

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 317

Representatives Robinson, Miller, A.

Cosponsors: Representatives Boggs, Boyd, Brent, Brown, Crawley, Crossman, Denson, Hicks-Hudson, Howse, Ingram, Kelly, Kent, Leland, Lepore-Hagan, Lightbody, Liston, Miller, J., Miranda, O'Brien, Russo, Sheehy, Skindell, Smith, K., Sobecki, Strahorn, Sweeney, Sykes, Upchurch, Weinstein, West

A BILL

To amend sections 2929.28 and 5122.311 and to enact
section 2923.26 of the Revised Code to enact the
Protect Law Enforcement Act to require a firearm
transfer to be made through a dealer, through a
law enforcement agency, or pursuant to a
specified exception, and to require a background
check when a firearm is transferred.

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

firearm from an unlicensed transferor. 16

(3) "Unlicensed transferor" means a person who is not a 17
federally licensed firearms dealer and who desires to transfer a 18
firearm to an unlicensed transferee. 19

(4) "Identification document" means a document made or 20
issued by or under the authority of the United States 21
government, this state, or any other state, a political 22
subdivision of this state or any other state, a sponsoring 23
entity of an event designated as a special event of national 24
significance, a foreign government, a political subdivision of a 25
foreign government, an international governmental organization, 26
or an international quasi-governmental organization that, when 27
completed with information concerning a particular individual, 28
is of a type intended or commonly accepted for the purpose of 29
identification of individuals and that includes a photograph of 30
the individual. 31

(B) No federally licensed firearms dealer shall transfer a 32
firearm to any person unless the federally licensed firearms 33
dealer complies with the requirements of 18 U.S.C. 922(t). 34

(C) (1) No unlicensed transferor shall transfer a firearm 35
to an unlicensed transferee, unless both of the following apply 36
with respect to the transfer of the firearm: 37

(a) The firearm is transferred through a federally 38
licensed firearms dealer under division (E) of this section, 39
through a law enforcement agency under division (F) of this 40
section, or in accordance with an exception described in 41
division (G) of this section. 42

(b) Except as provided in division (G) of this section, 43
the federally licensed firearms dealer through which the 44

transfer is made under division (E) of this section gives a 45
notice described in division (E) (3) (a) of this section, or the 46
law enforcement agency through which the transfer is made under 47
division (F) of this section gives a notice described in 48
division (F) (5) (a) of this section, with respect to the firearm. 49

(2) No unlicensed firearms dealer shall transfer a firearm 50
to an unlicensed transferee if the federally licensed firearms 51
dealer through which the transfer is to be made under division 52
(E) of this section gives a notice described in division (E) (3) 53
(b) of this section, or the law enforcement agency through which 54
the transfer is to be made under division (F) of this section 55
gives a notice described in division (F) (5) (b) of this section, 56
with respect to the firearm. 57

(D) (1) No unlicensed transferee shall receive a firearm 58
from an unlicensed transferor, unless both of the following 59
apply with respect to the transfer of the firearm: 60

(a) The firearm is transferred through a federally 61
licensed firearms dealer under division (E) of this section, 62
through a law enforcement agency under division (F) of this 63
section, or in accordance with an exception described in 64
division (G) of this section. 65

(b) Except as provided in division (G) of this section, 66
the federally licensed firearms dealer through which the 67
transfer is made under division (E) of this section gives a 68
notice described in division (E) (3) (a) of this section, or the 69
law enforcement agency through which the transfer is made under 70
division (F) of this section gives a notice described in 71
division (F) (5) (a) of this section, with respect to the firearm. 72

(2) No unlicensed firearms transferee shall receive a 73

firearm from an unlicensed transferor if the federally licensed 74
firearms dealer through which the transfer is to be made under 75
division (E) of this section gives a notice described in 76
division (E) (3) (b) of this section, or the law enforcement 77
agency through which the transfer is to be made under division 78
(F) of this section gives a notice described in division (F) (5) 79
(b) of this section, with respect to the firearm. 80

(E) A federally licensed firearms dealer who agrees to 81
assist in the transfer of a firearm between an unlicensed 82
transferor and an unlicensed transferee under division (C) or 83
(D) of this section shall do all of the following: 84

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

(2) Conduct an incompetency records check of the 92
unlicensed transferee by contacting the attorney general and 93
requesting a check of the records maintained under section 94
5122.311 of the Revised Code, to determine if the transfer of 95
the firearm to the unlicensed transferee or the unlicensed 96
transferee's acquisition or possession of the firearm would 97
violate the law of this state; 98

(3) Notify the unlicensed transferor and unlicensed 99
transferee of whichever of the following is applicable: 100

(a) That the dealer has complied with 18 U.S.C. 922(t) as 101
provided in division (E) (1) of this section and the transfer of 102

the firearm is not prohibited under that provision and that the 103
dealer has conducted the incompetency records check of the 104
unlicensed transferee as provided in division (E) (2) of this 105
section and has not determined in that check that the unlicensed 106
transferee's acquisition or possession of the firearm would 107
violate the law of this state; 108

(b) That the dealer has complied with 18 U.S.C. 922(t) as 109
provided in division (E) (1) of this section and has received a 110
notice from the national instant criminal background check 111
system that the transfer would violate 18 U.S.C. 922 or the law 112
of this state or that the dealer has conducted the incompetency 113
records check of the unlicensed transferee as provided in 114
division (E) (2) of this section and has determined in that check 115
that the unlicensed transferee's acquisition or possession of 116
the firearm would violate the law of this state. 117

(F) A law enforcement agency of this state or of a 118
political subdivision of this state that agrees to assist an 119
unlicensed transferor in carrying out the responsibilities of 120
the unlicensed transferor under division (C) or (D) of this 121
section with respect to the transfer of a firearm shall do all 122
of the following: 123

(1) Contact the national instant criminal background check 124
system under 18 U.S.C. 922(t) and either receive an 125
identification number as described in 18 U.S.C. 922(t) (1) (B) (i) 126
or wait the period described in 18 U.S.C. 922(t) (1) (B) (ii); 127

(2) Conduct an incompetency records check of the 128
unlicensed transferee by contacting the attorney general and 129
requesting a check of the records maintained under section 130
5122.311 of the Revised Code, to determine if the transfer of 131
the firearm to the unlicensed transferee or the unlicensed 132

transferee's acquisition or possession of the firearm would 133
violate the law of this state; 134

(3) Conduct any other checks that the agency considers 135
appropriate to determine whether the receipt or possession of 136
the firearm by the unlicensed transferee would violate 18 U.S.C. 137
922 or the law of this state; 138

(4) Verify the identity of the unlicensed transferee by 139
either examining a valid identification document of the 140
unlicensed transferee containing a photograph of the unlicensed 141
transferee or confirming that the unlicensed transferor has 142
examined such a valid identification document; 143

(5) Notify the unlicensed transferor and transferee of 144
whichever of the following is applicable: 145

(a) That the law enforcement agency has complied with the 146
requirements under divisions (F)(1), (2), (3), and (4) of this 147
section and that the transfer of the firearm is not prohibited 148
under 18 U.S.C 922(t) and the agency has not determined in the 149
incompetency records check conducted under division (F)(2) of 150
this section or a records check conducted under division (F)(3) 151
of this section that the unlicensed transferee's acquisition or 152
possession of the firearm would violate the law of this state; 153

(b) That the law enforcement agency has complied with the 154
requirements under divisions (F)(1), (2), (3), and (4) of this 155
section and either has received a notification from the national 156
instant criminal background check system that the transfer would 157
violate 18 U.S.C. section 922 or the law of this state or has 158
determined under the incompetency records check conducted under 159
division (F)(2) of this section or a records check conducted 160
under division (F)(3) of this section that the unlicensed 161

transferee's acquisition or possession of the firearm would 162
violate the law of this state. 163

(G) Unless prohibited by any other provision of law, 164
divisions (C) and (D) of this section shall not apply to any 165
transfer of a firearm between an unlicensed transferor and 166
unlicensed transferee if any of the following apply with respect 167
to the transfer: 168

(1) The transfer is temporary and occurs while in the home 169
of the unlicensed transferee, the unlicensed transferee is not 170
otherwise prohibited from possessing firearms, and the 171
unlicensed transferee believes that possession of the firearm is 172
necessary to prevent imminent death or great bodily harm to the 173
unlicensed transferee. 174

(2) The transfer is a temporary transfer of possession 175
without transfer of title that takes place in any of the 176
following circumstances: 177

(a) At a shooting range located in or on premises owned or 178
occupied by a duly incorporated organization organized for 179
conservation purposes or to foster proficiency in firearms; 180

(b) At a target firearm shooting competition under the 181
auspices of or approved by an agency of this state or a 182
nonprofit organization; 183

(c) While hunting, fishing, or trapping, if the activity 184
is legal in all places where the unlicensed transferee possesses 185
the firearm, and the unlicensed transferee holds any required 186
license or permit. 187

(3) The transfer is to an authorized representative of a 188
law enforcement agency of any municipal corporation, any county, 189
this state, or the federal government for exclusive use by that 190

governmental entity and, prior to the transfer, written 191
authorization from the head of the agency authorizing the 192
transaction is presented to the person from whom the transfer is 193
being made. The proper written authorization shall be verifiable 194
written certification from the head of the agency by which the 195
transferee is employed, identifying the employee as an 196
individual authorized to conduct the transaction, and 197
authorizing the transaction for the exclusive use of the agency 198
by which that person is employed. 199

(4) The transfer is a loan of the firearm by an authorized 200
law enforcement representative of a municipal corporation, a 201
county, this state, or the federal government, the loan is made 202
to a peace officer who is employed by that governmental entity 203
and authorized to carry a firearm, and the loan is made for the 204
carrying and use of that firearm by that peace officer in the 205
course and scope of the officer's duties. 206

(5) The transfer is by a law enforcement agency to a peace 207
officer. 208

(6) The transfer is to an authorized representative of a 209
municipal corporation, a county, this state, or the federal 210
government and is for the governmental entity, and the entity is 211
acquiring the firearm as part of an authorized, voluntary 212
program in which the entity is buying or receiving weapons from 213
private individuals. 214

(7) The transfer is by an authorized law enforcement 215
representative of a municipal corporation, a county, this state, 216
or the federal government to any public or private nonprofit 217
historical society, museum, or institutional collection, if all 218
of the following conditions are met: 219

- (a) The entity receiving the firearm is open to the 220
public. 221
- (b) The firearm prior to delivery is deactivated or 222
rendered inoperable. 223
- (c) The firearm is not of a type prohibited by provision 224
of law from being transferred to the public at large. 225
- (d) Prior to delivery, the entity receiving the firearm 226
submits a written statement to the law enforcement 227
representative stating that the firearm will not be restored to 228
operating condition and will either remain with that entity, or 229
if subsequently disposed of, will be transferred in accordance 230
with the applicable provisions of law. 231
- (8) The transfer is by any person other than a 232
representative of an authorized law enforcement agency to any 233
public or private nonprofit historical society, museum, or 234
institutional collection, if all of the conditions set forth in 235
divisions (G) (7) (a) to (d) of this section are met. 236
- (9) The transfer is delivery of a firearm to a gunsmith 237
for service or repair, is the return of the firearm to its owner 238
by the gunsmith, or is the delivery of a firearm by a gunsmith 239
to a federally licensed firearms dealer for service or repair or 240
the return of the firearm to the gunsmith. 241
- (10) The transfer is made by a person who resides in this 242
state, is made to a person who resides outside this state and is 243
a federally licensed firearms dealer, and is in accordance with 244
federal firearms law. 245
- (11) The transfer is of any unloaded firearm to a 246
wholesaler as merchandise in the wholesaler's business by a 247
manufacturer or importer licensed to engage in that business 248

pursuant to federal firearms law or by another wholesaler and is 249
made in accordance with federal firearms law. 250

(H) A federally licensed firearms dealer or law 251
enforcement agency that processes the transfer of a firearm 252
under this section may assess and collect a fee, in an amount 253
not to exceed ten dollars, with respect to each firearm transfer 254
processed. 255

(I) Nothing in this section shall be construed to 256
authorize the attorney general of the United States to inspect 257
records described in this section or to require that the records 258
be transferred to a facility owned, managed, or controlled by 259
this state or the United States. 260

(J) (1) No person shall recklessly violate division (B), 261
(C), or (D) of this section. 262

(2) Whoever violates division (J) (1) of this section is 263
guilty of illegal transfer of a firearm, and shall be punished 264
as provided in divisions (J) (2) (a) to (c) of this section. 265

(a) Except as otherwise provided in division (J) (2) (b) or 266
(c) of this section, illegal transfer of a firearm is a 267
misdemeanor of the fourth degree and the offender shall be fined 268
an amount from the range of possible fines for a misdemeanor of 269
the fourth degree set forth in section 2929.28 of the Revised 270
Code. Notwithstanding sections 2929.21 to 2929.28 of the Revised 271
Code, no other sanction shall be imposed on the offender under 272
any of those sections. 273

(b) If the offender previously has been convicted of or 274
pleaded guilty to one violation of this section, illegal 275
transfer of a firearm is a misdemeanor of the second degree and 276
the offender shall be fined an amount from the range of possible 277

finer for a misdemeanor of the second degree set forth in 278
section 2929.28 of the Revised Code. Notwithstanding sections 279
2929.21 to 2929.28 of the Revised Code, no other sanction shall 280
be imposed on the offender under any of those sections. 281

(c) If the offender previously has been convicted of or 282
pleaded guilty to two or more violations of this section, 283
illegal transfer of a firearm is a misdemeanor of the first 284
degree, the offender shall be fined an amount from the range of 285
possible fines for a misdemeanor of the first degree set forth 286
in section 2929.28 of the Revised Code, and, in addition to the 287
mandatory fine, the court may impose any other sanction or 288
sanctions authorized for a misdemeanor of the first degree other 289
than a fine specified in section 2929.28 of the Revised Code. 290

Sec. 2929.28. (A) In addition to imposing court costs 291
pursuant to section 2947.23 of the Revised Code, the court 292
imposing a sentence upon an offender for a misdemeanor, 293
including a minor misdemeanor, may sentence the offender to any 294
financial sanction or combination of financial sanctions 295
authorized under this section. If the court in its discretion 296
imposes one or more financial sanctions, the financial sanctions 297
that may be imposed pursuant to this section include, but are 298
not limited to, the following: 299

(1) Unless the misdemeanor offense is a minor misdemeanor 300
or could be disposed of by the traffic violations bureau serving 301
the court under Traffic Rule 13, restitution by the offender to 302
the victim of the offender's crime or any survivor of the 303
victim, in an amount based on the victim's economic loss. The 304
court may not impose restitution as a sanction pursuant to this 305
division if the offense is a minor misdemeanor or could be 306
disposed of by the traffic violations bureau serving the court 307

under Traffic Rule 13. If the court requires restitution, the 308
court shall order that the restitution be made to the victim in 309
open court or to the adult probation department that serves the 310
jurisdiction or the clerk of the court on behalf of the victim. 311

If the court imposes restitution, the court shall 312
determine the amount of restitution to be paid by the offender. 313
If the court imposes restitution, the court may base the amount 314
of restitution it orders on an amount recommended by the victim, 315
the offender, a presentence investigation report, estimates or 316
receipts indicating the cost of repairing or replacing property, 317
and other information, provided that the amount the court orders 318
as restitution shall not exceed the amount of the economic loss 319
suffered by the victim as a direct and proximate result of the 320
commission of the offense. If the court decides to impose 321
restitution, the court shall hold an evidentiary hearing on 322
restitution if the offender, victim, or survivor disputes the 323
amount of restitution. If the court holds an evidentiary 324
hearing, at the hearing the victim or survivor has the burden to 325
prove by a preponderance of the evidence the amount of 326
restitution sought from the offender. 327

All restitution payments shall be credited against any 328
recovery of economic loss in a civil action brought by the 329
victim or any survivor of the victim against the offender. No 330
person may introduce evidence of an award of restitution under 331
this section in a civil action for purposes of imposing 332
liability against an insurer under section 3937.18 of the 333
Revised Code. 334

If the court imposes restitution, the court may order that 335
the offender pay a surcharge, of not more than five per cent of 336
the amount of the restitution otherwise ordered, to the entity 337

responsible for collecting and processing restitution payments. 338

The victim or survivor may request that the prosecutor in 339
the case file a motion, or the offender may file a motion, for 340
modification of the payment terms of any restitution ordered. If 341
the court grants the motion, it may modify the payment terms as 342
it determines appropriate. 343

(2) A fine of the type described in divisions (A) (2) (a) 344
and (b) of this section payable to the appropriate entity as 345
required by law: 346

(a) A fine in the following amount: 347

(i) For a misdemeanor of the first degree, not more than 348
one thousand dollars; 349

(ii) For a misdemeanor of the second degree, not more than 350
seven hundred fifty dollars; 351

(iii) For a misdemeanor of the third degree, not more than 352
five hundred dollars; 353

(iv) For a misdemeanor of the fourth degree, not more than 354
two hundred fifty dollars; 355

(v) For a minor misdemeanor, not more than one hundred 356
fifty dollars. 357

(b) A state fine or cost as defined in section 2949.111 of 358
the Revised Code. 359

(3) (a) Reimbursement by the offender of any or all of the 360
costs of sanctions incurred by the government, including, but 361
not limited to, the following: 362

(i) All or part of the costs of implementing any community 363
control sanction, including a supervision fee under section 364

2951.021 of the Revised Code; 365

(ii) All or part of the costs of confinement in a jail or 366
other residential facility, including, but not limited to, a per 367
diem fee for room and board, the costs of medical and dental 368
treatment, and the costs of repairing property damaged by the 369
offender while confined; 370

(iii) All or part of the cost of purchasing and using an 371
immobilizing or disabling device, including a certified ignition 372
interlock device, or a remote alcohol monitoring device that a 373
court orders an offender to use under section 4510.13 of the 374
Revised Code. 375

(b) The amount of reimbursement ordered under division (A) 376
(3) (a) of this section shall not exceed the total amount of 377
reimbursement the offender is able to pay and shall not exceed 378
the actual cost of the sanctions. The court may collect any 379
amount of reimbursement the offender is required to pay under 380
that division. If the court does not order reimbursement under 381
that division, confinement costs may be assessed pursuant to a 382
repayment policy adopted under section 2929.37 of the Revised 383
Code. In addition, the offender may be required to pay the fees 384
specified in section 2929.38 of the Revised Code in accordance 385
with that section. 386

(4) For a misdemeanor violation of section 2923.26 of the 387
Revised Code, the court shall impose upon the offender a 388
mandatory fine in the amount specified in division (J) (2) (a), 389
(b), or (c) of that section. 390

(B) If the court determines a hearing is necessary, the 391
court may hold a hearing to determine whether the offender is 392
able to pay the financial sanction imposed pursuant to this 393

section or court costs or is likely in the future to be able to 394
pay the sanction or costs. 395

If the court determines that the offender is indigent and 396
unable to pay the financial sanction or court costs, the court 397
shall consider imposing and may impose a term of community 398
service under division (A) of section 2929.27 of the Revised 399
Code in lieu of imposing a financial sanction or court costs. If 400
the court does not determine that the offender is indigent, the 401
court may impose a term of community service under division (A) 402
of section 2929.27 of the Revised Code in lieu of or in addition 403
to imposing a financial sanction under this section and in 404
addition to imposing court costs. The court may order community 405
service for a minor misdemeanor pursuant to division (D) of 406
section 2929.27 of the Revised Code in lieu of or in addition to 407
imposing a financial sanction under this section and in addition 408
to imposing court costs. If a person fails to pay a financial 409
sanction or court costs, the court may order community service 410
in lieu of the financial sanction or court costs. 411

(C) (1) The offender shall pay reimbursements imposed upon 412
the offender pursuant to division (A) (3) of this section to pay 413
the costs incurred by a county pursuant to any sanction imposed 414
under this section or section 2929.26 or 2929.27 of the Revised 415
Code or in operating a facility used to confine offenders 416
pursuant to a sanction imposed under section 2929.26 of the 417
Revised Code to the county treasurer. The county treasurer shall 418
deposit the reimbursements in the county's general fund. The 419
county shall use the amounts deposited in the fund to pay the 420
costs incurred by the county pursuant to any sanction imposed 421
under this section or section 2929.26 or 2929.27 of the Revised 422
Code or in operating a facility used to confine offenders 423
pursuant to a sanction imposed under section 2929.26 of the 424

Revised Code. 425

(2) The offender shall pay reimbursements imposed upon the 426
offender pursuant to division (A) (3) of this section to pay the 427
costs incurred by a municipal corporation pursuant to any 428
sanction imposed under this section or section 2929.26 or 429
2929.27 of the Revised Code or in operating a facility used to 430
confine offenders pursuant to a sanction imposed under section 431
2929.26 of the Revised Code to the treasurer of the municipal 432
corporation. The treasurer shall deposit the reimbursements in 433
the municipal corporation's general fund. The municipal 434
corporation shall use the amounts deposited in the fund to pay 435
the costs incurred by the municipal corporation pursuant to any 436
sanction imposed under this section or section 2929.26 or 437
2929.27 of the Revised Code or in operating a facility used to 438
confine offenders pursuant to a sanction imposed under section 439
2929.26 of the Revised Code. 440

(3) The offender shall pay reimbursements imposed pursuant 441
to division (A) (3) of this section for the costs incurred by a 442
private provider pursuant to a sanction imposed under this 443
section or section 2929.26 or 2929.27 of the Revised Code to the 444
provider. 445

(D) In addition to any other fine that is or may be 446
imposed under this section, the court imposing sentence upon an 447
offender for misdemeanor domestic violence or menacing by 448
stalking may impose a fine of not less than seventy nor more 449
than five hundred dollars, which shall be transmitted to the 450
treasurer of state to be credited to the address confidentiality 451
program fund created by section 111.48 of the Revised Code. 452

(E) Except as otherwise provided in this division, a 453
financial sanction imposed under division (A) of this section is 454

a judgment in favor of the state or the political subdivision 455
that operates the court that imposed the financial sanction, and 456
the offender subject to the financial sanction is the judgment 457
debtor. A financial sanction of reimbursement imposed pursuant 458
to division (A)(3)(a)(i) of this section upon an offender is a 459
judgment in favor of the entity administering the community 460
control sanction, and the offender subject to the financial 461
sanction is the judgment debtor. A financial sanction of 462
reimbursement imposed pursuant to division (A)(3)(a)(ii) of this 463
section upon an offender confined in a jail or other residential 464
facility is a judgment in favor of the entity operating the jail 465
or other residential facility, and the offender subject to the 466
financial sanction is the judgment debtor. A financial sanction 467
of restitution imposed pursuant to division (A)(1) of this 468
section is an order in favor of the victim of the offender's 469
criminal act that can be collected through a certificate of 470
judgment as described in division (E)(1) of this section, 471
through execution as described in division (E)(2) of this 472
section, or through an order as described in division (E)(3) of 473
this section, and the offender shall be considered for purposes 474
of the collection as the judgment debtor. 475

Once the financial sanction is imposed as a judgment or 476
order under this division, the victim, private provider, state, 477
or political subdivision may do any of the following: 478

(1) Obtain from the clerk of the court in which the 479
judgment was entered a certificate of judgment that shall be in 480
the same manner and form as a certificate of judgment issued in 481
a civil action; 482

(2) Obtain execution of the judgment or order through any 483
available procedure, including any of the procedures identified 484

in divisions (E) (1) and (2) of section 2929.18 of the Revised Code. 485
486

(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code. 487
488

(F) The civil remedies authorized under division (E) of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence. 489
490
491
492

(G) Each court imposing a financial sanction upon an offender under this section may designate the clerk of the court or another person to collect the financial sanction. The clerk, or another person authorized by law or the court to collect the financial sanction may do the following: 493
494
495
496
497

(1) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section, a court shall comply with sections 307.86 to 307.92 of the Revised Code. 498
499
500
501
502
503

(2) Permit payment of all or any portion of the sanction in installments, by financial transaction device if the court is a county court or a municipal court operated by a county, by credit or debit card or by another electronic transfer if the court is a municipal court not operated by a county, or by any other reasonable method, in any time, and on any terms that court considers just, except that the maximum time permitted for payment shall not exceed five years. If the court is a county court or a municipal court operated by a county, the acceptance of payments by any financial transaction device shall be 504
505
506
507
508
509
510
511
512
513

governed by the policy adopted by the board of county 514
commissioners of the county pursuant to section 301.28 of the 515
Revised Code. If the court is a municipal court not operated by 516
a county, the clerk may pay any fee associated with processing 517
an electronic transfer out of public money or may charge the fee 518
to the offender. 519

(3) To defray administrative costs, charge a reasonable 520
fee to an offender who elects a payment plan rather than a lump 521
sum payment of any financial sanction. 522

(H) No financial sanction imposed under this section shall 523
preclude a victim from bringing a civil action against the 524
offender. 525

Sec. 5122.311. (A) Notwithstanding any provision of the 526
Revised Code to the contrary, if, on or after April 8, 2004, an 527
individual is found by a court to be a mentally ill person 528
subject to court order or becomes an involuntary patient other 529
than one who is a patient only for purposes of observation, the 530
probate judge who made the adjudication or the chief clinical 531
officer of the hospital, community mental health services 532
provider, or facility in which the person is an involuntary 533
patient shall notify the office of the attorney general, on the 534
form described in division (C) of this section, of the identity 535
of the individual. The notification shall be transmitted by the 536
judge or the chief clinical officer not later than seven days 537
after the adjudication or commitment. 538

(B) The office of the attorney general shall compile and 539
maintain the notices it receives under division (A) of this 540
section and the notices shall be used for the purpose of 541
conducting incompetency records checks requested by sheriffs, 542
federally licensed firearms dealers, or law enforcement agencies 543

pursuant to section 311.41 or 2923.26 of the Revised Code. 544
Records checks requested by a federally licensed firearms dealer 545
or law enforcement agency pursuant to section 2923.26 of the 546
Revised Code shall be conducted, and results of the checks shall 547
be provided, immediately upon receipt of the request. The 548
notices referred to in this division and the information they 549
contain are confidential, except as provided in this division, 550
and are not public records. 551

(C) The attorney general, by rule adopted under Chapter 552
119. of the Revised Code, shall prescribe and make available to 553
all probate judges and all chief clinical officers a form to be 554
used by them for the purpose of making the notifications 555
required by division (A) of this section. 556

Section 2. That existing sections 2929.28 and 5122.311 of 557
the Revised Code are hereby repealed. 558

Section 3. This act shall be known as the Protect Law 559
Enforcement Act. 560