

OHIO AUDITOR OF STATE KEITH FABER



From: Auditor of State's Center for Audit Excellence

To: All IPA Firms

Subject: NICS Testing Correction - Probate Courts

Date: June 6, 2019

Through continued consultation with the Supreme Court and AOS legal, an area for correction in the NICS testing (OCS 3-19) has been identified. While Ohio Rev. Code 109.60(3) says "Every court with jurisdiction," Probate Courts are excluded from the requirement to ensure fingerprints have been obtained. Therefore, the below warnings (red text) should not be followed for Probate courts; in fact, auditors do not need to subject Probate courts to testing regarding fingerprints. The remaining procedures can and should still be performed, just eliminate this procedure from any future testing.

c. Does the Court verify that fingerprints were taken/submitted by law enforcement for each reportable offense?	No
i. If fingerprints are not taken, does the court order the agency to take fingerprints or take the fingerprints at the court?	No

Ohio Rev. Code §109.60(A)(2-3) require the court to do this, failure to do so should be considered non-compliance.

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