



THE SUPREME COURT *of* OHIO OFFICE OF COURT SERVICES

Court's Duty to Fingerprint Adults & Juveniles

THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY.

Please contact your county or city prosecutor, city law director, or village solicitor for legal information or advice.

The superintendent of BCI shall procure fingerprints (among other identifying information) from wherever procurable and file them for record. [[R.C. 109.572\(A\)\(1\)](#)] The superintendent of BCI shall obtain fingerprints from a person in charge of the jail or workhouse, CBCF, halfway house, alternative residential facility, state correctional institution or a state institution. *Id.*

The duty to capture fingerprints is assigned to both law enforcement officials (sheriffs, police chiefs, and the person in charge of correctional facilities of various types) and the courts (common pleas, municipal, county and juvenile).

FINGERPRINTING ADULTS

Fingerprints of adults must be taken by sheriffs and chiefs of police upon arrest for felonies and certain misdemeanors. [[R.C. 109.60\(A\)\(1\)](#)] Fingerprints must also be captured for juveniles when taken into custody for a felony or an offense of violence. *Id.* Even though the statute refers to [R.C. 109.572\(A\)\(1\)\(a\)](#), [R.C. 109.572\(A\)\(5\)\(a\)](#), and [R.C. 109.572\(A\)\(7\)\(a\)](#), those offenses are listed entirely within [R.C. 109.572\(A\)\(1\)\(a\)](#) and [\(A\)\(5\)\(a\)](#).

If the person appears in response to a summons, or if the person has not yet been fingerprinted at the time of appearance, the court shall order the sheriff or chief to take the person's fingerprints within 24 hours. [R.C. 109.60\(A\)\(2\)](#). The court shall inquire again at the time of sentencing and, if not fingerprinted, shall order the person fingerprinted within 24 hours. [R.C. 109.60\(A\)\(3\)](#). The law enforcement agency or detention facility also has a duty to take fingerprints. [R.C. 109.60\(A\)\(4\)](#). In all cases, the fingerprints shall be forwarded to the superintendent of the bureau of criminal investigation (BCI).

Sheriffs and chiefs have a duty to furnish to the superintendent of BCI fingerprints in numerous circumstances. [[R.C. 109.61](#)]

Pursuant to [R.C. 109.57](#), the superintendent of BCI shall obtain fingerprints from a person in charge of the jail or workhouse, CBCF, halfway house, alternative residential facility, state correctional institution or a state institution. [R.C. 109.57\(A\)\(1\)](#). Again, though the statute refers to [R.C. 109.572\(A\)\(1\)\(a\)](#), [R.C. 109.572\(A\)\(5\)\(a\)](#), and [R.C. 109.572\(A\)\(7\)\(a\)](#), those offenses are listed entirely within [R.C. 109.572\(A\)\(1\)\(a\)](#) and [\(A\)\(5\)\(a\)](#).

Pursuant to [R.C. 1901.43](#), [1907.181](#), [2301.10](#), fingerprints are to be ordered at time of arraignment or first appearance, and again at sentencing or adjudication if not before, by the judge in municipal courts [[R.C. 1901.43](#)], county courts [[R.C. 1907.181](#)], and courts of common pleas [[R.C. 2301.10](#)]. Fingerprints are to be taken by the sheriff or chief within 24 hours of the order. *Id.*

FINGERPRINTING JUVENILES

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](#)]

LIST OF OFFENSES

BCI shall secure fingerprints from wherever possible: [[R.C. 109.57\(A\)\(1\)](#)]

- Conviction or delinquency adjudication for any felony
- [Conviction of escalating misdemeanors](#)
- Conviction of misdemeanors in [R.C. 109.572\(A\)\(1\)\(a\)](#) and [R.C. 109.572\(A\)\(5\)\(a\)](#) (see tables below)
- Convictions of misdemeanors in [R.C. 109.572\(A\)\(7\)\(a\)](#)
- Conviction or delinquency adjudication for any offense of violence (see table below)
- Well known and habitual criminals

A person in charge of a facility having custody of a person suspected of committing the following shall secure fingerprints: [[R.C. 109.57\(A\)\(1\)](#)]

- A felony
- [Escalating misdemeanors](#)
- Misdemeanors in [R.C. 109.572\(A\)\(1\)\(a\)](#) and [R.C. 109.572\(A\)\(5\)\(a\)](#) (see tables below)
- Misdemeanors in [R.C. 109.572\(A\)\(7\)\(a\)](#)
- An offense of violence *for juveniles only* (see table below)

Clerks of courts shall report weekly to BCI if a case involves: [[R.C. 109.57\(A\)\(2\)](#)]

- A felony
- [Escalating misdemeanors](#)
- Misdemeanors in [R.C. 109.572\(A\)\(1\)\(a\)](#) and [R.C. 109.572\(A\)\(5\)\(a\)](#) (see tables below)
- Misdemeanors in [R.C. 109.572\(A\)\(7\)\(a\)](#)
- An offense of violence *for juveniles only* (see table below)
- Information to be furnished:
 - Incident Tracking Number (ITN)
 - Style and number of case
 - Date of arrest, offense, summons, or arraignment
 - Date of disposition – conviction, guilty plea, adjudication (juveniles), not guilty finding, not delinquent finding (juveniles), dismissal, mistrial, not competent finding, nolle prosequi, any other final determination
 - Statement of original charge
 - The sentence or terms of probation imposed

Sheriffs and police chiefs upon arrest for the following shall submit fingerprints to BCI and the clerk of courts: [[R.C. 109.60\(A\)\(1\)](#)]

- A felony
- [Escalating misdemeanors](#)
- Misdemeanors in [R.C. 109.572\(A\)\(1\)\(a\)](#) and [R.C. 109.572\(A\)\(8\)\(a\)](#) (see tables below)
- Any criminal offense under existing or former law of Ohio [[R.C. 109.572\(A\)\(10\)\(a\)](#)]
- Probable cause that a *juvenile* has committed a felony
- Probable cause that a *juvenile* has committed an offense of violence (see table below)

Courts shall secure fingerprints if: [[R.C. 109.60\(A\)\(2\) and \(3\)](#)]

- Defendant has not been arrested and first appears pursuant to a summons or the sheriff or police chief has not taken the fingerprints by the time of the first appearance:
 - Order the defendant to appear before the sheriff or police chief within twenty-four hours to submit fingerprints
 - [R.C. 109.60\(A\)\(1\)](#) identifies which offenses have fingerprints taken and to whom they are sent
 - See also [R.C. 1901.43\(A\)](#) (municipal courts), [R.C. 1907.181\(A\)](#) (county courts), [R.C. 2301.10\(A\)](#) (common pleas courts)
- At sentencing:
 - Inquire whether the person has been fingerprinted.
 - If not fingerprinted when arrested or at initial appearance, order the defendant to appear before the sheriff or police chief within twenty-four hours to submit fingerprints [[R.C. 109.60\(A\)\(1\) and \(2\)](#)]
 - [R.C. 109.60\(A\)\(1\)](#) identifies which offenses have fingerprints taken and to whom they are sent
 - See also [R.C. 1901.43\(B\)](#) (municipal courts), [R.C. 1907.181\(B\)](#) (county courts), [R.C. 2301.10\(B\)](#) (common pleas courts)

If the person is in the custody of law enforcement or detention facility, fingerprints shall be secured if: [[R.C. 109.60\(A\)\(4\)](#)]

- Warrant or bill of information has been issued
- It is for another offense and that other offense is required to submit fingerprints under [R.C. 109.60\(A\)\(1\)](#)
- [R.C. 109.60\(A\)\(1\)](#) identifies which offenses have fingerprints taken and to whom they are sent

Sheriffs or police chiefs: [[R.C. 109.61](#)]

- Furnish to BCI fingerprints (among other identifiers) that involve:
 - Arrests for serious offenses
 - Arrests of fugitives from justice
 - Arrests when in possession of property reasonably believed to be stolen
 - Juveniles taken into custody for a felony
 - Juveniles taken into custody for an offense of violence
 - When in possession of burglary outfits, tools or keys, or high-power explosives reasonably believed to be intended to be used for unlawful purposes
 - When in possession of infernal machines reasonably believed to be intended to be used for unlawful purposes
 - When carrying concealed firearms or other deadly weapons reasonably believed to be carried for unlawful purposes

- When in possession of inks, dies, paper, or other materials necessary to make counterfeit bank notes or money reasonably believed to be intended to be used for unlawful purposes

Required Fingerprints – Misdemeanors under <u>R.C. 109.572(A)(1)(a)</u>		
<u>R.C. 2903.01 - Aggravated murder</u>	<u>R.C. 2903.02 - Murder</u>	<u>R.C. 2903.03 - Voluntary manslaughter</u>
<u>R.C. 2903.04 - Involuntary manslaughter</u>	<u>R.C. 2903.11 - Felonious assault</u>	<u>R.C. 2903.12 - Aggravated Assault</u>
<u>R.C. 2903.13 - Assault</u>	<u>R.C. 2903.16 - Failing to provide for a functionally impaired person</u>	<u>R.C. 2903.21 - Aggravated menacing</u>
<u>R.C. 2903.34 - Patient abuse or neglect</u>	<u>R.C. 2905.01 - Kidnapping</u>	<u>R.C. 2905.02 - Abduction</u>
<u>R.C. 2905.05 - Criminal child enticement</u>	<u>R.C. 2907.02 - Rape</u>	<u>R.C. 2907.03 - Sexual battery</u>
<u>R.C. 2907.04 - Unlawful sexual contact with minor</u>	<u>R.C. 2907.05 - Gross sexual imposition</u>	<u>R.C. 2907.06 - Sexual imposition</u>
<u>R.C. 2907.07 - Importuning</u>	<u>R.C. 2907.08 - Voyeurism</u>	<u>R.C. 2907.09 - Public indecency</u>
<u>R.C. 2907.21 - Compelling prostitution</u>	<u>R.C. 2907.22 - Promoting prostitution</u>	<u>R.C. 2907.23 - Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another</u>
<u>R.C. 2907.25 - Prostitution after positive HIV test</u>	<u>R.C. 2907.31 - Disseminating matter harmful to juveniles</u>	<u>R.C. 2907.32 - Pandering obscenity</u>
<u>R.C. 2907.321 - Pandering obscenity involving a minor or impaired person</u>	<u>R.C. 2907.322 - Pandering sexually oriented matter involving a minor or impaired person</u>	<u>R.C. 2907.323 - Illegal use of minor or impaired person in nudity-oriented material or performance</u>
<u>R.C. 2911.01 - Aggravated robbery</u>	<u>R.C. 2911.02 - Robbery</u>	<u>R.C. 2911.11 - Aggravated burglary</u>
<u>R.C. 2911.12 - Burglary</u>	<u>R.C. 2919.12 - Unlawful abortion</u>	<u>R.C. 2919.22 - Endangering children</u>
<u>R.C. 2919.24 - Contributing to unruliness or delinquency of a child</u>	<u>R.C. 2919.25 - Domestic violence</u>	<u>R.C. 2923.12 - Carrying a concealed weapon</u>
<u>R.C. 2923.13 - Having weapons while under disability</u>	<u>R.C. 2923.161 - Improperly discharging a firearm</u>	<u>R.C. 2925.02 - Corrupting another with drugs</u>
<u>R.C. 2925.03 - Trafficking, aggravated trafficking in drugs</u>	<u>R.C. 2925.04 - Illegal assembly or possession of chemicals for manufacture of drugs</u>	<u>R.C. 2925.05 - Funding, aggravated funding of drug or marijuana trafficking</u>
<u>R.C. 2925.06 - Illegal administration or distribution of anabolic steroids</u>	<u>R.C. 2925.11 - Possession of controlled substances (F4 or greater)</u>	<u>R.C. 3716.11 - Placing harmful or hazardous objects in food or confection</u>

This document is for informational purposes only. A fingerprinting entity should contact its legal counsel for advice concerning fingerprinting requirements under the Ohio Revised Code.

Required Fingerprints – Misdemeanors under R.C. 109.572(A)(5)(a)		
R.C. 2151.421 - Reporting child abuse or neglect	R.C. 2903.01 - Aggravated murder	R.C. 2903.02 - Murder
R.C. 2903.03 - Voluntary manslaughter	R.C. 2903.04 - Involuntary manslaughter	R.C. 2903.11 - Felonious assault
R.C. 2903.12 - Aggravated assault	R.C. 2903.13 - Assault	R.C. 2903.16 - Failing to provide for a functionally impaired person
R.C. 2903.21 - Aggravated menacing	R.C. 2903.22 - Menacing	R.C. 2903.34 - Patient abuse or neglect
R.C. 2905.01 - Kidnapping	R.C. 2905.02 - Abduction	R.C. 2905.05 - Criminal child enticement
R.C. 2905.11 - Extortion	R.C. 2905.32 - Trafficking in persons	R.C. 2907.02 - Rape
R.C. 2907.03 - Sexual battery	R.C. 2907.04 - Unlawful sexual contact with minor	R.C. 2907.05 - Gross sexual imposition
R.C. 2907.06 - Sexual imposition	R.C. 2907.07 - Importuning	R.C. 2907.08 - Voyeurism
R.C. 2907.09 - Public indecency	R.C. 2907.19 - Commercial sexual exploitation of a minor	R.C. 2907.21 - Compelling prostitution
R.C. 2907.22 - Promoting prostitution	R.C. 2907.23 - Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another	R.C. 2907.24 - Soliciting - after positive HIV test - driver's license suspension
R.C. 2907.241 - Loitering to engage in solicitation - solicitation after positive HIV test	R.C. 2907.31 - Disseminating matter harmful to juveniles	R.C. 2907.32 - Pandering obscenity
R.C. 2907.321 - Pandering obscenity involving a minor or impaired person	R.C. 2907.322 - Pandering sexually oriented matter involving a minor or impaired person	R.C. 2907.323 - Illegal use of minor or impaired person in nudity-oriented material or performance
R.C. 2909.02 - Aggravated arson	R.C. 2909.03 - Arson	R.C. 2909.04 - Disrupting public services
R.C. 2909.05 - Vandalism	R.C. 2911.01 - Aggravated robbery	R.C. 2911.02 - Robbery
R.C. 2911.11 - Aggravated burglary	R.C. 2911.12 - Burglary	R.C. 2913.02 - Theft
R.C. 2913.03 - Unauthorized use of a vehicle	R.C. 2913.04 - Unauthorized use of property - computer, cable or telecommunication property	R.C. 2913.041 - Possession or sale of unauthorized cable television device
R.C. 2913.05 - Telecommunications fraud	R.C. 2913.06 - Unlawful use of telecommunications device	R.C. 2913.11 - Passing bad checks
R.C. 2913.21 - Misuse of credit cards	R.C. 2913.31 - Forgery - forging identification cards or selling or distributing forged identification cards	R.C. 2913.32 - Criminal simulation

This document is for informational purposes only. A fingerprinting entity should contact its legal counsel for advice concerning fingerprinting requirements under the Ohio Revised Code.

Required Fingerprints – Misdemeanors under R.C. 109.572(A)(5)(a) (Continued)		
R.C. 2913.33 - Making or using slugs	R.C. 2913.34 - Trademark counterfeiting	R.C. 2913.40 - Medicaid fraud
R.C. 2913.41 - Defrauding a rental agency or hostelry	R.C. 2913.42 - Tampering with records	R.C. 2913.43 - Securing writings by deception
R.C. 2913.44 - Personating an officer	R.C. 2913.441 - Unlawful display of law enforcement emblem	R.C. 2913.45 - Defrauding creditors
R.C. 2913.46 - Illegal use of food stamps or WIC program benefits	R.C. 2913.47 - Insurance fraud	R.C. 2913.48 - Workers' compensation fraud
R.C. 2913.49 - Identity fraud	R.C. 2917.01 - Inciting to violence	R.C. 2917.02 - Aggravated riot
R.C. 2917.03 - Riot	R.C. 2917.31 - Inducing panic	R.C. 2919.12 - Unlawful abortion
R.C. 2919.22 - Endangering children	R.C. 2919.224 - Misrepresentation relating to provision of child care	R.C. 2919.225 - Disclosure and notice regarding death or injury of child in facility
R.C. 2919.24 - Contributing to unruliness or delinquency of a child	R.C. 2919.25 - Domestic violence	R.C. 2921.03 - Intimidation
R.C. 2921.11 - Perjury	R.C. 2921.13 - Falsification - in theft offense - to purchase firearm	R.C. 2921.14 - Making or causing false report of child abuse or neglect
R.C. 2921.34 - Escape	R.C. 2921.35 - Aiding escape or resistance to lawful authority	R.C. 2923.01 - Conspiracy
R.C. 2923.02 - Attempt or R.C. 2923.03 - Complicity when it relates to a crime specified in R.C. 109.572(A)(5)(a)	R.C. 2923.12 - Carrying a concealed weapon	R.C. 2923.13 - Having weapons while under disability
R.C. 2923.161 - Improperly discharging a firearm	R.C. 2925.02 - Corrupting another with drugs	R.C. 2925.03 - Trafficking, aggravated trafficking in drugs
R.C. 2925.04 - Illegal assembly or possession of chemicals for manufacture of drugs	R.C. 2925.05 - Funding, aggravated funding of drug or marihuana trafficking	R.C. 2925.06 - Illegal administration or distribution of anabolic steroids
R.C. 2925.11 - Possession of controlled substances (F4 or greater)	R.C. 3716.11 - Placing harmful or hazardous objects in food or confection	Second violation of R.C. 4511.19 within 5 years

Required Fingerprints – Misdemeanors under R.C. 109.572(A)(8)(a)		
R.C. 2909.29 - Money laundering in support of terrorism	R.C. 2911.01 - Aggravated robbery	R.C. 2911.02 - Robbery
R.C. 2911.11 - Aggravated burglary	R.C. 2911.12 - Burglary	R.C. 2911.13 - Breaking and entering
R.C. 2911.31 - Safecracking	R.C. 2913.02 - Theft	R.C. 2913.03 - Unauthorized use of a vehicle

This document is for informational purposes only. A fingerprinting entity should contact its legal counsel for advice concerning fingerprinting requirements under the Ohio Revised Code.

Required Fingerprints – Misdemeanors under R.C. 109.572(A)(8)(a) (Continued)		
R.C. 2913.04 - Unauthorized use of property - computer, cable or telecommunication property	R.C. 2913.041 - Possession or sale of unauthorized cable television device	R.C. 2913.05 - Telecommunications fraud
R.C. 2913.06 - Unlawful use of telecommunications device	R.C. 2913.11 - Passing bad checks	R.C. 2913.21 - Misuse of credit cards
R.C. 2913.30 - Counterfeiting	R.C. 2913.31 - Forgery - forging identification cards or selling or distributing forged identification cards	R.C. 2913.32 - Criminal simulation
R.C. 2913.33 - Making or using slugs	R.C. 2913.34 - Trademark counterfeiting	R.C. 2913.40 - Medicaid fraud
R.C. 2913.401 - Medicaid eligibility fraud	R.C. 2913.41 - Defrauding a rental agency or hostelry	R.C. 2913.42 - Tampering with records
R.C. 2913.43 - Securing writings by deception	R.C. 2913.44 - Personating an officer	R.C. 2913.45 - Defrauding creditors
R.C. 2913.47 - Insurance fraud	R.C. 2913.48 - Workers' compensation fraud	R.C. 2913.49 - Identity fraud
R.C. 2913.51 - Receiving stolen property	R.C. 2915.05 - Cheating - corrupting sports	R.C. 2921.13 - Falsification - in theft offense - to purchase firearm
R.C. 2921.41 - Theft in office	R.C. 2925.03 - Trafficking, aggravated trafficking in drugs	R.C. 2925.03 - Deception to obtain a dangerous drug
R.C. 2925.32 - Trafficking in harmful intoxicants - improperly dispensing or distributing nitrous oxide	R.C. 2925.37 - Counterfeit controlled substance offenses	
Any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.		

Required Fingerprints under R.C. 109.572 for Offenses of Violence ¹		
R.C. 2903.01 - Aggravated murder	R.C. 2903.02 - Murder	R.C. 2903.03 - Voluntary manslaughter
R.C. 2903.04 - Involuntary manslaughter	R.C. 2903.11 - Felonious assault	R.C. 2903.12 - Aggravated Assault
R.C. 2903.13 - Assault	R.C. 2903.15 - Permitting child abuse	R.C. 2903.21 - Aggravated menacing
R.C. 2903.211 - Menacing by stalking	R.C. 2903.22 - Menacing	R.C. 2905.01 - Kidnapping
R.C. 2905.02 - Abduction	R.C. 2905.11 - Extortion	R.C. 2905.32 - Trafficking in persons

¹ As defined in [R.C. 2901.01\(A\)\(9\)](#).

This document is for informational purposes only. A fingerprinting entity should contact its legal counsel for advice concerning fingerprinting requirements under the Ohio Revised Code.

Required Fingerprints under <u>R.C. 109.572</u> for Offenses of Violence ² (Continued)		
R.C. 2907.02 - Rape	R.C. 2907.03 - Sexual battery	R.C. 2907.05 - Gross sexual imposition
R.C. 2909.02 - Aggravated arson	R.C. 2909.03 - Arson	R.C. 2909.24 - Terrorism
R.C. 2911.01 - Aggravated robbery	R.C. 2911.02 - Robbery	R.C. 2911.11 - Aggravated burglary
R.C. 2917.01 - Inciting to violence	R.C. 2917.02 - Aggravated riot	R.C. 2917.03 - Riot
R.C. 2917.31 - Inducing panic	R.C. 2919.25 - Domestic violence	R.C. 2921.03 - Intimidation
R.C. 2921.04 - Intimidation of attorney, victim or witness in criminal case or delinquent child action processing		R.C. 2921.34 - Escape
R.C. 2923.161 - Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function		R.C. 2903.34(A)(1) - Patient abuse or neglect
R.C. 2911.12(A)(1), (2), or (3) - Burglary	R.C. 2919.22(B)(1), (2), (3), or (4) - Endangering Children where abuse, torture, excessive or unwarranted physical discipline is alleged.	
Former R.C. 2907.12 – Felonious sexual penetration	A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section, division, or offenses listed above	
An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons		
A conspiracy or attempt to commit, or complicity in committing, any above offenses		

This document was created in collaboration with the Ohio Attorney General’s Office.
Updated December 2019

² As defined in [R.C. 2901.01\(A\)\(9\)](#).