)](#).

---

<sup>1</sup> Courts may take fingerprints of defendants at the time of sentencing if they have not previously been captured. [R.C. 109.60(A)(3)]

| <b>FUGITIVE FROM JUSTICE [18 U.S.C. 922(g)(2)]</b> |  |
|--|--|
| Reporting Requirement                              | Upon issuance, the warrant is delivered to local law enforcement for service. [ <a href="#">Crim.R. 9(A)</a> ] |
| Reporter of Information                            | Clerk  |
| Party Responsible for Entry into NICS              | Law enforcement enters warrants into LEADS. [ <a href="#">Ohio Adm.Code 4501:2-10-03(C)(11)</a> ]              |

**Fugitive from Justice:** A person who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. [[18 U.S.C. 921\(a\)\(15\)](#)]

**Warrant Process:** The warrant is issued by the court, journalized by the clerk, and reported to law enforcement for entry into LEADS.

| <b>UNLAWFUL USER OF OR ADDICTED TO ANY CONTROLLED SUBSTANCE [18 U.S.C. 922(g)(3)]</b> |   |
|---|---|
| Reporting Requirement   | Criminal arrest and disposition information [ <a href="#">R.C. 109.57(A)(2)</a> , <a href="#">R.C. 109.60</a> ] |
| Reporter of Information   | Clerk and law enforcement   |
| Party Responsible for Entry into NICS   | Ohio Attorney General’s Office – Bureau of Criminal Investigation   |

**Controlled Substance Disqualifier:** See [21 U.S.C. 802](#) for context of an “unlawful user of or addicted to controlled substances” under [18 U.S.C. 922\(g\)\(3\)](#). The disqualification applies to marijuana even though Ohio law permits its qualified use.

**Unlawful User or Addicted to any Controlled Substance:** A person who has lost the power of self-control with reference to the use of a controlled substance; and any person who is a current user of a controlled substance in a manner other than prescribed by a licensed physician. [[27 C.F.R. 478.11](#)]

Upon notice of a drug-related or involved offense, NICS will research the arrest and disposition information to see if unlawful use of a controlled substance has occurred within the past 12 months. An inference of current use or possession may be drawn from the law enforcement incident report, self-admission, drug test results, etc. The terms of active probation, regardless of the charge, are researched to determine if there are any conditions that prohibit firearm possession or include drug testing.

| <b>ADJUDICATED AS A MENTAL DEFECTIVE OR HAS BEEN COMMITTED TO ANY MENTAL INSTITUTION [18 U.S.C. 922(g)(4)]</b> |  |
|--|--|
| Reporting Requirement  | Upon the order of a mental health evaluation or treatment of a person who pled guilty or was convicted of a violent offense or upon the approval of conditional release of a person found Not Guilty by Reason of Insanity and Incompetent to Stand Trial, court must submit “Form 95: NCIC Mental Health Notice” to law enforcement. [ <a href="#">R.C. 2929.44</a> , <a href="#">R.C. 2945.402</a> , <a href="#">Sup.R. 95</a> ] |

|                                       |  |
|---------------------------------------|--|
| Reporter of Information               | <b>Court</b>   |
| Party Responsible for Entry into NICS | Law enforcement enters notification into NCIC Supervised Release File through LEADS. [ <a href="#">R.C. 2929.44(B)</a> , <a href="#">R.C. 2945.402(E)(1)</a> ] |

|  |  |
|--|--|
| <b>SUBJECT TO DOMESTIC VIOLENCE PROTECTION ORDER [<a href="#">18 U.S.C. 922(g)(8)</a>]</b> |  |
| Reporting Requirement  | Upon issuance, submit Form 10-A to law enforcement agency [ <a href="#">Sup.R. 10</a> ]                    |
| Reporter of Information  | Court  |
| Party Responsible for Entry into NICS  | Law enforcement enters protection orders into LEADS. [ <a href="#">Ohio Adm.Code 4501:2-10-03(C)(11)</a> ] |

|   |  |
|---|--|
| <b>MISDEMEANOR DOMESTIC VIOLENCE CONVICTION [<a href="#">18 U.S.C. 922(g)(9)</a>]</b> |  |
| Reporting Requirement   | Weekly report of criminal dispositions [ <a href="#">R.C. 109.57(A)(2)</a> ] |
| Reporter of Information   | Clerk  |
| Party Responsible for Entry into NICS   | Ohio Attorney General's Office – Bureau of Criminal Investigation            |

**Notification Requirement:** The court shall notify the defendant of the restrictions set forth in [18 U.S.C. 922\(g\)\(9\)](#) when the alleged victim is any person(s) currently living or who has within the previous five years lived in the defendant's home. [[R.C. 2943.033](#)]

*Disqualifiers that are not applicable in municipal and county courts:*

- Illegal alien [[18 U.S.C. 922\(g\)\(5\)](#)]
- Dishonorable discharge from armed forces [[18 U.S.C. 922\(g\)\(6\)](#)]
- Renounced U.S. citizenship [[18 U.S.C. 922\(g\)\(7\)](#)]
- Subject to domestic violence protection order [[18 U.S.C. 922\(g\)\(8\)](#)]
- Under Felony Indictment or Information [[18 U.S.C. 922\(n\)](#)]