



NICS Reporting Requirements

Common Pleas Domestic Relations Division

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

Reporting Requirements for NICS Disqualifiers

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

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

FUGITIVE FROM JUSTICE [18 U.S.C. 922(g)(2)]	
Reporting Requirement	Warrant issuance of failure to appear, failure to purge, or fail to appear on subpoena
Reporter of Information	Clerk
Party Responsible for Entry into NICS	Law enforcement enters warrants into LEADS. [Ohio Adm.Code 4501:2-10-03(C)(11)]

Fugitive from Justice: A person who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. [[18 U.S.C. 921\(a\)\(15\)](#)]

Warrant Process: The warrant is issued by the court, journalized by the clerk, and reported to law enforcement for entry into LEADS.

UNLAWFUL USER OF OR ADDICTED TO ANY CONTROLLED SUBSTANCE [18 U.S.C. 922(g)(3)]	
Reporting Requirement	Unknown
Reporter of Information	Unknown
Party Responsible for Entry into NICS	Unknown

Controlled Substance Disqualifier: See [21 U.S.C. 802](#) for context of an “unlawful user of or addicted to controlled substances” under [18 U.S.C. 922\(g\)\(3\)](#). The disqualification applies to marijuana even though Ohio law permits its qualified use.

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

Upon notice of a drug-related or involved offense, NICS will research the arrest and disposition information to see if unlawful use of a controlled substance has occurred within the past 12 months. An inference of current use or possession may be drawn from the law enforcement incident report, self-admission, drug test results, etc. The terms of active probation, regardless of the charge, are researched to determine if there are any conditions that prohibit firearm possession or includes 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 courts is unknown. There is not an equivalent Ohio statute that requires such reporting.

Disqualifiers that are not applicable in domestic relations courts:

- Felony conviction [[18 U.S.C. 922\(g\)\(1\)](#)]
- Adjudicated as a mental defective or has been committed to any mental institution [[18 U.S.C. 922\(g\)\(4\)](#)]
- 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\(g\)\(7\)](#)]
- Misdemeanor domestic violence conviction [[18 U.S.C. 922\(g\)\(9\)](#)]
- Under felony indictment or information [[18 U.S.C. 922\(n\)](#)]