

**As Introduced**

**125th General Assembly  
Regular Session  
2003-2004**

**S. B. No. 66**

**Senators Schuring, Stivers, Jacobson, Dann, Fedor, Miller, Brady**

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**A B I L L**

To amend section 2151.421 and to enact sections 1  
2151.425, 2151.426, 2151.427, and 2151.428 of the 2  
Revised Code to permit counties to establish 3  
Children's Advocacy Centers to review and assess, 4  
and to assist public children services agencies 5  
with, investigations of reports of child sexual 6  
abuse or severe physical abuse of a child. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2151.421 be amended and sections 8  
2151.425, 2151.426, 2151.427, and 2151.428 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 2151.421.** (A)(1)(a) No person described in division 11  
(A)(1)(b) of this section who is acting in an official or 12  
professional capacity and knows or suspects that a child under 13  
eighteen years of age or a mentally retarded, developmentally 14  
disabled, or physically impaired child under twenty-one years of 15  
age has suffered or faces a threat of suffering any physical or 16  
mental wound, injury, disability, or condition of a nature that 17  
reasonably indicates abuse or neglect of the child, shall fail to 18  
immediately report that knowledge or suspicion to the entity or 19  
persons specified in this division. Except as provided in section 20

5120.173 of the Revised Code, the person making the report shall 21  
make it to the public children services agency or a municipal or 22  
county peace officer in the county in which the child resides or 23  
in which the abuse or neglect is occurring or has occurred. In the 24  
circumstances described in section 5120.173 of the Revised Code, 25  
the person making the report shall make it to the entity specified 26  
in that section. 27

(b) Division (A)(1)(a) of this section applies to any person 28  
who is an attorney; physician, including a hospital intern or 29  
resident; dentist; podiatrist; practitioner of a limited branch of 30  
medicine as specified in section 4731.15 of the Revised Code; 31  
registered nurse; licensed practical nurse; visiting nurse; other 32  
health care professional; licensed psychologist; licensed school 33  
psychologist; independent marriage and family therapist or 34  
marriage and family therapist; speech pathologist or audiologist; 35  
coroner; administrator or employee of a child day-care center; 36  
administrator or employee of a residential camp or child day camp; 37  
administrator or employee of a certified child care agency or 38  
other public or private children services agency; school teacher; 39  
school employee; school authority; person engaged in social work 40  
or the practice of professional counseling; agent of a county 41  
humane society; or a person rendering spiritual treatment through 42  
prayer in accordance with the tenets of a well-recognized 43  
religion. 44

(2) An attorney or a physician is not required to make a 45  
report pursuant to division (A)(1) of this section concerning any 46  
communication the attorney or physician receives from a client or 47  
patient in an attorney-client or physician-patient relationship, 48  
if, in accordance with division (A) or (B) of section 2317.02 of 49  
the Revised Code, the attorney or physician could not testify with 50  
respect to that communication in a civil or criminal proceeding, 51  
except that the client or patient is deemed to have waived any 52

testimonial privilege under division (A) or (B) of section 2317.02 53  
of the Revised Code with respect to that communication and the 54  
attorney or physician shall make a report pursuant to division 55  
(A)(1) of this section with respect to that communication, if all 56  
of the following apply: 57

(a) The client or patient, at the time of the communication, 58  
is either a child under eighteen years of age or a mentally 59  
retarded, developmentally disabled, or physically impaired person 60  
under twenty-one years of age. 61

(b) The attorney or physician knows or suspects, as a result 62  
of the communication or any observations made during that 63  
communication, that the client or patient has suffered or faces a 64  
threat of suffering any physical or mental wound, injury, 65  
disability, or condition of a nature that reasonably indicates 66  
abuse or neglect of the client or patient. 67

(c) The attorney-client or physician-patient relationship 68  
does not arise out of the client's or patient's attempt to have an 69  
abortion without the notification of her parents, guardian, or 70  
custodian in accordance with section 2151.85 of the Revised Code. 71

(B) Anyone, who knows or suspects that a child under eighteen 72  
years of age or a mentally retarded, developmentally disabled, or 73  
physically impaired person under twenty-one years of age has 74  
suffered or faces a threat of suffering any physical or mental 75  
wound, injury, disability, or other condition of a nature that 76  
reasonably indicates abuse or neglect of the child may report or 77  
cause reports to be made of that knowledge or suspicion to the 78  
entity or persons specified in this division. Except as provided 79  
in section 5120.173 of the Revised Code, a person making a report 80  
or causing a report to be made under this division shall make it 81  
or cause it to be made to the public children services agency or 82  
to a municipal or county peace officer. In the circumstances 83  
described in section 5120.173 of the Revised Code, a person making 84

a report or causing a report to be made under this division shall 85  
make it or cause it to be made to the entity specified in that 86  
section. 87

(C) Any report made pursuant to division (A) or (B) of this 88  
section shall be made forthwith either by telephone or in person 89  
and shall be followed by a written report, if requested by the 90  
receiving agency or officer. The written report shall contain: 91

(1) The names and addresses of the child and the child's 92  
parents or the person or persons having custody of the child, if 93  
known; 94

(2) The child's age and the nature and extent of the child's 95  
known or suspected injuries, abuse, or neglect or of the known or 96  
suspected threat of injury, abuse, or neglect, including any 97  
evidence of previous injuries, abuse, or neglect; 98

(3) Any other information that might be helpful in 99  
establishing the cause of the known or suspected injury, abuse, or 100  
neglect or of the known or suspected threat of injury, abuse, or 101  
neglect. 102

Any person, who is required by division (A) of this section 103  
to report known or suspected child abuse or child neglect, may 104  
take or cause to be taken color photographs of areas of trauma 105  
visible on a child and, if medically indicated, cause to be 106  
performed radiological examinations of the child. 107

(D)~~(1)~~ As used in this division, "children's advocacy 108  
center," "severe physical abuse of a child," and "sexual abuse of 109  
a child" have the same meanings as in section 2151.425 of the 110  
Revised Code. 111

(1) When a municipal or county peace officer receives a 112  
report concerning the possible abuse or neglect of a child or the 113  
possible threat of abuse or neglect of a child, upon receipt of 114  
the report, the municipal or county peace officer who receives the 115

report shall refer the report to the appropriate public children services agency. 116  
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(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall ~~comply~~ do both of the following: 118  
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(a) Comply with section 2151.422 of the Revised Code; 122

(b) If the report alleges severe physical abuse of a child or sexual abuse of a child and the county served by the agency is also served by a children's advocacy center, refer the report to the center. 123  
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(E) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code. 127  
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(F)(1) Except as provided in ~~section~~ sections 2151.422 and 2151.428 of the Revised Code, the public children services agency shall investigate, within twenty-four hours, each report of known or suspected child abuse or child neglect and of a known or suspected threat of child abuse or child neglect that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The 138  
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investigation shall be made in cooperation with the law 147  
enforcement agency and in accordance with the memorandum of 148  
understanding prepared under division (J) of this section. A 149  
failure to make the investigation in accordance with the 150  
memorandum is not grounds for, and shall not result in, the 151  
dismissal of any charges or complaint arising from the report or 152  
the suppression of any evidence obtained as a result of the report 153  
and does not give, and shall not be construed as giving, any 154  
rights or any grounds for appeal or post-conviction relief to any 155  
person. The public children services agency shall report each case 156  
to a central registry which the department of job and family 157  
services shall maintain in order to determine whether prior 158  
reports have been made in other counties concerning the child or 159  
other principals in the case. The public children services agency 160  
shall submit a report of its investigation, in writing, to the law 161  
enforcement agency. 162

(2) The public children services agency shall make any 163  
recommendations to the county prosecuting attorney or city 164  
director of law that it considers necessary to protect any 165  
children that are brought to its attention. 166

(G)(1)(a) Except as provided in division (H)(3) of this 167  
section, anyone or any hospital, institution, school, health 168  
department, or agency participating in the making of reports under 169  
division (A) of this section, anyone or any hospital, institution, 170  
school, health department, or agency participating in good faith 171  
in the making of reports under division (B) of this section, and 172  
anyone participating in good faith in a judicial proceeding 173  
resulting from the reports, shall be immune from any civil or 174  
criminal liability for injury, death, or loss to person or 175  
property that otherwise might be incurred or imposed as a result 176  
of the making of the reports or the participation in the judicial 177  
proceeding. 178

(b) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(H)(1) Except as provided in divisions (H)(4), (M), and (N) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2) No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is

guilty of a violation of section 2921.14 of the Revised Code. 210

(4) If a report is made pursuant to division (A) or (B) of 211  
this section and the child who is the subject of the report dies 212  
for any reason at any time after the report is made, but before 213  
the child attains eighteen years of age, the public children 214  
services agency, child advocacy center, or municipal or county 215  
peace officer to which the report was made or referred, on the 216  
request of the child fatality review board, shall submit a summary 217  
sheet of information providing a summary of the report to the 218  
review board of the county in which the deceased child resided at 219  
the time of death. On the request of the review board, the agency, 220  
center, or peace officer may, at its discretion, make the report 221  
available to the review board. 222

(5) A public children services agency shall advise a person 223  
alleged to have inflicted abuse or neglect on a child who is the 224  
subject of a report made pursuant to this section, including a 225  
report referred to a children's advocacy center under this 226  
section, in writing of the disposition of the investigation. The 227  
agency shall not provide to the person any information that 228  
identifies the person who made the report, statements of 229  
witnesses, or police or other investigative reports. 230

(I) Any report that is required by this section, other than a 231  
report that is made to the state highway patrol as described in 232  
section 5120.173 of the Revised Code, shall result in protective 233  
services and emergency supportive services being made available by 234  
the public children services agency on behalf of the children 235  
about whom the report is made, in an effort to prevent further 236  
neglect or abuse, to enhance their welfare, and, whenever 237  
possible, to preserve the family unit intact. The agency required 238  
to provide the services shall be the agency conducting the 239  
investigation of the report pursuant to section 2151.422 of the 240  
Revised Code. 241



(J)(1) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:	242 243 244
(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;	245 246 247
(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;	248 249 250 251 252
(c) The county peace officer;	253
(d) All chief municipal peace officers within the county;	254
(e) Other law enforcement officers handling child abuse and neglect cases in the county;	255 256
(f) The prosecuting attorney of the county;	257
(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;	258 259 260
(h) The county humane society;	261
<u>(i) If a public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code, each participating member of the children's advocacy center established by the memorandum.</u>	262 263 264 265
(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary	266 267 268 269 270 271

goals the elimination of all unnecessary interviews of children 272  
who are the subject of reports made pursuant to division (A) or 273  
(B) of this section and, when feasible, providing for only one 274  
interview of a child who is the subject of any report made 275  
pursuant to division (A) or (B) of this section. A failure to 276  
follow the procedure set forth in the memorandum by the concerned 277  
officials is not grounds for, and shall not result in, the 278  
dismissal of any charges or complaint arising from any reported 279  
case of abuse or neglect or the suppression of any evidence 280  
obtained as a result of any reported child abuse or child neglect 281  
and does not give, and shall not be construed as giving, any 282  
rights or any grounds for appeal or post-conviction relief to any 283  
person. 284

(3) A memorandum of understanding shall include all of the 285  
following: 286

(a) The roles and responsibilities for handling emergency and 287  
nonemergency cases of abuse and neglect; 288

(b) Standards and procedures to be used in handling and 289  
coordinating investigations of reported cases of child abuse and 290  
reported cases of child neglect, methods to be used in 291  
interviewing the child who is the subject of the report and who 292  
allegedly was abused or neglected, and standards and procedures 293  
addressing the categories of persons who may interview the child 294  
who is the subject of the report and who allegedly was abused or 295  
neglected. 296

(4) If a public children services agency participated in the 297  
execution of a memorandum of understanding under section 2151.426 298  
of the Revised Code, the agency shall incorporate the contents of 299  
that memorandum in the memorandum prepared pursuant to this 300  
section. 301

(K)(1) Except as provided in division (K)(4) of this section, 302

a person who is required to make a report pursuant to division (A) 303  
of this section may make a reasonable number of requests of the 304  
public children services agency or children's advocacy center that 305  
receives or is referred the report to be provided with the 306  
following information: 307

(a) Whether the agency or center has initiated an 308  
investigation of the report; 309

(b) Whether the agency or center is continuing to investigate 310  
the report; 311

(c) Whether the agency or center is otherwise involved with 312  
the child who is the subject of the report; 313

(d) The general status of the health and safety of the child 314  
who is the subject of the report; 315

(e) Whether the report has resulted in the filing of a 316  
complaint in juvenile court or of criminal charges in another 317  
court. 318

(2) A person may request the information specified in 319  
division (K)(1) of this section only if, at the time the report is 320  
made, the person's name, address, and telephone number are 321  
provided to the person who receives the report. 322

When a municipal or county peace officer or employee of a 323  
public children services agency receives a report pursuant to 324  
division (A) or (B) of this section the recipient of the report 325  
shall inform the person of the right to request the information 326  
described in division (K)(1) of this section. The recipient of the 327  
report shall include in the initial child abuse or child neglect 328  
report that the person making the report was so informed and, if 329  
provided at the time of the making of the report, shall include 330  
the person's name, address, and telephone number in the report. 331

Each request is subject to verification of the identity of 332

the person making the report. If that person's identity is 333  
verified, the agency shall provide the person with the information 334  
described in division (K)(1) of this section a reasonable number 335  
of times, except that the agency shall not disclose any 336  
confidential information regarding the child who is the subject of 337  
the report other than the information described in those 338  
divisions. 339

(3) A request made pursuant to division (K)(1) of this 340  
section is not a substitute for any report required to be made 341  
pursuant to division (A) of this section. 342

(4) If an agency other than the agency that received or was 343  
referred the report is conducting the investigation of the report 344  
pursuant to section 2151.422 of the Revised Code, the agency 345  
conducting the investigation shall comply with the requirements of 346  
division (K) of this section. 347

(L) The director of job and family services shall adopt rules 348  
in accordance with Chapter 119. of the Revised Code to implement 349  
this section. The department of job and family services may enter 350  
into a plan of cooperation with any other governmental entity to 351  
aid in ensuring that children are protected from abuse and 352  
neglect. The department shall make recommendations to the attorney 353  
general that the department determines are necessary to protect 354  
children from child abuse and child neglect. 355

(M) No later than the end of the day following the day on 356  
which a public children services agency receives a report of 357  
alleged child abuse or child neglect, or a report of an alleged 358  
threat of child abuse or child neglect, that allegedly occurred in 359  
or involved an out-of-home care entity, the agency shall provide 360  
written notice of the allegations contained in and the person 361  
named as the alleged perpetrator in the report to the 362  
administrator, director, or other chief administrative officer of 363  
the out-of-home care entity that is the subject of the report 364

unless the administrator, director, or other chief administrative 365  
officer is named as an alleged perpetrator in the report. If the 366  
administrator, director, or other chief administrative officer of 367  
an out-of-home care entity is named as an alleged perpetrator in a 368  
report of alleged child abuse or child neglect, or a report of an 369  
alleged threat of child abuse or child neglect, that allegedly 370  
occurred in or involved the out-of-home care entity, the agency 371  
shall provide the written notice to the owner or governing board 372  
of the out-of-home care entity that is the subject of the report. 373  
The agency shall not provide witness statements or police or other 374  
investigative reports. 375

(N) No later than three days after the day on which a public 376  
children services agency that conducted the investigation as 377  
determined pursuant to section 2151.422 of the Revised Code makes 378  
a disposition of an investigation involving a report of alleged 379  
child abuse or child neglect, or a report of an alleged threat of 380  
child abuse or child neglect, that allegedly occurred in or 381  
involved an out-of-home care entity, the agency shall send written 382  
notice of the disposition of the investigation to the 383  
administrator, director, or other chief administrative officer and 384  
the owner or governing board of the out-of-home care entity. The 385  
agency shall not provide witness statements or police or other 386  
investigative reports. 387

Sec. 2151.425. As used in sections 2151.426 to 2151.428 of 388  
the Revised Code: 389

(A) "Children's advocacy center" means a center operated by 390  
participating entities within a county or two or more contiguous 391  
counties to receive, investigate, and provide victim services to 392  
children who are the subjects of reports of alleged severe 393  
physical abuse and alleged sexual abuse. 394

(B) "Severe physical abuse of a child" means any of the 395

following committed against a person under eighteen years of age 396  
or a mentally retarded, developmentally disabled, or physically 397  
impaired person under twenty-one years of age: 398

(1) Any action that causes a mental illness or condition of 399  
such gravity as would normally require hospitalization or 400  
prolonged psychiatric treatment; 401

(2) Any physical harm that carries a substantial risk of 402  
death; 403

(3) Any physical harm that involves some permanent 404  
incapacity, whether partial or total, or involves some temporary, 405  
substantial incapacity; 406

(4) Any physical harm that involves some permanent 407  
disfigurement or some temporary, serious disfigurement; 408

(5) Any physical harm that involves acute pain of such 409  
duration as to result in substantial suffering or involves any 410  
degree of prolonged or intractable pain. 411

(C) "Sexual abuse of a child" means unlawful sexual conduct 412  
or sexual contact, as those terms are defined in section 2907.01 413  
of the Revised Code, with a person under eighteen years of age or 414  
a mentally retarded, developmentally disabled, or physically 415  
impaired person under twenty-one years of age. 416

**Sec. 2151.426.** (A)(1) A children's advocacy center may be 417  
established to serve a single county by execution of a memorandum 418  
of understanding regarding their participation in the operation of 419  
the center by the following entities in the county to be served by 420  
the center: 421

(a) The public children services agency; 422

(b) Representatives of county and municipal law enforcement 423  
agencies serving the county that investigate severe physical abuse 424

of children and sexual abuse of children; 425

(c) The county prosecuting attorney or a city attorney who 426  
prosecutes severe physical abuse of children and sexual abuse of 427  
children in the area to be served by the center; 428

(d) Any other entity considered appropriate by all of the 429  
other entities executing the memorandum. 430

(2) A center may be established to serve two or more 431  
contiguous counties if a memorandum of understanding regarding 432  
their participation in the operation of the center is executed by 433  
the entities described in division (A)(1) of this section in each 434  
county to be served by the center. 435

(B) Each entity that participates in the execution of a 436  
memorandum of understanding under this section shall cooperate in 437  
all of the following: 438

(1) Developing a multidisciplinary team pursuant to section 439  
2151.427 of the Revised Code to investigate reports of alleged 440  
severe physical abuse of a child and reports of alleged sexual 441  
abuse of a child; 442

(2) Participating in the operation of the center in 443  
compliance with standards for full membership established by the 444  
national children's alliance; 445

(3) Employing the center's staff. 446

(C) A center shall do both of the following: 447

(1) Operate in accordance with sections 2151.427 and 2151.428 448  
of the Revised Code and the standards for full membership 449  
established by the national children's alliance; 450

(2) Register annually with the attorney general. 451

**Sec. 2151.427.** (A) The entities that participate in a 452  
memorandum of understanding executed under section 2151.426 of the 453

Revised Code shall assemble the children's advocacy center's 454  
multidisciplinary team. 455

(B)(1) The multidisciplinary team for a single county center 456  
shall consist of the following members who serve the county: 457

(a) A law enforcement officer; 458

(b) The executive director of the public children services 459  
agency or a designee of the executive director; 460

(c) A county prosecuting attorney or prosecuting attorney's 461  
designee; 462

(d) A mental health professional; 463

(e) A medical health professional; 464

(f) A victim advocate; 465

(g) A center staff member; 466

(h) Any other person considered appropriate by all of the 467  
entities that executed the memorandum. 468

(2) If the center serves two or more contiguous counties, the 469  
multidisciplinary team shall consist of the members described in 470  
division (B)(1) of this section from each county to be served by 471  
the center. 472

(C) The multidisciplinary team shall do all of the following: 473

(1) Receive reports of alleged severe physical abuse of 474  
children and alleged sexual abuse of children referred by a public 475  
children services agency under section 2151.421 of the Revised 476  
Code; 477

(2) Investigate and provide victim services for each case 478  
considered by the team; 479

(3) Review new and pending cases of severe physical abuse of 480  
a child and sexual abuse of a child it receives from public 481



children services agencies;

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(4) Provide a report of each case it receives to the central registry maintained by the department of job and family services pursuant to section 2151.421 of the Revised Code.

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**Sec. 2151.428.** (A) A children's advocacy center's multidisciplinary team, with the assistance of the agency, shall investigate within twenty-four hours each report referred to it by a public children services agency to determine the circumstances surrounding the injuries or abuse, the cause of the injuries or abuse, and the person or persons responsible. The investigation shall be made in cooperation with each member of the multidisciplinary team and in accordance with the memorandum of understanding executed under section 2151.426 of the Revised Code. A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or grounds for appeal or post-conviction relief to any person.

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(B) The multidisciplinary team shall submit a written report of its investigation to the law enforcement agency with jurisdiction over the case.

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(C) Nothing in this section, section 2151.421, or sections 2151.425 to 2151.427 of the Revised Code pertaining to the operation of a children's advocacy center shall relieve any public official or agency from any legal obligation or responsibility.

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**Section 2.** That existing section 2151.421 of the Revised Code is hereby repealed.

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**Section 3.** Section 2151.421 of the Revised Code is presented 511  
in this act as a composite of the section as amended by Am. Sub. 512  
H.B. 374, Sub. H.B. 510, and Am. Sub. S.B. 221 all of the 124th 513  
General Assembly. The General Assembly, applying the principle 514  
stated in division (B) of section 1.52 of the Revised Code that 515  
amendments are to be harmonized if reasonably capable of 516  
simultaneous operation, finds that the composite is the resulting 517  
version of the section in effect prior to the effective date of 518  
the section as presented in this act. 519