

**OPINION NO. 99-029****Syllabus:**

A contempt citation or bench warrant issued by a court of record against a person for the person's failure to pay spousal or child support, to surrender real property to his spouse, to seek work, to accept responsibility for marital debts, or to appear for a hearing in a civil proceeding does not constitute "criminal history record information," as defined in 28 C.F.R. §§ 20.3(b) and 20.32, for purposes of being entered into the LEADS/NCIC wanted persons data base.

---

**To: Maureen O'Connor, Director, Ohio Department of Public Safety, Columbus, Ohio**  
**By: Betty D. Montgomery, Attorney General, April 12, 1999**

Your predecessor requested an opinion regarding the entry of information into the Law Enforcement Automated Data System (LEADS) and the National Crime Information Center (NCIC). According to information provided, the State Highway Patrol has been requested to enter into the LEADS/NCIC wanted persons data base contempt citations and bench warrants issued by courts of record.

Your predecessor was specifically concerned with contempt citations and bench warrants that are issued by courts of record in proceedings conducted under R.C. Chapters 2705, 2919, and 3113. R.C. Chapter 2705 authorizes a court to punish a person for direct contempt, R.C. 2705.01, indirect contempt, R.C. 2705.02, or failure to pay support or comply with a visitation order, R.C. 2705.031.<sup>1</sup> R.C. Chapter 2919 sets forth offenses against the family. This chapter makes it an offense to commit bigamy, R.C. 2919.01, perform an unlawful abortion, R.C. 2919.12, fail to provide adequate support to a spouse or child, R.C. 2919.21, endanger a child, R.C. 2919.22, interfere with custody, R.C. 2919.23, interfere with an action to issue or modify a support order, R.C. 2919.231, or commit domestic violence, R.C. 2919.25. R.C. Chapter 3113 governs the issuance of support orders. In this regard, the chapter sets forth provisions concerning support orders to withhold wages, R.C. 3113.21, changes in the work status of an obligor, R.C. 3113.212, orders requiring obligors or obligees under support orders to obtain health insurance for children, R.C. 3113.217, and judgments for unpaid support, R.C. 3113.2110.

Your predecessor's letter explained that, during the course of proceedings under R.C. Chapters 2705, 2919, and 3113, a court may issue a contempt citation or bench warrant against a person for the person's failure to pay spousal or child support, to surrender real property to his spouse, to seek work, to accept responsibility for marital debts, or to appear

---

<sup>1</sup> Contempt proceedings are divided into two general classes, direct and indirect. "A direct contempt is one committed in the presence of or so near the court as to obstruct the due and orderly administration of justice," while "[a]n indirect contempt is one committed outside the presence of the court but which also tends to obstruct the due and orderly administration of justice." *In re Lands*, 146 Ohio St. 589, 595, 67 N.E.2d 433, 437 (1946).

for a hearing in a civil proceeding. In order to aid the enforcement of these types of contempt citations or bench warrants, the State Highway Patrol has been asked to enter such citations and warrants into the LEADS/NCIC wanted persons data base. In light of this request, your predecessor asked whether a contempt citation or bench warrant issued by a court in the foregoing instances is eligible for entry into the LEADS/NCIC wanted persons data base.

In order to answer your predecessor's question, it is helpful to understand the operation and purpose of LEADS and NCIC. Pursuant to R.C. 5503.10, LEADS was established to provide computerized data and communications to the various criminal justice agencies of Ohio. *See* [Ohio Monthly Record vol. 1] Ohio Admin. Code 4501:2-10-01(L) at 192; 1993 Op. Att'y Gen. No. 93-032 at 2-161 n.1 ("LEADS" was established under various federal grants. LEADS Operating Manual § 1.1; *see also* 1989-1990 Ohio Laws, Part I, 1699, 1816 (Am. Sub. S.B. 336, eff. Apr. 10, 1990) (§ 16.04 of this Act provides that, "[e]ffective July 1, 1990, the Department of Highway Safety [now the Department of Public Safety], Division of Highway Patrol, is hereby designated as the administering state agency in all matters pertaining to the Law Enforcement Automated Data System"). With respect to the operation of LEADS, 1994 Op. Att'y Gen. No. 94-046 at 2-233 explained as follows:

The information available through LEADS is from several different data bases. Some of the information is actually entered directly into LEADS and becomes a part of the system. These data bases, known as "LEADS specific" files, include stolen vehicle and license files, "wanted," missing, and unidentified persons files, towed vehicles files, and road condition and weather files. Other data bases, while not directly entered into LEADS as part of that system, are accessible through LEADS.

*Accord* 1993 Op. Att'y Gen. No. 93-032 at 2-162.

One of the data bases that is accessible through LEADS is NCIC, which is a computerized information system operated by the Federal Bureau of Investigation (FBI). *See* 10 Ohio Admin. Code 4501:2-10-09; *see also* 28 U.S.C.A. § 534 (West 1993 and Supp. 1998); 28 C.F.R. § 20.31(a) (1998). Information in NCIC includes criminal history record information, stolen vehicles, stolen or missing license plates, and wanted, missing, and unidentified persons. 1993 Op. Att'y Gen. No. 93-032 at 2-162. Information from the data base of NCIC is available to criminal justice agencies for criminal justice purposes. 28 C.F.R. § 20.33(a) (1998); 1993 Op. Att'y Gen. No. 93-032 at 2-162.

LEADS thus serves as a communication network for access to NCIC and other data bases. Because LEADS and NCIC both contain information on wanted persons, an Ohio criminal justice agency may obtain such information through the LEADS/NCIC wanted persons data base. *See* 28 C.F.R. § 20.31(a) (1998); 28 C.F.R. § 20.33(a) (1998); rule 4501:2-10-09; 1993 Op. Att'y Gen. No. 93-032 at 2-162.

We turn now to your predecessor's specific question whether a contempt citation or bench warrant issued by a court of record against a person for the person's failure to pay spousal or child support, to surrender real property to his spouse, to seek work, to accept responsibility for marital debts, or to appear for a hearing in a civil proceeding is eligible for entry into the LEADS/NCIC wanted persons data base. As a general matter, information to be entered into the LEADS/NCIC wanted persons data base from an Ohio criminal justice agency must be submitted from an authorized state criminal justice control terminal. 28 C.F.R. § 20.36(b) (1998); *see also* 28 C.F.R. § 20.37 (1998) ("[i]t shall be the responsibility of each criminal justice agency contributing data to any Department of Justice criminal history

record information system to assure that information on individuals is kept complete, accurate and current so that all such records shall contain to the maximum extent feasible dispositions for all arrest data included therein"); 10 Ohio Admin. Code 4501:2-10-05(D)(1) ("terminal agencies permitted full access may enter records into the LEADS wanted persons and warrants ... files"). All entries into the LEADS/NCIC wanted persons data base must be made in accordance with federal regulations and NCIC rules, policies, and procedures. 28 C.F.R. § 20.36(a) (1998); *see also* 1989 Op. Att'y Gen. No. 89-005 at 2-21 ("because LEADS is directly linked to NCIC, Ohio law enforcement authorities have agreed to abide by NCIC rules"). *See generally* rule 4501:2-10-09(D) ("use of NCIC services by any user agency shall be in accordance with the instructions and procedures contained in the NCIC operating manual, the codes contained in the NCIC code manual, and new enhancements contained in the NCIC technical and operational updates, NCIC newsletter, or any other official notification from FBI/NCIC").

Resolution of your predecessor's specific question thus requires an interpretation of the federal regulations that govern the operation of NCIC. Prior opinions have emphasized the limitations placed upon the Attorney General to provide definitive interpretations of federal statutory law and administrative regulations to state departments and agencies that must operate in accordance with such laws and regulations. These opinions have stated that where there is no definitive interpretation on a matter of federal law, the Attorney General is able to advise only whether a state department's or agency's adoption of a particular interpretation appears to be consistent with the department's or agency's duty to carry out its statutory responsibilities. 1988 Op. Att'y Gen. No. 88-007 at 2-22; 1985 Op. Att'y Gen. No. 85-007 at 2-25. Accordingly, we can only advise you in this situation whether the Department of Public Safety's interpretation of the relevant federal regulations comports with your duty to carry out the responsibilities imposed on you by state and federal law.

Your predecessor informed us that it is the position of the Department of Public Safety (Department) that NCIC is a criminal justice network to be used for criminal justice purposes only. Accordingly, only information that pertains to criminal prosecutions may be entered into the LEADS/NCIC wanted persons data base. The Department further contends that the issuance of a contempt citation or bench warrant by a court of record in the circumstances described in your predecessor's letter does not occur either as part or in the course of a criminal prosecution, and thus the citation or warrant may not be entered into the LEADS/NCIC wanted persons data base.

Our review of 28 C.F.R. §§ 20.1 to 20.38, which comprise the federal regulations that address the exchange of information between federal and state criminal justice agencies, discloses that the primary purpose of NCIC is to collect and disseminate criminal history record information. 28 C.F.R. § 20.31(a) (1998); 28 C.F.R. § 20.33(a)(1) (1998); *see also* 28 C.F.R. § 20.1 (1998). In this regard, 28 C.F.R. § 20.33(a) provides that criminal history record information contained in any Department of Justice criminal history record information system will be made available to criminal justice agencies for criminal justice purposes.

For purposes of 28 C.F.R. §§ 20.1 to 20.38, "criminal history record information" is defined as follows:

*Criminal history record information* means information collected by criminal justice agencies on individuals consisting of *identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correc-*

*tional supervision, and release.* The term does not include identification information such as fingerprint records to the extent that such information *does not indicate involvement of the individual in the criminal justice system.* State and Federal Inspector General Offices are included. (Emphasis added.)

28 C.F.R. § 20.3(b) (1998). *See generally* rule 4501:2-10-01(D) (“‘[c]omputerized criminal history (CCH)’ means an electronic data processing file which is accessible using specific data fields. It contains records of arrests and dispositions of criminal proceedings entered into the system”). In addition, 28 C.F.R. § 20.32 further elaborates on the types of data that constitute “criminal history record information”:

(a) Criminal history record information maintained in any Department of Justice criminal history record information system shall include serious and/or significant adult and juvenile offenses.

(b) Excluded from such a system are arrests and court actions limited only to nonserious charges, e.g., drunkenness, vagrancy, disturbing the peace, curfew violation, loitering, false fire alarm, non-specific charges of suspicion or investigation, traffic violations (except data will be included on arrests for manslaughter, driving under the influence of drugs or liquor, and hit and run).

Thus, pursuant to 28 C.F.R. §§ 20.3(b), 20.32, and 20.33(a), criminal history record information collected and retained in the data bases of NCIC relates to the arrest, detention, prosecution, sentencing, or correctional supervision of an individual, and is made available to state criminal justice agencies for criminal justice purposes. Therefore, information may be entered into NCIC through LEADS only if the information pertains to the arrest, detention, prosecution, sentencing, or correctional supervision of a person and is used by state criminal justice agencies for criminal justice purposes.

Although no definition of the phrase “criminal justice purposes” appears in the federal regulations, the use of this phrase connotes purposes that relate to the administration and enforcement of the criminal laws. As defined in *Black’s Law Dictionary* 372 (6th ed. 1990), the word “criminal,” as an adjective, means “[t]hat which pertains to or is connected with the law of crimes, or the administration of penal justice, or which relates to or has the character of crime. Of the nature of or involving a crime.” *Black’s Law Dictionary* at 370, in turn, defines “crime,” in part, as “[a] positive or negative act in violation of penal law; an offense against the State or United States.... A crime may be defined to be any act done in violation of those duties which an individual owes to the community, for the breach of which the law has provided that the offender shall make satisfaction to the public.” *See generally In re Jacoby*, 74 Ohio App. 147, 150, 57 N.E.2d 932, 934 (Marion County 1943) (“[a] ‘crime’ is a wrong which the government notices as injurious to the public”); *State v. Bundy*, 79 Ohio L. Abs. 253, 255, 154 N.E.2d 924, 926 (Findlay Mun. Ct. 1956) (“a ‘crime’ may be defined as a violation of, or neglect to perform, a legal duty of such importance to the protection of society that the State takes notice thereof and imposes a penalty or punishment for such violation or neglect”). In addition, the phrase “justice” is defined in *Black’s Law Dictionary* at 864 as “[p]roper administration of laws.”

The phrase “criminal justice” thus connotes the administration or enforcement of the criminal laws. *See generally* R.C. 1.42 (words and phrases shall be construed according to the rules of grammar and common usage). Accordingly, the use of the words “criminal justice” to modify “purposes” thus indicates that the federal regulations refer to purposes that further the enforcement of the criminal laws.

This conclusion is buttressed by the definition of "administration of criminal justice" set forth in 28 C.F.R. § 20.3(d), which reads as follows:

The *administration of criminal justice* means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information. State and Federal Inspector General Offices are included.

See generally rule 4501:2-10-01(A) (defining "administration of criminal justice" in the same manner). The definition of "administration of criminal justice" set forth in 28 C.F.R. § 20.3(d) clearly illustrates that the term "criminal justice" refers to proceedings by which a person is charged with a crime, tried, and, if convicted, sentenced. Therefore, as used in 28 C.F.R. §§ 20.1 to 20.38, the phrase "criminal justice purposes" refers to purposes that advance the enforcement of the criminal laws.

It is our opinion that a contempt citation or bench warrant issued by a court of record against a person for the person's failure to pay spousal or child support, to surrender real property to his spouse, to seek work, to accept responsibility for marital debts, or to appear for a hearing in a civil proceeding is not a matter that advances or relates to the enforcement of the criminal laws of this state. We will first address contempt citations.

In Ohio, "[c]ontempt proceedings are regarded as *sui generis*,<sup>2</sup> and not criminal prosecutions." *State v. Timson*, 38 Ohio St. 2d 122, 311 N.E.2d 16 (1974) (syllabus, paragraph three) (footnote added); accord *Brown v. Executive 200, Inc.*, 64 Ohio St. 2d 250, 253, 416 N.E.2d 610, 612 (1980). More specifically, it has been stated that such proceedings are neither wholly civil nor wholly criminal in nature. *Gompers v. Bucks Stove & Range Co.*, 221 U.S. 418, 441 (1911). The *sui generis* character of contempt proceedings was further explained in *Cincinnati v. Cincinnati District Council 51*, 35 Ohio St. 2d 197, 201-02, 299 N.E.2d 686, 691 (1973), *cert. denied*, 415 U.S. 994 (1974), as follows:

Proceedings in contempt are *sui generis* in the law. They bear some resemblance to suits in equity, to criminal proceedings and to ordinary civil actions; but they are none of these. Contempt proceedings are means through which the courts enforce their lawful orders. The power to punish for contempt is said to be inherent in the courts and to exist independently from express constitutional provision or legislative enactment.

Accord *Denovchek v. Board of Trumbull County Comm'rs*, 36 Ohio St. 3d 14, 16, 520 N.E.2d 1362, 1364 (1988); *Brown v. Executive 200, Inc.*, 64 Ohio St. 2d at 253, 416 N.E.2d at 612.

Contempt citations issued by a court of record thus do not advance or relate to the enforcement of the criminal laws. Such citations are not issued by a court to punish a person who has violated a duty owed to the community. Rather, such citations are a means by which a court enforces its lawful orders or vindicates its authority. *Brown v. Executive 200, Inc.*, 64 Ohio St. 2d at 253-54, 416 N.E.2d at 613.

<sup>2</sup> As stated in *State v. Timson*, 38 Ohio St. 2d 122, 128, 311 N.E.2d 16, 20 (1974), "[s]ui generis, translated, means: of its own kind; peculiar to itself." See *Black's Law Dictionary* 1434 (6th ed. 1990).

A finding of contempt is classified as either civil or criminal in nature. *Denovchek v. Board of Trumbull County Comm'rs*, 36 Ohio St. 3d at 16, 520 N.E.2d at 1364; *Catholic Social Services of Cuyahoga County v. Howard*, 106 Ohio App. 3d 615, 619, 666 N.E.2d 658, 661 (Cuyahoga County 1995). In *Denovchek v. Board of Trumbull County Comm'rs*, 36 Ohio St. 3d at 16, 520 N.E.2d at 1364, the court explained the differences between civil contempt and criminal contempt:

[F]or certain purposes we have found it necessary to classify contempt proceedings as either "civil" or "criminal."

The distinction between civil and criminal contempt is based on the character and purpose of the contempt sanctions. If sanctions are primarily designed to benefit the complainant through remedial or coercive means, then the contempt proceeding is civil. Often, civil contempt is characterized by conditional sanctions, *i.e.*, the contemnor is imprisoned until he obeys the court order.<sup>3</sup> Criminal contempt, on the other hand, is usually characterized by an unconditional prison sentence or fine. Its sanctions are punitive in nature, designed to vindicate the authority of the court. (Citations omitted and footnote added.)

Thus, civil contempt seeks to compel compliance with the orders of the court, usually for the benefit of the person for whom the order was issued, *In re Ayer*, 119 Ohio App. 3d 571, 575, 695 N.E.2d 1180, 1183 (Hamilton County 1997), whereas "[p]unishment for criminal contempt is intended to vindicate the authority of the court by punishing the contemnor for a completed act of disobedience," *In re Karasek*, 119 Ohio App. 3d 615, 626-27, 695 N.E.2d 1209, 1216 (Montgomery County 1997), *appeal dismissed*, 80 Ohio St. 3d 1445, 686 N.E.2d 273 (1997), *cert. denied*, 118 S. Ct. 1532 (1998). See *Brown v. Executive 200, Inc.*, 64 Ohio St. 2d at 253-54, 416 N.E.2d at 613 ("[w]hile both types of contempt contain an element of punishment, courts distinguish criminal and civil contempt not on the basis of punishment, but rather, by the character and purpose of the punishment. Punishment is remedial or coercive and for the benefit of the complainant in civil contempt. Prison sentences are conditional. The contemnor is said to carry the keys of his prison in his own pocket, since he will be freed if he agrees to do as ordered. Criminal contempt, on the other hand, is usually characterized by an unconditional prison sentence. Such imprisonment operates not as a remedy coercive in its nature but as punishment for the completed act of disobedience, and to vindicate the authority of the law and the court" (citations omitted)).

In light of the foregoing, it is reasonable to conclude that a contempt citation, whether civil or criminal, that is issued by a court of record against a person for the person's failure to pay spousal or child support, to surrender real property to his spouse, to seek work, to accept responsibility for marital debts, or to appear for a hearing in a civil proceeding is not intended to punish the person for his commission of a criminal offense against the

---

<sup>3</sup> As stated in *In re Ayer*, 119 Ohio App. 3d 571, 577, 695 N.E.2d 1180, 1184 (Hamilton County 1997):

In the case of civil contempt, the sanction must provide an opportunity to purge the contempt. Once the contemnor chooses to comply with the court's order, the purpose of the sanction is achieved and the sanction should be discontinued. (Citation omitted.)

state or his violation of a duty owed to the larger civil community.<sup>4</sup> Rather, a contempt citation is issued either as a means of compelling compliance with the court's lawful orders (civil contempt) or to vindicate the court's authority (criminal contempt). The enforcement of such citations thus are not matters that advance or relate to the enforcement of the criminal laws. Accordingly, such contempt citations do not constitute "criminal history record information," as defined in 28 C.F.R. §§ 20.3(b) and 20.32, for purposes of being entered into the LEADS/NCIC wanted persons data base.

Let us now consider bench warrants. A "bench warrant" is "[p]rocess issued by the court itself, or 'from the bench,' for the attachment or arrest of a person; either in case of contempt, or where an indictment has been found, or to bring in a witness who fails to obey a subpoena." *Black's Law Dictionary* at 156; see 1984 Op. Att'y Gen. No. 84-004 at 2-9 n.4. A bench warrant thus is a method by which a court serves process upon parties or witnesses in a civil or criminal proceeding. See 1984 Op. Att'y Gen. No. 84-004 at 2-9 n.4; see also 1961 Op. Att'y Gen. No. 2214, p. 261 at 266 (in criminal cases before a municipal court, the issuance of a bench warrant "would undoubtedly be part of the service of process in the prosecution").

The purpose sought to be achieved by a court in issuing a bench warrant depends upon the reason for which the warrant was issued. See generally *State v. Holmes*, CA-7446, slip op. at 6, 1988 Ohio App. LEXIS 3532, slip op. at 2 (Stark County Aug. 15, 1988) (unreported) ("bench warrants are not like dollar bills. They are not all alike. What a bench warrant is depends upon what it says"). Bench warrants may be utilized by courts for several purposes, including, but not limited to, enforcing court orders, vindicating the court's authority, or enforcing the criminal laws. For instance, the purpose in issuing a bench warrant for the arrest of a person in the case of contempt is to enforce the court's orders or to vindicate its authority. See generally *Brown v. Executive 200, Inc.*, 64 Ohio St. 2d at 253-54, 416 N.E.2d at 613 (contempt citations are a means by which a court enforces its lawful orders or vindicates its authority). Such bench warrants are not intended to administer punishment to persons who have violated the criminal laws. In contrast, a bench warrant issued to secure the appearance before the court of a person who has posted bail and failed to appear when required is a method by which a court brings a person before the court to

---

<sup>4</sup> Although it has been stated that criminal contempt citations are criminal in nature, see *Bloom v. Illinois*, 391 U.S. 194 (1968), it is still the case that such citations are not issued by Ohio courts to enforce the criminal laws of the state. See generally *State v. Local Union 5760, United Steelworkers of America*, 172 Ohio St. 75, 83, 173 N.E.2d 331, 338 (1961) ("[i]n no instance, however, is a contempt proceeding a criminal action or proceeding in a strict sense but it is a special proceeding which may be criminal in character but which is governed by the provisions of the statutes outside the criminal code. Indictment, arraignment, plea, and trial by jury are not necessary procedures in cases of criminal contempt"). As indicated previously, there is in both civil contempt and criminal contempt an element of punishment. *Brown v. Executive 200, Inc.*, 64 Ohio St. 2d 250, 253-54, 416 N.E.2d 610, 613 (1980). In civil contempt proceedings a court punishes a person to enforce its lawful orders, whereas a criminal contempt finding is a method by which a court punishes a contemnor to vindicate its authority. *Id.* The court's punishment in civil contempt and criminal contempt proceedings thus is not to enforce the criminal laws. In contrast, one of the primary purposes of a criminal prosecution is to punish a person for violating the criminal laws. See *In re Jacoby*, 74 Ohio App. 147, 150, 57 N.E.2d 932, 934 (Marion County 1943) ("[a] 'crime' is a wrong which the government notices as injurious to the public, and punishes in what is called a criminal proceeding").

determine whether the person has committed a criminal offense. *See generally* 1987 Op. Att'y Gen. No. 87-016 (syllabus) (when a person has been released on a form of bail other than a release on personal recognizance, a court may issue a writ of *capias* to secure the person's appearance). If a court determines that the person has committed a criminal offense, the court proceeds to sentence the person. *See generally* Ohio R. Crim. P. 32(C) ("[a] judgment of conviction shall set forth the plea, the verdict or findings, and the sentence"). Accordingly, bench warrants issued to secure the appearance before the court of a person who has posted bail and failed to appear when required are utilized to enforce the criminal laws.

With respect to your predecessor's specific inquiry, the bench warrants are issued in order to bring before a court a person who has failed to pay spousal or child support, to surrender real property to his spouse, to seek work, to accept responsibility for marital debts, or to appear for a hearing in a civil proceeding. A person arrested pursuant to one of these types of bench warrants thus is brought before a court in order to obtain compliance with a court's order. The person is not brought before the court in order to be prosecuted for a criminal offense. *See generally* R.C. 2937.43 (a court may issue a warrant for the arrest of a person released on his own recognizance who fails to appear); Ohio R. Crim. P. 4 (if it appears from a complaint, or from an affidavit or affidavits filed with the complaint, that there is probable cause to believe that a criminal offense has been committed, and that the defendant has committed it, a warrant for the arrest of the defendant shall be issued by a court); Ohio R. Crim. P. 9 (a court may issue a warrant for the arrest of a defendant named in an indictment or information).

Accordingly, bench warrants issued by a court of record against a person for the person's failure to pay spousal or child support, to surrender real property to his spouse, to seek work, to accept responsibility for marital debts, or to appear for a hearing in a civil proceeding are not issued to enforce the criminal laws. Therefore, such bench warrants do not constitute "criminal history record information," as defined in 28 C.F.R. §§ 20.3(b) and 20.32, for purposes of being entered into the LEADS/NCIC wanted persons data base.<sup>5</sup>

In conclusion, it is my opinion, and you are hereby advised that a contempt citation or bench warrant issued by a court of record against a person for the person's failure to pay spousal or child support, to surrender real property to his spouse, to seek work, to accept responsibility for marital debts, or to appear for a hearing in a civil proceeding does not constitute "criminal history record information," as defined in 28 C.F.R. §§ 20.3(b) and 20.32, for purposes of being entered into the LEADS/NCIC wanted persons data base.

---

<sup>5</sup> In order to improve and extend by reciprocal legislation the enforcement duties of support, Ohio has enacted R.C. Chapter 3115 (reciprocal enforcement of support). Under this chapter, a court of this state, "to the extent otherwise authorized by law, may ... [i]ssue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants." R.C. 3115.16(B)(9) (emphasis added).

As stated previously, only matters that advance or relate to the enforcement of the criminal laws may be entered into the LEADS/NCIC wanted persons data base. *See* 28 C.F.R. § 20.3(b) (1998); 28 C.F.R. § 20.32 (1998). Bench warrants issued by a court for failure to pay child support do not advance or relate to the enforcement of the criminal laws. Such bench warrants thus may not be entered into the LEADS/NCIC wanted persons data base. Because bench warrants issued against a person for failure to pay child support may not be entered into the LEADS/NCIC wanted persons data base, a court is not authorized by R.C. 3115.16 to enter such bench warrants into the LEADS/NCIC wanted persons data base.