



THE SUPREME COURT of OHIO
OFFICE OF COURT SERVICES

National Instant Criminal Background Check System (NICS) Disqualifiers
Court Reporting Requirements and Reporter: Municipal & County Courts

FELONY CONVICTION (F4 and up) [[18 U.S.C. 922\(g\)\(1\)](#)]

Record Originator	Reporting Requirement	Reporter of Information	Party Responsible for Entry
Clerk	Weekly report of criminal dispositions. R.C. 109.57(A)(2)	Clerk	Attorney General's Office – Bureau of Criminal Investigation

Felony: A “crime punishable by imprisonment for a term exceeding one year” under [18 U.S.C. 922\(g\)\(1\)](#); in Ohio, a crime punishable by imprisonment for a term exceeding one year is classified as a felony of the fourth degree or higher under [R.C. 2929.14\(A\)](#).

FUGITIVE FROM JUSTICE [[18 U.S.C. 922\(g\)\(2\)](#)]

Record Originator	Reporting Requirement	Reporter of Information	Party Responsible for Entry
Municipal and County Courts (Elected Clerk or Appointed Clerk)	Upon issuance, warrant delivered to law enforcement for service. Crim.R. 9(A)	Clerk	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\(g\)\(3\)](#)]

Record Originator	Reporting Requirement	Reporter of Information	Party Responsible for Entry
Clerk and law enforcement	Criminal arrest and disposition information. R.C. 109.57(A)(2) and R.C. 109.60	Clerk and law enforcement	Ohio Attorney General's Office – Bureau of Criminal Investigation

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

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

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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 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.

ADJUDICATED AS A MENTAL DEFECTIVE OR HAS BEEN COMMITTED TO ANY MENTAL INSTITUTION [18 U.S.C 922(g)(4)]

Record Originator	Reporting Requirement	Reporter of Information	Party Responsible for Entry
Municipal and County Courts	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 information to law enforcement. R.C. 2929.44 , R.C. 2945.402 , and Sup.R. 95	Court	Law enforcement enters notification into NCIC Supervised Release file through LEADS. R.C. 2929.44(B) , and R.C. 2945.402(E)(1)

ILLEGAL ALIEN [18 U.S.C. 922(g)(5)]

Record Originator	Reporting Requirement	Reporter of Information	Party Responsible for Entry
None	Not applicable	Not applicable	Not applicable

DISHONORABLE DISCHARGE FROM ARMED FORCES [18 U.S.C. 922(g)(6)]

Record Originator	Reporting Requirement	Reporter of Information	Party Responsible for Entry
None	Not applicable	Not applicable	Not applicable

RENOUNCED U.S. CITIZENSHIP [18 U.S.C. 922(g)(7)]

Record Originator	Reporting Requirement	Reporter of Information	Party Responsible for Entry
None	Not applicable	Not applicable	Not applicable

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SUBJECT TO DOMESTIC VIOLENCE PROTECTION ORDER [[18 U.S.C. 922\(g\)\(8\)](#)]

Record Originator	Reporting Requirement	Reporter of Information	Party Responsible for Entry
Municipal and County Courts	Upon issuance, submit Form 10-A to law enforcement. Sup.R. 10	Court	Law enforcement enters protection orders into LEADS. Ohio Adm.Code 4501:2-10-03(C)(11)

MISDEMEANOR DOMESTIC VIOLENCE CONVICTION [[18 U.S.C. 922\(g\)\(9\)](#)]

Record Originator	Reporting Requirement	Reporter of Information	Party Responsible for Entry
Municipal and County Courts (Elected Clerk or Appointed Clerk)	Weekly report of criminal dispositions R.C. 109.57(A)(2)	Clerk	Attorney General’s Office – Bureau of Criminal Investigation

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

Criminal Dispositions where Defendants were Never Arrested: BCI cannot link the criminal disposition to an arrest record without the unique Incident Tracking Number (ITN). BCI must have the ITN before the disposition can be reported to the National Crime Information Center (NCIC).

Fingerprint Requirement: If fingerprints are to be taken in accordance with [R.C. 109.60](#), the court shall inquire at the time of first appearance or arraignment whether or not the fingerprints were taken at the time of arrest. If fingerprints were not taken, the court shall order the person to appear before the sheriff or the chief of police within twenty-four hours to have the person’s fingerprints taken. [R.C. 109.60](#), [R.C. 1901.43](#) and [R.C. 1907.181](#)

The court also shall inquire at the time of sentencing whether or not fingerprints have been taken pursuant to [R.C. 109.60](#). If the person was not fingerprinted for the original arrest, first appearance, or arraignment, the court shall order the person to appear before the sheriff or the chief of police within twenty-four hours to have the person’s fingerprints taken. [R.C. 109.60](#)

UNDER FELONY INDICTMENT OR INFORMATION [[18 U.S.C. 922\(n\)](#)]

Record Originator	Reporting Requirement	Reporter of Information	Party Responsible for Entry
Law enforcement when arrested	Upon arrest R.C. 109.60(A)(1)	Law enforcement	Attorney General’s Office – Bureau of Criminal Investigation

Felony Indictments, Pre-Arrest: Persons under indictment but not yet arrested (or otherwise summonsed) would fall under [18 U.S.C. 922\(n\)](#). With no arrest, the lack of an ITN may create issue for BCI to maintain a record. Pursuant to R.C. 109.60, the court shall inquire at the time of the first appearance or arraignment whether the person’s fingerprints were taken. If fingerprints were not taken, the court shall order the

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