



NICS Reporting Requirements

Common Pleas Juvenile Division

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

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

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

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

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

Reporting Requirements for NICS Disqualifiers

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

FELONY CONVICTION (F2 and up) [18 U.S.C. 922(g)(1)]	
Reporting Requirement	Weekly report of delinquency dispositions [R.C. 2152.71(A)(2)]
Reporter of Information	Clerk
Party Responsible for Entry into NICS	Ohio Attorney General’s Office – Bureau of Criminal Investigation

Felony: A “crime punishable by imprisonment for a term exceeding one year” under [18 U.S.C. 922\(g\)\(1\)](#). In Ohio, a crime punishable by imprisonment for a term exceeding one year is classified as a felony of the second degree or higher under [R.C. 2152.16](#).

UNLAWFUL USER OF OR ADDICTED TO ANY CONTROLLED SUBSTANCE [18 U.S.C. 922(g)(3)]

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

Reporting Requirement	Unknown
Reporter of Information	Unknown
Party Responsible for Entry into NICS	Unknown

Controlled Substance Disqualifier: See [21 U.S.C. 802](#) for context of an “unlawful user of or addicted to controlled substances” under [18 U.S.C. 922\(g\)\(3\)](#). The disqualification applies to medical marijuana card holders.

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

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

Federal law imposes reporting requirements upon courts when there is possession, self-admittance, or inference of drug use, but whether such requirements apply to juvenile courts is unknown. There is not an equivalent Ohio statute that requires such reporting.

ADJUDICATED AS A MENTAL DEFECTIVE OR HAS BEEN COMMITTED TO ANY MENTAL INSTITUTION [18 U.S.C. 922(g)(4)]	
Reporting Requirement	R.C. 2151.23(A)(4) gives the juvenile court exclusive original jurisdiction “to exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122 of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code.” [R.C. Chapter 5122]
Reporter of Information	Juvenile judge or chief clinical officer of hospital
Party Responsible for Entry into NICS	Upon the order of a mental health evaluation or treatment of a person who pled guilty or was convicted of a violent offense or upon the approval of conditional release of a person found Not Guilty by Reason of Insanity and Incompetent to Stand Trial submit Form 95 to law enforcement. [R.C. 2929.44 , R.C. 2945.402 , Sup.R. 95]

Sup.R. 95: Whether the requirements of [Sup.R. 95](#) are applicable to juvenile courts is subject to interpretation. [R.C. 2929.44](#) references only the conviction without mentioning adjudication of a person who pleaded guilty to or was convicted of an offense of violence.

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

MISDEMEANOR DOMESTIC VIOLENCE CONVICTION [18 U.S.C. 922(g)(9)]	
Reporting Requirement	Weekly report of delinquency dispositions [R.C. 2152.71(A)(2)]
Reporter of Information	Clerk
Party Responsible for Entry into NICS	Ohio Attorney General’s Office – Bureau of Criminal Investigation

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

Disqualifiers that are not applicable in juvenile division courts:

- Fugitive from justice² [[18 U.S.C. 922\(g\)\(2\)](#)]
- Illegal alien [[18 U.S.C. 922\(g\)\(5\)](#)]
- Dishonorable discharge from armed forces [[18 U.S.C. 922\(g\)\(6\)](#)]
- Renounced U.S. citizenship [[18 U.S.C. 922\(g\)\(7\)](#)]
- Under Felony Indictment or Information [[18 U.S.C. 922\(n\)](#)]

² A “fugitive from justice” is defined as a person who has fled from any state to avoid prosecution for a crime or avoid giving testimony in a criminal proceeding. [18 U.S.C. 921\(a\)\(15\)](#). No rule or statute requires the clerk or court to notify law enforcement of the issuance of a capias.