

As Introduced

132nd General Assembly

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S. B. No. 283

Senators Thomas, Schiavoni

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

A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

under division (F) (3) of this section that the unlicensed 165
transferee's acquisition or possession of the firearm would 166
violate the law of this state. 167

(G) Unless prohibited by any other provision of law, 168
divisions (C) and (D) of this section shall not apply to any 169
transfer of a firearm between an unlicensed transferor and 170
unlicensed transferee if any of the following apply with respect 171
to the transfer: 172

(1) The transfer is temporary and occurs while in the home 173
of the unlicensed transferee, the unlicensed transferee is not 174
otherwise prohibited from possessing firearms, and the 175
unlicensed transferee believes that possession of the firearm is 176
necessary to prevent imminent death or great bodily harm to the 177
unlicensed transferee. 178

(2) The transfer is a temporary transfer of possession 179
without transfer of title that takes place in any of the 180
following circumstances: 181

(a) At a shooting range located in or on premises owned or 182
occupied by a duly incorporated organization organized for 183
conservation purposes or to foster proficiency in firearms; 184

(b) At a target firearm shooting competition under the 185
auspices of or approved by an agency of this state or a 186
nonprofit organization; 187

(c) While hunting, fishing, or trapping, if the activity 188
is legal in all places where the unlicensed transferee possesses 189
the firearm, and the unlicensed transferee holds any required 190
license or permit. 191

(3) The transfer is to an authorized representative of a 192
law enforcement agency of any municipal corporation, any county, 193

this state, or the federal government for exclusive use by that 194
governmental entity and, prior to the transfer, written 195
authorization from the head of the agency authorizing the 196
transaction is presented to the person from whom the transfer is 197
being made. The proper written authorization shall be verifiable 198
written certification from the head of the agency by which the 199
transferee is employed, identifying the employee as an 200
individual authorized to conduct the transaction, and 201
authorizing the transaction for the exclusive use of the agency 202
by which that person is employed. 203

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

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

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

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

(a) The entity receiving the firearm is open to the 224
public. 225

(b) The firearm prior to delivery is deactivated or 226
rendered inoperable. 227

(c) The firearm is not of a type prohibited by provision 228
of law from being transferred to the public at large. 229

(d) Prior to delivery, the entity receiving the firearm 230
submits a written statement to the law enforcement 231
representative stating that the firearm will not be restored to 232
operating condition and will either remain with that entity, or 233
if subsequently disposed of, will be transferred in accordance 234
with the applicable provisions of law. 235

(8) The transfer is by any person other than a 236
representative of an authorized law enforcement agency to any 237
public or private nonprofit historical society, museum, or 238
institutional collection, if all of the conditions set forth in 239
divisions (G) (7) (a) to (d) of this section are met. 240

(9) The transfer is delivery of a firearm to a gunsmith 241
for service or repair, is the return of the firearm to its owner 242
by the gunsmith, or is the delivery of a firearm by a gunsmith 243
to a federally licensed firearms dealer for service or repair or 244
the return of the firearm to the gunsmith. 245

(10) The transfer is made by a person who resides in this 246
state, is made to a person who resides outside this state and is 247
a federally licensed firearms dealer, and is in accordance with 248
federal firearms law. 249

(11) The transfer is of any unloaded firearm to a 250
wholesaler as merchandise in the wholesaler's business by a 251
manufacturer or importer licensed to engage in that business 252

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

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

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

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

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

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

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

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

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

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

(1) Unless the misdemeanor offense is a minor misdemeanor 304
or could be disposed of by the traffic violations bureau serving 305
the court under Traffic Rule 13, restitution by the offender to 306
the victim of the offender's crime or any survivor of the 307
victim, in an amount based on the victim's economic loss. The 308
court may not impose restitution as a sanction pursuant to this 309
division if the offense is a minor misdemeanor or could be 310
disposed of by the traffic violations bureau serving the court 311

under Traffic Rule 13. If the court requires restitution, the 312
court shall order that the restitution be made to the victim in 313
open court or to the adult probation department that serves the 314
jurisdiction or the clerk of the court on behalf of the victim. 315

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

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

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

responsible for collecting and processing restitution payments. 342

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

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

(a) A fine in the following amount: 351

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

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

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

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

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

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

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

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

2951.021 of the Revised Code; 369

(ii) All or part of the costs of confinement in a jail or 370
other residential facility, including, but not limited to, a per 371
diem fee for room and board, the costs of medical and dental 372
treatment, and the costs of repairing property damaged by the 373
offender while confined; 374

(iii) All or part of the cost of purchasing and using an 375
immobilizing or disabling device, including a certified ignition 376
interlock device, or a remote alcohol monitoring device that a 377
court orders an offender to use under section 4510.13 of the 378
Revised Code. 379

(b) The amount of reimbursement ordered under division (A) 380
(3) (a) of this section shall not exceed the total amount of 381
reimbursement the offender is able to pay and shall not exceed 382
the actual cost of the sanctions. The court may collect any 383
amount of reimbursement the offender is required to pay under 384
that division. If the court does not order reimbursement under 385
that division, confinement costs may be assessed pursuant to a 386
repayment policy adopted under section 2929.37 of the Revised 387
Code. In addition, the offender may be required to pay the fees 388
specified in section 2929.38 of the Revised Code in accordance 389
with that section. 390

(4) For a misdemeanor violation of section 2923.26 of the 391
Revised Code, the court shall impose upon the offender a 392
mandatory fine in the amount specified in division (J) (2) (a), 393
(b), or (c) of that section. 394

(B) If the court determines a hearing is necessary, the 395
court may hold a hearing to determine whether the offender is 396
able to pay the financial sanction imposed pursuant to this 397

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

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

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

Revised Code. 429

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

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

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

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

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

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

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

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

in divisions (E) (1) and (2) of section 2929.18 of the Revised 489
Code. 490

(3) Obtain an order for the assignment of wages of the 491
judgment debtor under section 1321.33 of the Revised Code. 492

(F) The civil remedies authorized under division (E) of 493
this section for the collection of the financial sanction 494
supplement, but do not preclude, enforcement of the criminal 495
sentence. 496

(G) Each court imposing a financial sanction upon an 497
offender under this section may designate the clerk of the court 498
or another person to collect the financial sanction. The clerk, 499
or another person authorized by law or the court to collect the 500
financial sanction may do the following: 501

(1) Enter into contracts with one or more public agencies 502
or private vendors for the collection of amounts due under the 503
sanction. Before entering into a contract for the collection of 504
amounts due from an offender pursuant to any financial sanction 505
imposed pursuant to this section, a court shall comply with 506
sections 307.86 to 307.92 of the Revised Code. 507

(2) Permit payment of all or any portion of the sanction 508
in installments, by financial transaction device if the court is 509
a county court or a municipal court operated by a county, by 510
credit or debit card or by another electronic transfer if the 511
court is a municipal court not operated by a county, or by any 512
other reasonable method, in any time, and on any terms that 513
court considers just, except that the maximum time permitted for 514
payment shall not exceed five years. If the court is a county 515
court or a municipal court operated by a county, the acceptance 516
of payments by any financial transaction device shall be 517

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

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

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

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

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

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

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

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