



THE SUPREME COURT of OHIO
OFFICE OF COURT SERVICES

National Instant Criminal Background Check System (NICS) Disqualifiers
Court Reporting Requirements and Reporter: General Division

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

| Reporting Requirement | Reporter of Information | Party Responsible for Entry |
|--|-------------------------|---|
| Weekly report of criminal dispositions. R.C. 109.57(A)(2) | Clerk | Ohio 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\(A\)](#).

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 whether or not the fingerprints were taken at the time of arrest or the time the child was taken into custody. If fingerprints were not taken, the court shall order the person or child to appear before the sheriff or the chief of police within twenty-four hours to have the person’s or child’s fingerprints taken. [R.C. 109.60](#)

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 or the child was not fingerprinted for the original arrest or court appearance, the court shall order the person or child to appear before the sheriff or the chief of police within twenty-four hours to have the person’s or child’s fingerprints taken. [R.C. 109.60](#)

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

| Reporting Requirement | Reporter of Information | Party Responsible for Entry |
|--|-------------------------|--|
| Upon issuance, warrant 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) |

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.

**National Instant Criminal Background Check System (NICS) Disqualifiers
Court Reporting Requirements and Reporter: General Division**

UNLAWFUL USER OF OR ADDICTED TO ANY CONTROLLED SUBSTANCE [[18 U.S.C. 922\(g\)\(3\)](#)]

| Reporting Requirement | Reporter of Information | Party Responsible for Entry |
|---|---------------------------|---|
| 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](#)

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\(g\)\(4\)](#)]

| Reporting Requirement | Reporter of Information | Party Responsible for Entry |
|--|-------------------------|---|
| 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) , R.C. 2945.402(E)(1) , and Ohio Adm.Code 4501:2-10-03(C)(11) |

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

| Reporting Requirement | Reporter of Information | Party Responsible for Entry |
|-----------------------|-------------------------|-----------------------------|
| Not applicable | Not applicable | Not applicable |

**National Instant Criminal Background Check System (NICS) Disqualifiers
Court Reporting Requirements and Reporter: General Division**

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

| Reporting Requirement | Reporter of Information | Party Responsible for Entry |
|-----------------------|-------------------------|-----------------------------|
| Not applicable | Not applicable | Not applicable |

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

| Reporting Requirement | Reporter of Information | Party Responsible for Entry |
|-----------------------|-------------------------|-----------------------------|
| Not applicable | Not applicable | Not applicable |

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

| Reporting Requirement | Reporter of Information | Party Responsible for Entry |
|---|-------------------------|---|
| Upon issuance, submit Form 10-A to law enforcement agency. 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\(g\)\(9\)](#)]

| Reporting Requirement | Reporter of Information | Party Responsible for Entry |
|--|-------------------------|---|
| Weekly report of criminal dispositions. R.C. 109.57(A)(2) | Clerk | Ohio 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](#)

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

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

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

**National Instant Criminal Background Check System (NICS) Disqualifiers
Court Reporting Requirements and Reporter: General Division**

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 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](#)