

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 283**

**Senators Thomas, Schiavoni**

**Cosponsors: Senators Skindell, Williams, Brown, Tavares, Sykes, Yuko**

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**A BILL**

To amend sections 2929.28 and 5122.311 and to enact 1  
section 2923.26 of the Revised Code to prohibit 2  
a firearm transfer from a person who is not a 3  
federally licensed firearms dealer to a person 4  
who is not a dealer unless it is done through a 5  
dealer, through a law enforcement agency, or 6  
pursuant to a specified exception, and to 7  
require that background checks be conducted when 8  
a firearm is transferred through a federally 9  
licensed firearms dealer or a law enforcement 10  
agency. 11

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

**Section 1.** That sections 2929.28 and 5122.311 be amended 12  
and section 2923.26 of the Revised Code be enacted to read as 13  
follows: 14

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

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

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

federally licensed firearms dealer and who desires to receive a 19  
firearm from an unlicensed transferor. 20

(3) "Unlicensed transferor" means a person who is not a 21  
federally licensed firearms dealer and who desires to transfer a 22  
firearm to an unlicensed transferee. 23

(4) "Identification document" means a document made or 24  
issued by or under the authority of the United States 25  
government, this state, or any other state, a political 26  
subdivision of this state or any other state, a sponsoring 27  
entity of an event designated as a special event of national 28  
significance, a foreign government, a political subdivision of a 29  
foreign government, an international governmental organization, 30  
or an international quasi-governmental organization that, when 31  
completed with information concerning a particular individual, 32  
is of a type intended or commonly accepted for the purpose of 33  
identification of individuals and that includes a photograph of 34  
the individual. 35

(B) No federally licensed firearms dealer shall transfer a 36  
firearm to any person unless the federally licensed firearms 37  
dealer complies with the requirements of 18 U.S.C. 922(t). 38

(C) (1) No unlicensed transferor shall transfer a firearm 39  
to an unlicensed transferee, unless both of the following apply 40  
with respect to the transfer of the firearm: 41

(a) The firearm is transferred through a federally 42  
licensed firearms dealer under division (E) of this section, 43  
through a law enforcement agency under division (F) of this 44  
section, or in accordance with an exception described in 45  
division (G) of this section. 46

(b) Except as provided in division (G) of this section, 47

the federally licensed firearms dealer through which the 48  
transfer is made under division (E) of this section gives a 49  
notice described in division (E) (3) (a) of this section, or the 50  
law enforcement agency through which the transfer is made under 51  
division (F) of this section gives a notice described in 52  
division (F) (5) (a) of this section, with respect to the firearm. 53

(2) No unlicensed firearms dealer shall transfer a firearm 54  
to an unlicensed transferee if the federally licensed firearms 55  
dealer through which the transfer is to be made under division 56  
(E) of this section gives a notice described in division (E) (3) 57  
(b) of this section, or the law enforcement agency through which 58  
the transfer is to be made under division (F) of this section 59  
gives a notice described in division (F) (5) (b) of this section, 60  
with respect to the firearm. 61

(D) (1) No unlicensed transferee shall receive a firearm 62  
from an unlicensed transferor, unless both of the following 63  
apply with respect to the transfer of the firearm: 64

(a) The firearm is transferred through a federally 65  
licensed firearms dealer under division (E) of this section, 66  
through a law enforcement agency under division (F) of this 67  
section, or in accordance with an exception described in 68  
division (G) of this section. 69

(b) Except as provided in division (G) of this section, 70  
the federally licensed firearms dealer through which the 71  
transfer is made under division (E) of this section gives a 72  
notice described in division (E) (3) (a) of this section, or the 73  
law enforcement agency through which the transfer is made under 74  
division (F) of this section gives a notice described in 75  
division (F) (5) (a) of this section, with respect to the firearm. 76

(2) No unlicensed firearms transferee shall receive a 77  
firearm from an unlicensed transferor if the federally licensed 78  
firearms dealer through which the transfer is to be made under 79  
division (E) of this section gives a notice described in 80  
division (E) (3) (b) of this section, or the law enforcement 81  
agency through which the transfer is to be made under division 82  
(F) of this section gives a notice described in division (F) (5) 83  
(b) of this section, with respect to the firearm. 84

(E) A federally licensed firearms dealer who agrees to 85  
assist in the transfer of a firearm between an unlicensed 86  
transferor and an unlicensed transferee under division (C) or 87  
(D) of this section shall do all of the following: 88

(1) Comply with 18 U.S.C. 922(t) as if transferring the 89  
firearm from the inventory of the federally licensed firearms 90  
dealer to the unlicensed transferee, except that a federally 91  
licensed firearms dealer assisting in the transfer of a firearm 92  
under this division shall not be required to comply again with 93  
the requirements of that provision in delivering the firearm to 94  
the unlicensed transferee; 95

(2) Conduct an incompetency records check of the 96  
unlicensed transferee by contacting the attorney general and 97  
requesting a check of the records maintained under section 98  
5122.311 of the Revised Code, to determine if the transfer of 99  
the firearm to the unlicensed transferee or the unlicensed 100  
transferee's acquisition or possession of the firearm would 101  
violate the law of this state; 102

(3) Notify the unlicensed transferor and unlicensed 103  
transferee of whichever of the following is applicable: 104

(a) That the dealer has complied with 18 U.S.C. 922(t) as 105

provided in division (E) (1) of this section and the transfer of 106  
the firearm is not prohibited under that provision and that the 107  
dealer has conducted the incompetency records check of the 108  
unlicensed transferee as provided in division (E) (2) of this 109  
section and has not determined in that check that the unlicensed 110  
transferee's acquisition or possession of the firearm would 111  
violate the law of this state; 112

(b) That the dealer has complied with 18 U.S.C. 922(t) as 113  
provided in division (E) (1) of this section and has received a 114  
notice from the national instant criminal background check 115  
system that the transfer would violate 18 U.S.C. 922 or the law 116  
of this state or that the dealer has conducted the incompetency 117  
records check of the unlicensed transferee as provided in 118  
division (E) (2) of this section and has determined in that check 119  
that the unlicensed transferee's acquisition or possession of 120  
the firearm would violate the law of this state. 121

(F) A law enforcement agency of this state or of a 122  
political subdivision of this state that agrees to assist an 123  
unlicensed transferor in carrying out the responsibilities of 124  
the unlicensed transferor under division (C) or (D) of this 125  
section with respect to the transfer of a firearm shall do all 126  
of the following: 127

(1) Contact the national instant criminal background check 128  
system under 18 U.S.C. 922(t) and either receive an 129  
identification number as described in 18 U.S.C. 922(t) (1) (B) (i) 130  
or wait the period described in 18 U.S.C. 922(t) (1) (B) (ii); 131

(2) Conduct an incompetency records check of the 132  
unlicensed transferee by contacting the attorney general and 133  
requesting a check of the records maintained under section 134  
5122.311 of the Revised Code, to determine if the transfer of 135

the firearm to the unlicensed transferee or the unlicensed 136  
transferee's acquisition or possession of the firearm would 137  
violate the law of this state; 138

(3) Conduct any other checks that the agency considers 139  
appropriate to determine whether the receipt or possession of 140  
the firearm by the unlicensed transferee would violate 18 U.S.C. 141  
922 or the law of this state; 142

(4) Verify the identity of the unlicensed transferee by 143  
either examining a valid identification document of the 144  
unlicensed transferee containing a photograph of the unlicensed 145  
transferee or confirming that the unlicensed transferor has 146  
examined such a valid identification document; 147

(5) Notify the unlicensed transferor and transferee of 148  
whichever of the following is applicable: 149

(a) That the law enforcement agency has complied with the 150  
requirements under divisions (F) (1), (2), (3), and (4) of this 151  
section and that the transfer of the firearm is not prohibited 152  
under 18 U.S.C 922(t) and the agency has not determined in the 153  
incompetency records check conducted under division (F) (2) of 154  
this section or a records check conducted under division (F) (3) 155  
of this section that the unlicensed transferee's acquisition or 156  
possession of the firearm would violate the law of this state; 157

(b) That the law enforcement agency has complied with the 158  
requirements under divisions (F) (1), (2), (3), and (4) of this 159  
section and either has received a notification from the national 160  
instant criminal background check system that the transfer would 161  
violate 18 U.S.C. section 922 or the law of this state or has 162  
determined under the incompetency records check conducted under 163  
division (F) (2) of this section or a records check conducted 164

under division (F) (3) of this section that the unlicensed transferee's acquisition or possession of the firearm would violate the law of this state. 165  
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(G) Unless prohibited by any other provision of law, divisions (C) and (D) of this section shall not apply to any transfer of a firearm between an unlicensed transferor and unlicensed transferee if any of the following apply with respect to the transfer: 168  
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(1) The transfer is temporary and occurs while in the home of the unlicensed transferee, the unlicensed transferee is not otherwise prohibited from possessing firearms, and the unlicensed transferee believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to the unlicensed transferee. 173  
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(2) The transfer is a temporary transfer of possession without transfer of title that takes place in any of the following circumstances: 179  
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(a) At a shooting range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in firearms; 182  
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(b) At a target firearm shooting competition under the auspices of or approved by an agency of this state or a nonprofit organization; 185  
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(c) While hunting, fishing, or trapping, if the activity is legal in all places where the unlicensed transferee possesses the firearm, and the unlicensed transferee holds any required license or permit. 188  
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(3) The transfer is to an authorized representative of a law enforcement agency of any municipal corporation, any county, 192  
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this state, or the federal government for exclusive use by that 194  
governmental entity and, prior to the transfer, written 195  
authorization from the head of the agency authorizing the 196  
transaction is presented to the person from whom the transfer is 197  
being made. The proper written authorization shall be verifiable 198  
written certification from the head of the agency by which the 199  
transferee is employed, identifying the employee as an 200  
individual authorized to conduct the transaction, and 201  
authorizing the transaction for the exclusive use of the agency 202  
by which that person is employed. 203

(4) The transfer is a loan of the firearm by an authorized 204  
law enforcement representative of a municipal corporation, a 205  
county, this state, or the federal government, the loan is made 206  
to a peace officer who is employed by that governmental entity 207  
and authorized to carry a firearm, and the loan is made for the 208  
carrying and use of that firearm by that peace officer in the 209  
course and scope of the officer's duties. 210

(5) The transfer is by a law enforcement agency to a peace 211  
officer. 212

(6) The transfer is to an authorized representative of a 213  
municipal corporation, a county, this state, or the federal 214  
government and is for the governmental entity, and the entity is 215  
acquiring the firearm as part of an authorized, voluntary 216  
program in which the entity is buying or receiving weapons from 217  
private individuals. 218

(7) The transfer is by an authorized law enforcement 219  
representative of a municipal corporation, a county, this state, 220  
or the federal government to any public or private nonprofit 221  
historical society, museum, or institutional collection, if all 222  
of the following conditions are met: 223



<u>(a) The entity receiving the firearm is open to the</u>	224
<u>public.</u>	225
<u>(b) The firearm prior to delivery is deactivated or</u>	226
<u>rendered inoperable.</u>	227
<u>(c) The firearm is not of a type prohibited by provision</u>	228
<u>of law from being transferred to the public at large.</u>	229
<u>(d) Prior to delivery, the entity receiving the firearm</u>	230
<u>submits a written statement to the law enforcement</u>	231
<u>representative stating that the firearm will not be restored to</u>	232
<u>operating condition and will either remain with that entity, or</u>	233
<u>if subsequently disposed of, will be transferred in accordance</u>	234
<u>with the applicable provisions of law.</u>	235
<u>(8) The transfer is by any person other than a</u>	236
<u>representative of an authorized law enforcement agency to any</u>	237
<u>public or private nonprofit historical society, museum, or</u>	238
<u>institutional collection, if all of the conditions set forth in</u>	239
<u>divisions (G) (7) (a) to (d) of this section are met.</u>	240
<u>(9) The transfer is delivery of a firearm to a gunsmith</u>	241
<u>for service or repair, is the return of the firearm to its owner</u>	242
<u>by the gunsmith, or is the delivery of a firearm by a gunsmith</u>	243
<u>to a federally licensed firearms dealer for service or repair or</u>	244
<u>the return of the firearm to the gunsmith.</u>	245
<u>(10) The transfer is made by a person who resides in this</u>	246
<u>state, is made to a person who resides outside this state and is</u>	247
<u>a federally licensed firearms dealer, and is in accordance with</u>	248
<u>federal firearms law.</u>	249
<u>(11) The transfer is of any unloaded firearm to a</u>	250
<u>wholesaler as merchandise in the wholesaler's business by a</u>	251
<u>manufacturer or importer licensed to engage in that business</u>	252

pursuant to federal firearms law or by another wholesaler and is 253  
made in accordance with federal firearms law. 254

(H) A federally licensed firearms dealer or law 255  
enforcement agency that processes the transfer of a firearm 256  
under this section may assess and collect a fee, in an amount 257  
not to exceed ten dollars, with respect to each firearm transfer 258  
processed. 259

(I) Nothing in this section shall be construed to 260  
authorize the attorney general of the United States to inspect 261  
records described in this section or to require that the records 262  
be transferred to a facility owned, managed, or controlled by 263  
this state or the United States. 264

(J) (1) No person shall recklessly violate division (B), 265  
(C), or (D) of this section. 266

(2) Whoever violates division (J) (1) of this section is 267  
guilty of illegal transfer of a firearm, and shall be punished 268  
as provided in divisions (J) (2) (a) to (c) of this section. 269

(a) Except as otherwise provided in division (J) (2) (b) or 270  
(c) of this section, illegal transfer of a firearm is a 271  
misdemeanor of the fourth degree and the offender shall be fined 272  
an amount from the range of possible fines for a misdemeanor of 273  
the fourth degree set forth in section 2929.28 of the Revised 274  
Code. Notwithstanding sections 2929.21 to 2929.28 of the Revised 275  
Code, no other sanction shall be imposed on the offender under 276  
any of those sections. 277

(b) If the offender previously has been convicted of or 278  
pleaded guilty to one violation of this section, illegal 279  
transfer of a firearm is a misdemeanor of the second degree and 280  
the offender shall be fined an amount from the range of possible 281

finer for a misdemeanor of the second degree set forth in 282  
section 2929.28 of the Revised Code. Notwithstanding sections 283  
2929.21 to 2929.28 of the Revised Code, no other sanction shall 284  
be imposed on the offender under any of those sections. 285

(c) If the offender previously has been convicted of or 286  
pleaded guilty to two or more violations of this section, 287  
illegal transfer of a firearm is a misdemeanor of the first 288  
degree, the offender shall be fined an amount from the range of 289  
possible fines for a misdemeanor of the first degree set forth 290  
in section 2929.28 of the Revised Code, and, in addition to the 291  
mandatory fine, the court may impose any other sanction or 292  
sanctions authorized for a misdemeanor of the first degree other 293  
than a fine specified in section 2929.28 of the Revised Code. 294

**Sec. 2929.28.** (A) In addition to imposing court costs 295  
pursuant to section 2947.23 of the Revised Code, the court 296  
imposing a sentence upon an offender for a misdemeanor, 297  
including a minor misdemeanor, may sentence the offender to any 298  
financial sanction or combination of financial sanctions 299  
authorized under this section. If the court in its discretion 300  
imposes one or more financial sanctions, the financial sanctions 301  
that may be imposed pursuant to this section include, but are 302  
not limited to, the following: 303

(1) Unless the misdemeanor offense is a minor misdemeanor 304  
or could be disposed of by the traffic violations bureau serving 305  
the court under Traffic Rule 13, restitution by the offender to 306  
the victim of the offender's crime or any survivor of the 307  
victim, in an amount based on the victim's economic loss. The 308  
court may not impose restitution as a sanction pursuant to this 309  
division if the offense is a minor misdemeanor or 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

If the court imposes restitution, the court shall 316  
determine the amount of restitution to be paid by the offender. 317  
If the court imposes restitution, the court may base the amount 318  
of restitution it orders on an amount recommended by the victim, 319  
the offender, a presentence investigation report, estimates or 320  
receipts indicating the cost of repairing or replacing property, 321  
and other information, provided that the amount the court orders 322  
as restitution shall not exceed the amount of the economic loss 323  
suffered by the victim as a direct and proximate result of the 324  
commission of the offense. If the court decides to impose 325  
restitution, the court shall hold an evidentiary hearing on 326  
restitution if the offender, victim, or survivor disputes the 327  
amount of restitution. If the court holds an evidentiary 328  
hearing, at the hearing the victim or survivor has the burden to 329  
prove by a preponderance of the evidence the amount of 330  
restitution sought from the offender. 331

All restitution payments shall be credited against any 332  
recovery of economic loss in a civil action brought by the 333  
victim or any survivor of the victim against the offender. No 334  
person may introduce evidence of an award of restitution under 335  
this section in a civil action for purposes of imposing 336  
liability against an insurer under section 3937.18 of the 337  
Revised Code. 338

If the court imposes restitution, the court may order that 339  
the offender pay a surcharge, of not more than five per cent of 340  
the amount of the restitution otherwise ordered, to the entity 341

responsible for collecting and processing restitution payments. 342

The victim or survivor may request that the prosecutor in 343  
the case file a motion, or the offender may file a motion, for 344  
modification of the payment terms of any restitution ordered. If 345  
the court grants the motion, it may modify the payment terms as 346  
it determines appropriate. 347

(2) A fine of the type described in divisions (A) (2) (a) 348  
and (b) of this section payable to the appropriate entity as 349  
required by law: 350

(a) A fine in the following amount: 351

(i) For a misdemeanor of the first degree, not more than 352  
one thousand dollars; 353

(ii) For a misdemeanor of the second degree, not more than 354  
seven hundred fifty dollars; 355

(iii) For a misdemeanor of the third degree, not more than 356  
five hundred dollars; 357

(iv) For a misdemeanor of the fourth degree, not more than 358  
two hundred fifty dollars; 359

(v) For a minor misdemeanor, not more than one hundred 360  
fifty dollars. 361

(b) A state fine or cost as defined in section 2949.111 of 362  
the Revised Code. 363

(3) (a) Reimbursement by the offender of any or all of the 364  
costs of sanctions incurred by the government, including, but 365  
not limited to, the following: 366

(i) All or part of the costs of implementing any community 367  
control sanction, including a supervision fee under section 368

2951.021 of the Revised Code;	369
(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;	370 371 372 373 374
(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.	375 376 377 378 379
(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.	380 381 382 383 384 385 386 387 388 389 390
<u>(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.</u>	391 392 393 394
(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	395 396 397

section or court costs or is likely in the future to be able to 398  
pay the sanction or costs. 399

If the court determines that the offender is indigent and 400  
unable to pay the financial sanction or court costs, the court 401  
shall consider imposing and may impose a term of community 402  
service under division (A) of section 2929.27 of the Revised 403  
Code in lieu of imposing a financial sanction or court costs. If 404  
the court does not determine that the offender is indigent, the 405  
court may impose a term of community service under division (A) 406  
of section 2929.27 of the Revised Code in lieu of or in addition 407  
to imposing a financial sanction under this section and in 408  
addition to imposing court costs. The court may order community 409  
service for a minor misdemeanor pursuant to division (D) of 410  
section 2929.27 of the Revised Code in lieu of or in addition to 411  
imposing a financial sanction under this section and in addition 412  
to imposing court costs. If a person fails to pay a financial 413  
sanction or court costs, the court may order community service 414  
in lieu of the financial sanction or court costs. 415

(C) (1) The offender shall pay reimbursements imposed upon 416  
the offender pursuant to division (A) (3) of this section to pay 417  
the costs incurred by a county pursuant to any sanction imposed 418  
under this section or section 2929.26 or 2929.27 of the Revised 419  
Code or in operating a facility used to confine offenders 420  
pursuant to a sanction imposed under section 2929.26 of the 421  
Revised Code to the county treasurer. The county treasurer shall 422  
deposit the reimbursements in the county's general fund. The 423  
county shall use the amounts deposited in the fund to pay the 424  
costs incurred by the county pursuant to any sanction imposed 425  
under this section or section 2929.26 or 2929.27 of the Revised 426  
Code or in operating a facility used to confine offenders 427  
pursuant to a sanction imposed under section 2929.26 of the 428

Revised Code. 429

(2) The offender shall pay reimbursements imposed upon the 430  
offender pursuant to division (A) (3) of this section to pay the 431  
costs incurred by a municipal corporation pursuant to any 432  
sanction imposed under this section or section 2929.26 or 433  
2929.27 of the Revised Code or in operating a facility used to 434  
confine offenders pursuant to a sanction imposed under section 435  
2929.26 of the Revised Code to the treasurer of the municipal 436  
corporation. The treasurer shall deposit the reimbursements in 437  
the municipal corporation's general fund. The municipal 438  
corporation shall use the amounts deposited in the fund to pay 439  
the costs incurred by the municipal corporation pursuant to any 440  
sanction imposed under this section or section 2929.26 or 441  
2929.27 of the Revised Code or in operating a facility used to 442  
confine offenders pursuant to a sanction imposed under section 443  
2929.26 of the Revised Code. 444

(3) The offender shall pay reimbursements imposed pursuant 445  
to division (A) (3) of this section for the costs incurred by a 446  
private provider pursuant to a sanction imposed under this 447  
section or section 2929.26 or 2929.27 of the Revised Code to the 448  
provider. 449

(D) In addition to any other fine that is or may be 450  
imposed under this section, the court imposing sentence upon an 451  
offender for misdemeanor domestic violence or menacing by 452  
stalking may impose a fine of not less than seventy nor more 453  
than five hundred dollars, which shall be transmitted to the 454  
treasurer of state to be credited to the address confidentiality 455  
program fund created by section 111.48 of the Revised Code. 456

(E) Except as otherwise provided in this division, a 457  
financial sanction imposed under division (A) of this section is 458



a judgment in favor of the state or the political subdivision 459  
that operates the court that imposed the financial sanction, and 460  
the offender subject to the financial sanction is the judgment 461  
debtor. A financial sanction of reimbursement imposed pursuant 462  
to division (A) (3) (a) (i) of this section upon an offender is a 463  
judgment in favor of the entity administering the community 464  
control sanction, and the offender subject to the financial 465  
sanction is the judgment debtor. A financial sanction of 466  
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 467  
section upon an offender confined in a jail or other residential 468  
facility is a judgment in favor of the entity operating the jail 469  
or other residential facility, and the offender subject to the 470  
financial sanction is the judgment debtor. A financial sanction 471  
of restitution imposed pursuant to division (A) (1) of this 472  
section is an order in favor of the victim of the offender's 473  
criminal act that can be collected through a certificate of 474  
judgment as described in division (E) (1) of this section, 475  
through execution as described in division (E) (2) of this 476  
section, or through an order as described in division (E) (3) of 477  
this section, and the offender shall be considered for purposes 478  
of the collection as the judgment debtor. 479

Once the financial sanction is imposed as a judgment or 480  
order under this division, the victim, private provider, state, 481  
or political subdivision may do any of the following: 482

(1) Obtain from the clerk of the court in which the 483  
judgment was entered a certificate of judgment that shall be in 484  
the same manner and form as a certificate of judgment issued in 485  
a civil action; 486

(2) Obtain execution of the judgment or order through any 487  
available procedure, including any of the procedures identified 488

in divisions (E) (1) and (2) of section 2929.18 of the Revised Code.	489 490
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	491 492
(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.	493 494 495 496
(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:	497 498 499 500 501
(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.	502 503 504 505 506 507
(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	508 509 510 511 512 513 514 515 516 517

governed by the policy adopted by the board of county 518  
commissioners of the county pursuant to section 301.28 of the 519  
Revised Code. If the court is a municipal court not operated by 520  
a county, the clerk may pay any fee associated with processing 521  
an electronic transfer out of public money or may charge the fee 522  
to the offender. 523

(3) To defray administrative costs, charge a reasonable 524  
fee to an offender who elects a payment plan rather than a lump 525  
sum payment of any financial sanction. 526

(H) No financial sanction imposed under this section shall 527  
preclude a victim from bringing a civil action against the 528  
offender. 529

**Sec. 5122.311.** (A) Notwithstanding any provision of the 530  
Revised Code to the contrary, if, on or after April 8, 2004, an 531  
individual is found by a court to be a mentally ill person 532  
subject to court order or becomes an involuntary patient other 533  
than one who is a patient only for purposes of observation, the 534  
probate judge who made the adjudication or the chief clinical 535  
officer of the hospital, community mental health services 536  
provider, or facility in which the person is an involuntary 537  
patient shall notify the office of the attorney general, on the 538  
form described in division (C) of this section, of the identity 539  
of the individual. The notification shall be transmitted by the 540  
judge or the chief clinical officer not later than seven days 541  
after the adjudication or commitment. 542

(B) The office of the attorney general shall compile and 543  
maintain the notices it receives under division (A) of this 544  
section and the notices shall be used for the purpose of 545  
conducting incompetency records checks requested by sheriffs, 546  
federally licensed firearms dealers, or law enforcement agencies 547

pursuant to section 311.41 or 2923.26 of the Revised Code. 548  
Records checks requested by a federally licensed firearms dealer 549  
or law enforcement agency pursuant to section 2923.26 of the 550  
Revised Code shall be conducted, and results of the checks shall 551  
be provided, immediately upon receipt of the request. The 552  
notices referred to in this division and the information they 553  
contain are confidential, except as provided in this division, 554  
and are not public records. 555

(C) The attorney general, by rule adopted under Chapter 556  
119. of the Revised Code, shall prescribe and make available to 557  
all probate judges and all chief clinical officers a form to be 558  
used by them for the purpose of making the notifications 559  
required by division (A) of this section. 560

**Section 2.** That existing sections 2929.28 and 5122.311 of 561  
the Revised Code are hereby repealed. 562