

DUTY TO CAPTURE FINGERPRINTS

The superintendent of BCI shall procure fingerprints (among other identifying information) from wherever procurable and file them for record. R.C. § 109.57(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. R.C. § 109.57(A)(1).

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).

Fingerprints of adults must be taken by sheriffs & 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.

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 of a person in custody if they learn of a warrant or bill of information concerning another offense. R.C. § 109.60(A)(4). In all cases, the fingerprints shall be forwarded to the superintendent of the bureau of criminal investigation (BCI) as well as the clerk of courts that has jurisdiction over the prosecution of the offense.

Sheriffs and chiefs have a duty to furnish to the superintendent of BCI fingerprints under certain circumstances. R.C. § 109.61.

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 they have not been taken prior to those hearings, 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). Prints are to be taken by the sheriff or chief within 24 hours of the order. Id.

These materials serve as a guide to help you understand your duties concerning fingerprinting and reporting to BCI. These materials are not to be solely relied upon in determining whether to fingerprint an individual. If you have any questions about your duties and obligations, you should consult with your legal counsel and act on the advice of that legal counsel.

***** Please note that the above information is intended for informational purposes only and is not legal advice. A reporting entity should contact its legal counsel for any needed advice concerning reporting requirements in the Ohio Revised Code. Updated October 2019 *****

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