

As Introduced

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S. B. No. 285

Senators Thomas, Schiavoni

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

A BILL

To amend sections 2929.28 and 5122.311 and to enact 1
section 2923.27 of the Revised Code to regulate 2
the transfer of firearms at a gun show. 3

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

Section 1. That sections 2929.28 and 5122.311 be amended 4
and section 2923.27 of the Revised Code be enacted to read as 5
follows: 6

Sec. 2923.27. (A) As used in this section: 7

(1) "Federally licensed firearms dealer" has the same 8
meaning as in section 5502.63 of the Revised Code. 9

(2) "Gun show" means the entire premises provided for an 10
event or function, including all parking areas for the event or 11
function, that is sponsored to facilitate, in whole or in part, 12
the purchase, transfer, offer for transfer, or collection of 13
firearms and at which either or both of the following occurs: 14

(a) Twenty-five or more firearms are exhibited or offered 15
for transfer. 16

(b) Not less than three gun show vendors exhibit, 17

transfer, or offer for transfer firearms. 18

(3) "Gun show promoter" means a person who organizes or 19
operates a gun show. 20

(4) "Gun show vendor" means any person who exhibits, 21
transfers, or offers for transfer any firearm at an event or 22
function that is sponsored to facilitate any conduct of that 23
nature, regardless of whether the person arranges with a gun 24
show promoter for a fixed location from which to engage in that 25
conduct. 26

(5) "Local law enforcement agency with jurisdiction over 27
the show" means the sheriff with jurisdiction over the place at 28
which a gun show is conducted and, for a gun show that is 29
conducted in a municipal corporation, the law enforcement agency 30
of that municipal corporation. 31

(6) "Point of contact agency" with respect to a particular 32
gun show means either of the following with jurisdiction over 33
the place at which the gun show is conducted: 34

(a) The sheriff with jurisdiction over the place at which 35
the gun show is conducted; 36

(b) If the gun show is conducted in a municipal 37
corporation, the law enforcement agency of that municipal 38
corporation. 39

(7) "Transfer" means any sale, exchange, trade, barter, or 40
other type of transfer. 41

(8) "Unlicensed transferee" means a person who is not a 42
federally licensed firearms dealer and who desires to be 43
transferred a firearm from an unlicensed transferor. 44

(9) "Unlicensed transferor" means a person who is not a 45

federally licensed firearms dealer and who desires to transfer a 46
firearm to an unlicensed transferee. 47

(B) (1) (a) Divisions (B) (2), (3), (4), and (5) of this 48
section apply to a transfer of a firearm at a gun show if any 49
part of the transfer transaction takes place at the show. 50

(b) Any point of contact agency with respect to a 51
particular gun show is hereby authorized to conduct background 52
checks for transfers of firearms at the gun show by an 53
unlicensed transferor to an unlicensed transferee and to 54
otherwise comply with divisions (B) to (D) of this section 55
regarding the gun show and firearms transfers at it. 56

(2) No unlicensed transferor shall recklessly transfer a 57
firearm to an unlicensed transferee at a gun show unless the 58
firearm is transferred through a federally licensed firearms 59
dealer or a point of contact agency under division (C) of this 60
section and the federally licensed dealer or point of contact 61
agency through which the transfer is made gives a notice 62
described in division (C) (4) (a) of this section. 63

(3) No unlicensed transferor shall recklessly transfer a 64
firearm to an unlicensed transferee at a gun show if the 65
federally licensed firearms dealer or point of contact agency 66
through which the transfer is made under division (C) of this 67
section gives a notice described in division (C) (4) (b) of this 68
section. 69

(4) No unlicensed transferee shall recklessly acquire a 70
firearm transferred from an unlicensed transferor at a gun show 71
if the transfer is made in violation of division (B) (2) or (3) 72
of this section. 73

(5) No gun show promoter shall recklessly operate a gun 74

show unless the promoter and show satisfy divisions (E) (3) and 75
(F) of this section. 76

(C) A federally licensed firearms dealer who agrees to 77
assist in the transfer of a firearm at a gun show between an 78
unlicensed transferor and an unlicensed transferee under 79
division (B) of this section, or a point of contact agency that 80
assists in the transfer of a firearm at a gun show between an 81
unlicensed transferor and an unlicensed transferee under 82
division (B) of this section, shall do all of the following: 83

(1) If a federally licensed firearms dealer is assisting 84
in the transfer, the dealer shall comply with 18 U.S.C. 922(t) 85
as if transferring the firearm from the inventory of the 86
federally licensed firearms dealer to the unlicensed transferee, 87
except that a federally licensed firearms dealer assisting in 88
the transfer of a firearm under this division shall not be 89
required to comply again with the requirements of that provision 90
in delivering the firearm to the unlicensed transferee. 91

(2) If a point of contact agency is assisting in the 92
transfer, the agency shall comply with 18 U.S.C. 922(t) with 93
respect to the transfer. 94

(3) Conduct an incompetency records check of the 95
unlicensed transferee by contacting the attorney general of this 96
state and requesting a check of the records maintained under 97
section 5122.311 of the Revised Code, to determine if the 98
transfer of the firearm to the unlicensed transferee or the 99
unlicensed transferee's acquisition or possession of the firearm 100
would violate the law of this state; 101

(4) Notify the unlicensed transferor and unlicensed 102
transferee of whichever of the following is applicable: 103

(a) That the dealer or agency has complied with 18 U.S.C. 922(t) as provided in division (C)(1) or (2) of this section and the transfer of the firearm is not prohibited under that provision and that the dealer or agency has conducted the incompetency records check of the unlicensed transferee as provided in division (C)(3) of this 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; 104
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(b) That the dealer or agency has complied with 18 U.S.C. 922(t) as provided in division (C)(1) or (2) 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 or agency has conducted the incompetency records check of the unlicensed transferee as provided in division (C)(3) 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. 113
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(5) Enter into a separate bound record any information about the firearm that the attorney general of this state or the attorney general of the United States may require by rule or regulation. 123
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(D) A federally licensed firearms dealer or point of contact agency that assists in the transfer of a firearm at a gun show under this section may assess and collect a fee, in an amount not to exceed ten dollars, with respect to each firearm transfer so assisted. 127
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(E)(1) The attorney general of this state by rule shall prescribe the forms to be used for keeping the records and 132
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making the reports required under this section and for the signs 134
and notices required by this section to be posted at gun shows 135
and in gun show parking areas. If the attorney general of the 136
United States adopts forms to be used for keeping similar 137
records and making similar reports that may be required under 138
federal law, the attorney general of this state shall prescribe 139
those forms to be used for keeping the records and making the 140
reports required under this section. 141

(2) The department of public safety shall prescribe the 142
form that a gun show promoter shall use to apply for a permit to 143
be issued by sheriffs to gun show promoters authorizing the 144
operation of a gun show, and the form for a permit to be issued 145
by sheriffs to gun show promoters under division (E) (3) of this 146
section authorizing the operation of a gun show. 147

(3) A gun show promoter who wishes to operate a gun show 148
shall apply to the sheriff with jurisdiction over the location 149
at which the gun show will be held, using the form prescribed 150
under division (E) (2) of this section, for a permit authorizing 151
the operation of the gun show. Upon the application by a gun 152
show promoter under this division for a permit authorizing the 153
operation of a gun show, a sheriff shall review the application 154
and any supporting information presented by the promoter. If the 155
sheriff determines that the location at which the gun show will 156
be held is within the jurisdiction of the sheriff, that the gun 157
show promoter has complied with the requirements of divisions 158
(F) (1) (a) to (d) of this section, and that the gun show promoter 159
previously has not been convicted of or pleaded guilty to a 160
violation of division (B) of this section, the sheriff shall 161
issue the permit for the gun show to the applicant promoter. 162

(F) (1) A gun show promoter shall do all of the following 163

with respect to each of the promoter's gun shows, prior to 164
conducting the show: 165

(a) Prepare a security plan for the gun show and provide 166
each local law enforcement agency with jurisdiction over the 167
show, and the state highway patrol, with notice of the plan; 168

(b) Certify to each local law enforcement agency with 169
jurisdiction over the show that the promoter will comply with 170
the provisions of this section and with other applicable 171
provisions of the law of this state; 172

(c) Inform the sheriff with jurisdiction over the location 173
at which the gun show will be held of the details of the show, 174
obtain from the sheriff a statement of the amount of liability 175
insurance coverage that the sheriff specifies as necessary for 176
the show, and obtain liability insurance for the show in the 177
amount specified by the sheriff; 178

(d) Certify to the sheriff described in division (F) (1) (c) 179
of this section that the promoter agrees that for all firearm 180
transfers at the show by an unlicensed transferor to an 181
unlicensed transferee, the transferor will be required to comply 182
with the provisions of division (B) of this section; 183

(e) Not earlier than sixty days and not later than thirty 184
days before conducting the show, obtain from the sheriff with 185
jurisdiction over the location at which the show will be 186
conducted, as specified in divisions (E) (2) and (3) of this 187
section, a permit for the operation of the show; 188

(f) Not later than seven days after obtaining from the 189
appropriate sheriff the permit for the show required by division 190
(F) (1) (e) of this section, provide a copy of the permit to each 191
local law enforcement agency with jurisdiction over the show. 192

(2) A gun show promoter shall do all of the following with 193
respect to each gun show that the promoter conducts: 194

(a) Prepare and maintain for the duration of the show a 195
list of all gun show vendors that are present at the show and, 196
not later than five days after the completion of the show, 197
transmit a copy of that list to the sheriff with jurisdiction 198
over the location of the show; 199

(b) Ensure that all firearms that are brought into the 200
show have been cleared of ammunition before being brought into 201
the show and that they are tagged for identification purposes; 202

(c) Prohibit a person under eighteen years of age from 203
entering the gun show unless the person is accompanied by a 204
parent, guardian, or custodian; 205

(d) Arrange for the services of one or more federally 206
licensed firearms dealers or point of contact agencies on the 207
premises of the gun show to perform the services required by 208
this section; 209

(e) Prominently post a sign, in a readily visible location 210
at each entrance to the parking areas of the gun show, and in a 211
form prescribed by the attorney general of this state pursuant 212
to division (E) of this section, that states the following: 213

"The transfer of firearms in the parking areas of this 214
facility must be completed in the same manner as is required for 215
a transfer of a firearm in this facility, and the transfer of a 216
firearm in the parking areas in any other manner is a crime." 217

(f) Prominently post a notice at the gun show, in a form 218
prescribed by the attorney general of this state pursuant to 219
division (E) of this section, that sets forth the requirements 220
for a background check and incompetency check as provided by 221

this section; 222

(g) Prominently post at the gun show a copy of the permit 223
for the show obtained from the appropriate sheriff as required 224
by division (F) (1) (e) of this section; 225

(h) For each firearm transfer that is completed at the gun 226
show, do all of the following: 227

(i) Report the transfer to the law enforcement agencies 228
with jurisdiction over the location of the show; 229

(ii) Record the transfer on a form prescribed by the 230
attorney general of this state pursuant to division (E) of this 231
section, which record shall include the serial number of the 232
firearm transferred, the name of the unlicensed transferor and 233
the name of the unlicensed transferee involved in the transfer, 234
and any other identifying information required by the attorney 235
general; 236

(iii) Redact the names of the unlicensed transferor and 237
unlicensed transferee and all other identifying information 238
relating to either of them from a copy of the form referred to 239
in division (F) (2) (h) (ii) of this section and, not later than 240
thirty-one days after the date on which the transfer occurs, 241
submit to the attorney general of the United States the redacted 242
copy of the form; 243

(iv) Retain for at least ten years after the date of the 244
transfer, as part of the permanent business records of the 245
promoter, the record of the transfer specified under division 246
(F) (2) (h) (ii) of this section. 247

(G) Unless the transfer is prohibited by any other 248
provision of law, division (B) of this section shall not apply 249
to any transfer of a firearm between an unlicensed transferor 250

and unlicensed transferee if any of the following apply with 251
respect to the transfer: 252

(1) The transfer is a bona fide gift between immediate 253
family members, including spouses, parents, children, siblings, 254
grandparents, and grandchildren. 255

(2) The transfer is approved by the specified officer of 256
the United States pursuant to 26 U.S.C 5812. 257

(3) The transfer is to an authorized representative of a 258
law enforcement agency of any municipal corporation, any county, 259
this state, or the federal government for exclusive use by that 260
governmental entity and, prior to the transfer, written 261
authorization from the head of the agency authorizing the 262
transaction is presented to the person from whom the transfer is 263
being made. The proper written authorization shall be verifiable 264
written certification from the head of the agency by which the 265
transferee is employed, identifying the employee as an 266
individual authorized to conduct the transaction, and 267
authorizing the transaction for the exclusive use of the agency 268
by which that person is employed. 269

(4) The transfer is to an authorized representative of a 270
municipal corporation, a county, this state, or the federal 271
government and is for the governmental entity, and the entity is 272
acquiring the firearm as part of an authorized, voluntary 273
program in which the entity is buying or receiving weapons from 274
private individuals. 275

(5) The transfer is by a person to any public or private 276
nonprofit historical society, museum, or institutional 277
collection, if all of the following conditions are met: 278

(a) The entity receiving the firearm is open to the 279

<u>public.</u>	280
<u>(b) The firearm prior to delivery is deactivated or</u>	281
<u>rendered inoperable.</u>	282
<u>(c) The firearm is not of a type prohibited by provision</u>	283
<u>of law from being transferred to the public at large.</u>	284
<u>(d) Prior to delivery, the entity receiving the firearm</u>	285
<u>submits a written statement to a law enforcement representative</u>	286
<u>described in division (G) (3) of this section stating that the</u>	287
<u>firearm will not be restored to operating condition and will</u>	288
<u>either remain with that entity, or if subsequently disposed of,</u>	289
<u>will be transferred in accordance with the applicable provisions</u>	290
<u>of law.</u>	291
<u>(H) (1) Whoever violates division (B) (2) or (3) of this</u>	292
<u>section shall be punished as provided in divisions (H) (1) (a) to</u>	293
<u>(c) of this section:</u>	294
<u>(a) Except as otherwise provided in division (H) (2) of</u>	295
<u>this section, the offender is guilty of a misdemeanor and shall</u>	296
<u>be fined five thousand dollars. Notwithstanding sections 2929.21</u>	297
<u>to 2929.28 of the Revised Code, no other sanction shall be</u>	298
<u>imposed on the offender under any of those sections.</u>	299
<u>(b) If the offender previously has been convicted of or</u>	300
<u>pleaded guilty to one or more violations of division (B) (2) or</u>	301
<u>(3) of this section, the offender is guilty of a misdemeanor of</u>	302
<u>the first degree, the offender shall be fined five thousand</u>	303
<u>dollars, and, in addition to the fine, the court may impose any</u>	304
<u>other sanction authorized for a misdemeanor of the first degree</u>	305
<u>other than a fine specified in section 2929.28 of the Revised</u>	306
<u>Code.</u>	307
<u>(c) In addition to the sanctions required by division (H)</u>	308

(1) (a) or required or authorized by division (H) (1) (b) of this 309
section, the offender is forever barred from conducting a gun 310
show. 311

(2) Whoever violates division (B) (4) of this section is 312
guilty of a misdemeanor. Except as otherwise provided in this 313
division, the offender shall be fined two hundred fifty dollars. 314
If the offender previously has been convicted of or pleaded 315
guilty to one or more violations of division (B) (4) of this 316
section, the offender shall be fined five hundred dollars. 317
Notwithstanding sections 2929.21 to 2929.28 of the Revised Code 318
and regardless of whether the offender previously has been 319
convicted of or pleaded guilty to any violation of division (B) 320
(4) of this section, no other sanction shall be imposed on the 321
offender under any of those sections. 322

(3) Whoever violates division (B) (5) of this section is 323
guilty of a misdemeanor and shall be fined five thousand 324
dollars. Notwithstanding sections 2929.21 to 2929.28 of the 325
Revised Code, no other sanction shall be imposed on the offender 326
under any of those sections. 327

Sec. 2929.28. (A) In addition to imposing court costs 328
pursuant to section 2947.23 of the Revised Code, the court 329
imposing a sentence upon an offender for a misdemeanor, 330
including a minor misdemeanor, may sentence the offender to any 331
financial sanction or combination of financial sanctions 332
authorized under this section. If the court in its discretion 333
imposes one or more financial sanctions, the financial sanctions 334
that may be imposed pursuant to this section include, but are 335
not limited to, the following: 336

(1) Unless the misdemeanor offense is a minor misdemeanor 337
or could be disposed of by the traffic violations bureau serving 338

the court under Traffic Rule 13, restitution by the offender to 339
the victim of the offender's crime or any survivor of the 340
victim, in an amount based on the victim's economic loss. The 341
court may not impose restitution as a sanction pursuant to this 342
division if the offense is a minor misdemeanor or could be 343
disposed of by the traffic violations bureau serving the court 344
under Traffic Rule 13. If the court requires restitution, the 345
court shall order that the restitution be made to the victim in 346
open court or to the adult probation department that serves the 347
jurisdiction or the clerk of the court on behalf of the victim. 348

If the court imposes restitution, the court shall 349
determine the amount of restitution to be paid by the offender. 350
If the court imposes restitution, the court may base the amount 351
of restitution it orders on an amount recommended by the victim, 352
the offender, a presentence investigation report, estimates or 353
receipts indicating the cost of repairing or replacing property, 354
and other information, provided that the amount the court orders 355
as restitution shall not exceed the amount of the economic loss 356
suffered by the victim as a direct and proximate result of the 357
commission of the offense. If the court decides to impose 358
restitution, the court shall hold an evidentiary hearing on 359
restitution if the offender, victim, or survivor disputes the 360
amount of restitution. If the court holds an evidentiary 361
hearing, at the hearing the victim or survivor has the burden to 362
prove by a preponderance of the evidence the amount of 363
restitution sought from the offender. 364

All restitution payments shall be credited against any 365
recovery of economic loss in a civil action brought by the 366
victim or any survivor of the victim against the offender. No 367
person may introduce evidence of an award of restitution under 368
this section in a civil action for purposes of imposing 369

liability against an insurer under section 3937.18 of the Revised Code.	370 371
If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.	372 373 374 375
The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.	376 377 378 379 380
(2) A fine of the type described in divisions (A) (2) (a) and (b) of this section payable to the appropriate entity as required by law:	381 382 383
(a) A fine in the following amount:	384
(i) For a misdemeanor of the first degree, not more than one thousand dollars;	385 386
(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;	387 388
(iii) For a misdemeanor of the third degree, not more than five hundred dollars;	389 390
(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;	391 392
(v) For a minor misdemeanor, not more than one hundred fifty dollars.	393 394
(b) A state fine or cost as defined in section 2949.111 of the Revised Code.	395 396

(3) (a) Reimbursement by the offender of any or all of the 397
costs of sanctions incurred by the government, including, but 398
not limited to, the following: 399

(i) All or part of the costs of implementing any community 400
control sanction, including a supervision fee under section 401
2951.021 of the Revised Code; 402

(ii) All or part of the costs of confinement in a jail or 403
other residential facility, including, but not limited to, a per 404
diem fee for room and board, the costs of medical and dental 405
treatment, and the costs of repairing property damaged by the 406
offender while confined; 407

(iii) All or part of the cost of purchasing and using an 408
immobilizing or disabling device, including a certified ignition 409
interlock device, or a remote alcohol monitoring device that a 410
court orders an offender to use under section 4510.13 of the 411
Revised Code. 412

(b) The amount of reimbursement ordered under division (A) 413
(3) (a) of this section shall not exceed the total amount of 414
reimbursement the offender is able to pay and shall not exceed 415
the actual cost of the sanctions. The court may collect any 416
amount of reimbursement the offender is required to pay under 417
that division. If the court does not order reimbursement under 418
that division, confinement costs may be assessed pursuant to a 419
repayment policy adopted under section 2929.37 of the Revised 420
Code. In addition, the offender may be required to pay the fees 421
specified in section 2929.38 of the Revised Code in accordance 422
with that section. 423

(4) For a misdemeanor violation of section 2923.27 of the 424
Revised Code, the court shall impose upon the offender a 425

mandatory fine in the amount specified in division (H) (1), (2), 426
or (3) of that section. 427

(B) If the court determines a hearing is necessary, the 428
court may hold a hearing to determine whether the offender is 429
able to pay the financial sanction imposed pursuant to this 430
section or court costs or is likely in the future to be able to 431
pay the sanction or costs. 432

If the court determines that the offender is indigent and 433
unable to pay the financial sanction or court costs, the court 434
shall consider imposing and may impose a term of community 435
service under division (A) of section 2929.27 of the Revised 436
Code in lieu of imposing a financial sanction or court costs. If 437
the court does not determine that the offender is indigent, the 438
court may impose a term of community service under division (A) 439
of section 2929.27 of the Revised Code in lieu of or in addition 440
to imposing a financial sanction under this section and in 441
addition to imposing court costs. The court may order community 442
service for a minor misdemeanor pursuant to division (D) of 443
section 2929.27 of the Revised Code in lieu of or in addition to 444
imposing a financial sanction under this section and in addition 445
to imposing court costs. If a person fails to pay a financial 446
sanction or court costs, the court may order community service 447
in lieu of the financial sanction or court costs. 448

(C) (1) The offender shall pay reimbursements imposed upon 449
the offender pursuant to division (A) (3) of this section to pay 450
the costs incurred by a county pursuant to any sanction imposed 451
under this section or section 2929.26 or 2929.27 of the Revised 452
Code or in operating a facility used to confine offenders 453
pursuant to a sanction imposed under section 2929.26 of the 454
Revised Code to the county treasurer. The county treasurer shall 455

deposit the reimbursements in the county's general fund. The 456
county shall use the amounts deposited in the fund to pay the 457
costs incurred by the county pursuant to any sanction imposed 458
under this section or section 2929.26 or 2929.27 of the Revised 459
Code or in operating a facility used to confine offenders 460
pursuant to a sanction imposed under section 2929.26 of the 461
Revised Code. 462

(2) The offender shall pay reimbursements imposed upon the 463
offender pursuant to division (A) (3) of this section to pay the 464
costs incurred by a municipal corporation pursuant to any 465
sanction imposed under this section or section 2929.26 or 466
2929.27 of the Revised Code or in operating a facility used to 467
confine offenders pursuant to a sanction imposed under section 468
2929.26 of the Revised Code to the treasurer of the municipal 469
corporation. The treasurer shall deposit the reimbursements in 470
the municipal corporation's general fund. The municipal 471
corporation shall use the amounts deposited in the fund to pay 472
the costs incurred by the municipal corporation pursuant to any 473
sanction imposed under this section or section 2929.26 or 474
2929.27 of the Revised Code or in operating a facility used to 475
confine offenders pursuant to a sanction imposed under section 476
2929.26 of the Revised Code. 477

(3) The offender shall pay reimbursements imposed pursuant 478
to division (A) (3) of this section for the costs incurred by a 479
private provider pursuant to a sanction imposed under this 480
section or section 2929.26 or 2929.27 of the Revised Code to the 481
provider. 482

(D) In addition to any other fine that is or may be 483
imposed under this section, the court imposing sentence upon an 484
offender for misdemeanor domestic violence or menacing by 485

stalking may impose a fine of not less than seventy nor more 486
than five hundred dollars, which shall be transmitted to the 487
treasurer of state to be credited to the address confidentiality 488
program fund created by section 111.48 of the Revised Code. 489

(E) Except as otherwise provided in this division, a 490
financial sanction imposed under division (A) of this section is 491
a judgment in favor of the state or the political subdivision 492
that operates the court that imposed the financial sanction, and 493
the offender subject to the financial sanction is the judgment 494
debtor. A financial sanction of reimbursement imposed pursuant 495
to division (A) (3) (a) (i) of this section upon an offender is a 496
judgment in favor of the entity administering the community 497
control sanction, and the offender subject to the financial 498
sanction is the judgment debtor. A financial sanction of 499
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 500
section upon an offender confined in a jail or other residential 501
facility is a judgment in favor of the entity operating the jail 502
or other residential facility, and the offender subject to the 503
financial sanction is the judgment debtor. A financial sanction 504
of restitution imposed pursuant to division (A) (1) of this 505
section is an order in favor of the victim of the offender's 506
criminal act that can be collected through a certificate of 507
judgment as described in division (E) (1) of this section, 508
through execution as described in division (E) (2) of this 509
section, or through an order as described in division (E) (3) of 510
this section, and the offender shall be considered for purposes 511
of the collection as the judgment debtor. 512

Once the financial sanction is imposed as a judgment or 513
order under this division, the victim, private provider, state, 514
or political subdivision may do any of the following: 515

(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.

(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.

(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:

(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.

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

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

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

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

after the adjudication or commitment. 575

(B) The office of the attorney general shall compile and 576
maintain the notices it receives under division (A) of this 577
section and the notices shall be used for the purpose of 578
conducting incompetency records checks requested by sheriffs, 579
federally licensed firearms dealers, or point of contact 580
agencies pursuant to section 311.41 or 2923.27 of the Revised 581
Code. Records checks requested by a federally licensed firearms 582
dealer or point of contact agency pursuant to section 2923.27 of 583
the Revised Code shall be conducted, and results of the checks 584
shall be provided, immediately upon receipt of the request. The 585
notices referred to in this division and the information they 586
contain are confidential, except as provided in this division, 587
and are not public records. 588

(C) The attorney general, by rule adopted under Chapter 589
119. of the Revised Code, shall prescribe and make available to 590
all probate judges and all chief clinical officers a form to be 591
used by them for the purpose of making the notifications 592
required by division (A) of this section. 593

(D) As used in division (C) of this section, "federally 594
licensed firearms dealer" and "point of contact agency" have the 595
same meanings as in section 2923.27 of the Revised Code. 596

Section 2. That existing sections 2929.28 and 5122.311 of 597
the Revised Code are hereby repealed. 598