

As Introduced

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H. B. No. 419

Representatives Robinson, Isaacsohn

Cosponsors: Representatives Abdullahi, Baker, Blackshear, Brennan, Brent, Brewer, Brown, Dell'Aquila, Denson, Forhan, Grim, Humphrey, Jarrells, Liston, McNally, Miller, A., Miller, J., Miranda, Mohamed, Piccolantonio, Rogers, Russo, Sims, Skindell, Somani, Sweeney, Thomas, C., Troy, Upchurch, Weinstein

A BILL

To amend sections 2929.28 and 5122.311 and to enact
section 2923.26 of the Revised Code to enact the
Universal Background Checks Act 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. 16

(3) "Unlicensed transferor" means a person who is not a 17
federally licensed firearms dealer and who desires to transfer a 18
firearm to an unlicensed transferee. 19

(4) "Identification document" means a document made or 20
issued by or under the authority of the United States 21
government, this state, or any other state, a political 22
subdivision of this state or any other state, a sponsoring 23
entity of an event designated as a special event of national 24
significance, a foreign government, a political subdivision of a 25
foreign government, an international governmental organization, 26
or an international quasi-governmental organization that, when 27
completed with information concerning a particular individual, 28
is of a type intended or commonly accepted for the purpose of 29
identification of individuals and that includes a photograph of 30
the individual. 31

(B) No federally licensed firearms dealer shall transfer a 32
firearm to any person unless the federally licensed firearms 33
dealer complies with the requirements of 18 U.S.C. 922(t). 34

(C) (1) No unlicensed transferor shall transfer a firearm 35
to an unlicensed transferee, unless both of the following apply 36
with respect to the transfer of the firearm: 37

(a) The firearm is transferred through a federally 38
licensed firearms dealer under division (E) of this section, 39
through a law enforcement agency under division (F) of this 40
section, or in accordance with an exception described in 41
division (G) of this section. 42

(b) Except as provided in division (G) of this section, 43
the federally licensed firearms dealer through which the 44

transfer is made under division (E) of this section gives a 45
notice described in division (E) (3) (a) of this section, or the 46
law enforcement agency through which the transfer is made under 47
division (F) of this section gives a notice described in 48
division (F) (5) (a) of this section, with respect to the firearm. 49

(2) No unlicensed firearms dealer shall transfer a firearm 50
to an unlicensed transferee if the federally licensed firearms 51
dealer through which the transfer is to be made under division 52
(E) of this section gives a notice described in division (E) (3) 53
(b) of this section, or the law enforcement agency through which 54
the transfer is to be made under division (F) of this section 55
gives a notice described in division (F) (5) (b) of this section, 56
with respect to the firearm. 57

(D) (1) No unlicensed transferee shall receive a firearm 58
from an unlicensed transferor, unless both of the following 59
apply with respect to the transfer of the firearm: 60

(a) The firearm is transferred through a federally 61
licensed firearms dealer under division (E) of this section, 62
through a law enforcement agency under division (F) of this 63
section, or in accordance with an exception described in 64
division (G) of this section. 65

(b) Except as provided in division (G) of this section, 66
the federally licensed firearms dealer through which the 67
transfer is made under division (E) of this section gives a 68
notice described in division (E) (3) (a) of this section, or the 69
law enforcement agency through which the transfer is made under 70
division (F) of this section gives a notice described in 71
division (F) (5) (a) of this section, with respect to the firearm. 72

(2) No unlicensed firearms transferee shall receive a 73

firearm from an unlicensed transferor if the federally licensed 74
firearms dealer through which the transfer is to be made under 75
division (E) of this section gives a notice described in 76
division (E) (3) (b) of this section, or the law enforcement 77
agency through which the transfer is to be made under division 78
(F) of this section gives a notice described in division (F) (5) 79
(b) of this section, with respect to the firearm. 80

(E) A federally licensed firearms dealer who agrees to 81
assist in the transfer of a firearm between an unlicensed 82
transferor and an unlicensed transferee under division (C) or 83
(D) of this section shall do all of the following: 84

(1) Comply with 18 U.S.C. 922(t) as if transferring the 85
firearm from the inventory of the federally licensed firearms 86
dealer to the unlicensed transferee, except that a federally 87
licensed firearms dealer assisting in the transfer of a firearm 88
under this division shall not be required to comply again with 89
the requirements of that provision in delivering the firearm to 90
the unlicensed transferee; 91

(2) Conduct an incompetency records check of the 92
unlicensed transferee by contacting the attorney general and 93
requesting a check of the records maintained under section 94
5122.311 of the Revised Code, to determine if the transfer of 95
the firearm to the unlicensed transferee or the unlicensed 96
transferee's acquisition or possession of the firearm would 97
violate the law of this state; 98

(3) Notify the unlicensed transferor and unlicensed 99
transferee of whichever of the following is applicable: 100

(a) That the dealer has complied with 18 U.S.C. 922(t) as 101
provided in division (E) (1) of this section and the transfer of 102

the firearm is not prohibited under that provision and that the 103
dealer has conducted the incompetency records check of the 104
unlicensed transferee as provided in division (E)(2) of this 105
section and has not determined in that check that the unlicensed 106
transferee's acquisition or possession of the firearm would 107
violate the law of this state; 108

(b) That the dealer has complied with 18 U.S.C. 922(t) as 109
provided in division (E)(1) of this section and has received a 110
notice from the national instant criminal background check 111
system that the transfer would violate 18 U.S.C. 922 or the law 112
of this state or that the dealer has conducted the incompetency 113
records check of the unlicensed transferee as provided in 114
division (E)(2) of this section and has determined in that check 115
that the unlicensed transferee's acquisition or possession of 116
the firearm would violate the law of this state. 117

(F) A law enforcement agency of this state or of a 118
political subdivision of this state that agrees to assist an 119
unlicensed transferor in carrying out the responsibilities of 120
the unlicensed transferor under division (C) or (D) of this 121
section with respect to the transfer of a firearm shall do all 122
of the following: 123

(1) Contact the national instant criminal background check 124
system under 18 U.S.C. 922(t) and either receive an 125
identification number as described in 18 U.S.C. 922(t)(1)(B)(i) 126
or wait the period described in 18 U.S.C. 922(t)(1)(B)(ii); 127

(2) Conduct an incompetency records check of the 128
unlicensed transferee by contacting the attorney general and 129
requesting a check of the records maintained under section 130
5122.311 of the Revised Code, to determine if the transfer of 131
the firearm to the unlicensed transferee or the unlicensed 132

transferee's acquisition or possession of the firearm would 133
violate the law of this state; 134

(3) Conduct any other checks that the agency considers 135
appropriate to determine whether the receipt or possession of 136
the firearm by the unlicensed transferee would violate 18 U.S.C. 137
922 or the law of this state; 138

(4) Verify the identity of the unlicensed transferee by 139
either examining a valid identification document of the 140
unlicensed transferee containing a photograph of the unlicensed 141
transferee or confirming that the unlicensed transferor has 142
examined such a valid identification document; 143

(5) Notify the unlicensed transferor and transferee of 144
whichever of the following is applicable: 145

(a) That the law enforcement agency has complied with the 146
requirements under divisions (F) (1), (2), (3), and (4) of this 147
section and that the transfer of the firearm is not prohibited 148
under 18 U.S.C 922(t) and the agency has not determined in the 149
incompetency records check conducted under division (F) (2) of 150
this section or a records check conducted under division (F) (3) 151
of this section that the unlicensed transferee's acquisition or 152
possession of the firearm would violate the law of this state; 153

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

transferee's acquisition or possession of the firearm would 162
violate the law of this state. 163

(G) Unless prohibited by any other provision of law, 164
divisions (C) and (D) of this section shall not apply to any 165
transfer of a firearm between an unlicensed transferor and 166
unlicensed transferee if any of the following apply with respect 167
to the transfer: 168

(1) The transfer is temporary and occurs while in the home 169
of the unlicensed transferee, the unlicensed transferee is not 170
otherwise prohibited from possessing firearms, and the 171
unlicensed transferee believes that possession of the firearm is 172
necessary to prevent imminent death or great bodily harm to the 173
unlicensed transferee. 174

(2) The transfer is a temporary transfer of possession 175
without transfer of title that takes place in any of the 176
following circumstances: 177

(a) At a shooting range located in or on premises owned or 178
occupied by a duly incorporated organization organized for 179
conservation purposes or to foster proficiency in firearms; 180

(b) At a target firearm shooting competition under the 181
auspices of or approved by an agency of this state or a 182
nonprofit organization; 183

(c) While hunting, fishing, or trapping, if the activity 184
is legal in all places where the unlicensed transferee possesses 185
the firearm, and the unlicensed transferee holds any required 186
license or permit. 187

(3) The transfer is to an authorized representative of a 188
law enforcement agency of any municipal corporation, any county, 189
this state, or the federal government for exclusive use by that 190

governmental entity and, prior to the transfer, written 191
authorization from the head of the agency authorizing the 192
transaction is presented to the person from whom the transfer is 193
being made. The proper written authorization shall be verifiable 194
written certification from the head of the agency by which the 195
transferee is employed, identifying the employee as an 196
individual authorized to conduct the transaction, and 197
authorizing the transaction for the exclusive use of the agency 198
by which that 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 202
to a peace officer who is employed by that governmental entity 203
and 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 212
program in which the entity is buying or receiving weapons from 213
private 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 218
of the following conditions are met: 219

<u>(a) The entity receiving the firearm is open to the</u>	220
<u>public.</u>	221
<u>(b) The firearm prior to delivery is deactivated or</u>	222
<u>rendered inoperable.</u>	223
<u>(c) The firearm is not of a type prohibited by provision</u>	224
<u>of law from being transferred to the public at large.</u>	225
<u>(d) Prior to delivery, the entity receiving the firearm</u>	226
<u>submits a written statement to the law enforcement</u>	227
<u>representative stating that the firearm will not be restored to</u>	228
<u>operating condition and will either remain with that entity, or</u>	229
<u>if subsequently disposed of, will be transferred in accordance</u>	230
<u>with the applicable provisions of law.</u>	231
<u>(8) The transfer is by any person other than a</u>	232
<u>representative of an authorized law enforcement agency to any</u>	233
<u>public or private nonprofit historical society, museum, or</u>	234
<u>institutional collection, if all of the conditions set forth in</u>	235
<u>divisions (G) (7) (a) to (d) of this section are met.</u>	236
<u>(9) The transfer is delivery of a firearm to a gunsmith</u>	237
<u>for service or repair, is the return of the firearm to its owner</u>	238
<u>by the gunsmith, or is the delivery of a firearm by a gunsmith</u>	239
<u>to a federally licensed firearms dealer for service or repair or</u>	240
<u>the return of the firearm to the gunsmith.</u>	241
<u>(10) The transfer is made by a person who resides in this</u>	242
<u>state, is made to a person who resides outside this state and is</u>	243
<u>a federally licensed firearms dealer, and is in accordance with</u>	244
<u>federal firearms law.</u>	245
<u>(11) The transfer is of any unloaded firearm to a</u>	246
<u>wholesaler as merchandise in the wholesaler's business by a</u>	247
<u>manufacturer or importer licensed to engage in that business</u>	248

pursuant to federal firearms law or by another wholesaler and is 249
made in accordance with federal firearms law. 250

(H) A federally licensed firearms dealer or law 251
enforcement agency that processes the transfer of a firearm 252
under this section may assess and collect a fee, in an amount 253
not to exceed ten dollars, with respect to each firearm transfer 254
processed. 255

(I) Nothing in this section shall be construed to 256
authorize the attorney general of the United States to inspect 257
records described in this section or to require that the records 258
be transferred to a facility owned, managed, or controlled by 259
this state or the United States. 260

(J) (1) No person shall recklessly violate division (B), 261
(C), or (D) of this section. 262

(2) Whoever violates division (J) (1) of this section is 263
guilty of illegal transfer of a firearm, and shall be punished 264
as provided in divisions (J) (2) (a) to (c) of this section. 265

(a) Except as otherwise provided in division (J) (2) (b) or 266
(c) of this section, illegal transfer of a firearm is a 267
misdemeanor of the fourth degree and the offender shall be fined 268
an amount from the range of possible fines for a misdemeanor of 269
the fourth degree set forth in section 2929.28 of the Revised 270
Code. Notwithstanding sections 2929.21 to 2929.28 of the Revised 271
Code, no other sanction shall be imposed on the offender under 272
any of those sections. 273

(b) If the offender previously has been convicted of or 274
pleaded guilty to one violation of this section, illegal 275
transfer of a firearm is a misdemeanor of the second degree and 276
the offender shall be fined an amount from the range of possible 277

finer for a misdemeanor of the second degree set forth in 278
section 2929.28 of the Revised Code. Notwithstanding sections 279
2929.21 to 2929.28 of the Revised Code, no other sanction shall 280
be imposed on the offender under any of those sections. 281

(c) If the offender previously has been convicted of or 282
pleaded guilty to two or more violations of this section, 283
illegal transfer of a firearm is a misdemeanor of the first 284
degree, the offender shall be fined an amount from the range of 285
possible fines for a misdemeanor of the first degree set forth 286
in section 2929.28 of the Revised Code, and, in addition to the 287
mandatory fine, the court may impose any other sanction or 288
sanctions authorized for a misdemeanor of the first degree other 289
than a fine specified in section 2929.28 of the Revised Code. 290

Sec. 2929.28. (A) In addition to imposing court costs 291
pursuant to section 2947.23 of the Revised Code, the court 292
imposing a sentence upon an offender for a misdemeanor, 293
including a minor misdemeanor, may sentence the offender to any 294
financial sanction or combination of financial sanctions 295
authorized under this section and, if the offender is being 296
sentenced for a criminal offense as defined in section 2930.01 297
of the Revised Code, shall sentence the offender to make 298
restitution pursuant to this section and section 2929.281 of the 299
Revised Code. If the court, in its discretion or as required by 300
this section, imposes one or more financial sanctions, the 301
financial sanctions that may be imposed pursuant to this section 302
include, but are not limited to, the following: 303

(1) Unless the misdemeanor offense could be disposed of by 304
the traffic violations bureau serving the court under Traffic 305
Rule 13, restitution by the offender to the victim of the 306
offender's crime or the victim's estate, in an amount based on 307

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

The court shall determine the amount of restitution to be 315
paid by the offender. The victim, victim's representative, 316
victim's attorney, if applicable, the prosecutor or the 317
prosecutor's designee, and the offender may provide information 318
relevant to the determination of the amount of restitution. The 319
amount the court orders as restitution shall not exceed the 320
amount of the economic loss suffered by the victim as a direct 321
and proximate result of the commission of the offense. If the 322
court imposes restitution for the cost of accounting or auditing 323
done to determine the extent of economic loss, the court may 324
order restitution for any amount of the victim's costs of 325
accounting or auditing provided that the amount of restitution 326
is reasonable and does not exceed the value of property or 327
services stolen or damaged as a result of the offense. If the 328
court decides to or is required to impose restitution, the court 329
shall hold an evidentiary hearing on restitution if the 330
offender, victim, victim's representative, victim's attorney, if 331
applicable, or victim's estate disputes the amount of 332
restitution. The court shall determine the amount of full 333
restitution by a preponderance of the evidence. 334

All restitution payments shall be credited against any 335
recovery of economic loss in a civil action brought by the 336
victim or the victim's estate against the offender. No person 337
may introduce evidence of an award of restitution under this 338

section in a civil action for purposes of imposing liability 339
against an insurer under section 3937.18 of the Revised Code. 340

The court may order that the offender pay a surcharge, of 341
not more than five per cent of the amount of the restitution 342
otherwise ordered, to the entity responsible for collecting and 343
processing restitution payments. 344

The victim, victim's attorney, if applicable, or the 345
attorney for the victim's estate may request that the prosecutor 346
in the case file a motion, or the offender may file a motion, 347
for modification of the payment terms of any restitution 348
ordered. If the court grants the motion, it may modify the 349
payment terms as it determines appropriate but shall not reduce 350
the amount of restitution ordered, except as provided in 351
division (A) of section 2929.281 of the Revised Code. 352

(2) A fine of the type described in divisions (A) (2) (a) 353
and (b) of this section payable to the appropriate entity as 354
required by law: 355

(a) A fine in the following amount: 356

(i) For a misdemeanor of the first degree, not more than 357
one thousand dollars; 358

(ii) For a misdemeanor of the second degree, not more than 359
seven hundred fifty dollars; 360

(iii) For a misdemeanor of the third degree, not more than 361
five hundred dollars; 362

(iv) For a misdemeanor of the fourth degree, not more than 363
two hundred fifty dollars; 364

(v) For a minor misdemeanor, not more than one hundred 365
fifty dollars. 366

(b) A state fine or cost as defined in section 2949.111 of the Revised Code. 367
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(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: 369
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(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 and the costs of global positioning system device monitoring; 372
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(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; 376
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(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. 381
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(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 386
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with that section. 396

(4) For a misdemeanor violation of section 2923.26 of the 397
Revised Code, the court shall impose upon the offender a 398
mandatory fine in the amount specified in division (J) (2) (a), 399
(b), or (c) of that section. 400

(B) If the court determines a hearing is necessary, the 401
court may hold a hearing to determine whether the offender is 402
able to pay the financial sanction imposed pursuant to this 403
section or court costs or is likely in the future to be able to 404
pay the sanction or costs. 405

If the court determines that the offender is indigent and 406
unable to pay the financial sanction or court costs, the court 407
shall consider imposing and may impose a term of community 408
service under division (A) of section 2929.27 of the Revised 409
Code in lieu of imposing a financial sanction or court costs. If 410
the court does not determine that the offender is indigent, the 411
court may impose a term of community service under division (A) 412
of section 2929.27 of the Revised Code in lieu of or in addition 413
to imposing a financial sanction under this section and in 414
addition to imposing court costs. The court may order community 415
service for a minor misdemeanor pursuant to division (D) of 416
section 2929.27 of the Revised Code in lieu of or in addition to 417
imposing a financial sanction under this section and in addition 418
to imposing court costs. If a person fails to pay a financial 419
sanction or court costs, the court may order community service 420
in lieu of the financial sanction or court costs. 421

(C) (1) The offender shall pay reimbursements imposed upon 422
the offender pursuant to division (A) (3) of this section to pay 423
the costs incurred by a county pursuant to any sanction imposed 424
under this section or section 2929.26 or 2929.27 of the Revised 425

Code or in operating a facility used to confine offenders 426
pursuant to a sanction imposed under section 2929.26 of the 427
Revised Code to the county treasurer. The county treasurer shall 428
deposit the reimbursements in the county's general fund. The 429
county shall use the amounts deposited in the fund to pay the 430
costs incurred by the county pursuant to any sanction imposed 431
under this section or section 2929.26 or 2929.27 of the Revised 432
Code or in operating a facility used to confine offenders 433
pursuant to a sanction imposed under section 2929.26 of the 434
Revised Code. 435

(2) The offender shall pay reimbursements imposed upon the 436
offender pursuant to division (A) (3) of this section to pay the 437
costs incurred by a municipal corporation pursuant to any 438
sanction imposed under this section or section 2929.26 or 439
2929.27 of the Revised Code or in operating a facility used to 440
confine offenders pursuant to a sanction imposed under section 441
2929.26 of the Revised Code to the treasurer of the municipal 442
corporation. The treasurer shall deposit the reimbursements in 443
the municipal corporation's general fund. The municipal 444
corporation shall use the amounts deposited in the fund to pay 445
the costs incurred by the municipal corporation pursuant to any 446
sanction imposed under this section or section 2929.26 or 447
2929.27 of the Revised Code or in operating a facility used to 448
confine offenders pursuant to a sanction imposed under section 449
2929.26 of the Revised Code. 450

(3) The offender shall pay reimbursements imposed pursuant 451
to division (A) (3) of this section for the costs incurred by a 452
private provider pursuant to a sanction imposed under this 453
section or section 2929.26 or 2929.27 of the Revised Code to the 454
provider. 455

(D) (1) In addition to any other fine that is or may be 456
imposed under this section, the court imposing sentence upon an 457
offender for misdemeanor domestic violence or menacing by 458
stalking may impose a fine of not less than seventy nor more 459
than five hundred dollars, which shall, except as provided in 460
divisions (D) (2) and (3) of this section, be transmitted to the 461
treasurer of state to be credited to the address confidentiality 462
program fund created by section 111.48 of the Revised Code. 463

(2) A court that imposes a fine under division (D) (1) of 464
this section may retain up to twenty-five per cent of amounts 465
collected in satisfaction of the fine to cover administrative 466
costs. 467

(3) A court that imposes a fine under division (D) (1) of 468
this section may assign up to twenty-five per cent of amounts 469
collected in satisfaction of the fine to reimburse the 470
prosecuting attorney for costs associated with prosecution of 471
the offense. 472

(E) Except as otherwise provided in this division, a 473
financial sanction imposed under division (A) of this section is 474
a judgment in favor of the state or the political subdivision 475
that operates the court that imposed the financial sanction, and 476
the offender subject to the financial sanction is the judgment 477
debtor. A financial sanction of reimbursement imposed pursuant 478
to division (A) (3) (a) (i) of this section upon an offender is a 479
judgment in favor of the entity administering the community 480
control sanction, and the offender subject to the financial 481
sanction is the judgment debtor. A financial sanction of 482
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 483
section upon an offender confined in a jail or other residential 484
facility is a judgment in favor of the entity operating the jail 485

or other residential facility, and the offender subject to the 486
financial sanction is the judgment debtor. A financial sanction 487
of restitution imposed pursuant to division (A)(1) of this 488
section is an order in favor of the victim of the offender's 489
criminal act that can be collected through a certificate of 490
judgment as described in division (E)(1) of this section, 491
through execution as described in division (E)(2) of this 492
section, or through an order as described in division (E)(3) of 493
this section, and the offender shall be considered for purposes 494
of the collection as the judgment debtor. 495

Once the financial sanction is imposed as a judgment or 496
order under this division, the victim, private provider, state, 497
or political subdivision may do any of the following: 498

(1) Obtain from the clerk of the court in which the 499
judgment was entered, at no charge, a certificate of judgment 500
that shall be in the same manner and form as a certificate of 501
judgment issued in a civil action; 502

(2) Obtain execution of the judgment or order through any 503
available procedure, including any of the procedures identified 504
in divisions (D)(1) and (2) of section 2929.18 of the Revised 505
Code. 506

(3) Obtain an order for the assignment of wages of the 507
judgment debtor under section 1321.33 of the Revised Code. 508

(F) The civil remedies authorized under division (E) of 509
this section for the collection of the financial sanction 510
supplement, but do not preclude, enforcement of the criminal 511
sentence. 512

(G) Each court imposing a financial sanction upon an 513
offender under this section may designate the clerk of the court 514

or another person to collect the financial sanction. The clerk, 515
or another person authorized by law or the court to collect the 516
financial sanction may do the following: 517

(1) Enter into contracts with one or more public agencies 518
or private vendors for the collection of amounts due under the 519
sanction. Before entering into a contract for the collection of 520
amounts due from an offender pursuant to any financial sanction 521
imposed pursuant to this section, a court shall comply with 522
sections 307.86 to 307.92 of the Revised Code. 523

(2) Permit payment of all or any portion of the sanction 524
in installments, by financial transaction device if the court is 525
a county court or a municipal court operated by a county, by 526
credit or debit card or by another electronic transfer if the 527
court is a municipal court not operated by a county, or by any 528
other reasonable method, in any time, and on any terms that 529
court considers just. If the court is a county court or a 530
municipal court operated by a county, the acceptance of payments 531
by any financial transaction device shall be governed by the 532
policy adopted by the board of county commissioners of the 533
county pursuant to section 301.28 of the Revised Code. If the 534
court is a municipal court not operated by a county, the clerk 535
may pay any fee associated with processing an electronic 536
transfer out of public money or may charge the fee to the 537
offender. 538

(3) To defray administrative costs, charge a reasonable 539
fee to an offender who elects a payment plan rather than a lump 540
sum payment of any financial sanction. 541

(H) No financial sanction imposed under this section shall 542
preclude a victim from bringing a civil action against the 543
offender. 544

(I) If the court imposes restitution, fines, fees, or 545
incarceration costs on a business or corporation, it is the duty 546
of the person authorized to make disbursements from assets of 547
the business or corporation to pay the restitution, fines, fees, 548
or incarceration costs from those assets. 549

Sec. 5122.311. (A) Notwithstanding any provision of the 550
Revised Code to the contrary, if, on or after April 8, 2004, an 551
individual is found by a court to be a person with a mental 552
illness subject to court order or becomes an involuntary patient 553
other than one who is a patient only for purposes of 554
observation, the probate judge who made the adjudication or the 555
chief clinical officer of the hospital, community mental health 556
services provider, or facility in which the person is an 557
involuntary patient shall notify the office of the attorney 558
general, on the form described in division (C) of this section, 559
of the identity of the individual. The notification shall be 560
transmitted by the judge or the chief clinical officer not later 561
than seven days after the adjudication or commitment. 562

(B) The office of the attorney general shall compile and 563
maintain the notices it receives under division (A) of this 564
section and the notices shall be used for the purpose of 565
conducting incompetency records checks requested by sheriffs, 566
federally licensed firearms dealers, or law enforcement agencies 567
pursuant to section 311.41 or 2923.26 of the Revised Code. 568
Records checks requested by a federally licensed firearms dealer 569
or law enforcement agency pursuant to section 2923.26 of the 570
Revised Code shall be conducted, and results of the checks shall 571
be provided, immediately upon receipt of the request. The 572
notices referred to in this division and the information they 573
contain are confidential, except as provided in this division, 574
and are not public records. 575

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

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

Section 3. This act shall be known as the Universal Background Checks Act.

Section 4. Section 2929.28 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 33 and S.B. 16 of the 135th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.