

**As Introduced**

**134th General Assembly**

**Regular Session**

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**H. B. No. 259**

**Representatives Robinson, Miller, A.**

**Cosponsors: Representatives Blackshear, Boggs, Boyd, Brent, Brown, Crawley, Crossman, Denson, Galonski, Hicks-Hudson, Howse, Ingram, Jarrells, Kelly, Leland, Lepore-Hagan, Lightbody, Liston, Miller, J., Miranda, O'Brien, Russo, Sheehy, Skindell, Smith, K., Smith, M., SobECKi, Sweeney, Sykes, Troy, Upchurch, Weinstein, West**

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**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

<u>(a) The entity receiving the firearm is open to the</u>	220
<u>public.</u>	221
<u>(b) The firearm prior to delivery is deactivated or</u>	222
<u>rendered inoperable.</u>	223
<u>(c) The firearm is not of a type prohibited by provision</u>	224
<u>of law from being transferred to the public at large.</u>	225
<u>(d) Prior to delivery, the entity receiving the firearm</u>	226
<u>submits a written statement to the law enforcement</u>	227
<u>representative stating that the firearm will not be restored to</u>	228
<u>operating condition and will either remain with that entity, or</u>	229
<u>if subsequently disposed of, will be transferred in accordance</u>	230
<u>with the applicable provisions of law.</u>	231
<u>(8) The transfer is by any person other than a</u>	232
<u>representative of an authorized law enforcement agency to any</u>	233
<u>public or private nonprofit historical society, museum, or</u>	234
<u>institutional collection, if all of the conditions set forth in</u>	235
<u>divisions (G) (7) (a) to (d) of this section are met.</u>	236
<u>(9) The transfer is delivery of a firearm to a gunsmith</u>	237
<u>for service or repair, is the return of the firearm to its owner</u>	238
<u>by the gunsmith, or is the delivery of a firearm by a gunsmith</u>	239
<u>to a federally licensed firearms dealer for service or repair or</u>	240
<u>the return of the firearm to the gunsmith.</u>	241
<u>(10) The transfer is made by a person who resides in this</u>	242
<u>state, is made to a person who resides outside this state and is</u>	243
<u>a federally licensed firearms dealer, and is in accordance with</u>	244
<u>federal firearms law.</u>	245
<u>(11) The transfer is of any unloaded firearm to a</u>	246
<u>wholesaler as merchandise in the wholesaler's business by a</u>	247
<u>manufacturer or importer licensed to engage in that business</u>	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 imposes restitution for 321  
the cost of accounting or auditing done to determine the extent 322  
of economic loss, the court may order restitution for any amount 323  
of the victim's costs of accounting or auditing provided that 324  
the amount of restitution is reasonable and does not exceed the 325  
value of property or services stolen or damaged as a result of 326  
the offense. If the court decides to impose restitution, the 327  
court shall hold an evidentiary hearing on restitution if the 328  
offender, victim, or survivor disputes the amount of 329  
restitution. If the court holds an evidentiary hearing, at the 330  
hearing the victim or survivor has the burden to prove by a 331  
preponderance of the evidence the amount of restitution sought 332  
from the offender. 333

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

liability against an insurer under section 3937.18 of the Revised Code. 339  
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If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments. 341  
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The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate. 345  
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(2) A fine of the type described in divisions (A) (2) (a) and (b) of this section payable to the appropriate entity as required by law: 350  
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(a) A fine in the following amount: 353

(i) For a misdemeanor of the first degree, not more than one thousand dollars; 354  
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(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars; 356  
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(iii) For a misdemeanor of the third degree, not more than five hundred dollars; 358  
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(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars; 360  
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(v) For a minor misdemeanor, not more than one hundred fifty dollars. 362  
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(b) A state fine or cost as defined in section 2949.111 of the Revised Code. 364  
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(3) (a) Reimbursement by the offender of any or all of the 366  
costs of sanctions incurred by the government, including, but 367  
not limited to, the following: 368

(i) All or part of the costs of implementing any community 369  
control sanction, including a supervision fee under section 370  
2951.021 of the Revised Code; 371

(ii) All or part of the costs of confinement in a jail or 372  
other residential facility, including, but not limited to, a per 373  
diem fee for room and board, the costs of medical and dental 374  
treatment, and the costs of repairing property damaged by the 375  
offender while confined; 376

(iii) All or part of the cost of purchasing and using an 377  
immobilizing or disabling device, including a certified ignition 378  
interlock device, or a remote alcohol monitoring device that a 379  
court orders an offender to use under section 4510.13 of the 380  
Revised Code. 381

(b) The amount of reimbursement ordered under division (A) 382  
(3) (a) of this section shall not exceed the total amount of 383  
reimbursement the offender is able to pay and shall not exceed 384  
the actual cost of the sanctions. The court may collect any 385  
amount of reimbursement the offender is required to pay under 386  
that division. If the court does not order reimbursement under 387  
that division, confinement costs may be assessed pursuant to a 388  
repayment policy adopted under section 2929.37 of the Revised 389  
Code. In addition, the offender may be required to pay the fees 390  
specified in section 2929.38 of the Revised Code in accordance 391  
with that section. 392

(4) For a misdemeanor violation of section 2923.26 of the 393  
Revised Code, the court shall impose upon the offender a 394

mandatory fine in the amount specified in division (J) (2) (a), 395  
(b), or (c) of that section. 396

(B) If the court determines a hearing is necessary, the 397  
court may hold a hearing to determine whether the offender is 398  
able to pay the financial sanction imposed pursuant to this 399  
section or court costs or is likely in the future to be able to 400  
pay the sanction or costs. 401

If the court determines that the offender is indigent and 402  
unable to pay the financial sanction or court costs, the court 403  
shall consider imposing and may impose a term of community 404  
service under division (A) of section 2929.27 of the Revised 405  
Code in lieu of imposing a financial sanction or court costs. If 406  
the court does not determine that the offender is indigent, the 407  
court may impose a term of community service under division (A) 408  
of section 2929.27 of the Revised Code in lieu of or in addition 409  
to imposing a financial sanction under this section and in 410  
addition to imposing court costs. The court may order community 411  
service for a minor misdemeanor pursuant to division (D) of 412  
section 2929.27 of the Revised Code in lieu of or in addition to 413  
imposing a financial sanction under this section and in addition 414  
to imposing court costs. If a person fails to pay a financial 415  
sanction or court costs, the court may order community service 416  
in lieu of the financial sanction or court costs. 417

(C) (1) The offender shall pay reimbursements imposed upon 418  
the offender pursuant to division (A) (3) of this section to pay 419  
the costs incurred by a county pursuant to any sanction imposed 420  
under this section or section 2929.26 or 2929.27 of the Revised 421  
Code or in operating a facility used to confine offenders 422  
pursuant to a sanction imposed under section 2929.26 of the 423  
Revised Code to the county treasurer. The county treasurer shall 424

deposit the reimbursements in the county's general fund. The 425  
county shall use the amounts deposited in the fund to pay the 426  
costs incurred by the county pursuant to any sanction imposed 427  
under this section or section 2929.26 or 2929.27 of the Revised 428  
Code or in operating a facility used to confine offenders 429  
pursuant to a sanction imposed under section 2929.26 of the 430  
Revised Code. 431

(2) The offender shall pay reimbursements imposed upon the 432  
offender pursuant to division (A) (3) of this section to pay the 433  
costs incurred by a municipal corporation pursuant to any 434  
sanction imposed under this section or section 2929.26 or 435  
2929.27 of the Revised Code or in operating a facility used to 436  
confine offenders pursuant to a sanction imposed under section 437  
2929.26 of the Revised Code to the treasurer of the municipal 438  
corporation. The treasurer shall deposit the reimbursements in 439  
the municipal corporation's general fund. The municipal 440  
corporation shall use the amounts deposited in the fund to pay 441  
the costs incurred by the municipal corporation pursuant to any 442  
sanction imposed under this section or section 2929.26 or 443  
2929.27 of the Revised Code or in operating a facility used to 444  
confine offenders pursuant to a sanction imposed under section 445  
2929.26 of the Revised Code. 446

(3) The offender shall pay reimbursements imposed pursuant 447  
to division (A) (3) of this section for the costs incurred by a 448  
private provider pursuant to a sanction imposed under this 449  
section or section 2929.26 or 2929.27 of the Revised Code to the 450  
provider. 451

(D) In addition to any other fine that is or may be 452  
imposed under this section, the court imposing sentence upon an 453  
offender for misdemeanor domestic violence or menacing by 454

stalking may impose a fine of not less than seventy nor more 455  
than five hundred dollars, which shall be transmitted to the 456  
treasurer of state to be credited to the address confidentiality 457  
program fund created by section 111.48 of the Revised Code. 458

(E) Except as otherwise provided in this division, a 459  
financial sanction imposed under division (A) of this section is 460  
a judgment in favor of the state or the political subdivision 461  
that operates the court that imposed the financial sanction, and 462  
the offender subject to the financial sanction is the judgment 463  
debtor. A financial sanction of reimbursement imposed pursuant 464  
to division (A) (3) (a) (i) of this section upon an offender is a 465  
judgment in favor of the entity administering the community 466  
control sanction, and the offender subject to the financial 467  
sanction is the judgment debtor. A financial sanction of 468  
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 469  
section upon an offender confined in a jail or other residential 470  
facility is a judgment in favor of the entity operating the jail 471  
or other residential facility, and the offender subject to the 472  
financial sanction is the judgment debtor. A financial sanction 473  
of restitution imposed pursuant to division (A) (1) of this 474  
section is an order in favor of the victim of the offender's 475  
criminal act that can be collected through a certificate of 476  
judgment as described in division (E) (1) of this section, 477  
through execution as described in division (E) (2) of this 478  
section, or through an order as described in division (E) (3) of 479  
this section, and the offender shall be considered for purposes 480  
of the collection as the judgment debtor. 481

Once the financial sanction is imposed as a judgment or 482  
order under this division, the victim, private provider, state, 483  
or political subdivision may do any of the following: 484

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

(2) Obtain execution of the judgment or order through any available procedure, including any of the procedures identified in divisions (E) (1) and (2) of section 2929.18 of the Revised Code.

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

(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.

(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:

(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.

(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 514  
other reasonable method, in any time, and on any terms that 515  
court considers just, except that the maximum time permitted for 516  
payment shall not exceed five years. If the court is a county 517  
court or a municipal court operated by a county, the acceptance 518  
of payments by any financial transaction device shall be 519  
governed by the policy adopted by the board of county 520  
commissioners of the county pursuant to section 301.28 of the 521  
Revised Code. If the court is a municipal court not operated by 522  
a county, the clerk may pay any fee associated with processing 523  
an electronic transfer out of public money or may charge the fee 524  
to the offender. 525

(3) To defray administrative costs, charge a reasonable 526  
fee to an offender who elects a payment plan rather than a lump 527  
sum payment of any financial sanction. 528

(H) No financial sanction imposed under this section shall 529  
preclude a victim from bringing a civil action against the 530  
offender. 531

**Sec. 5122.311.** (A) Notwithstanding any provision of the 532  
Revised Code to the contrary, if, on or after April 8, 2004, an 533  
individual is found by a court to be a mentally ill person 534  
subject to court order or becomes an involuntary patient other 535  
than one who is a patient only for purposes of observation, the 536  
probate judge who made the adjudication or the chief clinical 537  
officer of the hospital, community mental health services 538  
provider, or facility in which the person is an involuntary 539  
patient shall notify the office of the attorney general, on the 540  
form described in division (C) of this section, of the identity 541  
of the individual. The notification shall be transmitted by the 542  
judge or the chief clinical officer not later than seven days 543

after the adjudication or commitment. 544

(B) The office of the attorney general shall compile and 545  
maintain the notices it receives under division (A) of this 546  
section and the notices shall be used for the purpose of 547  
conducting incompetency records checks requested by sheriffs, 548  
federally licensed firearms dealers, or law enforcement agencies 549  
pursuant to section 311.41 or 2923.26 of the Revised Code. 550  
Records checks requested by a federally licensed firearms dealer 551  
or law enforcement agency pursuant to section 2923.26 of the 552  
Revised Code shall be conducted, and results of the checks shall 553  
be provided, immediately upon receipt of the request. The 554  
notices referred to in this division and the information they 555  
contain are confidential, except as provided in this division, 556  
and are not public records. 557

(C) The attorney general, by rule adopted under Chapter 558  
119. of the Revised Code, shall prescribe and make available to 559  
all probate judges and all chief clinical officers a form to be 560  
used by them for the purpose of making the notifications 561  
required by division (A) of this section. 562

**Section 2.** That existing sections 2929.28 and 5122.311 of 563  
the Revised Code are hereby repealed. 564

**Section 3.** This act shall be known as the Protect Law 565  
Enforcement Act. 566