

OHIO AUDITOR OF STATE KEITH FABER



From: Auditor of State's Center for Audit Excellence
To: All IPA Firms
Subject: OCS (Section 3-19) NICS testing
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When published the NICS testing section of the OCS (Section 3-19) indicated “A more detailed list of offenses is being developed by the Supreme Court for auditees to refer to for reporting. Notice will be sent to auditors including the link when available”. The Supreme Court, as of June 13th, has made lists available for each court type here - <http://www.supremecourt.ohio.gov/JCS/courtSvcS/NICS/default.asp>. They also include many other helpful resources on this page.

The Suggested Audit Procedures say “From a list of cases within the audit period, select 10, with a disposition within the current audit period, **that were required to be reported to BCI.**” These lists provided by the Supreme Court define all of the federal prohibitions and the responsibilities of each court or law enforcement agency to report them, the 2018 testing will be limited to those items highlighted below:

- **Felony Conviction (including 1st through 4th degrees) [18 U.S.C. §922 (g) (1)]**
 - *Except Juvenile courts which only include 1st and 2nd degree felonies. The supreme court included a separate list of offenses for them that can be used for testing at Juvenile Courts (or family courts). The listing is available here - <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Background-Check-Publications/Juvenile-reportable-offenses.aspx>*
- Fugitive from justice. [18 U.S.C. §922 (g) (2)]
- Unlawful user of or addicted to any controlled substance.[18 U.S.C. §922 (g) (3)]
- **Adjudicated as a mental defective or committed to a mental institution. [18 U.S.C. §922 (g) (4)] (testing at Probate courts only)**
- Illegal Alien [18 U.S.C 922(g)(5)]
- Dishonorable Discharge from Armed Forces [18U.S.C 922(g)(6)]
- Renounced U.S. Citizenship [18 U.S.C 922.(g)(7)]

- Subject to domestic violence protection order[18 U.S.C. §922 (g) (8)]
- Misdemeanor crime of domestic violence.[18 U.S.C. §922 (g) (9)]
- Under Felony Indictment or Information [18 U.S.C. §922 (n)]

While the listings provide a wealth of information, they lack specificity in identifying a comprehensive list of offenses or ORC references to ask for. Instead, auditors should ask courts to provide a listing of all cases relating to the above items with dispositions during the audit period, and use the listing to select 10 dispositions for testing (refer to the NICS FAQs Q&A#14 if the court lacks the sophistication to provide a listing related to the above).

Please contact Jesse Carroll at JMCarroll@ohioauditor.gov or Celena Yoxtheimer at CYoxtheimer@ohioauditor.gov with Center for Audit Excellence with any questions.