

As Introduced

126th General Assembly
Regular Session
2005-2006

S. B. No. 17

Senators Spada, Jacobson, Fedor

—

A BILL

To amend sections 2151.421, 2317.02, and 2901.13 of
the Revised Code to require a member of the
clergy, rabbi, priest, minister, or any person or
layperson acting as a leader, official, delegate,
or other designated function on behalf of any
church, religious society, or faith to report the
abuse or neglect of a child and to toll the
statute of limitations for violations involving
abuse or neglect of a child if certain individuals
fail to report the abuse or neglect of the child.

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

Section 1. That sections 2151.421, 2317.02, and 2901.13 of
the Revised Code be amended to read as follows:

Sec. 2151.421. (A)(1)(a) No person described in division
(A)(1)(b) of this section who is acting in an official or
professional capacity and knows or suspects that a child under
eighteen years of age or a mentally retarded, developmentally
disabled, or physically impaired child under twenty-one years of
age has suffered or faces a threat of suffering any physical or
mental wound, injury, disability, or condition of a nature that
reasonably indicates abuse or neglect of the child, shall fail to

immediately report that knowledge or suspicion to the entity or
persons specified in this division. Except as provided in section
5120.173 of the Revised Code, the person making the report shall
make it to the public children services agency or a municipal or
county peace officer in the county in which the child resides or
in which the abuse or neglect is occurring or has occurred. In the
circumstances described in section 5120.173 of the Revised Code,
the person making the report shall make it to the entity specified
in that section.

(b) Division (A)(1)(a) of this section applies to any person
who is an attorney; physician, including a hospital intern or
resident; dentist; podiatrist; practitioner of a limited branch of
medicine as specified in section 4731.15 of the Revised Code;
registered nurse; licensed practical nurse; visiting nurse; other
health care professional; licensed psychologist; licensed school
psychologist; independent marriage and family therapist or
marriage and family therapist; speech pathologist or audiologist;
coroner; administrator or employee of a child day-care center;
administrator or employee of a residential camp or child day camp;
administrator or employee of a certified child care agency or
other public or private children services agency; school teacher;
school employee; school authority; person engaged in social work
or the practice of professional counseling; agent of a county
humane society; cleric; any person designated by any church,
religious society, or faith acting as a leader, official, or
delegate on behalf of the church, religious society, or faith;
person rendering spiritual treatment through prayer in accordance
with the tenets of a well-recognized religion; superintendent,
board member, or employee of a county board of mental retardation;
investigative agent contracted with by a county board of mental
retardation; or employee of the department of mental retardation
and developmental disabilities.

(2) ~~An~~ Except as provided in division (A)(3) of this section,
an attorney or a physician, or cleric is not required to make a
report pursuant to division (A)(1) of this section concerning any
communication the attorney ~~or~~ physician, or cleric receives from
a client ~~or~~ patient, or penitent in an attorney-client ~~or~~
physician-patient, or cleric-penitent relationship, if, in
accordance with division (A) ~~or~~ (B), or (C) of section 2317.02 of
the Revised Code, the attorney ~~or~~ physician, or cleric could not
testify with respect to that communication in a civil or criminal
proceeding, ~~except that.~~

(3) If the client or patient, or penitent is deemed to have
waived any testimonial privilege under division (A) ~~or~~ (B), or
(C) of section 2317.02 of the Revised Code with respect to ~~that~~
any communication and the attorney, physician, or cleric receives
from the client, patient, or penitent in an attorney-client,
physician-patient, or cleric-penitent relationship, the attorney
~~or~~ physician, or cleric shall make a report pursuant to division
(A)(1) of this section with respect to that communication, if all
of the following apply:

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

(b) The attorney ~~or~~ physician, or cleric knows or suspects,
as a result of the communication or any observations made during
that communication, that ~~the client or patient~~ a child under
eighteen years of age or a mentally retarded, developmentally
disabled, or physically impaired person under twenty-one years of
age has suffered or faces a threat of suffering any physical or
mental wound, injury, disability, or condition of a nature that
reasonably indicates abuse or neglect of the ~~client or patient~~
child or person.

(c) The ~~attorney-client or physician-patient relationship~~ 85
~~abuse or neglect~~ does not arise out of the ~~client's or patient's~~ 86
~~an attempt to have an abortion performed upon a child under~~ 87
~~eighteen years of age or upon a mentally retarded, developmentally~~ 88
~~disabled, or physically impaired person under twenty-one years of~~ 89
~~age~~ without the notification of her parents, guardian, or 90
custodian in accordance with section 2151.85 of the Revised Code. 91

(4) Division (A)(3) of this section does not apply in a 92
cleric-penitent relationship when the disclosure of any 93
communication the cleric receives from the penitent is in 94
violation of the sacred trust. 95

(5) As used in division (A) of this section, "cleric" and 96
"sacred trust" have the same meanings as in section 2317.02 of the 97
Revised Code. 98

(B) Anyone, who knows or suspects that a child under eighteen 99
years of age or a mentally retarded, developmentally disabled, or 100
physically impaired person under twenty-one years of age has 101
suffered or faces a threat of suffering any physical or mental 102
wound, injury, disability, or other condition of a nature that 103
reasonably indicates abuse or neglect of the child may report or 104
cause reports to be made of that knowledge or suspicion to the 105
entity or persons specified in this division. Except as provided 106
in section 5120.173 of the Revised Code, a person making a report 107
or causing a report to be made under this division shall make it 108
or cause it to be made to the public children services agency or 109
to a municipal or county peace officer. In the circumstances 110
described in section 5120.173 of the Revised Code, a person making 111
a report or causing a report to be made under this division shall 112
make it or cause it to be made to the entity specified in that 113
section. 114

(C) Any report made pursuant to division (A) or (B) of this 115

section shall be made forthwith either by telephone or in person 116
and shall be followed by a written report, if requested by the 117
receiving agency or officer. The written report shall contain: 118

(1) The names and addresses of the child and the child's 119
parents or the person or persons having custody of the child, if 120
known; 121

(2) The child's age and the nature and extent of the child's 122
known or suspected injuries, abuse, or neglect or of the known or 123
suspected threat of injury, abuse, or neglect, including any 124
evidence of previous injuries, abuse, or neglect; 125

(3) Any other information that might be helpful in 126
establishing the cause of the known or suspected injury, abuse, or 127
neglect or of the known or suspected threat of injury, abuse, or 128
neglect. 129

Any person, who is required by division (A) of this section 130
to report known or suspected child abuse or child neglect, may 131
take or cause to be taken color photographs of areas of trauma 132
visible on a child and, if medically indicated, cause to be 133
performed radiological examinations of the child. 134

(D)(1) When a municipal or county peace officer receives a 135
report concerning the possible abuse or neglect of a child or the 136
possible threat of abuse or neglect of a child, upon receipt of 137
the report, the municipal or county peace officer who receives the 138
report shall refer the report to the appropriate public children 139
services agency. 140

(2) When a public children services agency receives a report 141
pursuant to this division or division (A) or (B) of this section, 142
upon receipt of the report, the public children services agency 143
shall comply with section 2151.422 of the Revised Code. 144

(E) No township, municipal, or county peace officer shall 145

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.

(F)(1) Except as provided in section 2151.422 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 investigation shall be made in cooperation with
the law enforcement agency and in accordance with the memorandum
of understanding prepared under division (J) of this section. 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 any grounds for appeal or post-conviction relief to any
person. The public children services agency shall report each case
to a central registry which the department of job and family
services shall maintain in order to determine whether prior
reports have been made in other counties concerning the child or
other principals in the case. The public children services agency

shall submit a report of its investigation, in writing, to the law 178
enforcement agency. 179

(2) The public children services agency shall make any 180
recommendations to the county prosecuting attorney or city 181
director of law that it considers necessary to protect any 182
children that are brought to its attention. 183

(G)(1)(a) Except as provided in division (H)(3) of this 184
section, anyone or any hospital, institution, school, health 185
department, or agency participating in the making of reports under 186
division (A) of this section, anyone or any hospital, institution, 187
school, health department, or agency participating in good faith 188
in the making of reports under division (B) of this section, and 189
anyone participating in good faith in a judicial proceeding 190
resulting from the reports, shall be immune from any civil or 191
criminal liability for injury, death, or loss to person or 192
property that otherwise might be incurred or imposed as a result 193
of the making of the reports or the participation in the judicial 194
proceeding. 195

(b) Notwithstanding section 4731.22 of the Revised Code, the 196
physician-patient privilege shall not be a ground for excluding 197
evidence regarding a child's injuries, abuse, or neglect, or the 198
cause of the injuries, abuse, or neglect in any judicial 199
proceeding resulting from a report submitted pursuant to this 200
section. 201

(2) In any civil or criminal action or proceeding in which it 202
is alleged and proved that participation in the making of a report 203
under this section was not in good faith or participation in a 204
judicial proceeding resulting from a report made under this 205
section was not in good faith, the court shall award the 206
prevailing party reasonable attorney's fees and costs and, if a 207
civil action or proceeding is voluntarily dismissed, may award 208

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) and (M) 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.

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

(5) A public children services agency shall advise a person 240
alleged to have inflicted abuse or neglect on a child who is the 241
subject of a report made pursuant to this section in writing of 242
the disposition of the investigation. The agency shall not provide 243
to the person any information that identifies the person who made 244
the report, statements of witnesses, or police or other 245
investigative reports. 246

(I) Any report that is required by this section, other than a 247
report that is made to the state highway patrol as described in 248
section 5120.173 of the Revised Code, shall result in protective 249
services and emergency supportive services being made available by 250
the public children services agency on behalf of the children 251
about whom the report is made, in an effort to prevent further 252
neglect or abuse, to enhance their welfare, and, whenever 253
possible, to preserve the family unit intact. The agency required 254
to provide the services shall be the agency conducting the 255
investigation of the report pursuant to section 2151.422 of the 256
Revised Code. 257

(J)(1) Each public children services agency shall prepare a 258
memorandum of understanding that is signed by all of the 259
following: 260

(a) If there is only one juvenile judge in the county, the 261
juvenile judge of the county or the juvenile judge's 262
representative; 263

(b) If there is more than one juvenile judge in the county, a 264
juvenile judge or the juvenile judges' representative selected by 265
the juvenile judges or, if they are unable to do so for any 266
reason, the juvenile judge who is senior in point of service or 267
the senior juvenile judge's representative; 268

(c) The county peace officer; 269

(d) All chief municipal peace officers within the county; 270

(e) Other law enforcement officers handling child abuse and neglect cases in the county;	271 272
(f) The prosecuting attorney of the county;	273
(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;	274 275 276
(h) The county humane society.	277
(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 goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.	278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296
(3) A memorandum of understanding shall include all of the following:	297 298
(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;	299 300

(b) Standards and procedures to be used in handling and 301
coordinating investigations of reported cases of child abuse and 302
reported cases of child neglect, methods to be used in 303
interviewing the child who is the subject of the report and who 304
allegedly was abused or neglected, and standards and procedures 305
addressing the categories of persons who may interview the child 306
who is the subject of the report and who allegedly was abused or 307
neglected. 308

(K)(1) Except as provided in division (K)(4) of this section, 309
a person who is required to make a report pursuant to division (A) 310
of this section may make a reasonable number of requests of the 311
public children services agency that receives or is referred the 312
report to be provided with the following information: 313

(a) Whether the agency has initiated an investigation of the 314
report; 315

(b) Whether the agency is continuing to investigate the 316
report; 317

(c) Whether the agency is otherwise involved with the child 318
who is the subject of the report; 319

(d) The general status of the health and safety of the child 320
who is the subject of the report; 321

(e) Whether the report has resulted in the filing of a 322
complaint in juvenile court or of criminal charges in another 323
court. 324

(2) A person may request the information specified in 325
division (K)(1) of this section only if, at the time the report is 326
made, the person's name, address, and telephone number are 327
provided to the person who receives the report. 328

When a municipal or county peace officer or employee of a 329
public children services agency receives a report pursuant to 330

division (A) or (B) of this section the recipient of the report 331
shall inform the person of the right to request the information 332
described in division (K)(1) of this section. The recipient of the 333
report shall include in the initial child abuse or child neglect 334
report that the person making the report was so informed and, if 335
provided at the time of the making of the report, shall include 336
the person's name, address, and telephone number in the report. 337

Each request is subject to verification of the identity of 338
the person making the report. If that person's identity is 339
verified, the agency shall provide the person with the information 340
described in division (K)(1) of this section a reasonable number 341
of times, except that the agency shall not disclose any 342
confidential information regarding the child who is the subject of 343
the report other than the information described in those 344
divisions. 345

(3) A request made pursuant to division (K)(1) of this 346
section is not a substitute for any report required to be made 347
pursuant to division (A) of this section. 348

(4) If an agency other than the agency that received or was 349
referred the report is conducting the investigation of the report 350
pursuant to section 2151.422 of the Revised Code, the agency 351
conducting the investigation shall comply with the requirements of 352
division (K) of this section. 353

(L) The director of job and family services shall adopt rules 354
in accordance with Chapter 119. of the Revised Code to implement 355
this section. The department of job and family services may enter 356
into a plan of cooperation with any other governmental entity to 357
aid in ensuring that children are protected from abuse and 358
neglect. The department shall make recommendations to the attorney 359
general that the department determines are necessary to protect 360
children from child abuse and child neglect. 361

(M)(1) As used in this division: 362

(a) "Out-of-home care" includes a nonchartered nonpublic 363
school if the alleged child abuse or child neglect, or alleged 364
threat of child abuse or child neglect, described in a report 365
received by a public children services agency allegedly occurred 366
in or involved the nonchartered nonpublic school and the alleged 367
perpetrator named in the report holds a certificate, permit, or 368
license issued by the state board of education under section 369
3301.071 or Chapter 3319. of the Revised Code. 370

(b) "Administrator, director, or other chief administrative 371
officer" means the superintendent of the school district if the 372
out-of-home care entity subject to a report made pursuant to this 373
section is a school operated by the district. 374

(2) No later than the end of the day following the day on 375
which a public children services agency receives a report of 376
alleged child abuse or child neglect, or a report of an alleged 377
threat of child abuse or child neglect, that allegedly occurred in 378
or involved an out-of-home care entity, the agency shall provide 379
written notice of the allegations contained in and the person 380
named as the alleged perpetrator in the report to the 381
administrator, director, or other chief administrative officer of 382
the out-of-home care entity that is the subject of the report 383
unless the administrator, director, or other chief administrative 384
officer is named as an alleged perpetrator in the report. If the 385
administrator, director, or other chief administrative officer of 386
an out-of-home care entity is named as an alleged perpetrator in a 387
report of alleged child abuse or child neglect, or a report of an 388
alleged threat of child abuse or child neglect, that allegedly 389
occurred in or involved the out-of-home care entity, the agency 390
shall provide the written notice to the owner or governing board 391
of the out-of-home care entity that is the subject of the report. 392
The agency shall not provide witness statements or police or other 393

investigative reports.

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

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Sec. 2317.02. The following persons shall not testify in
certain respects:

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(A) An attorney, concerning a communication made to the
attorney by a client in that relation or the attorney's advice to
a client, except that the attorney may testify by express consent
of the client or, if the client is deceased, by the express
consent of the surviving spouse or the executor or administrator
of the estate of the deceased client and except that, if the
client voluntarily testifies or is deemed by section 2151.421 of
the Revised Code to have waived any testimonial privilege under
this division, the attorney may be compelled to testify on the
same subject;

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(B)(1) A physician or a dentist concerning a communication
made to the physician or dentist by a patient in that relation or
the physician's or dentist's advice to a patient, except as
otherwise provided in this division, division (B)(2), and division
(B)(3) of this section, and except that, if the patient is deemed
by section 2151.421 of the Revised Code to have waived any

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testimonial privilege under this division, the physician may be 425
compelled to testify on the same subject. 426

The testimonial privilege established under this division 427
does not apply, and a physician or dentist may testify or may be 428
compelled to testify, in any of the following circumstances: 429

(a) In any civil action, in accordance with the discovery 430
provisions of the Rules of Civil Procedure in connection with a 431
civil action, or in connection with a claim under Chapter 4123. of 432
the Revised Code, under any of the following circumstances: 433

(i) If the patient or the guardian or other legal 434
representative of the patient gives express consent; 435

(ii) If the patient is deceased, the spouse of the patient or 436
the executor or administrator of the patient's estate gives 437
express consent; 438

(iii) If a medical claim, dental claim, chiropractic claim, 439
or optometric claim, as defined in section 2305.113 of the Revised 440
Code, an action for wrongful death, any other type of civil 441
action, or a claim under Chapter 4123. of the Revised Code is 442
filed by the patient, the personal representative of the estate of 443
the patient if deceased, or the patient's guardian or other legal 444
representative. 445

(b) In any civil action concerning court-ordered treatment or 446
services received by a patient, if the court-ordered treatment or 447
services were ordered as part of a case plan journalized under 448
section 2151.412 of the Revised Code or the court-ordered 449
treatment or services are necessary or relevant to dependency, 450
neglect, or abuse or temporary or permanent custody proceedings 451
under Chapter 2151. of the Revised Code. 452

(c) In any criminal action concerning any test or the results 453
of any test that determines the presence or concentration of 454

alcohol, a drug of abuse, or alcohol and a drug of abuse in the 455
patient's blood, breath, urine, or other bodily substance at any 456
time relevant to the criminal offense in question. 457

(d) In any criminal action against a physician or dentist. In 458
such an action, the testimonial privilege established under this 459
division does not prohibit the admission into evidence, in 460
accordance with the Rules of Evidence, of a patient's medical or 461
dental records or other communications between a patient and the 462
physician or dentist that are related to the action and obtained 463
by subpoena, search warrant, or other lawful means. A court that 464
permits or compels a physician or dentist to testify in such an 465
action or permits the introduction into evidence of patient 466
records or other communications in such an action shall require 467
that appropriate measures be taken to ensure that the 468
confidentiality of any patient named or otherwise identified in 469
the records is maintained. Measures to ensure confidentiality that 470
may be taken by the court include sealing its records or deleting 471
specific information from its records. 472

(e) In any will contest action under sections 2107.71 to 473
2107.77 of the Revised Code if all of the following apply: 474

(i) The patient is deceased. 475

(ii) A party to the will contest action requests the 476
testimony, demonstrates to the court that that party would be an 477
heir of the patient if the patient died without a will, is a 478
beneficiary under the will that is the subject of the will contest 479
action, or is a beneficiary under another testamentary document 480
allegedly executed by the patient, and demonstrates to the court 481
that the testimony is necessary to establish the party's rights as 482
described in this division. 483

(2)(a) If any law enforcement officer submits a written 484
statement to a health care provider that states that an official 485

criminal investigation has begun regarding a specified person or
that a criminal action or proceeding has been commenced against a
specified person, that requests the provider to supply to the
officer copies of any records the provider possesses that pertain
to any test or the results of any test administered to the
specified person to determine the presence or concentration of
alcohol, a drug of abuse, or alcohol and a drug of abuse in the
person's blood, breath, or urine at any time relevant to the
criminal offense in question, and that conforms to section
2317.022 of the Revised Code, the provider, except to the extent
specifically prohibited by any law of this state or of the United
States, shall supply to the officer a copy of any of the requested
records the provider possesses. If the health care provider does
not possess any of the requested records, the provider shall give
the officer a written statement that indicates that the provider
does not possess any of the requested records.

(b) If a health care provider possesses any records of the
type described in division (B)(2)(a) of this section regarding the
person in question at any time relevant to the criminal offense in
question, in lieu of personally testifying as to the results of
the test in question, the custodian of the records may submit a
certified copy of the records, and, upon its submission, the
certified copy is qualified as authentic evidence and may be
admitted as evidence in accordance with the Rules of Evidence.
Division (A) of section 2317.422 of the Revised Code does not
apply to any certified copy of records submitted in accordance
with this division. Nothing in this division shall be construed to
limit the right of any party to call as a witness the person who
administered the test to which the records pertain, the person
under whose supervision the test was administered, the custodian
of the records, the person who made the records, or the person
under whose supervision the records were made.

(3)(a) If the testimonial privilege described in division 518
(B)(1) of this section does not apply as provided in division 519
(B)(1)(a)(iii) of this section, a physician or dentist may be 520
compelled to testify or to submit to discovery under the Rules of 521
Civil Procedure only as to a communication made to the physician 522
or dentist by the patient in question in that relation, or the 523
physician's or dentist's advice to the patient in question, that 524
related causally or historically to physical or mental injuries 525
that are relevant to issues in the medical claim, dental claim, 526
chiropractic claim, or optometric claim, action for wrongful 527
death, other civil action, or claim under Chapter 4123. of the 528
Revised Code. 529

(b) If the testimonial privilege described in division (B)(1) 530
of this section does not apply to a physician or dentist as 531
provided in division (B)(1)(c) of this section, the physician or 532
dentist, in lieu of personally testifying as to the results of the 533
test in question, may submit a certified copy of those results, 534
and, upon its submission, the certified copy is qualified as 535
authentic evidence and may be admitted as evidence in accordance 536
with the Rules of Evidence. Division (A) of section 2317.422 of 537
the Revised Code does not apply to any certified copy of results 538
submitted in accordance with this division. Nothing in this 539
division shall be construed to limit the right of any party to 540
call as a witness the person who administered the test in 541
question, the person under whose supervision the test was 542
administered, the custodian of the results of the test, the person 543
who compiled the results, or the person under whose supervision 544
the results were compiled. 545

(c) If the testimonial privilege described in division (B)(1) 546
of this section does not apply as provided in division (B)(1)(e) 547
of this section, a physician or dentist may be compelled to 548
testify or to submit to discovery in the will contest action under 549

sections 2107.71 to 2107.77 of the Revised Code only as to the
patient in question on issues relevant to the competency of the
patient at the time of the execution of the will. Testimony or
discovery conducted pursuant to this division shall be conducted
in accordance with the Rules of Civil Procedure.

(4) The testimonial privilege described in division (B)(1) of
this section is not waived when a communication is made by a
physician to a pharmacist or when there is communication between a
patient and a pharmacist in furtherance of the physician-patient
relation.

(5)(a) As used in divisions (B)(1) to (4) of this section,
"communication" means acquiring, recording, or transmitting any
information, in any manner, concerning any facts, opinions, or
statements necessary to enable a physician or dentist to diagnose,
treat, prescribe, or act for a patient. A "communication" may
include, but is not limited to, any medical or dental, office, or
hospital communication such as a record, chart, letter,
memorandum, laboratory test and results, x-ray, photograph,
financial statement, diagnosis, or prognosis.

(b) As used in division (B)(2) of this section, "health care
provider" means a hospital, ambulatory care facility, long-term
care facility, pharmacy, emergency facility, or health care
practitioner.

(c) As used in division (B)(5)(b) of this section:

(i) "Ambulatory care facility" means a facility that provides
medical, diagnostic, or surgical treatment to patients who do not
require hospitalization, including a dialysis center, ambulatory
surgical facility, cardiac catheterization facility, diagnostic
imaging center, extracorporeal shock wave lithotripsy center, home
health agency, inpatient hospice, birthing center, radiation
therapy center, emergency facility, and an urgent care center.

"Ambulatory health care facility" does not include the private
office of a physician or dentist, whether the office is for an
individual or group practice.

(ii) "Emergency facility" means a hospital emergency
department or any other facility that provides emergency medical
services.

(iii) "Health care practitioner" has the same meaning as in
section 4769.01 of the Revised Code.

(iv) "Hospital" has the same meaning as in section 3727.01 of
the Revised Code.

(v) "Long-term care facility" means a nursing home,
residential care facility, or home for the aging, as those terms
are defined in section 3721.01 of the Revised Code; an adult care
facility, as defined in section 3722.01 of the Revised Code; a
nursing facility or intermediate care facility for the mentally
retarded, as those terms are defined in section 5111.20 of the
Revised Code; a facility or portion of a facility certified as a
skilled nursing facility under Title XVIII of the "Social Security
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.

(vi) "Pharmacy" has the same meaning as in section 4729.01 of
the Revised Code.

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section
apply to doctors of medicine, doctors of osteopathic medicine,
doctors of podiatry, and dentists.

(7) Nothing in divisions (B)(1) to (6) of this section
affects, or shall be construed as affecting, the immunity from
civil liability conferred by section 307.628 or 2305.33 of the
Revised Code upon physicians who report an employee's use of a
drug of abuse, or a condition of an employee other than one
involving the use of a drug of abuse, to the employer of the

employee in accordance with division (B) of that section. As used
in division (B)(7) of this section, "employee," "employer," and
"physician" have the same meanings as in section 2305.33 of the
Revised Code.

~~(C)(1) A member of the clergy, rabbi, priest, or regularly~~
~~ordained, accredited, or licensed minister of an established and~~
~~legally cognizable church, denomination, or sect~~ cleric, when the
~~member of the clergy, rabbi, priest, or minister~~ cleric remains
accountable to the authority of that cleric's church,
denomination, or sect, concerning a confession made, or any
information confidentially communicated, to the ~~member of the~~
~~clergy, rabbi, priest, or minister~~ cleric for a religious
counseling purpose in the ~~member of the clergy's, rabbi's,~~
~~priest's, or minister's~~ cleric's professional character; ~~however,~~
~~the member of the clergy, rabbi, priest, or minister.~~ The cleric
may testify by express consent of the person making the
communication, except when the disclosure of the information is in
violation of a sacred trust; and except that, if the person
voluntarily testifies or is deemed by division (A)(2) of section
2151.421 of the Revised Code to have waived any testimonial
privilege under this division, the cleric may be compelled to
testify on the same subject except when disclosure of the
information is in violation of a sacred trust.

(2) As used in division (C) of this section:

(a) "Cleric" means a member of the clergy, rabbi, priest, or
regularly ordained, accredited, or licensed minister of an
established and legally cognizable church, denomination, or sect.

(b) "Sacred trust" means a confession or confidential
communication made to a cleric in the cleric's ecclesiastical
capacity in the course of discipline enjoined by the church to
which the cleric belongs if both of the following apply:

(i) The confession or confidential communication was made 642
directly to the cleric; 643

(ii) The confession or confidential communication was made in 644
the manner and context that places the cleric specifically and 645
strictly under a level of confidentiality that is considered 646
inviolable by canon law or church doctrine. 647

(D) Husband or wife, concerning any communication made by one 648
to the other, or an act done by either in the presence of the 649
other, during coverture, unless the communication was made, or act 650
done, in the known presence or hearing of a third person competent 651
to be a witness; and such rule is the same if the marital relation 652
has ceased to exist; 653

(E) A person who assigns a claim or interest, concerning any 654
matter in respect to which the person would not, if a party, be 655
permitted to testify; 656

(F) A person who, if a party, would be restricted under 657
section 2317.03 of the Revised Code, when the property or thing is 658
sold or transferred by an executor, administrator, guardian, 659
trustee, heir, devisee, or legatee, shall be restricted in the 660
same manner in any action or proceeding concerning the property or 661
thing. 662

(G)(1) A school guidance counselor who holds a valid educator 663
license from the state board of education as provided for in 664
section 3319.22 of the Revised Code, a person licensed under 665
Chapter 4757. of the Revised Code as a professional clinical 666
counselor, professional counselor, social worker, independent 667
social worker, marriage and family therapist or independent 668
marriage and family therapist, or registered under Chapter 4757. 669
of the Revised Code as a social work assistant concerning a 670
confidential communication received from a client in that relation 671
or the person's advice to a client unless any of the following 672

applies: 673

(a) The communication or advice indicates clear and present 674
danger to the client or other persons. For the purposes of this 675
division, cases in which there are indications of present or past 676
child abuse or neglect of the client constitute a clear and 677
present danger. 678

(b) The client gives express consent to the testimony. 679

(c) If the client is deceased, the surviving spouse or the 680
executor or administrator of the estate of the deceased client 681
gives express consent. 682

(d) The client voluntarily testifies, in which case the 683
school guidance counselor or person licensed or registered under 684
Chapter 4757. of the Revised Code may be compelled to testify on 685
the same subject. 686

(e) The court in camera determines that the information 687
communicated by the client is not germane to the counselor-client, 688
marriage and family therapist-client, or social worker-client 689
relationship. 690

(f) A court, in an action brought against a school, its 691
administration, or any of its personnel by the client, rules after 692
an in-camera inspection that the testimony of the school guidance 693
counselor is relevant to that action. 694

(g) The testimony is sought in a civil action and concerns 695
court-ordered treatment or services received by a patient as part 696
of a case plan journalized under section 2151.412 of the Revised 697
Code or the court-ordered treatment or services are necessary or 698
relevant to dependency, neglect, or abuse or temporary or 699
permanent custody proceedings under Chapter 2151. of the Revised 700
Code. 701

(2) Nothing in division (G)(1) of this section shall relieve 702

a school guidance counselor or a person licensed or registered 703
under Chapter 4757. of the Revised Code from the requirement to 704
report information concerning child abuse or neglect under section 705
2151.421 of the Revised Code. 706

(H) A mediator acting under a mediation order issued under 707
division (A) of section 3109.052 of the Revised Code or otherwise 708
issued in any proceeding for divorce, dissolution, legal 709
separation, annulment, or the allocation of parental rights and 710
responsibilities for the care of children, in any action or 711
proceeding, other than a criminal, delinquency, child abuse, child 712
neglect, or dependent child action or proceeding, that is brought 713
by or against either parent who takes part in mediation in 714
accordance with the order and that pertains to the mediation 715
process, to any information discussed or presented in the 716
mediation process, to the allocation of parental rights and 717
responsibilities for the care of the parents' children, or to the 718
awarding of parenting time rights in relation to their children; 719

(I) A communications assistant, acting within the scope of 720
the communication assistant's authority, when providing 721
telecommunications relay service pursuant to section 4931.35 of 722
the Revised Code or Title II of the "Communications Act of 1934," 723
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 724
made through a telecommunications relay service. Nothing in this 725
section shall limit the obligation of a communications assistant 726
to divulge information or testify when mandated by federal law or 727
regulation or pursuant to subpoena in a criminal proceeding. 728

Nothing in this section shall limit any immunity or privilege 729
granted under federal law or regulation. 730

(J)(1) A chiropractor in a civil proceeding concerning a 731
communication made to the chiropractor by a patient in that 732
relation or the chiropractor's advice to a patient, except as 733

otherwise provided in this division. The testimonial privilege 734
established under this division does not apply, and a chiropractor 735
may testify or may be compelled to testify, in any civil action, 736
in accordance with the discovery provisions of the Rules of Civil 737
Procedure in connection with a civil action, or in connection with 738
a claim under Chapter 4123. of the Revised Code, under any of the 739
following circumstances: 740

(a) If the patient or the guardian or other legal 741
representative of the patient gives express consent. 742

(b) If the patient is deceased, the spouse of the patient or 743
the executor or administrator of the patient's estate gives 744
express consent. 745

(c) If a medical claim, dental claim, chiropractic claim, or 746
optometric claim, as defined in section 2305.113 of the Revised 747
Code, an action for wrongful death, any other type of civil 748
action, or a claim under Chapter 4123. of the Revised Code is 749
filed by the patient, the personal representative of the estate of 750
the patient if deceased, or the patient's guardian or other legal 751
representative. 752

(2) If the testimonial privilege described in division (J)(1) 753
of this section does not apply as provided in division (J)(1)(c) 754
of this section, a chiropractor may be compelled to testify or to 755
submit to discovery under the Rules of Civil Procedure only as to 756
a communication made to the chiropractor by the patient in 757
question in that relation, or the chiropractor's advice to the 758
patient in question, that related causally or historically to 759
physical or mental injuries that are relevant to issues in the 760
medical claim, dental claim, chiropractic claim, or optometric 761
claim, action for wrongful death, other civil action, or claim 762
under Chapter 4123. of the Revised Code. 763

(3) The testimonial privilege established under this division 764

does not apply, and a chiropractor may testify or be compelled to
testify, in any criminal action or administrative proceeding.

(4) As used in this division, "communication" means
acquiring, recording, or transmitting any information, in any
manner, concerning any facts, opinions, or statements necessary to
enable a chiropractor to diagnose, treat, or act for a patient. A
communication may include, but is not limited to, any
chiropractic, office, or hospital communication such as a record,
chart, letter, memorandum, laboratory test and results, x-ray,
photograph, financial statement, diagnosis, or prognosis.

Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or
(3) of this section or as otherwise provided in this section, a
prosecution shall be barred unless it is commenced within the
following periods after an offense is committed:

(a) For a felony, six years;

(b) For a misdemeanor other than a minor misdemeanor, two
years;

(c) For a minor misdemeanor, six months.

(2) There is no period of limitation for the prosecution of a
violation of section 2903.01 or 2903.02 of the Revised Code.

(3) Except as otherwise provided in divisions (B) to (H) of
this section, a prosecution of any of the following offenses shall
be barred unless it is commenced within twenty years after the
offense is committed:

(a) A violation of section 2903.03, 2903.04, 2905.01,
2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2911.01,
2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a
violation of section 2903.11 or 2903.12 of the Revised Code if the
victim is a peace officer, a violation of section 2903.13 of the
Revised Code that is a felony, or a violation of former section

2907.12 of the Revised Code; 795

(b) A conspiracy to commit, attempt to commit, or complicity 796
in committing a violation set forth in division (A)(3)(a) of this 797
section. 798

(B) If the period of limitation provided in division (A)(1) 799
or (3) of this section has expired, prosecution shall be commenced 800
for an offense of which an element is fraud or breach of a 801
fiduciary duty, within one year after discovery of the offense 802
either by an aggrieved person, or by the aggrieved person's legal 803
representative who is not a party to the offense. 804

(C) If the period of limitation provided in division (A)(1) 805
or (3) of this section has expired, prosecution shall be commenced 806
for an offense involving misconduct in office by a public servant 807
as defined in section 2921.01 of the Revised Code, at any time 808
while the accused remains a public servant, or within two years 809
thereafter. 810

(D) An offense is committed when every element of the offense 811
occurs. In the case of an offense of which an element is a 812
continuing course of conduct, the period of limitation does not 813
begin to run until such course of conduct or the accused's 814
accountability for it terminates, whichever occurs first. 815

(E) A prosecution is commenced on the date an indictment is 816
returned or an information filed, or on the date a lawful arrest 817
without a warrant is made, or on the date a warrant, summons, 818
citation, or other process is issued, whichever occurs first. A 819
prosecution is not commenced by the return of an indictment or the 820
filing of an information unless reasonable diligence is exercised 821
to issue and execute process on the same. A prosecution is not 822
commenced upon issuance of a warrant, summons, citation, or other 823
process, unless reasonable diligence is exercised to execute the 824
same. 825

(F) The period of limitation shall not run during any time 826
when the corpus delicti remains undiscovered. 827

(G) The period of limitation shall not run during any time 828
when the accused purposely avoids prosecution. Proof that the 829
accused departed this state or concealed the accused's identity or 830
whereabouts is prima-facie evidence of the accused's purpose to 831
avoid prosecution. 832

(H) The period of limitation shall not run during any time a 833
prosecution against the accused based on the same conduct is 834
pending in this state, even though the indictment, information, or 835
process which commenced the prosecution is quashed or the 836
proceedings thereon are set aside or reversed on appeal. 837

(I) The period of limitation for a violation of any provision 838
of Title XXIX of the Revised Code that involves a physical or 839
mental wound, injury, disability, or condition of a nature that 840
reasonably indicates abuse or neglect of a child under eighteen 841
years of age or of a mentally retarded, developmentally disabled, 842
or physically impaired child under twenty-one years of age shall 843
not run until either of the following occurs: 844

(1) The victim of the offense reaches the age of majority. 845

(2) A public children services agency, or a municipal or 846
county peace officer that is not the parent or guardian of the 847
child, in the county in which the child resides or in which the 848
abuse or neglect is occurring or has occurred has knowledge of or 849
suspects that the abuse or neglect occurred. 850

(J) As used in this section, "peace officer" has the same 851
meaning as in section 2935.01 of the Revised Code. 852

Section 2. That existing sections 2151.421, 2317.02, and 853
2901.13 of the Revised Code are hereby repealed. 854

Section 3. Section 2317.02 of the Revised Code is presented 855

in this act as a composite of the section as amended by Am. Sub. 856
H.B. 374, Am. H.B. 533, and Am. Sub. S.B. 281, all of the 124th 857
General Assembly. The General Assembly, applying the principle 858
stated in division (B) of section 1.52 of the Revised Code that 859
amendments are to be harmonized if reasonably capable of 860
simultaneous operation, finds that the composite is the resulting 861
version of the section in effect prior to the effective date of 862
the section as presented in this act. 863