



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2018-03K

National Instant Criminal Background Check System (“NICS”) Compliance

WHEREAS, the National Instant Criminal Background Check System (“NICS”) was created by the Brady Handgun Violence Protection Act of 1993; and

WHEREAS, NICS was established to provide Federal Firearm Licensees (FFLs) (*i.e.*, persons licensed by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives to sell firearms) with a process to determine whether a person who is attempting to purchase a firearm from a FFL is prohibited by law from purchasing a firearm under federal or applicable state law; and

WHEREAS, in that way, NICS is our first line of defense in preventing firearms from ending up in the hands of persons legally ineligible to purchase or have a firearm; and

WHEREAS, while NICS is a national system overseen by the Federal Bureau of Investigation, it is dependent upon data that is uploaded to it by the fifty states and federal territories;

WHEREAS, in Ohio, because of our decentralized local criminal justice system, a very large portion of the records and information that must flow up into NICS from Ohio must first be supplied and reported by local courts and other local government officials; and

WHEREAS, two databases in Ohio, the Computerized Criminal History (“CCH”) created and maintained by the Superintendent of the Bureau of Criminal Investigations & Identification (“BCI”) pursuant to section 109.57(A)(5) of the Revised Code and the Law Enforcement Automated Data System (“LEADS”) created by the Ohio Department of Public Safety (“ODPS”) and administered by the Superintendent of the Ohio State Highway Patrol pursuant to section 5503.10 of the Revised Code, supply the federal NICS databases with the local records and information necessary to identify which people are prohibited from purchasing a firearm under state or federal law; and

WHEREAS, whether the NICS background check system has complete, accurate, and timely records from the State of Ohio is contingent upon the public officials and public offices that create and maintain those records and information first uploading them to CCH and LEADS within the time frames established by law; and

WHEREAS, in November 2015, the Office of Criminal Justice Services (“OCJS”), a division within ODPS, in conjunction with BCI and the Supreme Court of Ohio (“the 2015 Working Group”), published a report entitled *“Improving the Completeness of Firearm Background Checks Through Enhanced State Data Sharing: Final Report”* (“the 2015 Report”). This report detailed some improvements in addressing problems at the local level which were hindering the accurate and timely reporting and uploading of NICS data to the state CCH and LEADS databases, and ultimately to the federal NICS. But the report also found that still more work needed to be done to get all local courts, clerks and other NICS data reporters to accurately and timely upload their data; and

WHEREAS, recent media reports have revealed that some public offices in Ohio responsible for uploading the necessary data to NICS are still failing to timely provide all the data necessary to ensure NICS has complete and accurate data; and

WHEREAS, the failure of even *one* public office, public official, or public employee to properly and timely upload the data required by the NICS databases can lead to a prohibited individual acquiring a firearm with tragic results, such as in the mass shootings in Charleston, South Carolina, on June 17, 2015, and in Sutherland Springs, Texas, on November 5, 2017.

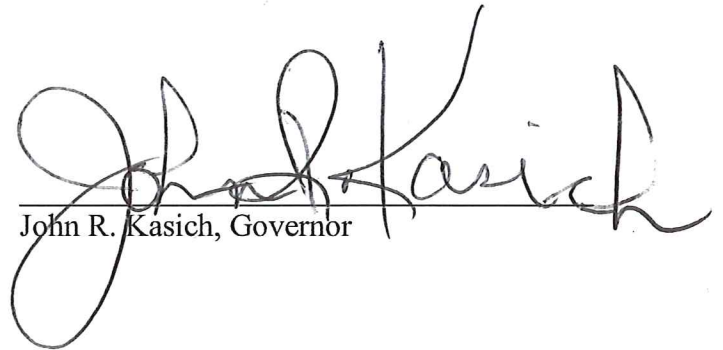
NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution and laws of the State of Ohio do hereby order and direct that:

1. As soon as possible after the issuing of this Order, OCJS shall report to me on the current status in Ohio of the reporting and uploading all relevant information required by NICS into CCH and/or LEADS and then into NICS. OCJS shall also identify any remaining barriers in Ohio to the timely and complete reporting and uploading of all such information into NICS.
2. In order to do so, OCJS shall invite the 2015 Working Group to reconvene to assess what progress has been made in the last two years in addressing the NICS data reporting issues identified in their 2015 Report. In performing the actions specified in this Executive Order, OCJS and/or the 2015 Working Group may also consult with any local public officials, or their respective associations, who create or possess records or information that must be uploaded to CCH and/or LEADS for inclusion in the national NICS.
3. OCJS shall also request the history, over the last four years, of the reporting and uploading of NICS data by any public official or office that creates, maintains, submits, uploads, or receives records or information that must become part of NICS. Any public official or public office receiving such a request from OCJS shall provide OCJS the requested information within 30 days of the receipt of the request. OCJS shall publish on its website all responses it receives, including a list of any public official or office that fails to submit a complete response to OCJS within the required time frame.

4. In responding to any such request for information from OCJS, any public official or public office whose duty it is to report NICS data should identify, if applicable, any remaining barriers or hurdles that are hindering that local official or office from timely complying with their legal obligation to accurately report and upload all necessary NICS data.
5. OCJS shall analyze the responses received and present that analysis to the 2015 Working Group. The 2015 Working Group shall then develop and send to me, no later than August 1, 2018, recommended steps, procedures, policies, or proposed legislation to eliminate any remaining barriers or hurdles to the timely and complete reporting and uploading of NICS data by local officials.
6. The 2015 Working Group shall also develop and publish, no later than August 1, 2018, a NICS data reporting compliance manual to better educate local courts, public officials, and mental health providers on their duties to accurately and timely report NICS records and information as well as resources and advice on how to achieve this required duty.
7. In addition, I hereby request that effective immediately the Auditor of State:
 - a. Include in the Auditor's annual or biennial audits of any local public office that has a responsibility to report or upload NICS data a procedure to test that office's compliance with its obligation to accurately and timely report that data.
 - b. Annually publish the results of the Auditor's review of each such office on the Auditor's public web site.
 - c. Immediately initiate the NICS data reporting procedure for any public official or public office that fails to respond to any OCJS request for information described in paragraphs 3 and 4 above.

I signed this order on April 23, 2018, in Columbus, Ohio and it will not expire unless it is rescinded.




John R. Kasich, Governor

ATTEST:

John Husted, Secretary of State