



# Understanding BCI Reporting







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## Introduction

The collection of criminal background information is essential to the administration of many criminal justice functions from arrest to prosecution to sentencing to rehabilitation. It promotes safer communities as it alerts law enforcement officers of potential threats when making a traffic stop. It is used to determine whether an individual can lawfully purchase or possess a firearm or obtain a permit to carry a concealed weapon. Criminal history is also used for noncriminal justice purposes such as employee and volunteer background checks, adoptions, guardianships, citizenship, and licenses for nurses, teachers, and social workers. Inaccurate or incomplete records could result in a person's employment application being delayed or denied.

Criminal background reporting is complex, and the consequences have the potential to be severe if the information is not accurate. In Ohio, the Office of the Ohio Attorney General, law enforcement agencies, courts, and clerks of courts are the primary actors in the reporting process. The Ohio Bureau of Criminal Investigation (BCI) functions as the central repository for the state's criminal records. In addition to its reporting requirements to the federal government, it conducts roughly 1.5 million background checks annually.<sup>1</sup>

The state's database is largely populated by records submitted by local law enforcement agencies, courts, and clerks of court. The reporting process works most efficiently when these entities holistically understand the process and the importance each of their roles plays. Local agencies should work collaboratively so that the required information is reported in a timely manner. The accurate reporting of criminal information is the pathway to public safety.

Courts are best positioned to ensure accurate information is being reported. Administrative judges have a responsibility to work with their clerks and other stakeholders to ensure accurate and complete reporting under Sup.R. 4.01(G). This safeguards court resources when reporting is complete and accurate at the onset, as staff time spent researching missing data is minimized. Judges should maximize their leadership to ensure their county has a comprehensive BCI reporting protocol.

This guide provides an overview of the reporting process in Ohio, illustrating how criminal information flows from local entities to the federal government. It also discusses best practices for judges and clerks of court on how to perform statutory reporting requirements, with an emphasis on ensuring fingerprint data has been captured and paired with the court's dispositional information. The appendix contains sample orders and other forms relevant to the reporting process.

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1 Ohio Attorney General, Business, Services for Business, Background Check, *Webcheck Community Listing*, <https://www.ohioattorneygeneral.gov/business/services-for-business/webcheck/webcheck-community-listing#:~:text=The%20Ohio%20Attorney%20General's%20Bureau,1.5%20million%20background%20checks%20annually> (accessed March 8, 2024).

## Common Acronyms & Abbreviations

Below is a list of acronyms associated with the BCI reporting process. Many are used in this guide.

AFIS	Automated Fingerprint Identification System (general term)
ATF	Bureau of Alcohol, Tobacco, & Firearms (U.S. Department of Justice)
BCI	Bureau of Criminal Investigation (Office of the Ohio Attorney General)
CCH	Computerized Criminal History (BCI database)
DOA	Date of Arrest (critical data element in BCI's CCH database)
FBI	Federal Bureau of Investigation (U.S. Department of Justice)
FFL	Federal Firearms Licensee (firearms dealer licensed by ATF)
III	Interstate Information Index (FBI)
ITN	Incident Tracking Number
LEA	Law Enforcement Agency (general term)
LEADS	Law Enforcement Automated Data System (OSHP/ODPS)
MIAR	Mental Illness Adjudication Reporting (SCO)
NCIC	National Crime Information Center (FBI)
NICS	National Instant Criminal Background Check System (FBI)
OAG	Ohio Attorney General
OCJS	Office of Criminal Justice Services (ODPS)
OCN	Ohio Courts Network (SCO)
ODPS	Ohio Department of Public Safety
OHLEG	Ohio Law Enforcement Gateway (OAG)
OSHP	Ohio State Highway Patrol
RMS	Records Management System (general term)
SCO	Supreme Court of Ohio

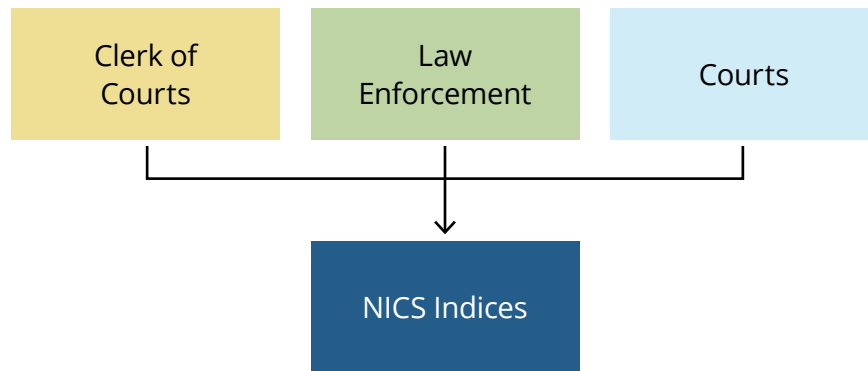


## BCI Reporting

The Ohio Attorney General’s Bureau of Criminal Investigation (BCI) serves as the state’s central repository for criminal information.<sup>2</sup> These records are used by:

- Law enforcement agencies when approaching suspects or individuals who have been stopped for traffic violations;
- Courts to verify the identity and criminal history of suspects appearing before them when determining bond and sentences;
- Public agencies and private employers seeking information about job seekers at places such as schools, hospitals, and daycare centers; and
- Firearms dealers to ensure their customers are legally able to purchase a firearm.

Records from local and state criminal justice partners make up the Computerized Criminal History (CCH). The CCH is populated by data entered by law enforcement agencies, clerks of courts, and courts. These records are necessary pieces to ensure that BCI can provide complete and accurate criminal history information in Ohio and nationally, as many of the CCH records are transmitted to the federal government to populate interstate criminal databases.



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<sup>2</sup> Ohio Attorney General, Law Enforcement, Bureau of Criminal Investigation, Identification Division, *Tools for the Justice System*, <https://www.ohioattorneygeneral.gov/Law-Enforcement/Bureau-of-Criminal-Investigation/Identification-Division/Tools-for-the-Justice-System> (accessed March 8, 2024).



## Duty to Fingerprint

The superintendent of BCI is responsible for procuring fingerprints (among other identifying information) from wherever procurable and filing them for record. [R.C. 109.57(A)(1)]

Fingerprints shall be procured by BCI for the following convictions or adjudications: [R.C. 109.57(A)]

- Conviction or delinquency adjudication for any felony.
- Conviction of escalating misdemeanor. [See *Appendix for list*]
- Conviction of misdemeanor specified in R.C. 109.572(A)(1)(a), (A)(4)(a), and R.C. 109.572(A)(6)(a).<sup>3</sup> [See *Appendix for list*]
- Delinquency adjudication for an offense of violence. [See *Appendix for list*]
- Well-known and habitual criminals.

Law enforcement is required to obtain fingerprints upon the arrest of a person or when a juvenile is taken into custody for allegedly committing certain offenses outlined in R.C. 109.60. Law enforcement or a custodial agent is also required to capture fingerprints when the defendant or juvenile is in their custody or in a detention facility<sup>4</sup> if a warrant or bill of information has been issued for an offense other than the offense for which the individual is in custody and that other offense is one in which fingerprints are required. [R.C. 109.60(A)(4)]

Law Enforcement [R.C. 109.60(A)(1)] <sup>5</sup>	Custodial Agent [R.C. 109.57(A)(1)]
<p>Fingerprints shall be captured if the offense involved a:</p> <ul style="list-style-type: none"> <li>• Felony</li> <li>• Escalating misdemeanor</li> <li>• Misdemeanor specified in R.C. 109.572(A)(1), (A)(8), or (A)(10).</li> <li>• Offense of violence committed by a juvenile or probable cause that a juvenile committed an offense of violence.</li> </ul>	<p>Fingerprints shall be captured if the offense involved a:</p> <ul style="list-style-type: none"> <li>• Felony</li> <li>• Escalating misdemeanor</li> <li>• Misdemeanor specified in R.C. 109.572(A)(1)(a), (A)(4)(a), or (A)(6)(a)</li> <li>• Offense of violence committed by a juvenile or probable cause that a juvenile committed an offense of violence.</li> </ul>

<sup>3</sup> The misdemeanors specified in R.C. 109.572(A)(6)(a) are contained in R.C. 109.572(A)(1)(a) and R.C. 109.572(A)(4)(a).

<sup>4</sup> As defined in R.C. 2921.01.

<sup>5</sup> Due to a drafting error, R.C. 109.60(A)(1) incorrectly includes a subsection (a) in its references to R.C. 109.572(A)(8) and (A)(10).

Once fingerprints are obtained from a defendant or juvenile, an Incident Tracking Number (ITN) is generated. Law enforcement is required to send the *BCI Form 2-71 Final Disposition* containing the ITN, offense, and identifying information about the defendant or juvenile to BCI and the clerk’s office.

The clerk is required to include the ITN received from the *BCI Form 2-71 Final Disposition* with the disposition ordered by the court and then reports this information to BCI.<sup>6</sup> If the ITN is missing, BCI is typically unable to match the criminal disposition to the offense and is unable to provide complete and accurate criminal history information about an individual. Records of convictions will not be included in the Computerized Criminal History without fingerprint records.

### BCI Form 2-71 Final Disposition

The form is titled "BCI Form 2-71 Final Disposition" and is issued by the Bureau of Criminal Identification and Investigation. It contains several sections for data entry:

- Header:** Includes "Leave Blank" and "Insert ITN Number" fields.
- Instructions:** States that each arrest cycle must include a Final Disposition and that arrests and dispositions are linked by a common Incident Tracking Number (ITN).
- Personal Information:** Fields for Name (Last, First, Middle), Date of Birth, Sex, and Fingerprint Classification.
- Identification:** Fields for State Bureau number and Social Security No. (SOC).
- Disposition:** A large field for "Final disposition and date (if convicted or subject pleaded guilty to lesser charge, include this modification with disposition.)".
- Contributor:** A field for "Contributor of fingerprints".
- Signature/Date:** Fields for "Signature" and "Date".
- Arrest Information:** Fields for "Arrest number" and "Date".
- Offenses:** A field for "Offenses charged at arrest".
- Expungement:** A checkbox for "[ ] Court ordered expungement: Return arrest fingerprint card to contributing agency, certified or authenticated copy of court order attached."
- Fingerprint Image:** A photograph of "Right four fingers taken simultaneously".



### Best Practice Tip

Upon receipt of the *BCI Form 2-71 Final Disposition* and ITN, clerks should record an entry in the docket. Clerks may also want to include a copy of the fingerprint card inside the paper case file (or e-file) or make a notation on the file such as a stamp or sticker to indicate receipt of fingerprint data.

### Example Clerk Docket Entry

0/04/2023	ENTRY/ORDER REGARDING BOND
0/04/2023	AFFIDAVIT OF INDIGENCY FILED
0/05/2023	<u>FINGER PRINT RECEIVED</u>
0/06/2023	RECOGNIZANCE OF ACCUSED POSTED***
0/06/2023	MOTION TO RELEASE PROPERTY

6 The clerk of courts must submit a weekly report of disposition information to BCI. [R.C. 109.57(A)(2)]

## The Court's Role in Fingerprinting



### Adult Fingerprinting

Fingerprints of adults must be taken by sheriffs and chiefs of police upon arrest for felonies and certain misdemeanors identified in R.C. 109.572. [R.C. 109.60(A)(1)] If the defendant appears in response to a summons, or if the person has not yet been fingerprinted at the time of arraignment or first appearance, the court shall order the person to appear before the sheriff or chief of police within 24 hours for fingerprinting. [R.C. 109.60(A)(2)]<sup>7</sup>

#### Sample Summons Language

Per the court's order, you are hereby instructed to submit to fingerprinting at the \_\_\_\_\_ (*designated law enforcement agency*) before you appear for your arraignment/initial court appearance.

<sup>7</sup> Municipal courts [R.C. 1901.43], county courts [R.C. 1907.181], and courts of common pleas [R.C. 2301.10] must order fingerprints at the time of arraignment or first appearance, and again at sentencing or adjudication if they have not been taken already.

### Sample Language Ordering Fingerprints to be Taken

The defendant was present in court on a criminal charge that requires the defendant to be fingerprinted by R.C. 109.57 and R.C. 109.572. The record does not reflect that the defendant was fingerprinted in this case.

The defendant is required to appear at \_\_\_\_\_  
(*designated law enforcement agency*) within twenty-four (24) hours of receipt of this order, to be fingerprinted by an authorized person of the \_\_\_\_\_  
(*designated law enforcement agency*). Failure to comply with this order may result in an arrest warrant for the defendant.

Due to a large number of defendants appearing in response to a summons, it is common for fingerprints to not have been taken by the first court appearance. Some courts have added language to their summons instructing defendants to get fingerprinted prior to appearing in court. This saves the court time to have this information collected at the beginning of the case. Law enforcement agencies may also inform defendants of their fingerprinting responsibility when serving the summons. Similar instructive language can also be included in the bond arraignment entry. *See Appendix for Sample Order to Fingerprint.*

The court shall inquire again at the time of sentencing and, if the defendant has not been fingerprinted, either take the fingerprints or order the person fingerprinted by law enforcement within 24 hours. [R.C. 109.60(A)(3)] Courts may order the defendant to have fingerprints taken in the courthouse by assigned law enforcement or probation staff.<sup>8</sup>



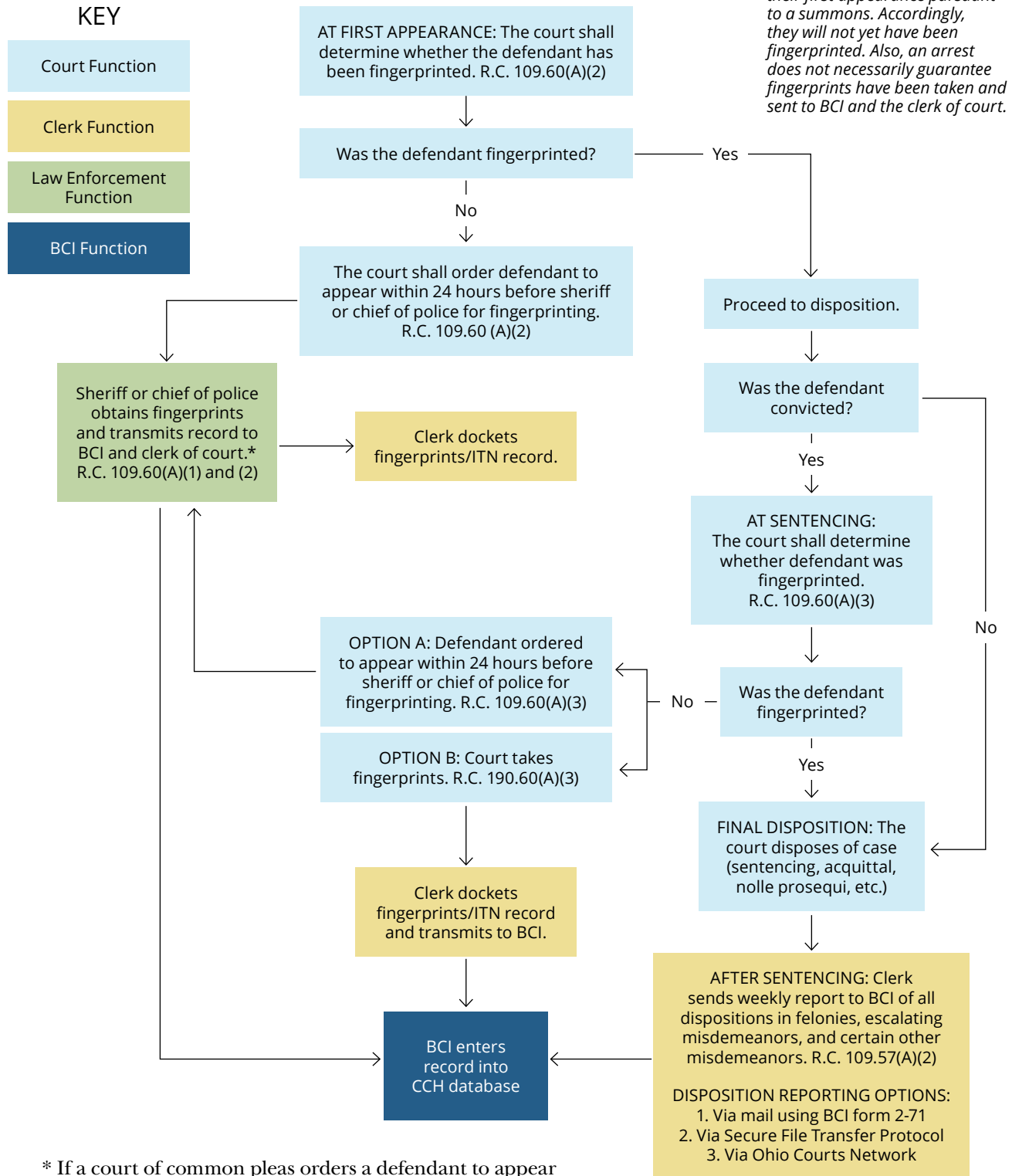
#### Best Practice Tip

If the defendant is ordered to pre-trial services following arraignment, have pre-trial court staff arrange for the defendant's fingerprints to be taken before leaving the courthouse at a designated digital fingerprint terminal staffed by law enforcement.

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8 This may also be an opportunity to collect missing DNA samples required under R.C. 2901.07.

### Adult Criminal History Reporting to the Bureau of Criminal Investigation



\* If a court of common pleas orders a defendant to appear for fingerprints and defendant fails to appear, the sheriff or chief of police shall notify court. R.C. 2301.10(C)



### **Juvenile Fingerprinting**

Fingerprints must also be captured for juveniles when taken into custody for a felony or an offense of violence. [R.C. 109.60(A)(1)] The requirements of R.C. 2151.311 and 34 U.S.C. § 11133 must be followed when a juvenile is fingerprinted (e.g., being in a secure area, out of the sight or sound of any adult detainee). As with adults, the court shall inquire at the time of the juvenile's first appearance whether or not the fingerprints were taken when the juvenile was taken into custody. If they were not taken, the court shall order the juvenile to have them taken by the sheriff or the chief of police within 24 hours. [R.C. 109.60] *See Appendix for Sample Order to Fingerprint.*

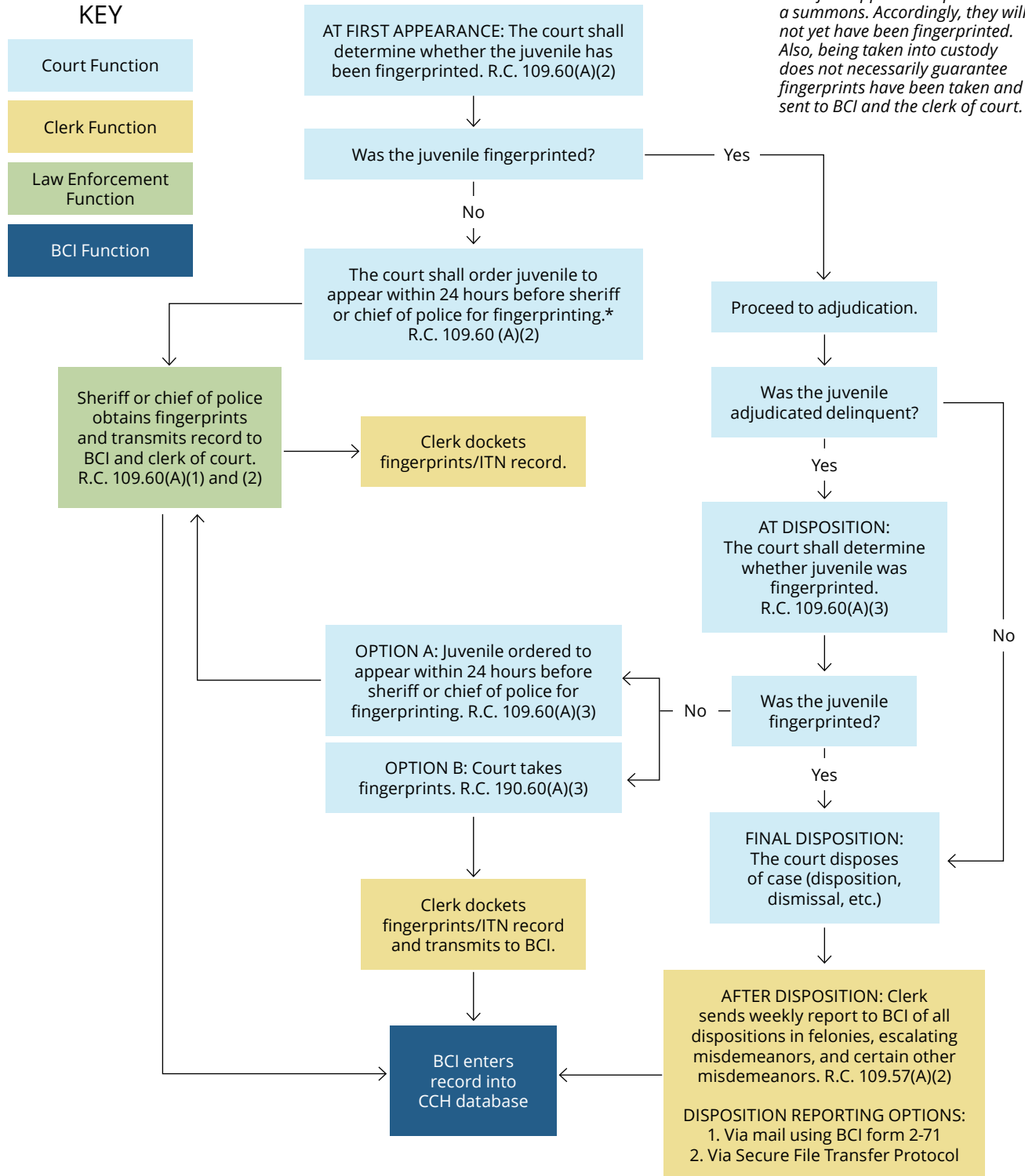
The court also shall inquire at the time of adjudication or disposition whether or not fingerprints have been taken.<sup>9</sup> If the juvenile was not previously fingerprinted, the court shall either take the fingerprints or order the juvenile to appear before the sheriff or the chief of police within 24 hours to have the fingerprints captured. [R.C. 109.60]

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9 If the juvenile is not fingerprinted at the time of adjudication, the juvenile court may find it prudent to wait until disposition to order fingerprinting due to the sealing requirements in R.C. 2151.356(B)(1)(d) (i.e., should the case be dismissed, and the fingerprints have already been sent to BCI).



Juvenile Criminal History Reporting to the Bureau of Criminal Investigation



\* A juvenile being processed for fingerprinting must have sight and sound separation from adult inmates. R.C. 2151.311 and 34 U.S.C. § 11133

## Best Practices for Verifying Fingerprints Have Been Captured

Judges and court staff should work with the clerk of courts and local law enforcement agencies to develop a collaborative process to identify defendants and juvenile offenders who are missing their fingerprints appearing in court for the first time and how to ensure fingerprints are taken before the case is disposed.

Courts and clerks of courts should consider the following practices:

- Compile a daily list for each judicial officer of defendants' missing fingerprints. This list could be given to the bailiff before proceedings convene for the day.
- Install a digital fingerprint terminal in the courthouse where defendants could be fingerprinted either before or after their court proceeding.
- Impose as a condition of bond to comply with an order to be fingerprinted. [*See below.*]
- Establish a tracking system for defendants ordered to be fingerprinted.
- Confirm with law enforcement that fingerprints have been taken following arrest or taking into custody (e.g., jail could send a list to the clerk).
- Have judicial officers follow up about fingerprinting at hearings before sentencing if they are aware the fingerprint order was not followed.
- Have judicial officers confirm at sentencing that fingerprints have been taken.
- Add the fingerprinting requirement to the conditions of community control or probation.
- Include an entry on the docket that an order to be fingerprinted was issued.

### Example Clerk Docket Entry

05/17/2023	STATE OF OHIO	BARBERTON MUNI BOND FILED (AD)
05/12/2023	STATE OF OHIO	J.E. ORDER TO BE FINGERPRINTED & PHOTOGRAPHED. EPV (WV)

*Include a docket entry entry that fingerprints were obtained.*

### Sample Post-Arrest/Initial Appearance Instructions

**After you sign your bond, please do the following before leaving the courthouse today:**

1. Complete the Affidavit of Indigency if you need a court-appointed attorney. This form is located \_\_\_\_\_.
2. See the sheriff deputies located at \_\_\_\_\_ for fingerprinting.
3. Check in with pretrial services located at \_\_\_\_\_.



## The Clerk's Reporting Process

Clerks of courts are required to report disposition information to BCI weekly for cases involving felonies, certain misdemeanors specified in R.C. 109.572, and offenses of violence committed by a juvenile. [R.C. 109.57(A)(2)] Additionally, clerks of court can elect to report dispositions for any other criminal offense to BCI for which a defendant has been fingerprinted and the record will appear on the defendant's criminal record. Dispositions for offenses for which a defendant would not be either arrested or fingerprinted, such as minor misdemeanor traffic citations, should not be reported to BCI as they cannot be included in the criminal record system. These reports are vital for maintaining accurate and complete criminal history data. The contents of this report are taken from information received from law enforcement and the court.<sup>10</sup>

The report is to contain: [R.C. 109.57(A)(2)]

- Incident Tracking Number (ITN).
- Style and number of case.
- Date of arrest, offense, summons, or arraignment.<sup>11</sup>
- Date of disposition – conviction, guilty plea, adjudication (juveniles), not guilty finding, not delinquent finding (juveniles), dismissal<sup>12</sup>, mistrial, not competent finding, nolle prosequi, any other final determination.

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10 Traf.R. 13(F) authorizes a court to appoint a law enforcement officer as a deputy violations bureau clerk to accept traffic fines when the court is not open. It is a limited authorization and may not be expanded to include other court duties for reporting disposition information to BCI.

11 If no arrest occurs, the date of arrest is the date the offender was fingerprinted in connection with the disposition submitted.

12 For municipal courts: Include the dismissal of felony cases that are opened by common pleas courts following indictments.

- Statement of original charge with corresponding Ohio Revised Code section violated.<sup>13</sup>
- The sentence, disposition (juveniles), or terms of probation imposed.
- A statement in the summary if the offense involved the disarming or an attempt to disarm a law enforcement officer.



### Best Practice Tip

Clerks should make an entry into the docket that the disposition was sent to BCI. They should also consider indicating whether or not the ITN was sent.

#### Example Clerk Docket Entry

24	FINAL PAGE RECORD CHARGES
24	Cost statement sent. Issued by Regular Mail.
24	<u>DISPOSITION CARD SENT TO BUREAU OF CRIMINAL INVESTIGATION</u>

### Other Information Reported to BCI<sup>14</sup>

- Not guilty by reason of insanity (NGRI) or mental incompetency findings
- Relief from disability findings
- Ordering modifying or vacating sentences
- Sealing orders relating to criminal convictions
- When charges are not filed following a warrantless arrest, prosecutors should share this information with the courts, so that the court can report this information to BCI and the associated arrest can be updated.

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13 For misdemeanor offenses charged pursuant to local ordinances, such as assault, the clerk should include the comparable Ohio Revised Code section that would apply to the reported offense.

14 Ohio Attorney General, Law Enforcement, Bureau of Criminal Investigation, Identification Division, *Tools for the Justice System*, <https://www.ohioattorneygeneral.gov/Law-Enforcement/Bureau-of-Criminal-Investigation/Identification-Division/Tools-for-the-Justice-System> (accessed March 8, 2024).

## Methods of Reporting

Disposition reports can be sent to BCI either via mail, fax, or electronically. Clerks electing to manually report must use BCI's standard *Form 2-71 Final Disposition*. These forms can either be mailed or faxed to BCI. Because of the personal identifying information on the form, clerks may want to use certified mail if reporting via mail.

Clerks may also generate a report from the case management system to electronically send the information via an FTP (file transfer protocol site).

For detailed instructions on how to electronically report to BCI, see the "Ohio Bureau of Criminal Investigation Court Reporting Procedures" guide available on the Attorney General's website [www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov).<sup>15</sup>

The Supreme Court also provides electronic reporting capability to BCI through the Ohio Courts Network (OCN). OCN serves as a pass-through entity for the court's data, but the obligation to ensure that the required information is accurately submitted to BCI remains with the clerk of courts. The information goes straight to BCI and is not retained in any form by OCN aside from the audit record of the transaction. [Note, OCN reporting to BCI is not available for juvenile courts.] OCN may also be used by probate courts to report mental illness adjudications using the MIAR (Mental Illness Adjudication Reporting) module.

Modifications or corrections to information sent to BCI must be submitted using the *BCI Correction Form for Courts* form or through BCI's "eDisp system" many courts use to electronically report dispositions.<sup>16</sup>



### Best Practice Tip

The administrative judge and clerk of courts should develop a process for periodically verifying BCI is receiving the information being sent and auditing the quality of the data being reported (e.g., the number of dispositions that are sent without an ITN). Regular auditing of these reports will help timely identify reporting errors and allow for their quick resolution.

15 Ohio Attorney General, Forms for BCI Criminal Records and Background Checks, Forms for Court, *Ohio Bureau of Criminal Investigation Court Reporting Procedures*, <https://www.ohioattorneygeneral.gov/Files/Forms/Forms-for-BCI-Criminal-Records-and-Background-Check/Forms-for-Court/COURT-REPORTING-PROCEDURES.aspx> (accessed March 8, 2024).

16 Ohio Attorney General, Forms for BCI Criminal Records and Background Checks, Forms for Court, *Ohio Bureau of Criminal Investigation Correction Form for Courts Disposition*, <https://www.ohioattorneygeneral.gov/Files/Forms/Forms-for-BCI-Criminal-Records-and-Background-Check/Forms-for-Court/BCI-CORRECTION-FORM-COURT-DISPOS.aspx> (accessed March 8, 2024).

Courts reporting electronically to BCI, either via FTP or OCN, receive an error report via email after the disposition information is uploaded to CCH. *See Appendix F for more information about error reports and common reporting errors.*



### **Best Practice Tip**

Courts should create a general email address and inbox to receive these error reports to which multiple users access. This ensures continuity of operations and efficient communication.



## NICS Reporting

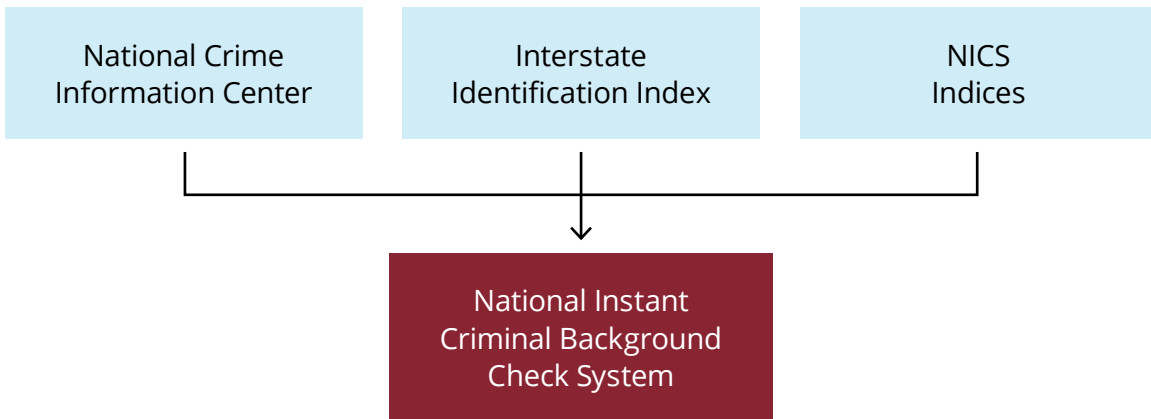
In response to the Brady Handgun Violence Prevention Act of 1993, the National Instant Criminal Background Check System (NICS) was created to check available background records on persons who may be disqualified from owning or possessing firearms. The NICS system is comprised of the National Crime Information Center (NCIC), the Interstate Identification Index (III), and the NICS indices. Federal Firearms Licensees (FFL) search the NICS system to determine whether a person is disqualified from obtaining a firearm or explosives under the federal firearms disqualifiers pursuant to 18 U.S.C. 922.

### Interstate Identification Index (III)

All 50 states participate in this criminal history system administered by the FBI. III is a fingerprint-supported automated records exchange system that includes arrest and disposition information for individuals charged with felonies or misdemeanors. III contains information about persons convicted of felonies, who are fugitives from justice, found not guilty by reason of insanity or adjudicated to be incompetent to stand trial, found guilty of misdemeanor crimes of domestic violence, under indictment, and who unlawfully use controlled substances.

### National Crime Information Center (NCIC)

The NCIC is an electronic national database containing criminal justice-related records including information on wanted persons (fugitives), known and suspected terrorists, and persons subject to domestic violence protection orders.



### NICS Indices

The NICS Indices is a database specifically used for conducting background checks for a firearms-related purpose. The NICS Indices contain information submitted by local, state, tribal, and federal agencies. The NICS Indices are not intended to duplicate information entered into NCIC or III, but houses disqualifying information not otherwise available at the national level.

At the local level, courts, clerks of court, psychiatric hospitals, and law enforcement agencies serve as reporters of information. Data is submitted to BCI and the Ohio Law Enforcement Automated Data System (LEADS) which is then passed on to the FBI to determine eligibility to purchase or possess firearms per federal and state law.<sup>17</sup>

- Local law enforcement agencies report arrest, warrant, and protection order information.
- Courts (common pleas general and juvenile divisions, municipal, and county) and clerks of courts report disposition and protection order information.
- Probate courts, private psychiatric hospitals, and hospitals with a psychiatric unit report mental illness adjudications (civil commitments).

NICS examiners rely on complete and accurate information about an individual’s criminal history, mental illness adjudication, and protection order and warrant entries to timely process firearm checks. During a NICS check, identifying information such as name and date of birth are used to search the three databases to determine if a person is disqualified from possessing a firearm.

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<sup>17</sup> LEADS is maintained by the Ohio State Highway Patrol. LEADS data is considered “criminal justice information” (CJI) for purposes of the FBI’s central repository – Criminal Justice Information Services (CJIS). CJIS provides identification and information services to local, state, federal, and international criminal justice communities. [Ohio Adm.Code 4501:2-10-01] Individuals with access to LEADS and CJI must be certified prior to receiving access, including submitting a BCI and FBI background check and an examination. [Ohio Adm.Code 4501:2-10-03] There is also recertification requirements to maintain access.



If no disqualifying information is found during a NICS inquiry, the FFL may proceed with the firearm transaction. If there is incomplete or inconclusive information, the FFL is asked to delay the transaction. A NICS examiner then has three days to research and provide the FFL with a final determination. During this time, NICS examiners will contact local agencies such as the clerk, court, probation department, or law enforcement to obtain missing information or verify the accuracy of their records. If no final determination is given by the third day, it is at the FFL's discretion on whether to proceed with the transaction.



**Best Practice Tip**

Courts and clerks of courts should develop a process to timely respond to research inquiries by NICS examiners. For example, one staff member could be the primary point of contact responsible for answering these requests.

**Federal Firearms Disqualifiers & Court Reporting Requirements**

The provisions in 18 U.S.C. 922(g) and (n) outline the categories that prohibit an individual from possessing a firearm.

Felony Conviction: (Felony 4 and up – Adult; Felony 2 and up – Juvenile) [18 U.S.C. 922(g)(1)]			
Jurisdiction	Reporting Requirement	Reporter of Information	Party Responsible for Entry into NICS
Municipal/County	Weekly report of criminal dispositions [R.C. 109.57(A)(2)]	Clerk	BCI
General			
Domestic Relations	N/A	N/A	N/A
Juvenile	Weekly report of delinquency dispositions [R.C. 2152.71(A)(2)]	Clerk	BCI
Probate	N/A	N/A	N/A
Mayor's Court	N/A	N/A	N/A

18 U.S.C. 922(g)(1) prohibits an individual from possessing a firearm if the individual has a conviction or adjudication for a “crime punishable by imprisonment for a term exceeding one year.” In Ohio, a crime punishable by imprisonment for a term exceeding one year is classified as a felony of the fourth degree or higher under R.C. 2929.14(A) or R.C. 2152.16 for juvenile courts.

Fugitive from Justice: [18 U.S.C. 922(g)(2)]			
Jurisdiction	Reporting Requirement	Reporter of Information	Party Responsible for Entry into NICS
Municipal/County	Upon issuance, the warrant is delivered to local law enforcement for service	Clerk	Law enforcement enters warrants into LEADS
General	[Crim.R. 9(A)]		[Ohio Adm.Code 4501: 2-10-03(C)(11)]
Domestic Relations	Warrant issuance of failure to appear, failure to purge, or fail to appear on subpoena	Clerk	Law enforcement enters warrants into LEADS [Ohio Adm.Code 4501: 2-10-03(C)(11)]
Juvenile <sup>18</sup>	N/A	N/A	N/A
Probate	N/A	N/A	N/A
Mayor’s Court	Upon issuance, the warrant is delivered to local law enforcement for service [Crim.R. 9(A)]	Clerk	Law enforcement enters warrants into LEADS [Ohio Adm.Code 4501: 2-10-03(C)(11)]

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)] For the warrant process, the warrant is issued by the court, journalized by the clerk, and reported to law enforcement for entry into LEADS.

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18 There is no rule or statute that requires the juvenile clerk or juvenile court to notify law enforcement of the issuance of a *capias*.

Unlawful Users of or Addicted to Any Controlled Substance: [18 U.S.C. 922(g)(3)]			
Jurisdiction	Reporting Requirement	Reporter of Information	Party Responsible for Entry into NICS
Municipal/County	Criminal arrest and disposition information [R.C. 109.57(A)(2), R.C. 109.60]	Clerk and Law enforcement	BCI
General			
Domestic Relations	Unknown	Unknown	Unknown
Juvenile	Unknown	Unknown	Unknown
Probate	Unknown	Unknown	Unknown
Mayor’s Court	Criminal arrest and disposition information [R.C. 109.57(A)(2), R.C. 109.60]	Clerk and Law enforcement	BCI

An “Unlawful User or Addicted to any Controlled Substance” is defined as 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] See 21 U.S.C. 802 for context of an “unlawful user of or addicted to controlled substances” in terms of this prohibition. This disqualification applies to marijuana even though Ohio law permits its qualified use.

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 domestic relations, juvenile, probate courts is unknown. There is not an equivalent Ohio statute that requires such reporting.<sup>19</sup>

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<sup>19</sup> See R.C. 2923.13 for state weapons disqualifiers.

Adjudicated as “Mental Defective” or Has Been Committed to Any Mental Institution [18 U.S.C. 922(g)(4)]			
Jurisdiction	Reporting Requirement	Reporter of Information	Party Responsible for Entry into NICS
Municipal/ County	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, a court must submit <i>Form 95: NCIC Mental Health Notice</i> to law enforcement	Court	Law enforcement enters notification into NCIC Supervised Release File through LEADS.  [R.C. 2929.44(B), R.C. 2945.402(E)(1), Ohio Adm.Code 4501:2-10-03(C)(11)]
General	[R.C. 2929.44, R.C. 2945.402, Sup.R. 95]		
Domestic Relations	Unknown	Unknown	Unknown
Juvenile	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 person with a mental illness subject to court order, as defined in section 5122.01 of the Revised Code.”  [R.C. Chapter 5122]	Juvenile judge or chief clinical officer of hospital	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]

Adjudicated as “Mental Defective” or Has Been Committed to Any Mental Institution [18 U.S.C. 922(g)(4)]			
Probate	Upon a finding that an individual is a person with a mental illness subject to a court order under R.C. 5122.141 or R.C. 5122.15, a <i>Notification Form for Record Checks Under O.R.C. 5122.311</i> is to be sent to BCI not later than 7 days after the adjudication or civil commitment. [R.C. 5122.311]	Probate judge or chief clinical officer of hospital	BCI
Mayor’s Court	N/A	N/A	N/A

The definition of a person who has been “adjudicated as a mental defective” as used in 18 U.S.C. 922(g)(4) is broader than a “mentally ill person subject to a court order” as used in R.C. 5122.311. See 27 C.F.R. 478.11 and R.C. 5122.01 respectively. Guardianships under R.C. Chapter 2111 are not included in this requirement under Ohio law.

Subject to a Domestic Violence Protection Order [18 U.S.C. 922(g)(8)]			
Jurisdiction	Reporting Requirement	Reporter of Information	Party Responsible for Entry into NICS
Municipal/ County	Upon issuance, submit Form 10-A to law enforcement agency [Sup.R. 10]	Court	Law enforcement enters protection order into LEADS.  [Ohio Adm.Code 4501:2-10-03(C)(11)]
General			
Domestic Relations			
Juvenile			
Probate	N/A	N/A	N/A
Mayor’s Court	N/A	N/A	N/A

**National Law Enforcement Protection Order Database & Court Reporting Requirements:**

Separate from NICS reporting requirements for firearms disqualifiers, courts must report the issuance, modification, or termination of any type of protection order to the National Law Enforcement Protection Order Database to facilitate enforcement nationwide. [18 U.S.C. 2265] As noted above, courts must complete and send Form 10-A and a copy of a protection order or consent agreement to the local law enforcement agency for entry into the “National Crime Information Center Protection Order File” to facilitate nationwide enforcement of the order or agreement. The entry is made into LEADS.

Misdemeanor Domestic Violence Conviction [18 U.S.C. 922(g)(9)]			
Jurisdiction	Reporting Requirement	Reporter of Information	Party Responsible for Entry into NICS
Municipal/County	Weekly report of criminal dispositions	Clerk	BCI
General	[R.C. 109.57(A)(2)]		
Domestic Relations	N/A	N/A	N/A
Juvenile	Weekly report of delinquency dispositions [R.C. 2151.71(A)(2)]	Clerk	BCI
Probate	N/A	N/A	N/A
Mayor’s Court	Weekly report of criminal dispositions [R.C. 109.57(A)(2)]	Clerk	BCI

The qualifying relationships for a misdemeanor crime of domestic violence were amended in June 2023 to include dating relationships. R.C. 2943.033 requires courts to notify the defendant prior to a plea of the restrictions set forth in 18 U.S.C. 922(g)(9) when the alleged victim is one of the qualifying relationships. [Note: R.C. 2943.033 went into effect in 2008 and does not include “dating relationship.”]

Under Felony Indictment or Information [18 U.S.C. 922(n)]			
Jurisdiction	Reporting Requirement	Reporter of Information	Party Responsible for Entry into NICS
Municipal/ County	N/A	N/A	N/A
General	Upon arrest [R.C. 109.60(A)(1)]	Law enforcement	BCI
Domestic Relations	Warrant issuance of failure to appear, failure to purge, or fail to appear on subpoena	Clerk	Law enforcement enters warrants into LEADS [Ohio Adm.Code 4501:2-10-03(C)(11)]
Juvenile	N/A	N/A	N/A
Probate	N/A	N/A	N/A
Mayor's Court	N/A	N/A	N/A

Reporting of the following disqualifiers are not applicable in any jurisdiction:

- 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)]





## Firearms Disqualifiers & Relief from Disability

As outlined above, 18 U.S.C. 922 (g) and (n) set forth the federal firearms disqualifiers. Ohio has similar statutory prohibitions. While there is significant overlap, state weapons disqualifiers do not perfectly align with those at the federal level. For example, a misdemeanor domestic violence conviction under 18 U.S.C. 922(g)(9) is not a disability under Ohio law. [*State ex rel. Suwalski v. Peeler*, 167 Ohio St.3d 38, 2021-Ohio-4061.]

### State Firearms Disqualifiers [R.C. 2923.13]

R.C. 2923.13 outlines the prohibitions under state law for a person to knowingly acquire, have, carry, or use any firearm or dangerous ordnance. The state weapons disqualifiers are:

- Fugitive from justice.
- Under indictment for, convicted of, or adjudicated delinquent (juveniles) of any felony offense of violence.
- Under indictment for, convicted of, or adjudicated delinquent (juveniles) of any felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse.
- Has a drug dependency, is in danger of drug dependence, or has chronic alcoholism.
- Under adjudication of mental incompetence, committed to a mental institution, found by a court to be a person with a mental illness subject to court order, or an involuntary patient other than one who is a patient for the sole purpose of observation.

In addition to prohibiting possession of a firearm, these disabilities also serve as disqualifications for certain types of employment such as peace officer [Ohio Adm.Code 109: 2-1-02], direct care provider [Ohio Adm.Code 173-9-06], school bus driver [Ohio Adm. Code 3301-83-23], or developmental disabilities provider [Ohio Adm.Code 5123-2-02]. A violation of this statute is a felony of the third degree. [R.C. 2923.13(B)]

### State Relief from Weapons Disability [R.C. 2923.14]

Persons under a weapons disability may apply to the common pleas court where they reside for relief from this prohibition. The application must contain the indictments, convictions, or adjudications upon which the disability is based; the sentence or disposition served; any release that was granted under a community or post-release control sanction, parole, pardon, or other disposition of each case; and facts demonstrating the applicant is fit for relief. *See Appendix for a Sample Application from Relief from Firearms Disability.* A copy of the application is to be served on the prosecutor who investigates the matter and is to raise any objections resulting from the investigation with the court.

Upon a firearms restoration hearing, the court may grant the applicant relief if all the following apply: [R.C. 2923.14(D)]

- The applicant has been fully discharged from imprisonment, community control, post-release control, and parole, or, if under indictment, has been released on bail or recognizance;
- The applicant has led a law-abiding life since discharge or release and appears likely to continue to do so; and
- The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.

If relief from the disability is granted, the relief:

- Only applies to the indictments, convictions, or adjudications recited in the application.
- Only applies to firearms that were lawfully acquired, possessed, carried, or used by the applicant.
- May be revoked by the court at any time for good cause shown and upon notice to the applicant.
- Is automatically void if the applicant commits any of the offenses upon which a disability to have weapons may be based, or upon the applicant becoming one of the classes of persons prohibited by statute from acquiring, having, carrying, or using weapons.

If relief is granted, a *Relief From Disability Form*, along with a signed order from the court, is mailed to BCI. This form is available on the Attorney General’s website.<sup>20</sup>

An individual may also be relieved from a weapons disability by operation of law or a legal process. [R.C. 2923.13(A)] This most commonly occurs through the sealing or expungement of a conviction record. [See *State v. T.J.D.*, 2020-Ohio-3745, 156 N.E.3d 322 (2nd Dist.)]<sup>21</sup> R.C. 2953.34(N)(1) provides that an order to expunge or seal a person’s conviction record “restores the person who is the subject of the order to all rights and privileges not otherwise restored by termination of the sentence or community control sanction or by final release on parole or post-release control.”

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20 Ohio Attorney General, *Background Check Publications, Relief From Disability Form*, <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Background-Check-Publications/Relief-from-disability-form> (accessed March 8, 2024).

21 “[W]e conclude that sealing a record of conviction pursuant to R.C. 2953.32 is an “operation of law or legal process” that relieves a weapons disability imposed under R.C. 2923.13(A)(3).” *State v. T.J.D.*, 2020-Ohio-3745, 156 N.E.3d 322, 33 ¶ 34 (2nd Dist.)



### Best Practice Tip

Clerks should include a copy of the court order that is to be sealed or expunged along with the Request for Sealing or Expungement Form and fingerprint data. This ensures that BCI can match the applicant's prior conviction and timely process the clerk's request.

Upon the approval of an application for sealing or expungement, the clerk sends the Request for Sealing or Expungement Form to BCI along with the signed court order. This form is available on the Attorney General's website.<sup>22</sup>

Under R.C. 2953.32(D)(4), the court is to order the applicant to appear before the sheriff for fingerprinting if the applicant's fingerprints were not taken as required under R.C. 109.60 if it grants an application for sealing or expungement. The sheriff then forwards the fingerprints to the court. The court will then send the applicant's fingerprints, along with a copy of the sealing or expungement order to BCI.<sup>23</sup>

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22 Ohio Attorney General, *Forms for BCI Criminal Records and Background Checks, Forms for Court, Sealings Expungements Request Extended*, [https://www.ohioattorneygeneral.gov/Files/Forms/Forms-for-BCI-Criminal-Records-and-Background-Chec/Forms-for-Court/2012-02-15\\_Sealings\\_ExpungementsRequestExtended-pdf.aspx](https://www.ohioattorneygeneral.gov/Files/Forms/Forms-for-BCI-Criminal-Records-and-Background-Chec/Forms-for-Court/2012-02-15_Sealings_ExpungementsRequestExtended-pdf.aspx) (accessed March 8, 2024).

23 R.C. 2953.32 does not provide a timeframe in which the applicant must appear before the sheriff for fingerprinting. However, the court may want to encourage this to occur to in a timely fashion so that the court's sealing or expungement order is not delayed in being sent to BCI.



## Resources

### Online Resources

- [Supreme Court of Ohio, BCI & NICS Reporting Requirements](#)
- [Federal Bureau of Investigation, Firearms Checks](#)
- [Judicial College's Online Course: Reporting Requirements for Firearm Prohibitions](#)
- [Electronic Reporting via Case Management System and Ohio Courts Network](#)

### Technical Assistance

#### **Bureau of Criminal Investigation**

- Investigation Division Phone: 855.BCI.Ohio (855.224.6446).
- Disposition Reporting Assistance: [Electronic\\_Dispositions@OhioAGO.gov](mailto:Electronic_Dispositions@OhioAGO.gov) or 740.845.2000 option 1.
- Disposition Corrections: [CCH\\_Corrections@OhioAGO.gov](mailto:CCH_Corrections@OhioAGO.gov).
- Sealing or Expungement Orders: [Expungement.Submissions@OhioAGO.gov](mailto:Expungement.Submissions@OhioAGO.gov) or fax 855.527.1575.

#### **Supreme Court of Ohio**

- Ohio Courts Network: [OCNHelp@sc.ohio.gov](mailto:OCNHelp@sc.ohio.gov) or 614.387.9980.
- Court Services Division: [OfficeofCourtService@sc.ohio.gov](mailto:OfficeofCourtService@sc.ohio.gov) or 614.387.9400.



## Appendix A: List of Escalating Offenses

This list is subject to periodic statutory change. A fingerprinting entity should contact its legal counsel for legal advice concerning fingerprinting requirements in the Ohio Revised Code.

Offense	Can the Offense Escalate to a Felony?
R.C. 128.60 - Service providers to supply information; confidentiality	Yes, second violation and more of R.C. 128.60(B)(2) is an F5. [R.C. 128.99(B)]
R.C. 128.96 - Immunity; prohibited conduct	Yes, second violation and more of R.C. 128.96(G) or (H) is an F5. [R.C. 128.99(B)]
R.C. 169.13 - Agreements to pay fee, compensation, commission, or other remuneration to locate, deliver, recover, or assist in recovery of unclaimed funds	Yes, second violation or more of R.C. 169.13(C) is an F5. [R.C. 169.99(B)]
R.C. 169.16 - Certificate of registration required	Yes, second violation or more of R.C. 169.16(A) is an F5. [R.C. 169.99(B)]
R.C. 901.511(B) - Intent of offense involving any agricultural product or equipment	Depends – on the first offense. A violation of R.C. 901.511(B) is “a misdemeanor or a felony that is one degree higher than the penalty for the most serious underlying specified offense that is involved in a violation.” On a second and subsequent offense, the penalty is two degrees higher. [R.C. 901.99(E)]
R.C. 917.13 - Payment reports	Yes, second violation is an F5. Third violation and more is an F4. [R.C. 917.99(B)]
R.C. 917.14 - Adoption method guaranteeing payment to producer	Yes, second violation is an F5. Third violation and more is an F4. [R.C. 917.99(B)]
R.C. 921.24(G) or (P) - Prohibited acts	Yes, second violation or more is an F4. [R.C. 921.99(B)]
R.C. 926.04(A)(2) - Handler’s license required	Yes, second violation or more is an F5. [R.C. 926.99(A)(1)]
R.C. 935.18 - Sale or auction of animals prohibited	Yes, second violation or more of R.C. 935.18(A), (B), (C), (E), (F), or (G) is an F5. [R.C. 935.99(A)]

Offense	Can the Offense Escalate to a Felony?
R.C. 941.041- Prohibitions regarding animal diseases	Yes, second violation of R.C. 941.041(E) or (F), or if on first offense the animal is found to be infected with or to have been exposed to a dangerously contagious or infectious disease or is adulterated with a residue, it is an F5. Third violation or more is an F4. [R.C. 941.99(D)]
R.C. 959.131(B) or (E) - Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill or commit an act of cruelty against a companion animal	Yes, second violation or more is an F5. [R.C. 959.99(E)(1)]
R.C. 128.60 - Service providers to supply information; confidentiality	Yes, second violation and more of R.C. 128.60(B)(2) is an F5. [R.C. 128.99(B)]
R.C. 1547.11 - Operation, control, or manipulation under influence of alcohol or drug	No, however, it is considered an “equivalent offense” when considering an enhancement of R.C. 4511.19. [R.C. 4511.181(A)(6)] Also, an “equivalent offense” for determining habitual OVI offender. [R.C. 5502.10(D)(2)(c)]
R.C. 1739.27 - Requiring valid certification of authority	Yes, second violation or more is an F5. [R.C. 1739.99]
R.C. 2903.06 - Aggravated vehicular homicide, vehicular homicide, vehicular manslaughter	Yes, if the offender was driving under suspension or cancellation or did not have a valid license, or if previously guilty of R.C. 2903.06 or any traffic-related homicide, manslaughter, or assault offense, then a violation of R.C. 2903.08(A)(3) is an F4. [R.C. 2903.06(C)(3)]
R.C. 2903.08 - Aggravated vehicular assault; vehicular assault	If the offender was driving under suspension or if previously guilty of a violation of R.C. 2903.08 or any other traffic-related homicide, then a violation of R.C. 2903.08(A)(3) is an F4. [R.C. 2903.08(C)(3)]
R.C. 2903.13 - Assault	Yes, second violation of R.C. 2903.13(C)(8) or (C)(9). [R.C. 2903.13(C)(8)(b) and (C)(9)(b)]
R.C. 2903.211 - Menacing by stalking	Yes, second violation or more of R.C. 2903.211; previously convicted under R.C. 2911.211; or if other conditions listed in R.C. 2903.211(B)(2)(b) through (i) are met, then a violation is an F4. [R.C. 2903.211(B)(2)]
R.C. 2903.22 - Menacing	Yes, if the offender has been previously convicted of an offense of violence <u>and</u> the victim of the prior offense was an employee of a public children services agency <u>and</u> the prior offense was related to that employee’s official responsibilities, then a violation is an F4. [R.C. 2903.22(B)]



Offense	Can the Offense Escalate to a Felony?
R.C. 2903.34 - Patient abuse or neglect	Yes, if guilty previously of any division of R.C. 2903.34 and now guilty of R.C. 2903.34(A)(2), then a violation is an F5. [R.C. 2903.34(D)]
R.C. 2903.34(A)(3) - Neglect against a resident or patient of the facility	Yes, if guilty of any division of R.C. 2903.34 and now guilty of R.C. 2903.34(A)(3), then a violation is an F5. [R.C. 2903.34(E)]
R.C. 2903.341 - Patient endangerment	If previously guilty of R.C. 2903.341, then a violation of R.C. 2903.341 is an F4. [R.C. 2903.341(E)(2)] If the violation results in serious physical harm to the person with a developmental disability, then a violation of R.C. 2903.341 is an F3. [R.C. 2903.341(E)(3)]
R.C. 128.60 - Service providers to supply information; confidentiality	Yes, second violation and more of R.C. 128.60(B)(2) is an F5. [R.C. 128.99(B)]
R.C. 1547.11 - Operation, control, or manipulation under influence of alcohol or drug	No, however, it is considered an “equivalent offense” when considering an enhancement of R.C. 4511.19. [R.C. 4511.181(A)(6)] Also, an “equivalent offense” for determining habitual OVI offender. [R.C. 5502.10(D)(2)(c)]
R.C. 1739.27 - Requiring valid certification of authority	Yes, second violation or more is an F5. [R.C. 1739.99]
R.C. 2903.06 - Aggravated vehicular homicide, vehicular homicide, vehicular manslaughter	Yes, if the offender was driving under suspension or cancellation or did not have a valid license, or if previously guilty of R.C. 2903.06 or any traffic-related homicide, manslaughter, or assault offense, then a violation of R.C. 2903.08(A)(3) is an F4. [R.C. 2903.06(C)(3)]
R.C. 2903.08 - Aggravated vehicular assault; vehicular assault	If the offender was driving under suspension or if previously guilty of a violation of R.C. 2903.08 or any other traffic-related homicide, then a violation of R.C. 2903.08(A)(3) is an F4. [R.C. 2903.08(C)(3)]
R.C. 2903.13 - Assault	Yes, second violation of R.C. 2903.13(C)(8) or (C)(9). [R.C. 2903.13(C)(8)(b) and (C)(9)(b)]
R.C. 2903.211 - Menacing by stalking	Yes, second violation or more of R.C. 2903.211; previously convicted under R.C. 2911.211; or if other conditions listed in R.C. 2903.211(B)(2)(b) through (i) are met, then a violation is an F4. [R.C. 2903.211(B)(2)]
R.C. 2903.22 - Menacing	Yes, if the offender has been previously convicted of an offense of violence <u>and</u> the victim of the prior offense was an employee of a public children services agency <u>and</u> the prior offense was related to that employee’s official responsibilities, then a violation is an F4. [R.C. 2903.22(B)]

Offense	Can the Offense Escalate to a Felony?
R.C. 2903.34 - Patient abuse or neglect	Yes, if guilty previously of any division of R.C. 2903.34 and now guilty of R.C. 2903.34(A)(2), then a violation is an F5. [R.C. 2903.34(D)]
R.C. 2903.34(A)(3) - Neglect against a resident or patient of the facility	Yes, if guilty of any division of R.C. 2903.34 and now guilty of R.C. 2903.34(A)(3), then a violation is an F5. [R.C. 2903.34(E)]
R.C. 2903.341 - Patient endangerment	If previously guilty of R.C. 2903.341, then a violation of R.C. 2903.341 is an F4. [R.C. 2903.341(E)(2)] If the violation results in serious physical harm to the person with a developmental disability, then a violation of R.C. 2903.341 is an F3. [R.C. 2903.341(E)(3)]
R.C. 2905.05 - Criminal child enticement	Yes, second violation or more or previously violated R.C. 2907.02, 2907.03 (or former R.C. 2907.12), 2905.01, or 2907.05 when the victim was under 17 years-old, then a violation is an F5. [R.C. 2905.05(E)]
R.C. 2907.04 - Unlawful sexual contact with a minor	Yes, if previous convictions for R.C. 2907.02, 2907.03, 2907.04, or former R.C. 2907.12, then a violation is an F2. [R.C. 2907.04(B)(4)]
R.C. 2907.09 - Public indecency	<p>Yes, if previously guilty of 3 or more violations of R.C. 2907.09, then a violation of R.C. 2907.09(A)(1) is an F5 if any person who was likely to view and be affronted by the offender's conduct was a minor. [R.C. 2907.09(C)(2)]</p> <p>Yes, if previously guilty of 2 or more violations of R.C. 2907.09, then a violation of R.C. 2907.09(A)(2) or (3) is an F5 if any person who was likely to view or be affronted by the offender's conduct was a minor. [R.C. 2907.09(C)(3)]</p> <p>Yes, if previously guilty of 2 or more violations of R.C. 2907.09, then a violation of R.C. 2907.09(B)(1), (B)(2) or (B)(3) is an F5. [R.C. 2907.09(C)(4)]</p> <p>Yes, if previously guilty of R.C. 2907.09, then a violation of R.C. 2907.09(B)(4) is an F5. [R.C. 2907.09(C)(4)]</p>
R.C. 2909.09 - Vehicular vandalism	If the violation creates a substantial risk of physical harm to any person or causes serious physical harm to property, a violation of R.C. 2909.03 is an F3. If the violation causes serious physical harm to any person, a violation of R.C. 2909.09 is an F2. [R.C. 2909.09(C)]
R.C. 2911.32 - Tampering with coin machines	Yes, second violation or more of R.C. 2911.32 or any theft offense as defined under R.C. 2913.01, then a violation of R.C. 2911.32 is an F5. [R.C. 2911.32(B)]

Offense	Can the Offense Escalate to a Felony?
R.C. 2913.07 - Motion picture privacy	Yes, second violation or more of R.C. 2913.07(B) is an F5. [R.C. 2913.07(C)]
R.C. 2915.02 - Gambling	Yes, if previously convicted of any gambling offense, then a violation of R.C. 2915.02 is an F5. [R.C. 2915.02(K)]
R.C. 2915.03 - Operating a gambling house	Yes, if previously convicted of a gambling offense, then a violation of R.C. 2915.03 is an F5. [R.C. 2915.03(B)]
R.C. 2915.05 - Cheating; corrupting sports	Yes, if potential gain from cheating is \$1,000 or more, or if previously guilty of any gambling offense or of any theft offense as defined in R.C. 2913.01, then a violation of R.C. 2915.05(A) is an F5. [R.C. 2915.05(C)]
R.C. 2915.081 - Illegally operating as distributor of bingo supplies	Yes, if previously guilty R.C. 2915.081(A), (E), or (F), then a violation of R.C. 2915.081(A), (E), or (F) is an F5. [R.C. 2915.081(J)]
R.C. 2915.082 - Illegally operating as manufacturer of bingo supplies	Yes, is previously guilty of R.C. 2915.082(A), (D), or (E), then a violation of R.C. 2915.082(A), (D), or (E) is an F5. [R.C. 2915.082(I)]
R.C. 2915.09 - Illegally conducting bingo game; rules	Yes, if previously guilty of R.C. 2915.09(C)(12), then a violation of R.C. 2915.09(C)(12) is an F4. [R.C. 2915.09(G)]
R.C. 2915.091 - Illegally conducting instant bingo – rules	Yes, if previously guilty of R.C. 2915.091(A), then a violation of R.C. 2915.091(A) is an F4. [R.C. 2915.091(D)]
R.C. 2915.092 - Raffles; illegal conduct of raffle; penalties	Yes, if previously guilty of R.C. 2915.091(B), then a violation of R.C. 2915.092(B) is an F5. [R.C. 2915.092(C)]
R.C. 2915.094 - Owner or lessor conducting instant bingo other than at bingo session at location where primary activity is instant bingo	Yes, if previously guilty of R.C. 2915.094(C) or (D), then a violation of R.C. 2915.094(C) or (D) is an F5. [R.C. 2915.094(E)(1)]
R.C. 2915.13 - Veteran’s organization or fraternal organization authorized to conduct bingo session	Yes, if previously guilty of R.C. 2915.13, then a violation of R.C. 2915.13 is an F5. [R.C. 2915.13(E)]
R.C. 2917.21(A) - Telecommunications harassment	Yes, second violation of more of R.C. 2917.21(A)(1), (A)(2), (A)(3), (A)(5), (A)(6), (A)(7), (A)(8), (A)(9), (A)(10), (A)(11), or (B) is an F5. [R.C. 2917.21(C)(2)]  Yes, second violation or more of R.C. 2917.21(A)(4) is an F5. [R.C. 2917.21(C)(3)]

Offense	Can the Offense Escalate to a Felony?
R.C. 2919.12 - Unlawful abortion	Yes, second violation or more of R.C. 2919.12(A) is an F4. [R.C. 2919.12(D)] Second violation or more of R.C. 2919.12(B) is an F5. [R.C. 2919.12(D)]
R.C. 2919.121 - Unlawful abortion upon minor	Yes, if previously guilty of R.C. 2919.121, then a violation of R.C. 2919.121(B) is an F4. [R.C. 2919.121(E)]
R.C. 2919.21 - Nonsupport or contributing to nonsupport of dependents	Yes, if the offender failed to provide support for 26 weeks out of 104 consecutive weeks or if previously guilty of R.C. 2919.21(A) (2) or (B), then a violation of R.C. 2919.21(A)(2) or (B) is an F5. If previously guilty of a felony violation of this section, then a subsequent violation is an F4. [R.C. 2919.21(G)(1)]
R.C. 2919.22 - Endangering children	<p>Yes, if previously guilty of R.C. 2919.22 or any offense of neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, then a violation of R.C. 2919.22(A) or (B)(1) is an F4. If serious physical harm to the child is involved, then a violation of R.C. 2919.22(A) is an F3 and a violation of R.C. 2919.22(B)(1) is an F2. [R.C. 2919.22(E)(2)]</p> <p>If the violation results in serious physical harm to the child, or if previously found guilty of R.C. 2919.22 or any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, then violation of R.C. 2919.22(C) is an F5. If the violation results in serious physical harm to the child and the offender previously had been convicted of a violation of R.C. 2919.22(C), R.C. 2903.06, R.C. 2903.08, R.C. 2903.07 as it existed prior to March 23, 2000, or R.C. 2903.04 (in a case in which the offender was subject to the sanctions described in division (D) of that section), then a violation of R.C. 2919.22(C) is an F4. [R.C. 2919.22(E)(5)]</p>
R.C. 2919.23 - Interference with custody	Yes, if previously guilty of R.C. 2919.23 or if the child is removed from the state, then a violation of R.C. 2919.23(A)(1) is an F5. If the child suffers physical harm as a result, then a violation of R.C. 2919.23(A)(1) is an F4. [R.C. 2919.23(D)(2)]
R.C. 2919.231 - Interfering with action to issue or modify support order	Yes, if previously guilty of R.C. 2919.231 or R.C. 3111.19, then a violation of R.C. 2919.231 is an F5. [R.C. 2919.231(B)]

Offense	Can the Offense Escalate to a Felony?
R.C. 2919.25 - Domestic Violence	<p>Yes, if previously guilty of R.C. 2919.25 or previously violated an existing or former municipal ordinance or a law of this state or any state that is substantially similar to R.C. 2903.14, R.C. 2909.06, R.C. 2909.07, R.C. 2911.12, R.C. 2911.211, R.C. 2919.22, if the victim was a family or household member at the time of the offense, or was convicted of any offense of violence if the victim was a family or household member at the time of the offense, then a violation of R.C. 2919.25(A) or (B) is an F4. [R.C. 2919.25(D)(3)]</p> <p>If previously guilty of 2 or more violations of R.C. 2919.25(D)(3), then a violation of R.C. 2919.25(A) or (B) is an F3. [R.C. 2919.25(D)(4)]</p> <p>If the offender knew that the victim was pregnant at the time of the violation, then except as otherwise provided in R.C. 2919.25(D)(3) or (4), then a violation of R.C. 2919.25(A) or (B) is an F5. [R.C. 2919.25(D)(5)]</p>
R.C. 2919.27 - Violating protection order	<p>Yes, if previously guilty of a violation of a protective order issued pursuant to R.C. 2151.34, R.C. 2903.213, R.C. 2903.214, R.C. 2919.26, or R.C. 3113.31, then a violation of R.C. 2919.27 is an F5. [R.C. 2919.27(B)(3)]</p> <p>Yes, if previously guilty of 2 or more violations of R.C. 2903.21, R.C. 2903.211, R.C. 2903.22, R.C. 2911.211, or any combination thereof that involved the same person who is the subject of the protection order or consent agreement, then a violation of R.C. 2919.27 is an F5. [R.C. 2919.27(B)(3)]</p> <p>Second or more violations of R.C. 2919.27, then a violation of R.C. 2919.27 is an F5. [R.C. 2919.27(B)(3)]</p> <p>If an offender violates R.C. 2919.27 while committing a felony offense, then a violation is an F3. [R.C. 2919.27(B)(4)]</p>
R.C. 2921.36(D) or (E) - Attempting to deliver/delivering cash to a person/child confined in a detention facility, or a prisoner who is temporarily released	<p>Yes, if previously guilty of R.C. 2921.36(D), then a violation of R.C. 2921.36(D) is an F5. [R.C. 2921.36(G)(4)]</p> <p>If previously guilty of R.C. 2921.36(E), then a violation of R.C. 2921.36(E) is an F5. [R.C. 2921.36(G)(5)]</p>

Offense	Can the Offense Escalate to a Felony?
R.C. 2923.12 - Carrying concealed weapons	Yes, if the weapon is a firearm that is loaded or for which the offender has ammunition ready at hand or it is a dangerous ordnance, or if previously guilty of R.C. 2923.12 or any offense of violence, then a violation of R.C. 2923.12(A) is an F4. If committed aboard an aircraft or with a purpose to carry aboard an aircraft, then a violation of R.C. 2923.12(A) is an F3. [R.C. 2923.12(F)(1)] If previously guilty of R.C. 2923.12(B)(2) or (B)(4), then violation of R.C. 2923.12(B)(2) or (4) is an F5. [R.C. 2923.12(F)(4)]
R.C. 2923.126 - Duties of licensed individual	If the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon is dangerous ordnance, and if previously guilty of R.C. 2923.126(C)(3)(a) or any offense of violence, a violation of R.C. 2923.126(C)(3)(a) is an F4. [R.C. 2923.126(C)(3)(a)]
R.C. 2923.16 - Improperly handling firearms in a motor vehicle	If previously guilty of R.C. 2923.16(E)(3) or (5), then violation of R.C. 2923.16(E)(3) or (5) is an F5. [R.C. 2923.16(I)]
R.C. 2923.201 - Possessing a defaced firearm	Yes, second violation or more of R.C. 2923.01(A)(1) is an F4. [R.C. 2923.201(B)(1)] Yes, second violation or more of R.C. 2923.01(A)(2) is an F4. [R.C. 2923.201(B)(2)]
R.C. 2925.11 - Possession of controlled substances	Yes, if previously guilty of drug abuse offense, then a violation of R.C. 2925.11(C)(2) is an F5. [R.C. 2925.11(C)(2)(a)] Can be higher level of felony based on amount of drug.
R.C. 2925.13 - Permitting drug abuse	Yes, if the felony drug abuse offense is a violation of R.C. 2925.05, R.C. 2925.03, or R.C. 2925.04, or if the offense is a violation of R.C. 2925.041 and the offender had actual knowledge that the person who assembled or possessed the chemicals did so with the intent to manufacture a controlled substance in Schedule I or II in violation of R.C. 2925.04, then a violation of R.C. 2925.13 is an F5. [R.C. 2925.13(C)(3)]
R.C. 2925.31 - Abusing harmful intoxicants	Yes, if previously guilty of a drug abuse offense, then a violation of R.C. 2925.31 is an F5. [R.C. 2925.31(B)]
R.C. 2927.15 - Privilege or consent to collect bodily substance	Yes, if previously guilty of R.C. 2927.15(A), then a violation of R.C. 2927.15(A) is an F5. [R.C. 2927.15(C)]

Offense	Can the Offense Escalate to a Felony?
R.C.2927.27 - Illegal bail bond agent practices	Yes, if previously guilty of 2 or more violation of R.C. 2927.27(A) or (B), then a violation of R.C. 2927.27 is an F3. [R.C.2927.27(C)(2) and (3)]
R.C. 3113.06 - Failure to pay maintenance cost to agency	Yes, if failed to pay the cost of child maintenance for a total of 26 weeks out of 104 consecutive weeks, or if previously guilty of R.C. 3113.06, then a violation of R.C. 3113.06 is an F5. [R.C. 3113.99]
R.C. 3719.07 - Record of all controlled substances received, administered, dispensed, or used	Yes, if previously guilty of R.C. 3719.07 or R.C. 3719.08 or a drug abuse offense, then a violation of R.C. 3719.07 is an F5. [R.C. 3719.99(C)]
R.C. 3719.08 - Label required	Yes, if previously guilty of R.C. 3719.07 or R.C. 3719.08 or a drug abuse offense, then a violation of R.C. 3719.08 is an F5. [R.C. 3719.99(C)]
R.C. 3743.60 - Prohibitions	Yes, if previously guilty of R.C. 3743.60(I), then a violation of R.C. 3743.60(I) is an F5. [R.C. 3743.99(C)]
R.C. 3743.61 - Wholesaler restrictions	Yes, if previously guilty of R.C. 3743.61(I), then a violation of R.C. 3743.61(I) is an F5. [R.C. 3743.99(C)]
R.C. 3772.99 - Enforcement of chapter	Yes, second violation or more of R.C. 3772.99(D)(1), (D)(2), (D)(3), (D)(4), or (D)(5) is an F5. [R.C. 3772.99(D)]
R.C. 3905.84 - Surety bail bond agent to be qualified, licensed, and appointed	Yes, on a third or subsequent violation of R.C. 3905.84, a violation of R.C. 3905.84 is an F3. [R.C. 3905.99(E)]
R.C. 3999.18(B) - Requiring valid certificate of authority	Yes, if previously guilty of R.C. 3999.18(B), then a violation of R.C. 3999.18(B) is an F5. [R.C. 3999.99(H)]
R.C. 4109.21 - Registering as employer of minors conducting door-to-door sales activity	Yes, if previously guilty of R.C. 4109.21 and contains aggravating circumstances, then a violation of R.C. 4109.21 with aggravating circumstances is an F4. [R.C. 4109.99(E)]

Offense	Can the Offense Escalate to a Felony?
R.C. 4141.48 - Acquisition of trade or business to lower contribution rate prohibited	<p>If the tax avoided by trade or business is \$10,000 or more but less than \$50,000, then a violation is an F5 under R.C. 2929.14. [R.C. 4141.99(F)(1)]</p> <p>If the tax avoided by trade or business is \$50,000 or more, but less than \$100,000, then a violation is an F4 under R.C. 2929.14. [R.C. 4141.99(F)(2)]</p> <p>If the tax avoided by the trade or business is \$100,000 or more, then a violation is an F3 under R.C. 2929.14. [R.C. 4141.99(F)(3)]</p>
R.C. 4511.19 - Operating vehicle under the influence of alcohol or drugs – OVI	<p>Yes, if previously guilty of 3 or 4 violations of R.C. 4511.19(A) or other equivalent offenses within the past 10 years, then a violation of R.C. 4511.19(A) is an F4. [R.C. 4511.19(G)(1)(d)]</p> <p>If previously guilty of 5 or more violations of a similar nature of R.C. 4511.19(A) or (B) within the past 20 years, then a violation of R.C. 4511.19(A) is an F4. [R.C. 4511.19(G)(1)(d)]</p> <p>If previous conviction of R.C. 4511.19(A) was a felony, regardless of when the conviction occurred, then a violation of R.C. 4511.19(A) is an F3. [R.C. 4511.19(G)(1)(e)]</p>
R.C. 4549.20 - Improper replacement of motor vehicle air bag	Yes, if the violation causes serious physical harm, or if previously guilty of R.C. 4549.20(B) or (D), then a violation of R.C. 4549.20(B) or (D) is an F5. [R.C. 4549.20(E)(1)]
R.C. 4707.02 - Unlicensed practice	Yes, second violation or more of R.C. 4707.02 is an F5. [R.C. 4707.99(A)]
R.C. 4715.09 - Unlicensed practice prohibited	Yes, if previously guilty of R.C. 4715.09, then a violation is an F5. [R.C. 4715.99(C)]
R.C. 4715.19 - Employment of unlicensed dentist unlawful – misrepresentation, impersonation, or false application unlawful	Yes, if previously guilty of R.C. 4715.19, then a violation of R.C. 4715.19 is an F5. [R.C. 4715.99(C)]
R.C. 4715.20 - Conditions to practice as dental hygienist	Yes, if previously guilty of R.C. 4715.20, then a violation is an F5. [R.C. 4715.99(C)]
R.C. 4715.29 - Employment of dental hygienist	Yes, if previously guilty of R.C. 4715.29, then a violation is an F5. [R.C. 4715.99(C)]
R.C. 4715.32 - Using diploma or license with intent to defraud	Yes, if previously guilty of R.C. 4715.32, then a violation is an F5. [R.C. 4715.99(C)]



Offense	Can the Offense Escalate to a Felony?
R.C. 4715.39 - Permitted duties	Yes, if previously guilty of R.C. 4715.39, then a violation is an F5. [R.C. 4715.99(C)]
R.C. 4715.52 - Unlicensed practice	Yes, if previously guilty of R.C. 4715.52, then a violation is an F5. [R.C. 4715.99(C)]
R.C. 4715.61 - Registration as expanded function dental auxiliary required	Yes, if previously guilty of R.C. 4715.61, then a violation is an F5. [R.C. 4715.99(C)]
R.C. 4728.99 - Penalty	Yes, if previously guilty of R.C. Chpt. 4728, then a violation of R.C. Chapter 4728 is an F5. [R.C. 4728.99]
R.C. 4729.51 - Selling, purchasing, distributing, or delivering dangerous or investigational drugs	Yes, if previously guilty of R.C. Chpts. 4729, 2925, or 3719, then a violation of R.C. 4729.51(E)(1)(c) is an F5. [R.C. 4729.99(H)]
R.C. 4729.552 - License as a category III terminal distributor of dangerous drugs with pain management clinic classification	Yes, if previously guilty of R.C. 4729.552(C), then a violation of R.C. 4729.552(C) is an F5. [R.C. 4729.99(K)]
R.C. 4729.86 - Applicable additional provisions regarding drug database	Yes, if previously guilty of R.C. 4729.86(A)(1), (2), or (3), then a violation of R.C. 4729.86(A)(2) is an F5. [R.C. 4729.99(J)(2)]
R.C. 4729.95 - Violations	Yes, if previously guilty of 2 or more violations of R.C. 4729.95(A), (B), or (C), then a violation of R.C. 4729.95(A), (B), or (C) is an F5. [R.C. 4729.99(I)(1) and (2)]
R.C. 4730.02 - Prohibited acts	Yes, if previously guilty of R.C. 4730.02, then a violation is an F4. [R.C. 4730.99(A)]
R.C. 4749.13 - Prohibited acts	Yes, if previously guilty of R.C. 4749.13(A), then a violation of R.C. 4749.13(A) is an F5. [R.C. 4749.99(A)]
R.C. 4760.02 - License required to practice	Yes, second violation or more is an F4. [R.C. 4760.99(A)]
R.C. 4762.02 - License to practice	Yes, second violation or more is an F4. [R.C. 4762.99(A)]

Offense	Can the Offense Escalate to a Felony?
R.C. 4773.02 - License requirement	Yes, second violation ore more is an F5. [R.C. 4773.99(A)]
R.C. 4774.02 - License required to practice as radiologist assistant	Yes, second violation or more of R.C. 4774.02(A)(1) or (A)(2) is an F4. [R.C. 4774.99(A)]
R.C. 4778.02 - License required	Yes, second violation or more of R.C. 4778.02 is an F5. [R.C. 4778.99]
R.C. 5104.02 - License required	Yes, third violation or more is an F5. [R.C. 5104.99(A)(2)(d)]
R.C. 2923.03 - Complicity	Complicity to any of the above

## Appendix B: List of Fingerprintable Misdemeanors

This list is subject to periodic statutory change. A fingerprinting entity should contact its legal counsel for legal advice concerning fingerprinting requirements in the Ohio Revised Code.

### Required Fingerprints – Misdemeanors under R.C. 109.572(A)(1)(a)

- R.C. 2903.01 - Aggravated murder
- R.C. 2903.02 - Murder
- R.C. 2903.03 - Voluntary manslaughter
- R.C. 2903.04 - Involuntary manslaughter
- R.C. 2903.041 - Reckless homicide
- R.C. 2903.06 - Aggravated vehicular homicide; vehicular homicide; vehicular manslaughter
- R.C. 2903.08 - Aggravated vehicular assault; vehicular assault
- R.C. 2903.11 - Felonious assault
- R.C. 2903.12 - Aggravated Assault
- R.C. 2903.13 - Assault
- R.C. 2903.16 - Failing to provide for a functionally impaired person
- R.C. 2903.21 - Aggravated menacing
- R.C. 2903.34 - Patient abuse or neglect
- R.C. 2905.01 - Kidnapping
- R.C. 2905.02 - Abduction
- R.C. 2905.05 - Criminal child enticement
- R.C. 2905.11 - Extortion
- R.C. 2905.32 - Trafficking in persons
- R.C. 2907.02 - Rape
- R.C. 2907.03 - Sexual battery
- R.C. 2907.04 - Unlawful sexual contact with minor
- R.C. 2907.05 - Gross sexual imposition
- R.C. 2907.06 - Sexual imposition
- R.C. 2907.07 - Importuning
- R.C. 2907.08 - Voyeurism
- R.C. 2907.09 - Public indecency
- R.C. 2907.21 - Compelling prostitution
- R.C. 2907.22 - Promoting prostitution
- R.C. 2907.23 - Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another
- R.C. 2907.25 - Prostitution after positive HIV test
- R.C. 2907.31 - Disseminating matter harmful to juveniles
- R.C. 2907.32 - Pandering obscenity
- R.C. 2907.321 - Pandering obscenity involving a minor or impaired person
- R.C. 2907.322 - Pandering sexually oriented matter involving a minor or impaired person
- R.C. 2907.323 - Illegal use of minor or impaired person in nudity-oriented material or performance

- R.C. 2911.01 - Aggravated robbery
- R.C. 2911.02 - Robbery
- R.C. 2911.11 - Aggravated burglary
- R.C. 2911.12 - Burglary
- R.C. 2919.12 - Unlawful abortion
- R.C. 2919.22 - Endangering children
- R.C. 2923.17 - Unlawful possession of dangerous ordnance; illegally manufacturing or processing explosives
- R.C. 2923.21 - Improperly furnishing firearms to minor
- R.C. 2923.42 - Participating in criminal gang
- R.C. 2919.24 - Contributing to unruliness or delinquency of a child
- R.C. 2919.25 - Domestic violence
- R.C. 2923.12 - Carrying a concealed weapon
- R.C. 2923.13 - Having weapons while under disability
- R.C. 2923.161 - Improperly discharging a firearm
- R.C. 2925.02 - Corrupting another with drugs
- R.C. 2925.03 - Trafficking, aggravated trafficking in drugs
- R.C. 2925.04 - Illegal manufacture of drugs
- R.C. 2925.041 - Illegal assembly or possession of chemicals for manufacture of drugs
- R.C. 2925.05 - Funding, aggravated funding of drug or marijuana trafficking
- R.C. 2925.06 - Illegal administration or distribution of anabolic steroids
- R.C. 2925.13 - Permitting drug abuse
- R.C. 2925.22 - Deception to obtain a dangerous drug
- R.C. 2925.23 - Illegal possession of drug documents
- R.C. 2925.24 - Tampering with drugs
- R.C. 2925.31 - Abusing harmful intoxicants
- R.C. 2925.32 - Trafficking in harmful intoxicants; improperly dispensing or distributing nitrous oxide
- R.C. 2925.36 - Illegal dispensing of drug samples
- R.C. 2925.37 - Counterfeit controlled substance offenses
- R.C. 3716.11 - Placing harmful or hazardous objects in food or confection
- Felonious sexual penetration in violation of former R.C. 2907.12
- R.C. 2905.04 or R.C. 2919.23 as it existed prior to July 1, 1996
- R.C. 2925.11- possession of controlled substances that is not a minor drug possession offense

Required Fingerprints – Misdemeanors under R.C. 109.572(A)(4)(a)

- R.C. 959.13 - Cruelty to animals
- R.C. 2151.421 - Reporting child abuse or neglect
- R.C. 2903.01 - Aggravated murder
- R.C. 2903.02 - Murder
- R.C. 2903.03 - Voluntary manslaughter
- R.C. 2903.04 - Involuntary manslaughter
- R.C. 2903.06 - Aggravated vehicular homicide; vehicular homicide; vehicular manslaughter
- R.C. 2903.08 - Aggravated vehicular assault; vehicular assault
- R.C. 2903.11 - Felonious assault
- R.C. 2903.12 - Aggravated assault
- R.C. 2903.13 - Assault
- R.C. 2903.15 - Permitting child abuse
- R.C. 2903.16 - Failing to provide for a functionally impaired person
- R.C. 2903.21 - Aggravated menacing
- R.C. 2903.211 - Menacing by stalking
- R.C. 2903.22 - Menacing
- R.C. 2903.32 - Female genital mutilation
- R.C. 2903.34 - Patient abuse or neglect
- R.C. 2905.01 - Kidnapping
- R.C. 2905.02 - Abduction
- R.C. 2905.05 - Criminal child enticement
- R.C. 2905.32 - Trafficking in persons
- R.C. 2907.02 - Rape
- R.C. 2907.03 - Sexual battery
- R.C. 2907.04 - Unlawful sexual contact with minor
- R.C. 2907.05 - Gross sexual imposition
- R.C. 2907.06 - Sexual imposition
- R.C. 2907.07 - Importuning
- R.C. 2907.08 - Voyeurism
- R.C. 2907.09 - Public indecency
- R.C. 2907.19 - Commercial sexual exploitation of a minor
- R.C. 2907.21 - Compelling prostitution
- R.C. 2907.22 - Promoting prostitution
- R.C. 2907.23 - Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another
- R.C. 2907.25 - Prostitution after positive HIV test
- R.C. 2907.31 - Disseminating matter harmful to juveniles
- R.C. 2907.32 - Pandering obscenity
- R.C. 2907.321 - Pandering obscenity involving a minor or impaired person
- R.C. 2907.322 - Pandering sexually oriented matter involving a minor or impaired person
- R.C. 2907.32 - Pandering obscenity
- R.C. 2907.321 - Pandering obscenity involving a minor or impaired person

- R.C. 2907.322 - Pandering sexually oriented matter involving a minor or impaired person
- R.C. 2907.323 - Illegal use of minor or impaired person in nudity-oriented material or performance
- R.C. 2909.02 - Aggravated arson
- R.C. 2909.03 - Arson
- R.C. 2909.22 - Soliciting or providing support for act of terrorism
- R.C. 2909.23 - Making terroristic threat
- R.C. 2909.24 - Terrorism
- R.C. 2911.01 - Aggravated robbery
- R.C. 2911.02 - Robbery
- R.C. 2911.11 - Aggravated burglary
- R.C. 2911.12 - Burglary
- R.C. 2913.49 - Identity fraud
- R.C. 2917.01 - Inciting to violence
- R.C. 2917.02 - Aggravated riot
- R.C. 2919.12 - Unlawful abortion
- R.C. 2919.22 - Endangering children
- R.C. 2919.24 - Contributing to unruliness or delinquency of a child
- R.C. 2919.25 - Domestic violence
- R.C. 2923.12 - Carrying concealed weapon
- R.C. 2923.13 - Having weapons while under disability
- R.C. 2923.161 - Improperly discharging a firearm
- R.C. 2923.17 - Unlawful possession of dangerous ordnance; illegally manufacturing or processing explosives
- R.C. 2923.21 - Improperly furnishing firearms to minor
- R.C. 2925.02 - Corrupting another with drugs
- R.C. 2925.03 - Trafficking, aggravated trafficking in drugs
- R.C. 2925.04 - Illegal assembly or possession of chemicals for manufacture of drugs
- R.C. 2925.041 - Illegal manufacture of drugs
- R.C. 2925.05 - Funding, aggravated funding of drug or marijuana trafficking
- R.C. 2925.06 - Illegal administration or distribution of anabolic steroids
- R.C. 2925.13 - Permitting drug use
- R.C. 2925.22 - Deception to obtain a dangerous drug
- R.C. 2925.23 - Illegal processing of drug documents
- R.C. 2925.24 - Tampering with drugs
- R.C. 2925.31 - Abusing harmful intoxicants
- R.C. 2925.32 - Trafficking in harmful intoxicants; improperly dispensing or distributing nitrous oxide
- R.C. 2925.36 - Illegal dispensing of drug samples
- R.C. 2925.37 - Counterfeit controlled substance offenses
- R.C. 2927.12 - Ethnic intimidation

- R.C. 3716.11 - Placing harmful or hazardous objects in food or confection
- R.C. 2905.04 or R.C. 2919.23 as it existed prior to July 1, 1996
- R.C. 2925.11- possession of controlled substances that is not a minor drug possession offense
- Felonious sexual penetration in violation of former R.C. 2907.12

*Note: The misdemeanors specified in R.C. 109.572(A)(6)(a) are contained in R.C. 109.572(A)(1)(a) and R.C. 109.572(A)(4)(a) and are not repeated.*





## Appendix C: List of Offenses of Violence

This list is subject to periodic statutory change. A fingerprinting entity should contact its legal counsel for legal advice concerning fingerprinting requirements in the Ohio Revised Code.

### Required Fingerprints – Offenses of Violence under R.C. 109.572(A)(4)(a)<sup>1</sup>

- R.C. 2903.01 - Aggravated murder
- R.C. 2903.02 - Murder
- R.C. 2903.03 - Voluntary manslaughter
- R.C. 2903.04 - Involuntary manslaughter
- R.C. 2903.11 - Felonious assault
- R.C. 2903.12 - Aggravated Assault
- R.C. 2903.13 - Assault
- R.C. 2903.15 - Permitting child abuse
- R.C. 2903.21 - Aggravated menacing
- R.C. 2903.211 - Menacing by stalking
- R.C. 2903.22 - Menacing
- R.C. 2905.01 - Kidnapping
- R.C. 2905.02 - Abduction
- R.C. 2905.11 - Extortion
- R.C. 2905.32 - Trafficking in persons
- R.C. 2907.02 - Rape
- R.C. 2907.03 - Sexual battery
- R.C. 2907.05 - Gross sexual imposition
- R.C. 2909.02 - Aggravated arson
- R.C. 2909.03 - Arson
- R.C. 2909.24 - Terrorism
- R.C. 2911.01 - Aggravated robbery
- R.C. 2911.02 - Robbery
- R.C. 2911.11 - Aggravated burglary
- R.C. 2917.01 - Inciting to violence
- R.C. 2917.02 - Aggravated riot
- R.C. 2917.03 - Riot
- R.C. 2917.31 - Inducing panic
- R.C. 2919.25 - Domestic violence
- R.C. 2921.03 - Intimidation
- R.C. 2921.04 - Intimidation of attorney, victim or witness in criminal case or delinquent child action proceeding
- R.C. 2921.34 - Escape
- R.C. 2923.161 - Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function
- R.C. 2903.34(A)(1) - Patient abuse or neglect
- R.C. 2911.12(A)(1), (2), or (3) - Burglary
- R.C. 2919.22(B)(1), (2), (3), or (4) - Endangering Children where abuse, torture, excessive or unwarranted physical discipline is alleged

<sup>1</sup> As defined in R.C. 2901.01(A)(9).

- Former R.C. 2907.12 - Felonious sexual penetration
- A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section, division, or offenses listed above
- R.C. 959.131(C) - Prohibitions concerning companion animals
- An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons
- A conspiracy or attempt to commit, or complicity in committing, any above offenses

## Appendix D: Sample Fingerprint Orders

IN THE _____ COURT _____ CITY/COUNTY, OHIO	
City of _____ / State of Ohio	Case No. _____ Judge _____
vs.	<b><u>Fingerprint Order</u></b>
_____ Defendant	
<p>The defendant was present in court on a criminal charge that requires the defendant to be fingerprinted under R.C. 109.57 and 109.572. The record does not reflect that the defendant was fingerprinted in this case. _____ (<i>designated law enforcement agency</i>) is required to fingerprint the defendant under R.C. 109.60 due to the nature of the offense and provide the fingerprint information to this Court as part of the reporting process to the Ohio Attorney General's Bureau of Criminal Investigation.</p> <p>The defendant is required to appear at the _____ (<i>designated law enforcement agency</i>) within twenty-four (24) hours of receipt of this order, to be fingerprinted by an authorized person of the _____ (<i>designated law enforcement agency</i>). Failure to comply with this order may result in an arrest warrant for the defendant.</p> <p>The _____ (<i>designated law enforcement agency</i>) shall by the third business day following the defendant's ordered appearance, submit to the Clerk of the Court: (1) defendant's fingerprint cards, (2) written notice that the defendant did not appear for fingerprinting, or (3) written explanation why the defendant's fingerprint cards were not filed with the Court.</p>	
_____ Date	_____ Judge

IN THE \_\_\_\_\_ COURT  
\_\_\_\_\_ CITY/COUNTY, OHIO

City of \_\_\_\_\_ / State of Ohio

Case No. \_\_\_\_\_

vs.

\_\_\_\_\_  
Defendant

**ENTRY ORDERING THE TAKING OF DEFENDANT'S FINGERPRINTS**

Pursuant to R.C. 109.60, the defendant is hereby ordered to appear with a copy of this order within twenty-four (24) hours of the issuance of this entry to:

Law Enforcement Agency 1  
Address  
Hours of operation

Law Enforcement Agency 2  
Address  
Hours of operation

The Sheriff or police department shall take or cause fingerprints to be taken, according to the fingerprint system or forms furnished by the Superintendent of the Bureau of Criminal Investigation [*may also want to add the collection of DNA specimen collection*]. Completed forms shall be immediately forwarded to the Attorney General's Office along with any other description that may be required and the history of the offense committed to be classified and filed. Copies of the completed forms shall also be provided immediately to the Clerk of \_\_\_\_\_ Court.

- ***Sheriff/Police Department:** Complete the certification on the bottom of the defendant's copy of this order and return the order to the defendant.*
- ***Defendant:** Return this order with the completed "Certification of Law Enforcement Agency" to the Court at the next court appearance or proceeding.*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

**CERTIFICATE OF SERVICE**

I personally served a copy of the foregoing Order on the above named defendant on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of person making service on defendant

\_\_\_\_\_  
Court/Clerk/Agency

**Certification by Law Enforcement Agency**

I certify that the fingerprints of \_\_\_\_\_, the above named defendant, were taken on \_\_\_\_\_ and the Incident Tracking Number (ITN) is \_\_\_\_\_.

\_\_\_\_\_  
Signature of Person Taking Fingerprints

\_\_\_\_\_  
Name of Law Enforcement Agency

## Appendix E: Fingerprint Acknowledgement Form

IN THE \_\_\_\_\_ COURT  
\_\_\_\_\_ CITY/COUNTY, OHIO

City of \_\_\_\_\_ / State of Ohio                      Case No. \_\_\_\_\_

vs.

\_\_\_\_\_

Defendant

**Acknowledgment that Defendant Has Been Fingerprinted**

I certify that the Defendant appeared on \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_ and was fingerprinted.

\_\_\_\_\_

Signature of Law Enforcement Officer

*If additional services such as photographs and DNA sample collection are offered,  
you may want to add language to this form.*

I certify that the Defendant appeared on \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_ and was  fingerprinted,  was photographed,  submitted to the  
collection of a DNA sample in this case.



## Appendix F: Common Reporting Errors

When a court reports dispositions electronically to BCI, either via FTP or OCN, an error report is automatically generated after the file is uploaded to CCH and sent back to the email address provided by the court. This report contains a record of the number of dispositions submitted and the outcome of said submissions.

Example Email Report

OHIO BCI&I ELECTRONIC DISPOSITION-FILE REPORT	
FILE NAME:	21_C_EXPORT_20211203_014613.txt
REPORT DATE:	#####
<hr/>	
RECORDS PROCESSED	65
RECORDS LOADED INTO CCH	0
RECORDS CONTAINING ERRORS	65
<hr/>	

The reason field will display the outcome of each submission. The most common errors are listed below:

- **Offender not on file:** This means that the disposition was rejected because BCI has no fingerprint record on file for the offender. To fix this error, the disposition must be resubmitted after a fingerprint card for the defendant is sent to BCI.
- **No corresponding arrest on file:** This means that the disposition was rejected because BCI was unable to associate the disposition submitted with an arrest record. To fix this error, the disposition must be resubmitted after a fingerprint reflecting the date of arrest (or date of fingerprinting if not arrested) has been sent to BCI.
- **Disposition code invalid for conviction CDN/Invalid CDN:** This means the disposition was rejected because the court attempted to submit the disposition with an invalid disposition code (reflecting the outcome of the case). To fix this issue, the court must resubmit the disposition using the codes provided in BCI’s “Electronic Disposition Reporting Methods” guide available at [www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov).
- **ITN/DOA missing:** This means that the disposition was rejected because the ITN or/and Date of Arrest were missing. To fix this the court must enter the required fields and resubmit the disposition.

There are a variety of other less common errors that may appear on the error report courts receive from BCI. If a court has questions about a specific error or needs additional information to resolve an error that cannot be found in BCI's "Electronic Disposition Reporting Methods" guide, the court should contact the Quality Assurance staff at BCI for assistance.



## Appendix G: Sample Application for Relief from Firearms Disability

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

IN THE MATTER OF:

Case No. \_\_\_\_\_

Judge \_\_\_\_\_

\_\_\_\_\_  
Applicant

**Application for Relief from Weapons Disability (R.C. 2923.14)**

Applicant, \_\_\_\_\_ (*full legal name*), states that:

- I am a resident of \_\_\_\_\_ County.
- I am filing this action pursuant to R.C. 2923.14 to obtain relief from a firearms disability so that I may legally acquire, carry, possess, and use a firearm.
- The following information is complete and accurate regarding my firearms disability:  
  
***List each offense on a separate line.***

Indictment(s), conviction(s), protection order(s), or adjudication(s) upon which the disability is based.	The sentence or disposition imposed and served or the term of any protection order.	Any release granted under a community control or post-release control sanction, or parole.	Any partial or conditional pardon granted, or other disposition of each case.	Court name, state, and date where this occurred.

- I have  completed all the terms and conditions of the imposed sentence or disposition  been released on bail or recognizance.
- Since the date of discharge or release, I have been a law-abiding citizen.

6. I am now fit to acquire, have, carry, or use a firearm because:

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7. I am not otherwise prohibited by law from acquiring, having, or using firearms.

8. I will pay all costs of this proceeding.

9. I acknowledge that my application will be denied if I have been convicted of or plead guilty to certain crimes outlined in R.C. 2923.14(A)(2) and may be denied for other reasons.

10. I acknowledge the Court may revoke my firearm privileges at any time for good cause shown and upon notice to me.

11. I request that I be granted full rights to lawfully acquire, have, carry, and use firearms to the extent permitted by law and that the disability prohibiting such activities be removed.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

-----  
*A copy of the Application shall be served on the County Prosecutor. Failure to do so could result in the Application being denied by the Court.*

To the Clerk:

Please serve a copy of this Application for Relief from Firearms Disability upon the \_\_\_\_\_ County Prosecutor at \_\_\_\_\_ (address), \_\_\_\_\_ (city), Ohio \_\_\_\_\_ (zip code).

\_\_\_\_\_  
Signature



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