

**As Passed by the House**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Am. Sub. S. B. No. 17**

**Senators Spada, Jacobson, Fedor, Clancy, Dann, Mallory, Zurz, Armbruster,  
Cates, Gardner, Hagan, Harris, Hottinger, Miller, R., Mumper, Padgett,  
Prentiss, Roberts**

**Representatives Willamowski, Aslanides, Blessing, Carano, Cassell, Coley,  
Collier, Evans, C., Evans, D., Hagan, Harwood, Kilbane, McGregor, J.,  
Patton, T., Schaffer, Setzer, Smith, G., Woodard, DeBose**

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**A B I L L**

To amend sections 2151.03, 2151.281, 2151.421, 1  
2151.99, 2305.10, 2305.111, 2305.115, 2317.02, 2  
2901.13, 2907.03, 2919.26, 2950.11, 3113.31, and 3  
5120.173 and to enact sections 2721.21, 3797.01 to 4  
3797.12, and 4799.01 of the Revised Code to 5  
require a member of the clergy, rabbi, priest, 6  
Christian Science practitioner, minister, or any 7  
person or layperson, other than a volunteer, 8  
acting as a leader, official, delegate, or other 9  
designated function on behalf of any church, 10  
religious society, or faith to report the abuse or 11  
neglect of a child that is known or reasonably 12  
believed to have been committed by any other 13  
member of the clergy, rabbi, priest, Christian 14  
Science practitioner, minister, or person or 15  
layperson, other than a volunteer, so acting on 16  
behalf of any church, religious society, or faith; 17  
to toll the criminal statute of limitations for 18  
violations involving abuse or neglect of a child 19

if certain individuals fail to report the abuse or 20  
neglect of the child; to provide for the issuance 21  
of temporary protection orders and civil 22  
protection orders for victims of sexually oriented 23  
offenses; to provide a twelve-year statute of 24  
limitations for civil assault or battery actions 25  
brought by victims of childhood sexual abuse based 26  
on childhood sexual abuse or civil actions brought 27  
by victims of childhood sexual abuse asserting 28  
resulting claims; to expand the offense of "sexual 29  
battery" to also prohibit a cleric from engaging 30  
in sexual conduct with a minor who is a member of, 31  
or attends, the church or congregation served by 32  
the cleric; to require a sheriff to notify the 33  
public children services agency of registered sex 34  
offenders in the jurisdiction; to create a cause 35  
of action for a declaratory judgment in cases in 36  
which a victim of childhood sexual abuse is barred 37  
from bringing an ordinary civil action by the 38  
expiration of the limitations period; to create a 39  
registration and community notification program 40  
for persons who are found liable in a declaratory 41  
judgment action for assault or battery based on 42  
childhood sexual abuse; to require the Attorney 43  
General to establish on the internet a civil 44  
registry of persons found liable in a declaratory 45  
judgment action for assault or battery based on 46  
childhood sexual abuse; to prohibit persons 47  
required to register after being found liable in a 48  
declaratory judgment action for assault or battery 49  
based on childhood sexual abuse from failing to 50  
register and from living within 1,000 feet of any 51  
school premises; and to require occupational 52

licensing boards to consider a person's listing on 53  
the civil registry in making determinations 54  
related to the licensing of the person. 55

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

**Section 1.** That sections 2151.03, 2151.281, 2151.421, 56  
2151.99, 2305.10, 2305.111, 2305.115, 2317.02, 2901.13, 2907.03, 57  
2919.26, 2950.11, 3113.31, and 5120.173 be amended and sections 58  
2721.21, 3797.01, 3797.02, 3797.03, 3797.04, 3797.05, 3797.06, 59  
3797.07, 3797.08, 3797.09, 3797.10, 3797.11, 3797.12, and 4799.01 60  
of the Revised Code be enacted to read as follows: 61

**Sec. 2151.03.** (A) As used in this chapter, "neglected child" 62  
includes any child: 63

(1) Who is abandoned by the child's parents, guardian, or 64  
custodian; 65

(2) Who lacks adequate parental care because of the faults or 66  
habits of the child's parents, guardian, or custodian; 67

(3) Whose parents, guardian, or custodian neglects the child 68  
or refuses to provide proper or necessary subsistence, education, 69  
medical or surgical care or treatment, or other care necessary for 70  
the child's health, morals, or well being; 71

(4) Whose parents, guardian, or custodian neglects the child 72  
or refuses to provide the special care made necessary by the 73  
child's mental condition; 74

(5) Whose parents, legal guardian, or custodian have placed 75  
or attempted to place the child in violation of sections 5103.16 76  
and 5103.17 of the Revised Code; 77

(6) Who, because of the omission of the child's parents, 78  
guardian, or custodian, suffers physical or mental injury that 79

harms or threatens to harm the child's health or welfare; 80

(7) Who is subjected to out-of-home care child neglect. 81

(B) Nothing in this chapter shall be construed as subjecting 82  
a parent, guardian, or custodian of a child to criminal liability 83  
when, solely in the practice of religious beliefs, the parent, 84  
guardian, or custodian fails to provide adequate medical or 85  
surgical care or treatment for the child. This division does not 86  
abrogate or limit any person's responsibility under section 87  
2151.421 of the Revised Code to report child abuse that is known 88  
or reasonably suspected ~~child abuse~~ or believed to have occurred, 89  
child neglect that is known or reasonably suspected ~~child neglect~~ 90  
or believed to have occurred, and children who are known to face 91  
or are reasonably suspected ~~of~~ or believed to be facing a threat 92  
of suffering abuse or neglect and does not preclude any exercise 93  
of the authority of the state, any political subdivision, or any 94  
court to ensure that medical or surgical care or treatment is 95  
provided to a child when the child's health requires the provision 96  
of medical or surgical care or treatment. 97

**Sec. 2151.281.** (A) The court shall appoint a guardian ad 98  
litem to protect the interest of a child in any proceeding 99  
concerning an alleged or adjudicated delinquent child or unruly 100  
child when either of the following applies: 101

(1) The child has no parent, guardian, or legal custodian. 102

(2) The court finds that there is a conflict of interest 103  
between the child and the child's parent, guardian, or legal 104  
custodian. 105

(B)(1) The court shall appoint a guardian ad litem to protect 106  
the interest of a child in any proceeding concerning an alleged 107  
abused or neglected child and in any proceeding held pursuant to 108  
section 2151.414 of the Revised Code. The guardian ad litem so 109

appointed shall not be the attorney responsible for presenting the 110  
evidence alleging that the child is an abused or neglected child 111  
and shall not be an employee of any party in the proceeding. 112

(2) The guardian ad litem appointed for an alleged or 113  
adjudicated abused or neglected child may bring a civil action 114  
against any person, who is required by division (A)(1) or (4) of 115  
section 2151.421 of the Revised Code to file a report of ~~known or~~ 116  
~~suspected~~ child abuse or child neglect, that is known or 117  
reasonably suspected or believed to have occurred if that person 118  
knows, ~~or suspects~~ has reasonable cause to suspect or believe 119  
based on facts that would cause a reasonable person in a similar 120  
position to suspect or believe, as applicable, that the child for 121  
whom the guardian ad litem is appointed is the subject of child 122  
abuse or child neglect and does not file the required report and 123  
if the child suffers any injury or harm as a result of the ~~known~~ 124  
~~or suspected~~ child abuse or child neglect that is known or 125  
reasonably suspected or believed to have occurred or suffers 126  
additional injury or harm after the failure to file the report. 127

(C) In any proceeding concerning an alleged or adjudicated 128  
delinquent, unruly, abused, neglected, or dependent child in which 129  
the parent appears to be mentally incompetent or is under eighteen 130  
years of age, the court shall appoint a guardian ad litem to 131  
protect the interest of that parent. 132

(D) The court shall require the guardian ad litem to 133  
faithfully discharge the guardian ad litem's duties and, upon the 134  
guardian ad litem's failure to faithfully discharge the guardian 135  
ad litem's duties, shall discharge the guardian ad litem and 136  
appoint another guardian ad litem. The court may fix the 137  
compensation for the service of the guardian ad litem, which 138  
compensation shall be paid from the treasury of the county. 139

(E) A parent who is eighteen years of age or older and not 140

mentally incompetent shall be deemed sui juris for the purpose of 141  
any proceeding relative to a child of the parent who is alleged or 142  
adjudicated to be an abused, neglected, or dependent child. 143

(F) In any case in which a parent of a child alleged or 144  
adjudicated to be an abused, neglected, or dependent child is 145  
under eighteen years of age, the parents of that parent shall be 146  
summoned to appear at any hearing respecting the child, who is 147  
alleged or adjudicated to be an abused, neglected, or dependent 148  
child. 149

(G) In any case involving an alleged or adjudicated abused or 150  
neglected child or an agreement for the voluntary surrender of 151  
temporary or permanent custody of a child that is made in 152  
accordance with section 5103.15 of the Revised Code, the court 153  
shall appoint the guardian ad litem in each case as soon as 154  
possible after the complaint is filed, the request for an 155  
extension of the temporary custody agreement is filed with the 156  
court, or the request for court approval of the permanent custody 157  
agreement is filed. In any case involving an alleged dependent 158  
child in which the parent of the child appears to be mentally 159  
incompetent or is under eighteen years of age, there is a conflict 160  
of interest between the child and the child's parents, guardian, 161  
or custodian, or the court believes that the parent of the child 162  
is not capable of representing the best interest of the child, the 163  
court shall appoint a guardian ad litem for the child. The 164  
guardian ad litem or the guardian ad litem's replacement shall 165  
continue to serve until any of the following occur: 166

(1) The complaint is dismissed or the request for an 167  
extension of a temporary custody agreement or for court approval 168  
of the permanent custody agreement is withdrawn or denied; 169

(2) All dispositional orders relative to the child have 170  
terminated; 171

(3) The legal custody of the child is granted to a relative	172
of the child, or to another person;	173
(4) The child is placed in an adoptive home or, at the	174
court's discretion, a final decree of adoption is issued with	175
respect to the child;	176
(5) The child reaches the age of eighteen if the child is not	177
mentally retarded, developmentally disabled, or physically	178
impaired or the child reaches the age of twenty-one if the child	179
is mentally retarded, developmentally disabled, or physically	180
impaired;	181
(6) The guardian ad litem resigns or is removed by the court	182
and a replacement is appointed by the court.	183
If a guardian ad litem ceases to serve a child pursuant to	184
division (G)(4) of this section and the petition for adoption with	185
respect to the child is denied or withdrawn prior to the issuance	186
of a final decree of adoption or prior to the date an	187
interlocutory order of adoption becomes final, the juvenile court	188
shall reappoint a guardian ad litem for that child. The public	189
children services agency or private child placing agency with	190
permanent custody of the child shall notify the juvenile court if	191
the petition for adoption is denied or withdrawn.	192
(H) If the guardian ad litem for an alleged or adjudicated	193
abused, neglected, or dependent child is an attorney admitted to	194
the practice of law in this state, the guardian ad litem also may	195
serve as counsel to the ward. If a person is serving as guardian	196
ad litem and counsel for a child and either that person or the	197
court finds that a conflict may exist between the person's roles	198
as guardian ad litem and as counsel, the court shall relieve the	199
person of duties as guardian ad litem and appoint someone else as	200
guardian ad litem for the child. If the court appoints a person	201
who is not an attorney admitted to the practice of law in this	202

state to be a guardian ad litem, the court also may appoint an attorney admitted to the practice of law in this state to serve as counsel for the guardian ad litem.

(I) The guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child shall perform whatever functions are necessary to protect the best interest of the child, including, but not limited to, investigation, mediation, monitoring court proceedings, and monitoring the services provided the child by the public children services agency or private child placing agency that has temporary or permanent custody of the child, and shall file any motions and other court papers that are in the best interest of the child.

The guardian ad litem shall be given notice of all hearings, administrative reviews, and other proceedings in the same manner as notice is given to parties to the action.

(J)(1) When the court appoints a guardian ad litem pursuant to this section, it shall appoint a qualified volunteer whenever one is available and the appointment is appropriate.

(2) Upon request, the department of job and family services shall provide for the training of volunteer guardians ad litem.

**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~~ has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, 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~~ reasonable cause to 233  
suspect to the entity or persons specified in this division. 234  
Except as provided in section 5120.173 of the Revised Code, the 235  
person making the report shall make it to the public children 236  
services agency or a municipal or county peace officer in the 237  
county in which the child resides or in which the abuse or neglect 238  
is occurring or has occurred. In the circumstances described in 239  
section 5120.173 of the Revised Code, the person making the report 240  
shall make it to the entity specified in that section. 241

(b) Division (A)(1)(a) of this section applies to any person 242  
who is an attorney; physician, including a hospital intern or 243  
resident; dentist; podiatrist; practitioner of a limited branch of 244  
medicine as specified in section 4731.15 of the Revised Code; 245  
registered nurse; licensed practical nurse; visiting nurse; other 246  
health care professional; licensed psychologist; licensed school 247  
psychologist; independent marriage and family therapist or 248  
marriage and family therapist; speech pathologist or audiologist; 249  
coroner; administrator or employee of a child day-care center; 250  
administrator or employee of a residential camp or child day camp; 251  
administrator or employee of a certified child care agency or 252  
other public or private children services agency; school teacher; 253  
school employee; school authority; person engaged in social work 254  
or the practice of professional counseling; agent of a county 255  
humane society; person, other than a cleric, rendering spiritual 256  
treatment through prayer in accordance with the tenets of a 257  
well-recognized religion; superintendent, board member, or 258  
employee of a county board of mental retardation; investigative 259  
agent contracted with by a county board of mental retardation; or 260  
employee of the department of mental retardation and developmental 261  
disabilities. 262

(2) ~~An~~ Except as provided in division (A)(3) of this section, 263  
an attorney or a physician is not required to make a report 264

pursuant to division (A)(1) of this section concerning any 265  
communication the attorney or physician receives from a client or 266  
patient in an attorney-client or physician-patient relationship, 267  
if, in accordance with division (A) or (B) of section 2317.02 of 268  
the Revised Code, the attorney or physician could not testify with 269  
respect to that communication in a civil or criminal proceeding, 270  
~~except that the~~ 271

(3) The client or patient in an attorney-client or 272  
physician-patient relationship described in division (A)(2) of 273  
this section is deemed to have waived any testimonial privilege 274  
under division (A) or (B) of section 2317.02 of the Revised Code 275  
with respect to ~~that~~ any communication the attorney or physician 276  
receives from the client or patient in that attorney-client or 277  
physician-patient relationship, and the attorney or physician 278  
shall make a report pursuant to division (A)(1) of this section 279  
with respect to that communication, if all of the following apply: 280

(a) The client or patient, at the time of the communication, 281  
is either a child under eighteen years of age or a mentally 282  
retarded, developmentally disabled, or physically impaired person 283  
under twenty-one years of age. 284

(b) The attorney or physician knows, ~~or suspects~~ has 285  
reasonable cause to suspect based on facts that would cause a 286  
reasonable person in similar position to suspect, as a result of 287  
the communication or any observations made during that 288  
communication, that the client or patient has suffered or faces a 289  
threat of suffering any physical or mental wound, injury, 290  
disability, or condition of a nature that reasonably indicates 291  
abuse or neglect of the client or patient. 292

(c) ~~The attorney-client or physician-patient relationship 293~~  
abuse or neglect does not arise out of the client's or patient's 294  
attempt to have an abortion without the notification of her 295  
parents, guardian, or custodian in accordance with section 2151.85 296

of the Revised Code. 297

(4)(a) No cleric and no person, other than a volunteer, 298  
designated by any church, religious society, or faith acting as a 299  
leader, official, or delegate on behalf of the church, religious 300  
society, or faith who is acting in an official or professional 301  
capacity, who knows, or has reasonable cause to believe based on 302  
facts that would cause a reasonable person in a similar position 303  
to believe, that a child under eighteen years of age or a mentally 304  
retarded, developmentally disabled, or physically impaired child 305  
under twenty-one years of age has suffered or faces a threat of 306  
suffering any physical or mental wound, injury, disability, or 307  
condition of a nature that reasonably indicates abuse or neglect 308  
of the child, and who knows, or has reasonable cause to believe 309  
based on facts that would cause a reasonable person in a similar 310  
position to believe, that another cleric or another person, other 311  
than a volunteer, designated by a church, religious society, or 312  
faith acting as a leader, official, or delegate on behalf of the 313  
church, religious society, or faith caused, or poses the threat of 314  
causing, the wound, injury, disability, or condition that 315  
reasonably indicates abuse or neglect shall fail to immediately 316  
report that knowledge or reasonable cause to believe to the entity 317  
or persons specified in this division. Except as provided in 318  
section 5120.173 of the Revised Code, the person making the report 319  
shall make it to the public children services agency or a 320  
municipal or county peace officer in the county in which the child 321  
resides or in which the abuse or neglect is occurring or has 322  
occurred. In the circumstances described in section 5120.173 of 323  
the Revised Code, the person making the report shall make it to 324  
the entity specified in that section. 325

(b) Except as provided in division (A)(4)(c) of this section, 326  
a cleric is not required to make a report pursuant to division 327  
(A)(4)(a) of this section concerning any communication the cleric 328

receives from a penitent in a cleric-penitent relationship, if, in 329  
accordance with division (C) of section 2317.02 of the Revised 330  
Code, the cleric could not testify with respect to that 331  
communication in a civil or criminal proceeding. 332

(c) The penitent in a cleric-penitent relationship described 333  
in division (A)(4)(b) of this section is deemed to have waived any 334  
testimonial privilege under division (C) of section 2317.02 of the 335  
Revised Code with respect to any communication the cleric receives 336  
from the penitent in that cleric-penitent relationship, and the 337  
cleric shall make a report pursuant to division (A)(4)(a) of this 338  
section with respect to that communication, if all of the 339  
following apply: 340

(i) The penitent, at the time of the communication, is either 341  
a child under eighteen years of age or a mentally retarded, 342  
developmentally disabled, or physically impaired person under 343  
twenty-one years of age. 344

(ii) The cleric knows, or has reasonable cause to believe 345  
based on facts that would cause a reasonable person in a similar 346  
position to believe, as a result of the communication or any 347  
observations made during that communication, the penitent has 348  
suffered or faces a threat of suffering any physical or mental 349  
wound, injury, disability, or condition of a nature that 350  
reasonably indicates abuse or neglect of the penitent. 351

(iii) The abuse or neglect does not arise out of the 352  
penitent's attempt to have an abortion performed upon a child 353  
under eighteen years of age or upon a mentally retarded, 354  
developmentally disabled, or physically impaired person under 355  
twenty-one years of age without the notification of her parents, 356  
guardian, or custodian in accordance with section 2151.85 of the 357  
Revised Code. 358

(d) Divisions (A)(4)(a) and (c) of this section do not apply 359

in a cleric-penitent relationship when the disclosure of any 360  
communication the cleric receives from the penitent is in 361  
violation of the sacred trust. 362

(e) As used in divisions (A)(1) and (4) of this section, 363  
"cleric" and "sacred trust" have the same meanings as in section 364  
2317.02 of the Revised Code. 365

(B) Anyone~~7~~ who knows~~4~~ or ~~suspects~~ has reasonable cause to 366  
suspect based on facts that would cause a reasonable person in 367  
similar circumstances to suspect, that a child under eighteen 368  
years of age or a mentally retarded, developmentally disabled, or 369  
physically impaired person under twenty-one years of age has 370  
suffered or faces a threat of suffering any physical or mental 371  
wound, injury, disability, or other condition of a nature that 372  
reasonably indicates abuse or neglect of the child may report or 373  
cause reports to be made of that knowledge or ~~suspicion~~ reasonable 374  
cause to suspect to the entity or persons specified in this 375  
division. Except as provided in section 5120.173 of the Revised 376  
Code, a person making a report or causing a report to be made 377  
under this division shall make it or cause it to be made to the 378  
public children services agency or to a municipal or county peace 379  
officer. In the circumstances described in section 5120.173 of the 380  
Revised Code, a person making a report or causing a report to be 381  
made under this division shall make it or cause it to be made to 382  
the entity specified in that section. 383

(C) Any report made pursuant to division (A) or (B) of this 384  
section shall be made forthwith either by telephone or in person 385  
and shall be followed by a written report, if requested by the 386  
receiving agency or officer. The written report shall contain: 387

(1) The names and addresses of the child and the child's 388  
parents or the person or persons having custody of the child, if 389  
known; 390

(2) The child's age and the nature and extent of the child's 391  
~~known or suspected~~ injuries, abuse, or neglect that is known or 392  
reasonably suspected or believed, as applicable, to have occurred 393  
or of the ~~known or suspected~~ threat of injury, abuse, or neglect 394  
that is known or reasonably suspected or believed, as applicable, 395  
to exist, including any evidence of previous injuries, abuse, or 396  
neglect; 397

(3) Any other information that might be helpful in 398  
establishing the cause of the ~~known or suspected~~ injury, abuse, or 399  
neglect that is known or reasonably suspected or believed, as 400  
applicable, to have occurred or of the ~~known or suspected~~ threat 401  
of injury, abuse, or neglect that is known or reasonably suspected 402  
or believed, as applicable, to exist. 403

Any person, who is required by division (A) of this section 404  
to report ~~known or suspected~~ child abuse or child neglect that is 405  
known or reasonably suspected or believed to have occurred, may 406  
take or cause to be taken color photographs of areas of trauma 407  
visible on a child and, if medically indicated, cause to be 408  
performed radiological examinations of the child. 409

(D) As used in this division, "children's advocacy center" 410  
and "sexual abuse of a child" have the same meanings as in section 411  
2151.425 of the Revised Code. 412

(1) When a municipal or county peace officer receives a 413  
report concerning the possible abuse or neglect of a child or the 414  
possible threat of abuse or neglect of a child, upon receipt of 415  
the report, the municipal or county peace officer who receives the 416  
report shall refer the report to the appropriate public children 417  
services agency. 418

(2) When a public children services agency receives a report 419  
pursuant to this division or division (A) or (B) of this section, 420  
upon receipt of the report, the public children services agency 421

shall do both of the following:

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(a) Comply with section 2151.422 of the Revised Code;

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(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center.

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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.

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(F)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of ~~known or suspected~~ child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a ~~known or suspected~~ threat of

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child abuse or child neglect that is known or reasonably suspected 453  
or believed to exist that is referred to it under this section to 454  
determine the circumstances surrounding the injuries, abuse, or 455  
neglect or the threat of injury, abuse, or neglect, the cause of 456  
the injuries, abuse, neglect, or threat, and the person or persons 457  
responsible. The investigation shall be made in cooperation with 458  
the law enforcement agency and in accordance with the memorandum 459  
of understanding prepared under division (J) of this section. A 460  
representative of the public children services agency shall, at 461  
the time of initial contact with the person subject to the 462  
investigation, inform the person of the specific complaints or 463  
allegations made against the person. The information shall be 464  
given in a manner that is consistent with division (H)(1) of this 465  
section and protects the rights of the person making the report 466  
under this section. 467

A failure to make the investigation in accordance with the 468  
memorandum is not grounds for, and shall not result in, the 469  
dismissal of any charges or complaint arising from the report or 470  
the suppression of any evidence obtained as a result of the report 471  
and does not give, and shall not be construed as giving, any 472  
rights or any grounds for appeal or post-conviction relief to any 473  
person. The public children services agency shall report each case 474  
to a central registry which the department of job and family 475  
services shall maintain in order to determine whether prior 476  
reports have been made in other counties concerning the child or 477  
other principals in the case. The public children services agency 478  
shall submit a report of its investigation, in writing, to the law 479  
enforcement agency. 480

(2) The public children services agency shall make any 481  
recommendations to the county prosecuting attorney or city 482  
director of law that it considers necessary to protect any 483  
children that are brought to its attention. 484



(G)(1)(a) Except as provided in division (H)(3) of this 485  
section, anyone or any hospital, institution, school, health 486  
department, or agency participating in the making of reports under 487  
division (A) of this section, anyone or any hospital, institution, 488  
school, health department, or agency participating in good faith 489  
in the making of reports under division (B) of this section, and 490  
anyone participating in good faith in a judicial proceeding 491  
resulting from the reports, shall be immune from any civil or 492  
criminal liability for injury, death, or loss to person or 493  
property that otherwise might be incurred or imposed as a result 494  
of the making of the reports or the participation in the judicial 495  
proceeding. 496

(b) Notwithstanding section 4731.22 of the Revised Code, the 497  
physician-patient privilege shall not be a ground for excluding 498  
evidence regarding a child's injuries, abuse, or neglect, or the 499  
cause of the injuries, abuse, or neglect in any judicial 500  
proceeding resulting from a report submitted pursuant to this 501  
section. 502

(2) In any civil or criminal action or proceeding in which it 503  
is alleged and proved that participation in the making of a report 504  
under this section was not in good faith or participation in a 505  
judicial proceeding resulting from a report made under this 506  
section was not in good faith, the court shall award the 507  
prevailing party reasonable attorney's fees and costs and, if a 508  
civil action or proceeding is voluntarily dismissed, may award 509  
reasonable attorney's fees and costs to the party against whom the 510  
civil action or proceeding is brought. 511

(H)(1) Except as provided in divisions (H)(4) and (M) of this 512  
section, a report made under this section is confidential. The 513  
information provided in a report made pursuant to this section and 514  
the name of the person who made the report shall not be released 515  
for use, and shall not be used, as evidence in any civil action or 516

proceeding brought against the person who made the report. In a 517  
criminal proceeding, the report is admissible in evidence in 518  
accordance with the Rules of Evidence and is subject to discovery 519  
in accordance with the Rules of Criminal Procedure. 520

(2) No person shall permit or encourage the unauthorized 521  
dissemination of the contents of any report made under this 522  
section. 523

(3) A person who knowingly makes or causes another person to 524  
make a false report under division (B) of this section that 525  
alleges that any person has committed an act or omission that 526  
resulted in a child being an abused child or a neglected child is 527  
guilty of a violation of section 2921.14 of the Revised Code. 528

(4) If a report is made pursuant to division (A) or (B) of 529  
this section and the child who is the subject of the report dies 530  
for any reason at any time after the report is made, but before 531  
the child attains eighteen years of age, the public children 532  
services agency or municipal or county peace officer to which the 533  
report was made or referred, on the request of the child fatality 534  
review board, shall submit a summary sheet of information 535  
providing a summary of the report to the review board of the 536  
county in which the deceased child resided at the time of death. 537  
On the request of the review board, the agency or peace officer 538  
may, at its discretion, make the report available to the review 539  
board. If the county served by the public children services agency 540  
is also served by a children's advocacy center and the report of 541  
alleged sexual abuse of a child or another type of abuse of a 542  
child is specified in the memorandum of understanding that creates 543  
the center as being within the center's jurisdiction, the agency 544  
or center shall perform the duties and functions specified in this 545  
division in accordance with the interagency agreement entered into 546  
under section 2151.428 of the Revised Code relative to that 547  
advocacy center. 548

(5) A public children services agency shall advise a person 549  
alleged to have inflicted abuse or neglect on a child who is the 550  
subject of a report made pursuant to this section, including a 551  
report alleging sexual abuse of a child or another type of abuse 552  
of a child referred to a children's advocacy center pursuant to an 553  
interagency agreement entered into under section 2151.428 of the 554  
Revised Code, in writing of the disposition of the investigation. 555  
The agency shall not provide to the person any information that 556  
identifies the person who made the report, statements of 557  
witnesses, or police or other investigative reports. 558

(I) Any report that is required by this section, other than a 559  
report that is made to the state highway patrol as described in 560  
section 5120.173 of the Revised Code, shall result in protective 561  
services and emergency supportive services being made available by 562  
the public children services agency on behalf of the children 563  
about whom the report is made, in an effort to prevent further 564  
neglect or abuse, to enhance their welfare, and, whenever 565  
possible, to preserve the family unit intact. The agency required 566  
to provide the services shall be the agency conducting the 567  
investigation of the report pursuant to section 2151.422 of the 568  
Revised Code. 569

(J)(1) Each public children services agency shall prepare a 570  
memorandum of understanding that is signed by all of the 571  
following: 572

(a) If there is only one juvenile judge in the county, the 573  
juvenile judge of the county or the juvenile judge's 574  
representative; 575

(b) If there is more than one juvenile judge in the county, a 576  
juvenile judge or the juvenile judges' representative selected by 577  
the juvenile judges or, if they are unable to do so for any 578  
reason, the juvenile judge who is senior in point of service or 579

the senior juvenile judge's representative;	580
(c) The county peace officer;	581
(d) All chief municipal peace officers within the county;	582
(e) Other law enforcement officers handling child abuse and neglect cases in the county;	583 584
(f) The prosecuting attorney of the county;	585
(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;	586 587 588
(h) The county humane society;	589
(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.	590 591 592 593 594
(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	595 596 597 598 599 600 601 602 603 604 605 606 607 608 609

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.

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

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

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

(4) If a public children services agency participated in the  
execution of a memorandum of understanding under section 2151.426  
of the Revised Code establishing a children's advocacy center, the  
agency shall incorporate the contents of that memorandum in the  
memorandum prepared pursuant to this section.

(K)(1) Except as provided in division (K)(4) of this section,  
a person who is required to make a report pursuant to division (A)  
of this section may make a reasonable number of requests of the  
public children services agency that receives or is referred the  
report, or of the children's advocacy center that is referred the  
report if the report is referred to a children's advocacy center  
pursuant to an interagency agreement entered into under section  
2151.428 of the Revised Code, to be provided with the following  
information:

(a) Whether the agency or center has initiated an

investigation of the report; 641

(b) Whether the agency or center is continuing to investigate 642  
the report; 643

(c) Whether the agency or center is otherwise involved with 644  
the child who is the subject of the report; 645

(d) The general status of the health and safety of the child 646  
who is the subject of the report; 647

(e) Whether the report has resulted in the filing of a 648  
complaint in juvenile court or of criminal charges in another 649  
court. 650

(2) A person may request the information specified in 651  
division (K)(1) of this section only if, at the time the report is 652  
made, the person's name, address, and telephone number are 653  
provided to the person who receives the report. 654

When a municipal or county peace officer or employee of a 655  
public children services agency receives a report pursuant to 656  
division (A) or (B) of this section the recipient of the report 657  
shall inform the person of the right to request the information 658  
described in division (K)(1) of this section. The recipient of the 659  
report shall include in the initial child abuse or child neglect 660  
report that the person making the report was so informed and, if 661  
provided at the time of the making of the report, shall include 662  
the person's name, address, and telephone number in the report. 663

Each request is subject to verification of the identity of 664  
the person making the report. If that person's identity is 665  
verified, the agency shall provide the person with the information 666  
described in division (K)(1) of this section a reasonable number 667  
of times, except that the agency shall not disclose any 668  
confidential information regarding the child who is the subject of 669  
the report other than the information described in those 670

divisions. 671

(3) A request made pursuant to division (K)(1) of this 672  
section is not a substitute for any report required to be made 673  
pursuant to division (A) of this section. 674

(4) If an agency other than the agency that received or was 675  
referred the report is conducting the investigation of the report 676  
pursuant to section 2151.422 of the Revised Code, the agency 677  
conducting the investigation shall comply with the requirements of 678  
division (K) of this section. 679

(L) The director of job and family services shall adopt rules 680  
in accordance with Chapter 119. of the Revised Code to implement 681  
this section. The department of job and family services may enter 682  
into a plan of cooperation with any other governmental entity to 683  
aid in ensuring that children are protected from abuse and 684  
neglect. The department shall make recommendations to the attorney 685  
general that the department determines are necessary to protect 686  
children from child abuse and child neglect. 687

(M)(1) As used in this division: 688

(a) "Out-of-home care" includes a nonchartered nonpublic 689  
school if the alleged child abuse or child neglect, or alleged 690  
threat of child abuse or child neglect, described in a report 691  
received by a public children services agency allegedly occurred 692  
in or involved the nonchartered nonpublic school and the alleged 693  
perpetrator named in the report holds a certificate, permit, or 694  
license issued by the state board of education under section 695  
3301.071 or Chapter 3319. of the Revised Code. 696

(b) "Administrator, director, or other chief administrative 697  
officer" means the superintendent of the school district if the 698  
out-of-home care entity subject to a report made pursuant to this 699  
section is a school operated by the district. 700

(2) No later than the end of the day following the day on 701  
which a public children services agency receives a report of 702  
alleged child abuse or child neglect, or a report of an alleged 703  
threat of child abuse or child neglect, that allegedly occurred in 704  
or involved an out-of-home care entity, the agency shall provide 705  
written notice of the allegations contained in and the person 706  
named as the alleged perpetrator in the report to the 707  
administrator, director, or other chief administrative officer of 708  
the out-of-home care entity that is the subject of the report 709  
unless the administrator, director, or other chief administrative 710  
officer is named as an alleged perpetrator in the report. If the 711  
administrator, director, or other chief administrative officer of 712  
an out-of-home care entity is named as an alleged perpetrator in a 713  
report of alleged child abuse or child neglect, or a report of an 714  
alleged threat of child abuse or child neglect, that allegedly 715  
occurred in or involved the out-of-home care entity, the agency 716  
shall provide the written notice to the owner or governing board 717  
of the out-of-home care entity that is the subject of the report. 718  
The agency shall not provide witness statements or police or other 719  
investigative reports. 720

(3) No later than three days after the day on which a public 721  
children services agency that conducted the investigation as 722  
determined pursuant to section 2151.422 of the Revised Code makes 723  
a disposition of an investigation involving a report of alleged 724  
child abuse or child neglect, or a report of an alleged threat of 725  
child abuse or child neglect, that allegedly occurred in or 726  
involved an out-of-home care entity, the agency shall send written 727  
notice of the disposition of the investigation to the 728  
administrator, director, or other chief administrative officer and 729  
the owner or governing board of the out-of-home care entity. The 730  
agency shall not provide witness statements or police or other 731  
investigative reports. 732



**Sec. 2151.99.** (A) ~~Whoever~~ (1) Except as otherwise provided in 733  
division (A)(2) of this section, whoever violates division (D)(2) 734  
or (3) of section 2151.313 or division (A)(1), ~~(A)(4)~~, or (H)(2) 735  
of section 2151.421 of the Revised Code is guilty of a misdemeanor 736  
of the fourth degree. 737

(2) Whoever violates division (A)(4) of section 2151.421 of 738  
the Revised Code knowing that a child has been abused or neglected 739  
and knowing that the person who committed the abuse or neglect was 740  
a cleric or another person, other than a volunteer, designated by 741  
a church, religious society, or faith acting as a leader, 742  
official, or delegate on behalf of the church, religious society, 743  
or faith, is guilty of a misdemeanor of the first degree if the 744  
person who violates division (A)(4) of this section and the person 745  
who committed the abuse or neglect belong to the same church, 746  
religious society, or faith. 747

(B) Whoever violates division (D)(1) of section 2151.313 of 748  
the Revised Code is guilty of a minor misdemeanor. 749

**Sec. 2305.10.** (A) Except as provided in division (C) or (E) 750  
of this section, an action based on a product liability claim and 751  
an action for bodily injury or injuring personal property shall be 752  
brought within two years after the cause of action accrues. Except 753  
as provided in divisions (B)(1), (2), (3), (4), and (5) of this 754  
section, a cause of action accrues under this division when the 755  
injury or loss to person or property occurs. 756

(B)(1) For purposes of division (A) of this section, a cause 757  
of action for bodily injury that is not described in division 758  
(B)(2), (3), (4), or (5) of this section and that is caused by 759  
exposure to hazardous or toxic chemicals, ethical drugs, or 760  
ethical medical devices accrues upon the date on which the 761  
plaintiff is informed by competent medical authority that the 762

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plaintiff has an injury that is related to the exposure, or upon  
the date on which by the exercise of reasonable diligence the  
plaintiff should have known that the plaintiff has an injury that  
is related to the exposure, whichever date occurs first.

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(2) For purposes of division (A) of this section, a cause of  
action for bodily injury caused by exposure to chromium in any of  
its chemical forms accrues upon the date on which the plaintiff is  
informed by competent medical authority that the plaintiff has an  
injury that is related to the exposure, or upon the date on which  
by the exercise of reasonable diligence the plaintiff should have  
known that the plaintiff has an injury that is related to the  
exposure, whichever date occurs first.

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(3) For purposes of division (A) of this section, a cause of  
action for bodily injury incurred by a veteran through exposure to  
chemical defoliants or herbicides or other causative agents,  
including agent orange, accrues upon the date on which the  
plaintiff is informed by competent medical authority that the  
plaintiff has an injury that is related to the exposure, or upon  
the date on which by the exercise of reasonable diligence the  
plaintiff should have known that the plaintiff has an injury that  
is related to the exposure, whichever date occurs first.

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(4) For purposes of division (A) of this section, a cause of  
action for bodily injury caused by exposure to diethylstilbestrol  
or other nonsteroidal synthetic estrogens, including exposure  
before birth, accrues upon the date on which the plaintiff is  
informed by competent medical authority that the plaintiff has an  
injury that is related to the exposure, or upon the date on which  
by the exercise of reasonable diligence the plaintiff should have  
known that the plaintiff has an injury that is related to the  
exposure, whichever date occurs first.

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(5) For purposes of division (A) of this section, a cause of

action for bodily injury caused by exposure to asbestos accrues 794  
upon the date on which the plaintiff is informed by competent 795  
medical authority that the plaintiff has an injury that is related 796  
to the exposure, or upon the date on which by the exercise of 797  
reasonable diligence the plaintiff should have known that the 798  
plaintiff has an injury that is related to the exposure, whichever 799  
date occurs first. 800

(C)(1) Except as otherwise provided in divisions (C)(2), (3), 801  
(4), (5), (6), and (7) of this section or in section 2305.19 of 802  
the Revised Code, no cause of action based on a product liability 803  
claim shall accrue against the manufacturer or supplier of a 804  
product later than ten years from the date that the product was 805  
delivered to its first purchaser or first lessee who was not 806  
engaged in a business in which the product was used as a component 807  
in the production, construction, creation, assembly, or rebuilding 808  
of another product. 809

(2) Division (C)(1) of this section does not apply if the 810  
manufacturer or supplier of a product engaged in fraud in regard 811  
to information about the product and the fraud contributed to the 812  
harm that is alleged in a product liability claim involving that 813  
product. 814

(3) Division (C)(1) of this section does not bar an action 815  
based on a product liability claim against a manufacturer or 816  
supplier of a product who made an express, written warranty as to 817  
the safety of the product that was for a period longer than ten 818  
years and that, at the time of the accrual of the cause of action, 819  
has not expired in accordance with the terms of that warranty. 820

(4) If the cause of action relative to a product liability 821  
claim accrues during the ten-year period described in division 822  
(C)(1) of this section but less than two years prior to the 823  
expiration of that period, an action based on the product 824

liability claim may be commenced within two years after the cause  
of action accrues. 825  
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(5) If a cause of action relative to a product liability 827  
claim accrues during the ten-year period described in division 828  
(C)(1) of this section and the claimant cannot commence an action 829  
during that period due to a disability described in section 830  
2305.16 of the Revised Code, an action based on the product 831  
liability claim may be commenced within two years after the 832  
disability is removed. 833

(6) Division (C)(1) of this section does not bar an action 834  
for bodily injury caused by exposure to asbestos if the cause of 835  
action that is the basis of the action accrues upon the date on 836  
which the plaintiff is informed by competent medical authority 837  
that the plaintiff has an injury that is related to the exposure, 838  
or upon the date on which by the exercise of reasonable diligence 839  
the plaintiff should have known that the plaintiff has an injury 840  
that is related to the exposure, whichever date occurs first. 841

(7)(a) Division (C)(1) of this section does not bar an action 842  
based on a product liability claim against a manufacturer or 843  
supplier of a product if all of the following apply: 844

(i) The action is for bodily injury. 845

(ii) The product involved is a substance or device described 846  
in division (B)(1), (2), (3), or (4) of this section. 847

(iii) The bodily injury results from exposure to the product 848  
during the ten-year period described in division (C)(1) of this 849  
section. 850

(b) If division (C)(7)(a) of this section applies regarding 851  
an action, the cause of action accrues upon the date on which the 852  
claimant is informed by competent medical authority that the 853  
bodily injury was related to the exposure to the product, or upon 854

the date on which by the exercise of reasonable diligence the  
claimant should have known that the bodily injury was related to  
the exposure to the product, whichever date occurs first. The  
action based on the product liability claim shall be commenced  
within two years after the cause of action accrues and shall not  
be commenced more than two years after the cause of action  
accrues.

(D) This section does not create a new cause of action or  
substantive legal right against any person involving a product  
liability claim.

(E) An action brought by a victim of childhood sexual abuse  
asserting any claim resulting from childhood sexual abuse, as  
defined in section 2305.111 of the Revised Code, shall be brought  
as provided in division (C) of that section.

(F) As used in this section:

(1) "Agent orange," "causative agent," and "veteran" have the  
same meanings as in section 5903.21 of the Revised Code.

(2) "Ethical drug," "ethical medical device," "manufacturer,"  
"product," "product liability claim," and "supplier" have the same  
meanings as in section 2307.71 of the Revised Code.

(3) "Harm" means injury, death, or loss to person or  
property.

~~(F)~~(G) This section shall be considered to be purely remedial  
in operation and shall be applied in a remedial manner in any  
civil action commenced on or after ~~the effective date of this~~  
~~amendment~~ April 7, 2005, in which this section is relevant,  
regardless of when the cause of action accrued and notwithstanding  
any other section of the Revised Code or prior rule of law of this  
state, but shall not be construed to apply to any civil action  
pending prior to ~~the effective date of this amendment~~ April 7,

2005. 885

Sec. 2305.111. (A) As used in this section: 886

(1) "Childhood sexual abuse" means any conduct that 887  
constitutes any of the violations identified in division (A)(1)(a) 888  
or (b) of this section and would constitute a criminal offense 889  
under the specified section or division of the Revised Code, if 890  
the victim of the violation is at the time of the violation a 891  
child under eighteen years of age or a mentally retarded, 892  
developmentally disabled, or physically impaired child under 893  
twenty-one years of age. The court need not find that any person 894  
has been convicted of or pleaded guilty to the offense under the 895  
specified section or division of the Revised Code in order for the 896  
conduct that is the violation constituting the offense to be 897  
childhood sexual abuse for purposes of this division. This 898  
division applies to any of the following violations committed in 899  
the following specified circumstances: 900

(a) A violation of section 2907.02 or of division (A)(1), 901  
(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 of 902  
the Revised Code; 903

(b) A violation of section 2907.05 or 2907.06 of the Revised 904  
Code if, at the time of the violation, any of the following apply: 905

(i) The actor is the victim's natural parent, adoptive 906  
parent, or stepparent or the guardian, custodian, or person in 907  
loco parentis of the victim. 908

(ii) The victim is in custody of law or a patient in a 909  
hospital or other institution, and the actor has supervisory or 910  
disciplinary authority over the victim. 911

(iii) The actor is a teacher, administrator, coach, or other 912  
person in authority employed by or serving in a school for which 913  
the state board of education prescribes minimum standards pursuant 914

to division (D) of section 3301.07 of the Revised Code, the victim 915  
is enrolled in or attends that school, and the actor is not 916  
enrolled in and does not attend that school. 917

(iv) The actor is a teacher, administrator, coach, or other 918  
person in authority employed by or serving in an institution of 919  
higher education, and the victim is enrolled in or attends that 920  
institution. 921

(v) The actor is the victim's athletic or other type of 922  
coach, is the victim's instructor, is the leader of a scouting 923  
troop of which the victim is a member, or is a person with 924  
temporary or occasional disciplinary control over the victim. 925

(vi) The actor is a mental health professional, the victim is 926  
a mental health client or patient of the actor, and the actor 927  
induces the victim to submit by falsely representing to the victim 928  
that the sexual contact involved in the violation is necessary for 929  
mental health treatment purposes. 930

(vii) The victim is confined in a detention facility, and the 931  
actor is an employee of that detention facility. 932

(viii) The actor is a cleric, and the victim is a member of, 933  
or attends, the church or congregation served by the cleric. 934

(2) "Cleric" has the same meaning as in section 2317.02 of 935  
the Revised Code. 936

(3) "Mental health client or patient" has the same meaning as 937  
in section 2305.51 of the Revised Code. 938

(4) "Mental health professional" has the same meaning as in 939  
section 2305.115 of the Revised Code. 940

(5) "Sexual contact" has the same meaning as in section 941  
2907.01 of the Revised Code. 942

(6) "Victim" means, except as provided in division (B) of 943  
this section, a victim of childhood sexual abuse. 944

(B) Except as provided in section 2305.115 of the Revised Code and subject to division (C) of this section, an action for assault or battery shall be brought within one year after the cause of the action accrues. For purposes of this section, a cause of action for assault or battery accrues upon the later of the following:

~~(A)~~(1) The date on which the alleged assault or battery occurred;

~~(B)~~(2) If the plaintiff did not know the identity of the person who allegedly committed the assault or battery on the date on which it allegedly occurred, the earlier of the following dates:

~~(1)~~(a) The date on which the plaintiff learns the identity of that person;

~~(2)~~(b) The date on which, by the exercise of reasonable diligence, the plaintiff should have learned the identity of that person.

(C) An action for assault or battery brought by a victim of childhood sexual abuse based on childhood sexual abuse, or an action brought by a victim of childhood sexual abuse asserting any claim resulting from childhood sexual abuse, shall be brought within twelve years after the cause of action accrues. For purposes of this section, a cause of action for assault or battery based on childhood sexual abuse, or a cause of action for a claim resulting from childhood sexual abuse, accrues upon the date on which the victim reaches the age of majority. If the defendant in an action brought by a victim of childhood sexual abuse asserting a claim resulting from childhood sexual abuse that occurs on or after the effective date of this act has fraudulently concealed from the plaintiff facts that form the basis of the claim, the running of the limitations period with regard to that claim is



tolled until the time when the plaintiff discovers or in the 976  
exercise of due diligence should have discovered those facts. 977

**Sec. 2305.115.** (A) ~~An~~ Except as provided in division (C) of 978  
this section, an action for assault or battery shall be brought 979  
within two years after the cause of action accrues, except as 980  
provided in division (B) of this section, if all of the following 981  
apply regarding the action, the cause of the action, and the 982  
parties to the action: 983

(1) The action is brought against a mental health 984  
professional. 985

(2) The assault or battery claim asserted in the action is 986  
that, while the plaintiff was a mental health client or patient of 987  
the mental health professional, the mental health professional 988  
engaged in sexual conduct with, had sexual contact with, or caused 989  
one or more other persons to have sexual contact with the 990  
plaintiff. 991

(3) At the time of the sexual conduct or sexual contact 992  
described in division (A)(2) of this section, the plaintiff was 993  
not the spouse of the mental health professional. 994

(B) If the mental health service relationship between the 995  
plaintiff in an action for assault or battery that is described in 996  
division (A) of this section and the mental health professional 997  
continues after the date on which the cause of action accrues, the 998  
two-year period specified in division (A) of this section does not 999  
begin to run until the date on which that mental health service 1000  
relationship is terminated by either or both of the parties. 1001

(C) ~~Unless~~ An action for assault or battery brought by a 1002  
victim of childhood sexual abuse that is based on childhood sexual 1003  
abuse, as defined in section 2305.111 of the Revised Code, shall 1004  
be brought as provided in division (C) of that section. In all 1005

other cases, unless division (A) or (B) of this section applies, 1006  
an action for assault or battery shall be brought as provided in 1007  
division (B) of section 2305.111 of the Revised Code. 1008

(D) As used in this section: 1009

(1) "Mental health client or patient" and "mental health 1010  
service" have the same meanings as in section 2305.51 of the 1011  
Revised Code. 1012

(2) "Mental health professional" has the same meaning as in 1013  
section 2305.51 of the Revised Code and also includes an 1014  
individual who is not licensed, certified, or registered under the 1015  
Revised Code, or otherwise authorized in this state, but who 1016  
regularly provides or purports to provide mental health services 1017  
for compensation or remuneration at an established place of 1018  
business. 1019

(3) "Mental health service relationship" means the 1020  
relationship between a mental health professional and a mental 1021  
health client or patient of the mental health professional that 1022  
exists for purposes of the mental health professional's provision 1023  
of mental health services to the mental health client or patient. 1024

(4) "Sexual conduct" and "sexual contact" have the same 1025  
meanings as in section 2907.01 of the Revised Code. 1026

**Sec. 2317.02.** The following persons shall not testify in 1027  
certain respects: 1028

(A) An attorney, concerning a communication made to the 1029  
attorney by a client in that relation or the attorney's advice to 1030  
a client, except that the attorney may testify by express consent 1031  
of the client or, if the client is deceased, by the express 1032  
consent of the surviving spouse or the executor or administrator 1033  
of the estate of the deceased client and except that, if the 1034  
client voluntarily testifies or is deemed by section 2151.421 of 1035

the Revised Code to have waived any testimonial privilege under 1036  
this division, the attorney may be compelled to testify on the 1037  
same subject; 1038

(B)(1) A physician or a dentist concerning a communication 1039  
made to the physician or dentist by a patient in that relation or 1040  
the physician's or dentist's advice to a patient, except as 1041  
otherwise provided in this division, division (B)(2), and division 1042  
(B)(3) of this section, and except that, if the patient is deemed 1043  
by section 2151.421 of the Revised Code to have waived any 1044  
testimonial privilege under this division, the physician may be 1045  
compelled to testify on the same subject. 1046

The testimonial privilege established under this division 1047  
does not apply, and a physician or dentist may testify or may be 1048  
compelled to testify, in any of the following circumstances: 1049

(a) In any civil action, in accordance with the discovery 1050  
provisions of the Rules of Civil Procedure in connection with a 1051  
civil action, or in connection with a claim under Chapter 4123. of 1052  
the Revised Code, under any of the following circumstances: 1053

(i) If the patient or the guardian or other legal 1054  
representative of the patient gives express consent; 1055

(ii) If the patient is deceased, the spouse of the patient or 1056  
the executor or administrator of the patient's estate gives 1057  
express consent; 1058

(iii) If a medical claim, dental claim, chiropractic claim, 1059  
or optometric claim, as defined in section 2305.113 of the Revised 1060  
Code, an action for wrongful death, any other type of civil 1061  
action, or a claim under Chapter 4123. of the Revised Code is 1062  
filed by the patient, the personal representative of the estate of 1063  
the patient if deceased, or the patient's guardian or other legal 1064  
representative. 1065

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

(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, or alcohol and a drug of abuse in the patient's blood, breath, urine, or other bodily substance at any time relevant to the criminal offense in question.

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

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

(i) The patient is deceased.

(ii) A party to the will contest action requests the

testimony, demonstrates to the court that that party would be an heir of the patient if the patient died without a will, is a beneficiary under the will that is the subject of the will contest action, or is a beneficiary under another testamentary document allegedly executed by the patient, and demonstrates to the court that the testimony is necessary to establish the party's rights as described in this division.

(2)(a) If any law enforcement officer submits a written statement to a health care provider that states that an official 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. 1129  
Division (A) of section 2317.422 of the Revised Code does not 1130  
apply to any certified copy of records submitted in accordance 1131  
with this division. Nothing in this division shall be construed to 1132  
limit the right of any party to call as a witness the person who 1133  
administered the test to which the records pertain, the person 1134  
under whose supervision the test was administered, the custodian 1135  
of the records, the person who made the records, or the person 1136  
under whose supervision the records were made. 1137

(3)(a) If the testimonial privilege described in division 1138  
(B)(1) of this section does not apply as provided in division 1139  
(B)(1)(a)(iii) of this section, a physician or dentist may be 1140  
compelled to testify or to submit to discovery under the Rules of 1141  
Civil Procedure only as to a communication made to the physician 1142  
or dentist by the patient in question in that relation, or the 1143  
physician's or dentist's advice to the patient in question, that 1144  
related causally or historically to physical or mental injuries 1145  
that are relevant to issues in the medical claim, dental claim, 1146  
chiropractic claim, or optometric claim, action for wrongful 1147  
death, other civil action, or claim under Chapter 4123. of the 1148  
Revised Code. 1149

(b) If the testimonial privilege described in division (B)(1) 1150  
of this section does not apply to a physician or dentist as 1151  
provided in division (B)(1)(c) of this section, the physician or 1152  
dentist, in lieu of personally testifying as to the results of the 1153  
test in question, may submit a certified copy of those results, 1154  
and, upon its submission, the certified copy is qualified as 1155  
authentic evidence and may be admitted as evidence in accordance 1156  
with the Rules of Evidence. Division (A) of section 2317.422 of 1157  
the Revised Code does not apply to any certified copy of results 1158  
submitted in accordance with this division. Nothing in this 1159  
division shall be construed to limit the right of any party to 1160

call as a witness the person who administered the test in 1161  
question, the person under whose supervision the test was 1162  
administered, the custodian of the results of the test, the person 1163  
who compiled the results, or the person under whose supervision 1164  
the results were compiled. 1165

(c) If the testimonial privilege described in division (B)(1) 1166  
of this section does not apply as provided in division (B)(1)(e) 1167  
of this section, a physician or dentist may be compelled to 1168  
testify or to submit to discovery in the will contest action under 1169  
sections 2107.71 to 2107.77 of the Revised Code only as to the 1170  
patient in question on issues relevant to the competency of the 1171  
patient at the time of the execution of the will. Testimony or 1172  
discovery conducted pursuant to this division shall be conducted 1173  
in accordance with the Rules of Civil Procedure. 1174

(4) The testimonial privilege described in division (B)(1) of 1175  
this section is not waived when a communication is made by a 1176  
physician to a pharmacist or when there is communication between a 1177  
patient and a pharmacist in furtherance of the physician-patient 1178  
relation. 1179

(5)(a) As used in divisions (B)(1) to (4) of this section, 1180  
"communication" means acquiring, recording, or transmitting any 1181  
information, in any manner, concerning any facts, opinions, or 1182  
statements necessary to enable a physician or dentist to diagnose, 1183  
treat, prescribe, or act for a patient. A "communication" may 1184  
include, but is not limited to, any medical or dental, office, or 1185  
hospital communication such as a record, chart, letter, 1186  
memorandum, laboratory test and results, x-ray, photograph, 1187  
financial statement, diagnosis, or prognosis. 1188

(b) As used in division (B)(2) of this section, "health care 1189  
provider" means a hospital, ambulatory care facility, long-term 1190  
care facility, pharmacy, emergency facility, or health care 1191

practitioner. 1192

(c) As used in division (B)(5)(b) of this section: 1193

(i) "Ambulatory care facility" means a facility that provides 1194  
medical, diagnostic, or surgical treatment to patients who do not 1195  
require hospitalization, including a dialysis center, ambulatory 1196  
surgical facility, cardiac catheterization facility, diagnostic 1197  
imaging center, extracorporeal shock wave lithotripsy center, home 1198  
health agency, inpatient hospice, birthing center, radiation 1199  
therapy center, emergency facility, and an urgent care center. 1200  
"Ambulatory health care facility" does not include the private 1201  
office of a physician or dentist, whether the office is for an 1202  
individual or group practice. 1203

(ii) "Emergency facility" means a hospital emergency 1204  
department or any other facility that provides emergency medical 1205  
services. 1206

(iii) "Health care practitioner" has the same meaning as in 1207  
section 4769.01 of the Revised Code. 1208

(iv) "Hospital" has the same meaning as in section 3727.01 of 1209  
the Revised Code. 1210

(v) "Long-term care facility" means a nursing home, 1211  
residential care facility, or home for the aging, as those terms 1212  
are defined in section 3721.01 of the Revised Code; an adult care 1213  
facility, as defined in section 3722.01 of the Revised Code; a 1214  
nursing facility or intermediate care facility for the mentally 1215  
retarded, as those terms are defined in section 5111.20 of the 1216  
Revised Code; a facility or portion of a facility certified as a 1217  
skilled nursing facility under Title XVIII of the "Social Security 1218  
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 1219

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 1220  
the Revised Code. 1221



(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 1222  
apply to doctors of medicine, doctors of osteopathic medicine, 1223  
doctors of podiatry, and dentists. 1224

(7) Nothing in divisions (B)(1) to (6) of this section 1225  
affects, or shall be construed as affecting, the immunity from 1226  
civil liability conferred by section 307.628 or 2305.33 of the 1227  
Revised Code upon physicians who report an employee's use of a 1228  
drug of abuse, or a condition of an employee other than one 1229  
involving the use of a drug of abuse, to the employer of the 1230  
employee in accordance with division (B) of that section. As used 1231  
in division (B)(7) of this section, "employee," "employer," and 1232  
"physician" have the same meanings as in section 2305.33 of the 1233  
Revised Code. 1234

~~(C)(1) A member of the clergy, rabbi, priest, or regularly~~ 1235  
~~ordained, accredited, or licensed minister of an established and~~ 1236  
~~legally cognizable church, denomination, or sect~~ cleric, when the 1237  
~~member of the clergy, rabbi, priest, or minister~~ cleric remains 1238  
accountable to the authority of that cleric's church, 1239  
denomination, or sect, concerning a confession made, or any 1240  
information confidentially communicated, to the ~~member of the~~ 1241  
~~clergy, rabbi, priest, or minister~~ cleric for a religious 1242  
counseling purpose in the ~~member of the clergy's, rabbi's,~~ 1243  
~~priest's, or minister's~~ cleric's professional character; ~~however,~~ 1244  
~~the member of the clergy, rabbi, priest, or minister.~~ The cleric 1245  
may testify by express consent of the person making the 1246  
communication, except when the disclosure of the information is in 1247  
violation of a sacred trust; and except that, if the person 1248  
voluntarily testifies or is deemed by division (A)(4)(c) of 1249  
section 2151.421 of the Revised Code to have waived any 1250  
testimonial privilege under this division, the cleric may be 1251  
compelled to testify on the same subject except when disclosure of 1252  
the information is in violation of a sacred trust. 1253

<u>(2) As used in division (C) of this section:</u>	1254
<u>(a) "Cleric" means a member of the clergy, rabbi, priest,</u>	1255
<u>Christian science practitioner, or regularly ordained, accredited,</u>	1256
<u>or licensed minister of an established and legally cognizable</u>	1257
<u>church, denomination, or sect.</u>	1258
<u>(b) "Sacred trust" means a confession or confidential</u>	1259
<u>communication made to a cleric in the cleric's ecclesiastical</u>	1260
<u>capacity in the course of discipline enjoined by the church to</u>	1261
<u>which the cleric belongs, including, but not limited to, the</u>	1262
<u>Catholic Church, if both of the following apply:</u>	1263
<u>(i) The confession or confidential communication was made</u>	1264
<u>directly to the cleric.</u>	1265
<u>(ii) The confession or confidential communication was made in</u>	1266
<u>the manner and context that places the cleric specifically and</u>	1267
<u>strictly under a level of confidentiality that is considered</u>	1268
<u>inviolable by canon law or church doctrine.</u>	1269
(D) Husband or wife, concerning any communication made by one	1270
to the other, or an act done by either in the presence of the	1271
other, during coverture, unless the communication was made, or act	1272
done, in the known presence or hearing of a third person competent	1273
to be a witness; and such rule is the same if the marital relation	1274
has ceased to exist;	1275
(E) A person who assigns a claim or interest, concerning any	1276
matter in respect to which the person would not, if a party, be	1277
permitted to testify;	1278
(F) A person who, if a party, would be restricted under	1279
section 2317.03 of the Revised Code, when the property or thing is	1280
sold or transferred by an executor, administrator, guardian,	1281
trustee, heir, devisee, or legatee, shall be restricted in the	1282
same manner in any action or proceeding concerning the property or	1283

thing. 1284

(G)(1) A school guidance counselor who holds a valid educator 1285  
license from the state board of education as provided for in 1286  
section 3319.22 of the Revised Code, a person licensed under 1287  
Chapter 4757. of the Revised Code as a professional clinical 1288  
counselor, professional counselor, social worker, independent 1289  
social worker, marriage and family therapist or independent 1290  
marriage and family therapist, or registered under Chapter 4757. 1291  
of the Revised Code as a social work assistant concerning a 1292  
confidential communication received from a client in that relation 1293  
or the person's advice to a client unless any of the following 1294  
applies: 1295

(a) The communication or advice indicates clear and present 1296  
danger to the client or other persons. For the purposes of this 1297  
division, cases in which there are indications of present or past 1298  
child abuse or neglect of the client constitute a clear and 1299  
present danger. 1300

(b) The client gives express consent to the testimony. 1301

(c) If the client is deceased, the surviving spouse or the 1302  
executor or administrator of the estate of the deceased client 1303  
gives express consent. 1304

(d) The client voluntarily testifies, in which case the 1305  
school guidance counselor or person licensed or registered under 1306  
Chapter 4757. of the Revised Code may be compelled to testify on 1307  
the same subject. 1308

(e) The court in camera determines that the information 1309  
communicated by the client is not germane to the counselor-client, 1310  
marriage and family therapist-client, or social worker-client 1311  
relationship. 1312

(f) A court, in an action brought against a school, its 1313

administration, or any of its personnel by the client, rules after 1314  
an in-camera inspection that the testimony of the school guidance 1315  
counselor is relevant to that action. 1316

(g) The testimony is sought in a civil action and concerns 1317  
court-ordered treatment or services received by a patient as part 1318  
of a case plan journalized under section 2151.412 of the Revised 1319  
Code or the court-ordered treatment or services are necessary or 1320  
relevant to dependency, neglect, or abuse or temporary or 1321  
permanent custody proceedings under Chapter 2151. of the Revised 1322  
Code. 1323

(2) Nothing in division (G)(1) of this section shall relieve 1324  
a school guidance counselor or a person licensed or registered 1325  
under Chapter 4757. of the Revised Code from the requirement to 1326  
report information concerning child abuse or neglect under section 1327  
2151.421 of the Revised Code. 1328

(H) A mediator acting under a mediation order issued under 1329  
division (A) of section 3109.052 of the Revised Code or otherwise 1330  
issued in any proceeding for divorce, dissolution, legal 1331  
separation, annulment, or the allocation of parental rights and 1332  
responsibilities for the care of children, in any action or 1333  
proceeding, other than a criminal, delinquency, child abuse, child 1334  
neglect, or dependent child action or proceeding, that is brought 1335  
by or against either parent who takes part in mediation in 1336  
accordance with the order and that pertains to the mediation 1337  
process, to any information discussed or presented in the 1338  
mediation process, to the allocation of parental rights and 1339  
responsibilities for the care of the parents' children, or to the 1340  
awarding of parenting time rights in relation to their children; 1341

(I) A communications assistant, acting within the scope of 1342  
the communication assistant's authority, when providing 1343  
telecommunications relay service pursuant to section 4931.35 of 1344

the Revised Code or Title II of the "Communications Act of 1934," 1345  
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 1346  
made through a telecommunications relay service. Nothing in this 1347  
section shall limit the obligation of a communications assistant 1348  
to divulge information or testify when mandated by federal law or 1349  
regulation or pursuant to subpoena in a criminal proceeding. 1350

Nothing in this section shall limit any immunity or privilege 1351  
granted under federal law or regulation. 1352

(J)(1) A chiropractor in a civil proceeding concerning a 1353  
communication made to the chiropractor by a patient in that 1354  
relation or the chiropractor's advice to a patient, except as 1355  
otherwise provided in this division. The testimonial privilege 1356  
established under this division does not apply, and a chiropractor 1357  
may testify or may be compelled to testify, in any civil action, 1358  
in accordance with the discovery provisions of the Rules of Civil 1359  
Procedure in connection with a civil action, or in connection with 1360  
a claim under Chapter 4123. of the Revised Code, under any of the 1361  
following circumstances: 1362

(a) If the patient or the guardian or other legal 1363  
representative of the patient gives express consent. 1364

(b) If the patient is deceased, the spouse of the patient or 1365  
the executor or administrator of the patient's estate gives 1366  
express consent. 1367

(c) If a medical claim, dental claim, chiropractic claim, or 1368  
optometric claim, as defined in section 2305.113 of the Revised 1369  
Code, an action for wrongful death, any other type of civil 1370  
action, or a claim under Chapter 4123. of the Revised Code is 1371  
filed by the patient, the personal representative of the estate of 1372  
the patient if deceased, or the patient's guardian or other legal 1373  
representative. 1374

(2) If the testimonial privilege described in division (J)(1) 1375

of this section does not apply as provided in division (J)(1)(c) 1376  
of this section, a chiropractor may be compelled to testify or to 1377  
submit to discovery under the Rules of Civil Procedure only as to 1378  
a communication made to the chiropractor by the patient in 1379  
question in that relation, or the chiropractor's advice to the 1380  
patient in question, that related causally or historically to 1381  
physical or mental injuries that are relevant to issues in the 1382  
medical claim, dental claim, chiropractic claim, or optometric 1383  
claim, action for wrongful death, other civil action, or claim 1384  
under Chapter 4123. of the Revised Code. 1385

(3) The testimonial privilege established under this division 1386  
does not apply, and a chiropractor may testify or be compelled to 1387  
testify, in any criminal action or administrative proceeding. 1388

(4) As used in this division, "communication" means 1389  
acquiring, recording, or transmitting any information, in any 1390  
manner, concerning any facts, opinions, or statements necessary to 1391  
enable a chiropractor to diagnose, treat, or act for a patient. A 1392  
communication may include, but is not limited to, any 1393  
chiropractic, office, or hospital communication such as a record, 1394  
chart, letter, memorandum, laboratory test and results, x-ray, 1395  
photograph, financial statement, diagnosis, or prognosis. 1396

(K)(1) Except as provided under division (K)(2) of this 1397  
section, a critical incident stress management team member 1398  
concerning a communication received from an individual who 1399  
receives crisis response services from the team member, or the 1400  
team member's advice to the individual, during a debriefing 1401  
session. 1402

(2) The testimonial privilege established under division 1403  
(K)(1) of this section does not apply if any of the following are 1404  
true: 1405

(a) The communication or advice indicates clear and present 1406

danger to the individual who receives crisis response services or 1407  
to other persons. For purposes of this division, cases in which 1408  
there are indications of present or past child abuse or neglect of 1409  
the individual constitute a clear and present danger. 1410

(b) The individual who received crisis response services 1411  
gives express consent to the testimony. 1412

(c) If the individual who received crisis response services 1413  
is deceased, the surviving spouse or the executor or administrator 1414  
of the estate of the deceased individual gives express consent. 1415

(d) The individual who received crisis response services 1416  
voluntarily testifies, in which case the team member may be 1417  
compelled to testify on the same subject. 1418

(e) The court in camera determines that the information 1419  
communicated by the individual who received crisis response 1420  
services is not germane to the relationship between the individual 1421  
and the team member. 1422

(f) The communication or advice pertains or is related to any 1423  
criminal act. 1424

(3) As used in division (K) of this section: 1425

(a) "Crisis response services" means consultation, risk 1426  
assessment, referral, and on-site crisis intervention services 1427  
provided by a critical incident stress management team to 1428  
individuals affected by crisis or disaster. 1429

(b) "Critical incident stress management team member" or 1430  
"team member" means an individual specially trained to provide 1431  
crisis response services as a member of an organized community or 1432  
local crisis response team that holds membership in the Ohio 1433  
critical incident stress management network. 1434

(c) "Debriefing session" means a session at which crisis 1435  
response services are rendered by a critical incident stress 1436

management team member during or after a crisis or disaster. 1437

(L)(1) Subject to division (L)(2) of this section and except 1438  
as provided in division (L)(3) of this section, an employee 1439  
assistance professional, concerning a communication made to the 1440  
employee assistance professional by a client in the employee 1441  
assistance professional's official capacity as an employee 1442  
assistance professional. 1443

(2) Division (L)(1) of this section applies to an employee 1444  
assistance professional who meets either or both of the following 1445  
requirements: 1446

(a) Is certified by the employee assistance certification 1447  
commission to engage in the employee assistance profession; 1448

(b) Has education, training, and experience in all of the 1449  
following: 1450

(i) Providing workplace-based services designed to address 1451  
employer and employee productivity issues; 1452

(ii) Providing assistance to employees and employees' 1453  
dependents in identifying and finding the means to resolve 1454  
personal problems that affect the employees or the employees' 1455  
performance; 1456

(iii) Identifying and resolving productivity problems 1457  
associated with an employee's concerns about any of the following 1458  
matters: health, marriage, family, finances, substance abuse or 1459  
other addiction, workplace, law, and emotional issues; 1460

(iv) Selecting and evaluating available community resources; 1461

(v) Making appropriate referrals; 1462

(vi) Local and national employee assistance agreements; 1463

(vii) Client confidentiality. 1464

(3) Division (L)(1) of this section does not apply to any of 1465



the following:	1466
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	1467 1468 1469 1470
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	1471 1472 1473
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	1474 1475 1476
(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;	1477 1478 1479
(e) A civil or criminal malpractice action brought against the employee assistance professional;	1480 1481
(f) When the employee assistance professional has the express consent of the client or, if the client is deceased or disabled, the client's legal representative;	1482 1483 1484
(g) When the testimonial privilege otherwise provided by division (L)(1) of this section is abrogated under law.	1485 1486
<b><u>Sec. 2721.21. (A) As used in this section:</u></b>	1487
<u>(1) "Defendant" means a person against whom an individual believes that, but for the expiration of the limitation period for the cause of action under section 2305.111 of the Revised Code, the individual would have a cause of action for assault or battery based on childhood sexual abuse.</u>	1488 1489 1490 1491 1492
<u>(2) "Prosecuting attorney" means the prosecuting attorney of the county in which the defendant resides or, if the defendant</u>	1493 1494

does not reside in this state, the prosecuting attorney of 1495  
Franklin county. 1496

(3) "Reside" has the same meaning as in section 3797.01 of 1497  
the Revised Code. 1498

(B) In any case in which an individual is precluded from 1499  
commencing a civil action for assault or battery based on 1500  
childhood sexual abuse against a person solely because the 1501  
limitation period under section 2305.111 of the Revised Code for 1502  
the action expired on or before the effective date of this 1503  
section, the attorney general or the prosecuting attorney may 1504  
bring an action in a court designated in division (C) of this 1505  
section for a declaratory judgment finding that the person would 1506  
have been liable for assault or battery based on childhood sexual 1507  
abuse but for the expiration of the limitation period under 1508  
section 2305.111 of the Revised Code. The attorney general or 1509  
prosecuting attorney may bring an action pursuant to this section 1510  
only for childhood sexual abuse that allegedly occurred in this 1511  
state. 1512

(C) If an individual believes that, but for the expiration of 1513  
the limitation period under section 2305.111 of the Revised Code 1514  
for an action for assault or battery based on childhood sexual 1515  
abuse on or before the effective date of this section, the 1516  
individual would have a cause of action against a defendant for 1517  
assault or battery based on childhood sexual abuse that occurred 1518  
in this state, the individual may serve written notice of the 1519  
individual's belief and the basis for the belief simultaneously on 1520  
the defendant, the attorney general, and the prosecuting attorney. 1521  
The individual shall serve the notice by certified mail, return 1522  
receipt requested. The prosecuting attorney within forty-five days 1523  
after receipt of the notice may commence an action pursuant to 1524  
division (B) of this section in the court of common pleas of the 1525  
county in which the prosecuting attorney is elected. If the 1526

prosecuting attorney does not commence an action within that 1527  
forty-five day period, the attorney general within ninety days 1528  
after receipt of the notice may commence an action pursuant to 1529  
division (B) of this section in the Franklin county court of 1530  
common pleas or the court of common pleas of the county in which 1531  
the defendant resides. If neither the attorney general nor the 1532  
prosecuting attorney commences an action pursuant to division (B) 1533  
of this section within the appropriate forty-five-day or 1534  
ninety-day period after receiving the notice, the individual may 1535  
commence an action in the court of common pleas of the county in 1536  
which the individual or the defendant resides or in which the 1537  
childhood sexual abuse allegedly occurred for a declaratory 1538  
judgment finding that the defendant would be liable for assault or 1539  
battery based on childhood sexual abuse but for the expiration of 1540  
the limitation period under section 2305.111 of the Revised Code. 1541

(D) If the court finds by a preponderance of the evidence in 1542  
an action brought pursuant to this section that the defendant 1543  
would be liable for assault or battery based on childhood sexual 1544  
abuse but for the expiration of the limitation period under 1545  
section 2305.111 of the Revised Code, the court shall enter a 1546  
judgment with that finding against the defendant and shall order 1547  
that the defendant be listed on the civil registry maintained by 1548  
the attorney general pursuant to section 3797.08 of the Revised 1549  
Code. The court shall notify the defendant of the defendant's 1550  
obligations under sections 3797.02, 3797.03, and 3797.04 of the 1551  
Revised Code. 1552

(E) In an action brought by an individual pursuant to 1553  
division (C) of this section, the court may award reasonable 1554  
attorney's fees to the prevailing party. 1555

(F) After the expiration of six years from the date on which 1556  
a court orders pursuant to this section that an individual be 1557  
listed on the civil registry maintained by the attorney general 1558

pursuant to section 3797.08 of the Revised Code, the registrant 1559  
may apply to the court that issued the order to be removed from 1560  
the registry. The court may order that the individual's name be 1561  
removed from the registry if the court finds by clear and 1562  
convincing evidence that since the individual was first listed on 1563  
the civil registry the individual has not been found liable in 1564  
damages in an action for assault or battery based on childhood 1565  
sexual abuse, has not been required to register pursuant to 1566  
section 2950.04 or 2950.041 of the Revised Code or a similar 1567  
statute of any other state, and is not likely to commit an act in 1568  
the future that would subject the individual to the requirement to 1569  
register under section 2950.04, 2950.041, or 3797.02 of the 1570  
Revised Code. 1571

**Sec. 2901.13.** (A)(1) Except as provided in division (A)(2) or 1572  
(3) of this section or as otherwise provided in this section, a 1573  
prosecution shall be barred unless it is commenced within the 1574  
following periods after an offense is committed: 1575

(a) For a felony, six years; 1576

(b) For a misdemeanor other than a minor misdemeanor, two 1577  
years; 1578

(c) For a minor misdemeanor, six months. 1579

(2) There is no period of limitation for the prosecution of a 1580  
violation of section 2903.01 or 2903.02 of the Revised Code. 1581

(3) Except as otherwise provided in divisions (B) to (H) of 1582  
this section, a prosecution of any of the following offenses shall 1583  
be barred unless it is commenced within twenty years after the 1584  
offense is committed: 1585

(a) A violation of section 2903.03, 2903.04, 2905.01, 1586  
2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 1587  
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 1588

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;

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

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

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

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

(E) A prosecution is commenced on the date an indictment is  
returned or an information filed, or on the date a lawful arrest  
without a warrant is made, or on the date a warrant, summons,  
citation, or other process is issued, whichever occurs first. A  
prosecution is not commenced by the return of an indictment or the  
filing of an information unless reasonable diligence is exercised

to issue and execute process on the same. A prosecution is not  
commenced upon issuance of a warrant, summons, citation, or other  
process, unless reasonable diligence is exercised to execute the  
same.

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

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

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

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

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

(2) A public children services agency, or a municipal or  
county peace officer that is not the parent or guardian of the  
child, in the county in which the child resides or in which the  
abuse or neglect is occurring or has occurred has been notified  
that abuse or neglect is known, suspected, or believed to have  
occurred.

(J) As used in this section, "peace officer" has the same 1650  
meaning as in section 2935.01 of the Revised Code. 1651

**Sec. 2907.03.** (A) No person shall engage in sexual conduct 1652  
with another, not the spouse of the offender, when any of the 1653  
following apply: 1654

(1) The offender knowingly coerces the other person to submit 1655  
by any means that would prevent resistance by a person of ordinary 1656  
resolution. 1657

(2) The offender knows that the other person's ability to 1658  
appraise the nature of or control the other person's own conduct 1659  
is substantially impaired. 1660

(3) The offender knows that the other person submits because 1661  
the other person is unaware that the act is being committed. 1662

(4) The offender knows that the other person submits because 1663  
the other person mistakenly identifies the offender as the other 1664  
person's spouse. 1665

(5) The offender is the other person's natural or adoptive 1666  
parent, or a stepparent, or guardian, custodian, or person in loco 1667  
parentis of the other person. 1668

(6) The other person is in custody of law or a patient in a 1669  
hospital or other institution, and the offender has supervisory or 1670  
disciplinary authority over the other person. 1671

(7) The offender is a teacher, administrator, coach, or other 1672  
person in authority employed by or serving in a school for which 1673  
the state board of education prescribes minimum standards pursuant 1674  
to division (D) of section 3301.07 of the Revised Code, the other 1675  
person is enrolled in or attends that school, and the offender is 1676  
not enrolled in and does not attend that school. 1677

(8) The other person is a minor, the offender is a teacher, 1678

administrator, coach, or other person in authority employed by or  
serving in an institution of higher education, and the other  
person is enrolled in or attends that institution.

(9) The other person is a minor, and the offender is the  
other person's athletic or other type of coach, is the other  
person's instructor, is the leader of a scouting troop of which  
the other person is a member, or is a person with temporary or  
occasional disciplinary control over the other person.

(10) The offender is a mental health professional, the other  
person is a mental health client or patient of the offender, and  
the offender induces the other person to submit by falsely  
representing to the other person that the sexual conduct is  
necessary for mental health treatment purposes.

(11) The other person is confined in a detention facility,  
and the offender is an employee of that detention facility.

(12) The other person is a minor, the offender is a cleric,  
and the other person is a member of, or attends, the church or  
congregation served by the cleric.

(B) Whoever violates this section is guilty of sexual  
battery, a felony of the third degree.

(C) As used in this section:

(1) "Cleric" has the same meaning as in section 2317.02 of  
the Revised Code.

(2) "Detention facility" has the same meaning as in section  
2921.01 of the Revised Code.

~~(2)~~(3) "Institution of higher education" means a state  
institution of higher education defined in section 3345.011 of the  
Revised Code, a private nonprofit college or university located in  
this state that possesses a certificate of authorization issued by  
the Ohio board of regents pursuant to Chapter 1713. of the Revised



Code, or a school certified under Chapter 3332. of the Revised 1709  
Code. 1710

**Sec. 2919.26.** (A)(1) Upon the filing of a complaint that 1711  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1712  
2911.211 of the Revised Code if the alleged victim of the 1713  
violation was a family or household member at the time of the 1714  
violation, a violation of a municipal ordinance that is 1715  
substantially similar to any of those sections if the alleged 1716  
victim of the violation was a family or household member at the 1717  
time of the violation, ~~or~~ any offense of violence if the alleged 1718  
victim of the offense was a family or household member at the time 1719  
of the commission of the offense, or any sexually oriented 1720  
offense, the complainant, the alleged victim, or a family or 1721  
household member of an alleged victim may file, or, if in an 1722  
emergency the alleged victim is unable to file, a person who made 1723  
an arrest for the alleged violation or offense under section 1724  
2935.03 of the Revised Code may file on behalf of the alleged 1725  
victim, a motion that requests the issuance of a temporary 1726  
protection order as a pretrial condition of release of the alleged 1727  
offender, in addition to any bail set under Criminal Rule 46. The 1728  
motion shall be filed with the clerk of the court that has 1729  
jurisdiction of the case at any time after the filing of the 1730  
complaint. 1731

(2) For purposes of section 2930.09 of the Revised Code, all 1732  
stages of a proceeding arising out of a complaint alleging the 1733  
commission of a violation or offense of violence described in 1734  
division (A)(1) of this section, including all proceedings on a 1735  
motion for a temporary protection order, are critical stages of 1736  
the case, and a victim may be accompanied by a victim advocate or 1737  
another person to provide support to the victim as provided in 1738  
that section. 1739

(B) The motion shall be prepared on a form that is provided 1740  
by the clerk of the court, which form shall be substantially as 1741  
follows: 1742

"MOTION FOR TEMPORARY PROTECTION ORDER 1743

..... Court 1744

Name and address of court 1745

State of Ohio 1746

v. No. .... 1747

..... 1748

Name of Defendant 1749

(name of person), moves the court to issue a temporary protection 1750  
order containing terms designed to ensure the safety and 1751  
protection of the complainant, alleged victim, and other family or 1752  
household members, in relation to the named defendant, pursuant to 1753  
its authority to issue such an order under section 2919.26 of the 1754  
Revised Code. 1755

A complaint, a copy of which has been attached to this 1756  
motion, has been filed in this court charging the named defendant 1757  
with ..... (name of the specified violation 1758  
or the offense of violence charged) in circumstances in which the 1759  
victim was a family or household member in violation of (section 1760  
of the Revised Code designating the specified violation or offense 1761  
of violence charged), or charging the named defendant with a 1762  
violation of a municipal ordinance that is substantially similar 1763  
to ..... (section of the Revised Code 1764  
designating the specified violation or offense of violence 1765  
charged) involving a family or household member. 1766

I understand that I must appear before the court, at a time 1767  
set by the court within twenty-four hours after the filing of this 1768  
motion, for a hearing on the motion or that, if I am unable to 1769  
appear because of hospitalization or a medical condition resulting 1770

from the offense alleged in the complaint, a person who can 1771  
provide information about my need for a temporary protection order 1772  
must appear before the court in lieu of my appearing in court. I 1773  
understand that any temporary protection order granted pursuant to 1774  
this motion is a pretrial condition of release and is effective 1775  
only until the disposition of the criminal proceeding arising out 1776  
of the attached complaint, or the issuance of a civil protection 1777  
order or the approval of a consent agreement, arising out of the 1778  
same activities as those that were the basis of the complaint, 1779  
under section 3113.31 of the Revised Code. 1780

..... 1781

Signature of person 1782

(or signature of the arresting officer who filed the motion on 1783  
behalf of the alleged victim) 1784

..... 1785

Address of person (or office address of the arresting officer who 1786  
filed the motion on behalf of the alleged victim)" 1787

(C)(1) As soon as possible after the filing of a motion that 1788  
requests the issuance of a temporary protection order, but not 1789  
later than twenty-four hours after the filing of the motion, the 1790  
court shall conduct a hearing to determine whether to issue the 1791  
order. The person who requested the order shall appear before the 1792  
court and provide the court with the information that it requests 1793  
concerning the basis of the motion. If the person who requested 1794  
the order is unable to appear and if the court finds that the 1795  
failure to appear is because of the person's hospitalization or 1796  
medical condition resulting from the offense alleged in the 1797  
complaint, another person who is able to provide the court with 1798  
the information it requests may appear in lieu of the person who 1799  
requested the order. If the court finds that the safety and 1800  
protection of the complainant, alleged victim, or any other family 1801

or household member of the alleged ~~offender~~ victim may be impaired 1802  
by the continued presence of the alleged offender, the court may 1803  
issue a temporary protection order, as a pretrial condition of 1804  
release, that contains terms designed to ensure the safety and 1805  
protection of the complainant, alleged victim, or the family or 1806  
household member, including a requirement that the alleged 1807  
offender refrain from entering the residence, school, business, or 1808  
place of employment of the complainant, alleged victim, or the 1809  
family or household member. 1810

(2)(a) If the court issues a temporary protection order that 1811  
includes a requirement that the alleged offender refrain from 1812  
entering the residence, school, business, or place of employment 1813  
of the complainant, the alleged victim, or the family or household 1814  
member, the order shall state clearly that the order cannot be 1815  
waived or nullified by an invitation to the alleged offender from 1816  
the complainant, alleged victim, or family or household member to 1817  
enter the residence, school, business, or place of employment or 1818  
by the alleged offender's entry into one of those places otherwise 1819  
upon the consent of the complainant, alleged victim, or family or 1820  
household member. 1821

(b) Division (C)(2)(a) of this section does not limit any 1822  
discretion of a court to determine that an alleged offender 1823  
charged with a violation of section 2919.27 of the Revised Code, 1824  
with a violation of a municipal ordinance substantially equivalent 1825  
to that section, or with contempt of court, which charge is based 1826  
on an alleged violation of a temporary protection order issued 1827  
under this section, did not commit the violation or was not in 1828  
contempt of court. 1829

(D)(1) Upon the filing of a complaint that alleges a 1830  
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 1831  
Revised Code if the alleged victim of the violation was a family 1832  
or household member at the time of the violation, a violation of a 1833

municipal ordinance that is substantially similar to any of those 1834  
sections if the alleged victim of the violation was a family or 1835  
household member at the time of the violation, ~~or~~ any offense of 1836  
violence if the alleged victim of the offense was a family or 1837  
household member at the time of the commission of the offense, or 1838  
any sexually oriented offense, the court, upon its own motion, may 1839  
issue a temporary protection order as a pretrial condition of 1840  
release if it finds that the safety and protection of the 1841  
complainant, alleged victim, or other family or household member 1842  
of the alleged offender may be impaired by the continued presence 1843  
of the alleged offender. 1844

(2) If the court issues a temporary protection order under 1845  
this section as an ex parte order, it shall conduct, as soon as 1846  
possible after the issuance of the order, a hearing in the 1847  
presence of the alleged offender not later than the next day on 1848  
which the court is scheduled to conduct business after the day on 1849  
which the alleged offender was arrested or at the time of the 1850  
appearance of the alleged offender pursuant to summons to 1851  
determine whether the order should remain in effect, be modified, 1852  
or be revoked. The hearing shall be conducted under the standards 1853  
set forth in division (C) of this section. 1854

(3) An order issued under this section shall contain only 1855  
those terms authorized in orders issued under division (C) of this 1856  
section. 1857

(4) If a municipal court or a county court issues a temporary 1858  
protection order under this section and if, subsequent to the 1859  
issuance of the order, the alleged offender who is the subject of 1860  
the order is bound over to the court of common pleas for 1861  
prosecution of a felony arising out of the same activities as 1862  
those that were the basis of the complaint upon which the order is 1863  
based, notwithstanding the fact that the order was issued by a 1864  
municipal court or county court, the order shall remain in effect, 1865

as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

(E) A temporary protection order that is issued as a pretrial condition of release under this section:

(1) Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46;

(2) Is effective only until the occurrence of either of the following:

(a) The disposition, by the court that issued the order or, in the circumstances described in division (D)(4) of this section, by the court of common pleas to which the alleged offender is bound over for prosecution, of the criminal proceeding arising out of the complaint upon which the order is based;

(b) The issuance of a protection order or the approval of a consent agreement, arising out of the same activities as those that were the basis of the complaint upon which the order is based, under section 3113.31 of the Revised Code;

(3) Shall not be construed as a finding that the alleged offender committed the alleged offense, and shall not be introduced as evidence of the commission of the offense at the

trial of the alleged offender on the complaint upon which the 1897  
order is based. 1898

(F) A person who meets the criteria for bail under Criminal 1899  
Rule 46 and who, if required to do so pursuant to that rule, 1900  
executes or posts bond or deposits cash or securities as bail, 1901  
shall not be held in custody pending a hearing before the court on 1902  
a motion requesting a temporary protection order. 1903

(G)(1) A copy of any temporary protection order that is 1904  
issued under this section shall be issued by the court to the 1905  
complainant, to the alleged victim, to the person who requested 1906  
the order, to the defendant, and to all law enforcement agencies 1907  
that have jurisdiction to enforce the order. The court shall 1908  
direct that a copy of the order be delivered to the defendant on 1909  
the same day that the order is entered. If a municipal court or a 1910  
county court issues a temporary protection order under this 1911  
section and if, subsequent to the issuance of the order, the 1912  
defendant who is the subject of the order is bound over to the 1913  
court of common pleas for prosecution as described in division 1914  
(D)(4) of this section, the municipal court or county court shall 1915  
direct that a copy of the order be delivered to the court of 1916  
common pleas to which the defendant is bound over. 1917

(2) All law enforcement agencies shall establish and maintain 1918  
an index for the temporary protection orders delivered to the 1919  
agencies pursuant to division (G)(1) of this section. With respect 1920  
to each order delivered, each agency shall note on the index, the 1921  
date and time of the receipt of the order by the agency. 1922

(3) A complainant, alleged victim, or other person who 1924  
obtains a temporary protection order under this section may 1925  
provide notice of the issuance of the temporary protection order 1926  
to the judicial and law enforcement officials in any county other 1927

than the county in which the order is issued by registering that  
order in the other county in accordance with division (N) of  
section 3113.31 of the Revised Code and filing a copy of the  
registered protection order with a law enforcement agency in the  
other county in accordance with that division.

(4) Any officer of a law enforcement agency shall enforce a  
temporary protection order issued by any court in this state in  
accordance with the provisions of the order, including removing  
the defendant from the premises, regardless of whether the order  
is registered in the county in which the officer's agency has  
jurisdiction as authorized by division (G)(3) of this section.

(H) Upon a violation of a temporary protection order, the  
court may issue another temporary protection order, as a pretrial  
condition of release, that modifies the terms of the order that  
was violated.

(I)(1) As used in divisions (I)(1) and (2) of this section,  
"defendant" means a person who is alleged in a complaint to have  
committed a violation or offense of violence of the type described  
in division (A) of this section.

(2) If a complaint is filed that alleges that a person  
committed a violation or offense of violence of the type described  
in division (A) of this section, the court may not issue a  
temporary protection order under this section that requires the  
complainant, the alleged victim, or another family or household  
member of the defendant to do or refrain from doing an act that  
the court may require the defendant to do or refrain from doing  
under a temporary protection order unless both of the following  
apply:

(a) The defendant has filed a separate complaint that alleges  
that the complainant, alleged victim, or other family or household  
member in question who would be required under the order to do or



refrain from doing the act committed a violation or offense of 1959  
violence of the type described in division (A) of this section. 1960

(b) The court determines that both the complainant, alleged 1961  
victim, or other family or household member in question who would 1962  
be required under the order to do or refrain from doing the act 1963  
and the defendant acted primarily as aggressors, that neither the 1964  
complainant, alleged victim, or other family or household member 1965  
in question who would be required under the order to do or refrain 1966  
from doing the act nor the defendant acted primarily in 1967  
self-defense, and, in accordance with the standards and criteria 1968  
of this section as applied in relation to the separate complaint 1969  
filed by the defendant, that it should issue the order to require 1970  
the complainant, alleged victim, or other family or household 1971  
member in question to do or refrain from doing the act. 1972

(J) Notwithstanding any provision of law to the contrary and 1973  
regardless of whether a protection order is issued or a consent 1974  
agreement is approved by a court of another county or a court of 1975  
another state, no court or unit of state or local government shall 1976  
charge any fee, cost, deposit, or money in connection with the 1977  
filing of a motion pursuant to this section, in connection with 1978  
the filing, issuance, registration, or service of a protection 1979  
order or consent agreement, or for obtaining a certified copy of a 1980  
protection order or consent agreement. 1981

(K) As used in this section, ~~"victim:~~ 1982

(1) "Sexually oriented offense" has the same meaning as in 1983  
section 2950.01 of the Revised Code. 1984

(2) "Victim advocate" means a person who provides support and 1985  
assistance for a victim of an offense during court proceedings. 1986

**Sec. 2950.11.** (A) As used in this section, "specified 1987  
geographical notification area" means the geographic area or areas 1988

within which the attorney general, by rule adopted under section 1989  
2950.13 of the Revised Code, requires the notice described in 1990  
division (B) of this section to be given to the persons identified 1991  
in divisions (A)(2) to (8) of this section. If a person is 1992  
convicted of or pleads guilty to, or has been convicted of or 1993  
pleaded guilty to, either a sexually oriented offense that is not 1994  
a registration-exempt sexually oriented offense or a child-victim 1995  
oriented offense, or a person is adjudicated a delinquent child 1996  
for committing either a sexually oriented offense that is not a 1997  
registration-exempt sexually oriented offense or a child-victim 1998  
oriented offense and is classified a juvenile offender registrant 1999  
or is an out-of-state juvenile offender registrant based on that 2000  
adjudication, and if the offender or delinquent child is in any 2001  
category specified in division (F)(1)(a), (b), or (c) of this 2002  
section, the sheriff with whom the offender or delinquent child 2003  
has most recently registered under section 2950.04, 2950.041, or 2004  
2950.05 of the Revised Code and the sheriff to whom the offender 2005  
or delinquent child most recently sent a notice of intent to 2006  
reside under section 2950.04 or 2950.041 of the Revised Code, 2007  
within the period of time specified in division (C) of this 2008  
section, shall provide a written notice containing the information 2009  
set forth in division (B) of this section to all of the persons 2010  
described in divisions (A)(1) to (9) of this section. If the 2011  
sheriff has sent a notice to the persons described in those 2012  
divisions as a result of receiving a notice of intent to reside 2013  
and if the offender or delinquent child registers a residence 2014  
address that is the same residence address described in the notice 2015  
of intent to reside, the sheriff is not required to send an 2016  
additional notice when the offender or delinquent child registers. 2017  
The sheriff shall provide the notice to all of the following 2018  
persons: 2019

(1)(a) Any occupant of each residential unit that is located 2020

within one thousand feet of the offender's or delinquent child's 2021  
residential premises, that is located within the county served by 2022  
the sheriff, and that is not located in a multi-unit building. 2023  
Division (D)(3) of this section applies regarding notices required 2024  
under this division. 2025

(b) If the offender or delinquent child resides in a 2026  
multi-unit building, any occupant of each residential unit that is 2027  
located in that multi-unit building and that shares a common 2028  
hallway with the offender or delinquent child. For purposes of 2029  
this division, an occupant's unit shares a common hallway with the 2030  
offender or delinquent child if the entrance door into the 2031  
occupant's unit is located on the same floor and opens into the 2032  
same hallway as the entrance door to the unit the offender or 2033  
delinquent child occupies. Division (D)(3) of this section applies 2034  
regarding notices required under this division. 2035

(c) The building manager, or the person the building owner or 2036  
condominium unit owners association authorizes to exercise 2037  
management and control, of each multi-unit building that is 2038  
located within one thousand feet of the offender's or delinquent 2039  
child's residential premises, including a multi-unit building in 2040  
which the offender or delinquent child resides, and that is 2041  
located within the county served by the sheriff. In addition to 2042  
notifying the building manager or the person authorized to 2043  
exercise management and control in the multi-unit building under 2044  
this division, the sheriff shall post a copy of the notice 2045  
prominently in each common entryway in the building and any other 2046  
location in the building the sheriff determines appropriate. The 2047  
manager or person exercising management and control of the 2048  
building shall permit the sheriff to post copies of the notice 2049  
under this division as the sheriff determines appropriate. In lieu 2050  
of posting copies of the notice as described in this division, a 2051  
sheriff may provide notice to all occupants of the multi-unit 2052

building by mail or personal contact; if the sheriff so notifies 2053  
all the occupants, the sheriff is not required to post copies of 2054  
the notice in the common entryways to the building. Division 2055  
(D)(3) of this section applies regarding notices required under 2056  
this division. 2057

(d) All additional persons who are within any category of 2058  
neighbors of the offender or delinquent child that the attorney 2059  
general by rule adopted under section 2950.13 of the Revised Code 2060  
requires to be provided the notice and who reside within the 2061  
county served by the sheriff; 2062

(2) The executive director of the public children services 2063  
agency that has jurisdiction within the specified geographical 2064  
notification area and that is located within the county served by 2065  
the sheriff; 2066

(3)(a) The superintendent of each board of education of a 2067  
school district that has schools within the specified geographical 2068  
notification area and that is located within the county served by 2069  
the sheriff; 2070

(b) The principal of the school within the specified 2071  
geographical notification area and within the county served by the 2072  
sheriff that the delinquent child attends; 2073

(c) If the delinquent child attends a school outside of the 2074  
specified geographical notification area or outside of the school 2075  
district where the delinquent child resides, the superintendent of 2076  
the board of education of a school district that governs the 2077  
school that the delinquent child attends and the principal of the 2078  
school that the delinquent child attends. 2079

(4)(a) The appointing or hiring officer of each chartered 2080  
nonpublic school located within the specified geographical 2081  
notification area and within the county served by the sheriff or 2082  
of each other school located within the specified geographical 2083

notification area and within the county served by the sheriff and 2084  
that is not operated by a board of education described in division 2085  
(A)(3) of this section; 2086

(b) Regardless of the location of the school, the appointing 2087  
or hiring officer of a chartered nonpublic school that the 2088  
delinquent child attends. 2089

(5) The director, head teacher, elementary principal, or site 2090  
administrator of each preschool program governed by Chapter 3301. 2091  
of the Revised Code that is located within the specified 2092  
geographical notification area and within the county served by the 2093  
sheriff; 2094

(6) The administrator of each child day-care center or type A 2095  
family day-care home that is located within the specified 2096  
geographical notification area and within the county served by the 2097  
sheriff, and the provider of each certified type B family day-care 2098  
home that is located within the specified geographical 2099  
notification area and within the county served by the sheriff. As 2100  
used in this division, "child day-care center," "type A family 2101  
day-care home," and "certified type B family day-care home" have 2102  
the same meanings as in section 5104.01 of the Revised Code. 2103

(7) The president or other chief administrative officer of 2104  
each institution of higher education, as defined in section 2105  
2907.03 of the Revised Code, that is located within the specified 2106  
geographical notification area and within the county served by the 2107  
sheriff, and the chief law enforcement officer of the state 2108  
university law enforcement agency or campus police department 2109  
established under section 3345.04 or 1713.50 of the Revised Code, 2110  
if any, that serves that institution; 2111

(8) The sheriff of each county that includes any portion of 2112  
the specified geographical notification area; 2113

(9) If the offender or delinquent child resides within the 2114

county served by the sheriff, the chief of police, marshal, or 2115  
other chief law enforcement officer of the municipal corporation 2116  
in which the offender or delinquent child resides or, if the 2117  
offender or delinquent child resides in an unincorporated area, 2118  
the constable or chief of the police department or police district 2119  
police force of the township in which the offender or delinquent 2120  
child resides. 2121

(B) The notice required under division (A) of this section 2122  
shall include all of the following information regarding the 2123  
subject offender or delinquent child: 2124

(1) The offender's or delinquent child's name; 2125

(2) The address or addresses of the offender's residence, 2126  
school, institution of higher education, or place of employment, 2127  
as applicable, or the delinquent child's residence address or 2128  
addresses; 2129

(3) The sexually oriented offense or child-victim oriented 2130  
offense of which the offender was convicted, to which the offender 2131  
pleaded guilty, or for which the child was adjudicated a 2132  
delinquent child; 2133

(4) All of the following statements that are applicable: 2134

(a) A statement that the offender has been adjudicated a 2135  
sexual predator, a statement that the offender has been convicted 2136  
of or pleaded guilty to an aggravated sexually oriented offense, a 2137  
statement that the delinquent child has been adjudicated a sexual 2138  
predator and that, as of the date of the notice, the court has not 2139  
entered a determination that the delinquent child no longer is a 2140  
sexual predator, or a statement that the sentencing or reviewing 2141  
judge has determined that the offender or delinquent child is a 2142  
habitual sex offender and that, as of the date of the notice, the 2143  
determination regarding a delinquent child has not been removed 2144  
pursuant to section 2152.84 or 2152.85 of the Revised Code; 2145

(b) A statement that the offender has been adjudicated a child-victim predator, a statement that the delinquent child has been adjudicated a child-victim predator and that, as of the date of the notice, the court has not entered a determination that the delinquent child no longer is a child-victim predator, or a statement that the sentencing or reviewing judge has determined that the offender or delinquent child is a habitual child-victim offender and that, as of the date of the notice, the determination regarding a delinquent child has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code;

(5) The offender's or delinquent child's photograph.

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided notice under division (A)(8) of this section shall provide the notices described in divisions (A)(1) to (7) and (A)(9) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question.

(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section as soon as practicable, but no later than five

days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (9) of this section. If a sheriff provides a notice pursuant to this division to the sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided the notice under division (A)(8) of this section may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and (A)(9) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or



(b) of this section, and may provide notice under division 2210  
(A)(1)(c) of this section to a building manager or person 2211  
authorized to exercise management and control of a building, by 2212  
mail, by personal contact, or by leaving the notice at or under 2213  
the entry door to a residential unit. For purposes of divisions 2214  
(A)(1)(a) and (b) of this section, and the portion of division 2215  
(A)(1)(c) of this section relating to the provision of notice to 2216  
occupants of a multi-unit building by mail or personal contact, 2217  
the provision of one written notice per unit is deemed as 2218  
providing notice to all occupants of that unit. 2219

(E) All information that a sheriff possesses regarding a 2220  
sexual predator, a habitual sex offender, a child-victim predator, 2221  
or a habitual child-victim offender that is described in division 2222  
(B) of this section and that must be provided in a notice required 2223  
under division (A) or (C) of this section or that may be provided 2224  
in a notice authorized under division (D)(2) of this section is a 2225  
public record that is open to inspection under section 149.43 of 2226  
the Revised Code. 2227

The sheriff shall not cause to be publicly disseminated by 2228  
means of the internet any of the information described in this 2229  
division that is provided by a sexual predator, habitual sex 2230  
offender, child-victim predator, or habitual child-victim offender 2231  
who is a juvenile offender registrant, except when the act that is 2232  
the basis of the child's classification as a juvenile offender 2233  
registrant is a violation of, or an attempt to commit a violation 2234  
of, section 2903.01, 2903.02, or 2905.01 of the Revised Code that 2235  
was committed with a purpose to gratify the sexual needs or 2236  
desires of the child, a violation of section 2907.02 of the 2237  
Revised Code, or an attempt to commit a violation of that section. 2238

(F)(1) The duties to provide the notices described in 2239  
divisions (A) and (C) of this section apply regarding any offender 2240  
or delinquent child who is in any of the following categories, if 2241

the other criteria set forth in division (A) or (C) of this 2242  
section, whichever is applicable, are satisfied: 2243

(a) The offender or delinquent child has been adjudicated a 2244  
sexual predator relative to the sexually oriented offense for 2245  
which the offender or delinquent child has the duty to register 2246  
under section 2950.04 of the Revised Code or has been adjudicated 2247  
a child-victim predator relative to the child-victim oriented 2248  
offense for which the offender or child has the duty to register 2249  
under section 2950.041 of the Revised Code, and the court has not 2250  
subsequently determined pursuant to section 2152.84 or 2152.85 of 2251  
the Revised Code regarding a delinquent child that the delinquent 2252  
child no longer is a sexual predator or no longer is a 2253  
child-victim predator, whichever is applicable. 2254

(b) The offender or delinquent child has been determined 2255  
pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091, 2256  
division (B) of section 2152.83, section 2152.84, or section 2257  
2152.85 of the Revised Code to be a habitual sex offender or a 2258  
habitual child-victim offender, the court has imposed a 2259  
requirement under that division or section subjecting the habitual 2260  
sex offender or habitual child-victim offender to this section, 2261  
and the determination has not been removed pursuant to section 2262  
2152.84 or 2152.85 of the Revised Code regarding a delinquent 2263  
child. 2264

(c) The sexually oriented offense for which the offender has 2265  
the duty to register under section 2950.04 of the Revised Code is 2266  
an aggravated sexually oriented offense, regardless of whether the 2267  
offender has been adjudicated a sexual predator relative to the 2268  
offense or has been determined to be a habitual sex offender. 2269

(2) The notification provisions of this section do not apply 2270  
regarding a person who is convicted of or pleads guilty to, has 2271  
been convicted of or pleaded guilty to, or is adjudicated a 2272

delinquent child for committing, a sexually oriented offense or a 2273  
child-victim oriented offense, who is not in the category 2274  
specified in either division (F)(1)(a) or (c) of this section, and 2275  
who is determined pursuant to division (C)(2) or (E) of section 2276  
2950.09 or 2950.091, division (B) of section 2152.83, section 2277  
2152.84, or section 2152.85 of the Revised Code to be a habitual 2278  
sex offender or habitual child-victim offender unless the 2279  
sentencing or reviewing court imposes a requirement in the 2280  
offender's sentence and in the judgment of conviction that 2281  
contains the sentence or in the delinquent child's adjudication, 2282  
or imposes a requirement as described in division (C)(2) of 2283  
section 2950.09 or 2950.091 of the Revised Code, that subjects the 2284  
offender or the delinquent child to the provisions of this 2285  
section. 2286

(G) The department of job and family services shall compile, 2287  
maintain, and update in January and July of each year, a list of 2288  
all agencies, centers, or homes of a type described in division 2289  
(A)(2) or (6) of this section that contains the name of each 2290  
agency, center, or home of that type, the county in which it is 2291  
located, its address and telephone number, and the name of an 2292  
administrative officer or employee of the agency, center, or home. 2293  
The department of education shall compile, maintain, and update in 2294  
January and July of each year, a list of all boards of education, 2295  
schools, or programs of a type described in division (A)(3), (4), 2296  
or (5) of this section that contains the name of each board of 2297  
education, school, or program of that type, the county in which it 2298  
is located, its address and telephone number, the name of the 2299  
superintendent of the board or of an administrative officer or 2300  
employee of the school or program, and, in relation to a board of 2301  
education, the county or counties in which each of its schools is 2302  
located and the address of each such school. The Ohio board of 2303  
regents shall compile, maintain, and update in January and July of 2304

each year, a list of all institutions of a type described in 2305  
division (A)(7) of this section that contains the name of each 2306  
such institution, the county in which it is located, its address 2307  
and telephone number, and the name of its president or other chief 2308  
administrative officer. A sheriff required by division (A) or (C) 2309  
of this section, or authorized by division (D)(2) of this section, 2310  
to provide notices regarding an offender or delinquent child, or a 2311  
designee of a sheriff of that type, may request the department of 2312  
job and family services, department of education, or Ohio board of 2313  
regents, by telephone, in person, or by mail, to provide the 2314  
sheriff or designee with the names, addresses, and telephone 2315  
numbers of the appropriate persons and entities to whom the 2316  
notices described in divisions (A)(2) to (7) of this section are 2317  
to be provided. Upon receipt of a request, the department or board 2318  
shall provide the requesting sheriff or designee with the names, 2319  
addresses, and telephone numbers of the appropriate persons and 2320  
entities to whom those notices are to be provided. 2321

(H)(1) Upon the motion of the offender or the prosecuting 2322  
attorney of the county in which the offender was convicted of or 2323  
pleaded guilty to the sexually oriented offense or child-victim 2324  
oriented offense for which the offender is subject to community 2325  
notification under this section, or upon the motion of the 2326  
sentencing judge or that judge's successor in office, the judge 2327  
may schedule a hearing to determine whether the interests of 2328  
justice would be served by suspending the community notification 2329  
requirement under this section in relation to the offender. The 2330  
judge may dismiss the motion without a hearing but may not issue 2331  
an order suspending the community notification requirement without 2332  
a hearing. At the hearing, all parties are entitled to be heard, 2333  
and the judge shall consider all of the factors set forth in 2334  
division (B)(3) of section 2950.09 of the Revised Code. If, at the 2335  
conclusion of the hearing, the judge finds that the offender has 2336

proven by clear and convincing evidence that the offender is 2337  
unlikely to commit in the future a sexually oriented offense or a 2338  
child-victim oriented offense and if the judge finds that 2339  
suspending the community notification requirement is in the 2340  
interests of justice, the judge may suspend the application of 2341  
this section in relation to the offender. The order shall contain 2342  
both of these findings. 2343

The judge promptly shall serve a copy of the order upon the 2344  
sheriff with whom the offender most recently registered under 2345  
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 2346  
the bureau of criminal identification and investigation. 2347

An order suspending the community notification requirement 2348  
does not suspend or otherwise alter an offender's duties to comply 2349  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 2350  
Revised Code and does not suspend the victim notification 2351  
requirement under section 2950.10 of the Revised Code. 2352

(2) A prosecuting attorney, a sentencing judge or that 2353  
judge's successor in office, and an offender who is subject to the 2354  
community notification requirement under this section may 2355  
initially make a motion under division (H)(1) of this section upon 2356  
the expiration of twenty years after the offender's duty to comply 2357  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 2358  
Revised Code begins in relation to the offense for which the 2359  
offender is subject to community notification. After the initial 2360  
making of a motion under division (H)(1) of this section, 2361  
thereafter, the prosecutor, judge, and offender may make a 2362  
subsequent motion under that division upon the expiration of five 2363  
years after the judge has entered an order denying the initial 2364  
motion or the most recent motion made under that division. 2365

(3) The offender and the prosecuting attorney have the right 2366  
to appeal an order approving or denying a motion made under 2367

division (H)(1) of this section.

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(4) Division (H) of this section does not apply to any of the following types of offender:

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(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a sexually violent predator;

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(b) A habitual sex offender or habitual child-victim oriented offender who is subject to community notification who, subsequent to being subjected to community notification, has pleaded guilty to or been convicted of a sexually oriented offense or a child-victim oriented offense;

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(c) A sexual predator or child-victim predator who is not adjudicated a sexually violent predator who, subsequent to being subjected to community notification, has pleaded guilty to or been convicted of a sexually oriented offense or child-victim oriented offense.

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(I) If a person is convicted of or pleads guilty to, or has been convicted of or pleaded guilty to, either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense, or a person is adjudicated a delinquent child for committing either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is not in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent

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child most recently sent a notice of intent to reside under 2399  
section 2950.04 or 2950.041 of the Revised Code, within the period 2400  
of time specified in division (D) of this section, shall provide a 2401  
written notice containing the information set forth in division 2402  
(B) of this section to the executive director of the public 2403  
children services agency that has jurisdiction within the 2404  
specified geographical notification area and that is located 2405  
within the county served by the sheriff. 2406

**Sec. 3113.31.** (A) As used in this section: 2407

(1) "Domestic violence" means the occurrence of one or more 2408  
of the following acts against a family or household member: 2409

(a) Attempting to cause or recklessly causing bodily injury; 2410

(b) Placing another person by the threat of force in fear of 2411  
imminent serious physical harm or committing a violation of 2412  
section 2903.211 or 2911.211 of the Revised Code; 2413

(c) Committing any act with respect to a child that would 2414  
result in the child being an abused child, as defined in section 2415  
2151.031 of the Revised Code. 2416

(2) "Court" means the domestic relations division of the 2417  
court of common pleas in counties that have a domestic relations 2418  
division, and the court of common pleas in counties that do not 2419  
have a domestic relations division. 2420

(3) "Family or household member" means any of the following: 2421

(a) Any of the following who is residing with or has resided 2422  
with the respondent: 2423

(i) A spouse, a person living as a spouse, or a former spouse 2424  
of the respondent; 2425

(ii) A parent or a child of the respondent, or another person 2426  
related by consanguinity or affinity to the respondent; 2427

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.

(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.

(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.

(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.

(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state:

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent, including a description of the nature and extent of the domestic violence, or committed a sexually oriented offense against the petitioner or the victim if other than the petitioner;



(2) The relationship of the respondent to the petitioner, and 2458  
to the victim if other than the petitioner; 2459

(3) A request for relief under this section. 2460

(D)(1) If a person who files a petition pursuant to this 2461  
section requests an ex parte order, the court shall hold an ex 2462  
parte hearing on the same day that the petition is filed. The 2463  
court, for good cause shown at the ex parte hearing, may enter any 2464  
temporary orders, with or without bond, including, but not limited 2465  
to, an order described in division (E)(1)(a), (b), or (c) of this 2466  
section, that the court finds necessary to protect the family or 2467  
household member from domestic violence or to protect the 2468  
petitioner or victim from a sexually oriented offense. Immediate 2469  
and present danger of domestic violence to the family or household 2470  
member or of a sexually oriented offense to the petitioner or 2471  
victim constitutes good cause for purposes of this section. 2472  
Immediate and present danger includes, but is not limited to, 2473  
situations in which the respondent has threatened the family or 2474  
household member with bodily harm, in which the respondent has 2475  
threatened the petitioner or victim with a sexually oriented 2476  
offense, or in which the respondent previously has been convicted 2477  
of or pleaded guilty to an offense that constitutes domestic 2478  
violence against the family or household member or a sexually 2479  
oriented offense against the petitioner or victim. 2480

(2)(a) If the court, after an ex parte hearing, issues an 2481  
order described in division (E)(1)(b) or (c) of this section, the 2482  
court shall schedule a full hearing for a date that is within 2483  
seven court days after the ex parte hearing. If any other type of 2484  
protection order that is authorized under division (E) of this 2485  
section is issued by the court after an ex parte hearing, the 2486  
court shall schedule a full hearing for a date that is within ten 2487  
court days after the ex parte hearing. The court shall give the 2488  
respondent notice of, and an opportunity to be heard at, the full 2489

hearing. The court shall hold the full hearing on the date 2490  
scheduled under this division unless the court grants a 2491  
continuance of the hearing in accordance with this division. Under 2492  
any of the following circumstances or for any of the following 2493  
reasons, the court may grant a continuance of the full hearing to 2494  
a reasonable time determined by the court: 2495

(i) Prior to the date scheduled for the full hearing under 2496  
this division, the respondent has not been served with the 2497  
petition filed pursuant to this section and notice of the full 2498  
hearing. 2499

(ii) The parties consent to the continuance. 2500

(iii) The continuance is needed to allow a party to obtain 2501  
counsel. 2502

(iv) The continuance is needed for other good cause. 2503

(b) An ex parte order issued under this section does not 2504  
expire because of a failure to serve notice of the full hearing 2505  
upon the respondent before the date set for the full hearing under 2506  
division (D)(2)(a) of this section or because the court grants a 2507  
continuance under that division. 2508

(3) If a person who files a petition pursuant to this section 2509  
does not request an ex parte order, or if a person requests an ex 2510  
parte order but the court does not issue an ex parte order after 2511  
an ex parte hearing, the court shall proceed as in a normal civil 2512  
action and grant a full hearing on the matter. 2513

(E)(1) After an ex parte or full hearing, the court may grant 2514  
any protection order, with or without bond, or approve any consent 2515  
agreement to bring about a cessation of domestic violence against 2516  
the family or household members. The order or agreement may: 2517

(a) Direct the respondent to refrain from abusing the family 2518  
or household members, or from committing sexually oriented 2519

<u>offenses against the petitioner or victim;</u>	2520
(b) Grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member;	2521 2522 2523 2524 2525 2526 2527 2528
(c) When the respondent has a duty to support the petitioner or other family or household member living in the residence or household and the respondent is the sole owner or lessee of the residence or household, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by ordering the respondent to vacate the premises, or, in the case of a consent agreement, allow the respondent to provide suitable, alternative housing;	2529 2530 2531 2532 2533 2534 2535 2536
(d) Temporarily allocate parental rights and responsibilities for the care of, or establish temporary parenting time rights with regard to, minor children, if no other court has determined, or is determining, the allocation of parental rights and responsibilities for the minor children or parenting time rights;	2537 2538 2539 2540 2541
(e) Require the respondent to maintain support, if the respondent customarily provides for or contributes to the support of the family or household member, or if the respondent has a duty to support the petitioner or family or household member;	2542 2543 2544 2545
(f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling;	2546 2547
(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member;	2548 2549 2550

(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or other family or household member and the apportionment of household and family personal property.

(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against the respondent returning to the residence or household in the order, it also shall include in the order provisions of the type described in division (E)(7) of this section. This division does not preclude the court from including in a protection order or consent agreement, in circumstances other than those described in this division, a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, and, if the court includes any requirement of that type in an order or agreement, the court also shall include in the order provisions of the type described in division (E)(7) of this section.

(3)(a) Any protection order issued or consent agreement approved under this section shall be valid until a date certain, but not later than five years from the date of its issuance or approval.

(b) Subject to the limitation on the duration of an order or agreement set forth in division (E)(3)(a) of this section, any order under division (E)(1)(d) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or

respondent issues an order allocating parental rights and 2583  
responsibilities for the care of children or on the date that a 2584  
juvenile court in an action brought by the petitioner or 2585  
respondent issues an order awarding legal custody of minor 2586  
children. Subject to the limitation on the duration of an order or 2587  
agreement set forth in division (E)(3)(a) of this section, any 2588  
order under division (E)(1)(e) of this section shall terminate on 2589  
the date that a court in an action for divorce, dissolution of 2590  
marriage, or legal separation brought by the petitioner or 2591  
respondent issues a support order or on the date that a juvenile 2592  
court in an action brought by the petitioner or respondent issues 2593  
a support order. 2594

(c) Any protection order issued or consent agreement approved 2595  
pursuant to this section may be renewed in the same manner as the 2596  
original order or agreement was issued or approved. 2597

(4) A court may not issue a protection order that requires a 2598  
petitioner to do or to refrain from doing an act that the court 2599  
may require a respondent to do or to refrain from doing under 2600  
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 2601  
section unless all of the following apply: 2602

(a) The respondent files a separate petition for a protection 2603  
order in accordance with this section. 2604

(b) The petitioner is served notice of the respondent's 2605  
petition at least forty-eight hours before the court holds a 2606  
hearing with respect to the respondent's petition, or the 2607  
petitioner waives the right to receive this notice. 2608

(c) If the petitioner has requested an ex parte order 2609  
pursuant to division (D) of this section, the court does not delay 2610  
any hearing required by that division beyond the time specified in 2611  
that division in order to consolidate the hearing with a hearing 2612  
on the petition filed by the respondent. 2613

(d) After a full hearing at which the respondent presents 2614  
evidence in support of the request for a protection order and the 2615  
petitioner is afforded an opportunity to defend against that 2616  
evidence, the court determines that the petitioner has committed 2617  
an act of domestic violence or has violated a temporary protection 2618  
order issued pursuant to section 2919.26 of the Revised Code, that 2619  
both the petitioner and the respondent acted primarily as 2620  
aggressors, and that neither the petitioner nor the respondent 2621  
acted primarily in self-defense. 2622

(5) No protection order issued or consent agreement approved 2623  
under this section shall in any manner affect title to any real 2624  
property. 2625

(6)(a) If a petitioner, or the child of a petitioner, who 2626  
obtains a protection order or consent agreement pursuant to 2627  
division (E)(1) of this section or a temporary protection order 2628  
pursuant to section 2919.26 of the Revised Code and is the subject 2629  
of a parenting time order issued pursuant to section 3109.051 or 2630  
3109.12 of the Revised Code or a visitation or companionship order 2631  
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 2632  
Revised Code or division (E)(1)(d) of this section granting 2633  
parenting time rights to the respondent, the court may require the 2634  
public children services agency of the county in which the court 2635  
is located to provide supervision of the respondent's exercise of 2636  
parenting time or visitation or companionship rights with respect 2637  
to the child for a period not to exceed nine months, if the court 2638  
makes the following findings of fact: 2639

(i) The child is in danger from the respondent; 2640

(ii) No other person or agency is available to provide the 2641  
supervision. 2642

(b) A court that requires an agency to provide supervision 2643  
pursuant to division (E)(6)(a) of this section shall order the 2644

respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost.

(7)(a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member.

(b) Division (E)(7)(a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued or consent agreement approved under this section, did not commit the violation or was not in contempt of court.

(F)(1) A copy of any protection order, or consent agreement, that is issued or approved under this section shall be issued by the court to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order or agreement. The court shall direct that a copy of an order be delivered to the respondent on the same day that the order is entered.

(2) All law enforcement agencies shall establish and maintain an index for the protection orders and the approved consent

agreements delivered to the agencies pursuant to division (F)(1) 2676  
of this section. With respect to each order and consent agreement 2677  
delivered, each agency shall note on the index the date and time 2678  
that it received the order or consent agreement. 2679

(3) Regardless of whether the petitioner has registered the 2680  
order or agreement in the county in which the officer's agency has 2681  
jurisdiction pursuant to division (N) of this section, any officer 2682  
of a law enforcement agency shall enforce a protection order 2683  
issued or consent agreement approved by any court in this state in 2684  
accordance with the provisions of the order or agreement, 2685  
including removing the respondent from the premises, if 2686  
appropriate. 2687

(G) Any proceeding under this section shall be conducted in 2688  
accordance with the Rules of Civil Procedure, except that an order 2689  
under this section may be obtained with or without bond. An order 2690  
issued under this section, other than an ex parte order, that 2691  
grants a protection order or approves a consent agreement, or that 2692  
refuses to grant a protection order or approve a consent 2693  
agreement, is a final, appealable order. The remedies and 2694  
procedures provided in this section are in addition to, and not in 2695  
lieu of, any other available civil or criminal remedies. 2696

(H) The filing of proceedings under this section does not 2697  
excuse a person from filing any report or giving any notice 2698  
required by section 2151.421 of the Revised Code or by any other 2699  
law. When a petition under this section alleges domestic violence 2700  
against minor children, the court shall report the fact, or cause 2701  
reports to be made, to a county, township, or municipal peace 2702  
officer under section 2151.421 of the Revised Code. 2703

(I) Any law enforcement agency that investigates a domestic 2704  
dispute shall provide information to the family or household 2705  
members involved regarding the relief available under this section 2706



and section 2919.26 of the Revised Code. 2707

(J) Notwithstanding any provision of law to the contrary and 2708  
regardless of whether a protection order is issued or a consent 2709  
agreement is approved by a court of another county or a court of 2710  
another state, no court or unit of state or local government shall 2711  
charge any fee, cost, deposit, or money in connection with the 2712  
filing of a petition pursuant to this section or in connection 2713  
with the filing, issuance, registration, or service of a 2714  
protection order or consent agreement, or for obtaining a 2715  
certified copy of a protection order or consent agreement. 2716

(K)(1) The court shall comply with Chapters 3119., 3121., 2717  
3123., and 3125. of the Revised Code when it makes or modifies an 2718  
order for child support under this section. 2719

(2) If any person required to pay child support under an 2720  
order made under this section on or after April 15, 1985, or 2721  
modified under this section on or after December 31, 1986, is 2722  
found in contempt of court for failure to make support payments 2723  
under the order, the court that makes the finding, in addition to 2724  
any other penalty or remedy imposed, shall assess all court costs 2725  
arising out of the contempt proceeding against the person and 2726  
require the person to pay any reasonable attorney's fees of any 2727  
adverse party, as determined by the court, that arose in relation 2728  
to the act of contempt. 2729

(L)(1) A person who violates a protection order issued or a 2730  
consent agreement approved under this section is subject to the 2731  
following sanctions: 2732

(a) Criminal prosecution for a violation of section 2919.27 2733  
of the Revised Code, if the violation of the protection order or 2734  
consent agreement constitutes a violation of that section; 2735

(b) Punishment for contempt of court. 2736

(2) The punishment of a person for contempt of court for violation of a protection order issued or a consent agreement approved under this section does not bar criminal prosecution of the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of a violation of that section, and a person convicted of a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.

(M) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.

(N)(1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the issuance or approval of the order or agreement to the judicial and law enforcement officials in any county other than the county in which the order is issued or the agreement is approved by registering that order or agreement in the other county pursuant to division (N)(2) of this section and filing a copy of the registered order or registered agreement with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a temporary protection order, protection order, or consent agreement in a county other than the county in which the court that issued the order or approved the agreement is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order 2768  
or agreement from the clerk of the court that issued the order or 2769  
approved the agreement and present that certified copy to the 2770  
clerk of the court of common pleas or the clerk of a municipal 2771  
court or county court in the county in which the order or 2772  
agreement is to be registered. 2773

(b) Upon accepting the certified copy of the order or 2774  
agreement for registration, the clerk of the court of common 2775  
pleas, municipal court, or county court shall place an endorsement 2776  
of registration on the order or agreement and give the petitioner 2777  
a copy of the order or agreement that bears that proof of 2778  
registration. 2779

(3) The clerk of each court of common pleas, the clerk of 2780  
each municipal court, and the clerk of each county court shall 2781  
maintain a registry of certified copies of temporary protection 2782  
orders, protection orders, or consent agreements that have been 2783  
issued or approved by courts in other counties and that have been 2784  
registered with the clerk. 2785

Sec. 3797.01. As used in sections 3797.01 to 3797.12 of the 2786  
Revised Code: 2787

(A) "Employed" means employed for more than fourteen days or 2788  
for an aggregate of thirty days in a calendar year. 2789

(B) "Registrant" means a person against whom a court has 2790  
entered a declaratory judgment under section 2721.21 of the 2791  
Revised Code and issued an order that the person be listed on the 2792  
civil registry maintained by the attorney general pursuant to 2793  
section 3797.08 of the Revised Code. 2794

(C) "Reside" includes temporarily reside. 2795

(D) "Sheriff" includes a person designated by a sheriff to 2796  
carry out functions that the sheriff is required to perform under 2797

sections 3797.02 to 3797.12 of the Revised Code. 2798

(E) "Temporarily reside" means live in a county in this 2799  
state, other than as a permanent resident, for a period of five or 2800  
more consecutive days. 2801

**Sec. 3797.02.** (A)(1) A registrant shall register personally 2802  
with the sheriff of the county in which the registrant resides and 2803  
with the sheriff of any county in which the registrant is 2804  
employed. 2805

(2) A registrant who is registered in one or more counties 2806  
and who establishes a new residence or place of employment in a 2807  
county in which the registrant is not registered shall register 2808  
personally with the sheriff of the county in which the new 2809  
residence or place of employment is located immediately upon 2810  
coming into that county. 2811

(B) A registrant shall obtain from the sheriff a registration 2812  
form prescribed by the attorney general pursuant to section 2813  
3797.07 of the Revised Code, complete and sign the form, and 2814  
return the form to the sheriff. The sheriff shall sign the form 2815  
and indicate on the form the date on which it is returned. The 2816  
registration required under this division is complete when the 2817  
registrant returns the form, containing the requisite information, 2818  
signature, and date, to the sheriff. 2819

(C) The duty to register pursuant to division (A) of this 2820  
section commences on the date a declaratory judgment against the 2821  
registrant is entered and continues unless and until the 2822  
registrant is removed pursuant to section 2721.21 of the Revised 2823  
Code from the civil registry established under section 3797.08 of 2824  
the Revised Code. 2825

**Sec. 3797.03.** (A) A registrant who establishes a new 2826  
residence or place of employment within a county in which the 2827

registrant is registered shall promptly send the sheriff written  
notice of the address of the new residence or place of employment.

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(B) A registrant who intends to reside in a county other than  
the one in which the registrant has registered a residence address  
shall send the sheriff of the county in which the registrant  
intends to reside written notice of the registrant's intent to  
reside in that county. The registrant shall send the notice at  
least twenty days before the date the registrant begins to reside  
in the county. The notice shall include the registrant's name and  
the address or addresses at which the registrant intends to  
reside. If the change of address is not to a fixed address, the  
registrant shall include in the notice a detailed description of  
the place or places at which the registrant intends to stay and,  
not later than the end of the first business day immediately  
following the day on which the registrant obtains a fixed  
residence address, shall provide the sheriff written notice of the  
fixed residence address. If a registrant whose residence address  
change is not to a fixed address describes in a notice under this  
division the place or places at which the registrant intends to  
stay, the place or places so described in the notice shall be  
considered the registrant's residence address until the registrant  
provides the written notice of a fixed residence address as  
described in this division.

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**Sec. 3797.04.** (A) A registrant shall verify the registrant's  
current residence address and employment address on each  
anniversary of the registrant's initial registration date by  
personally appearing before the sheriff of the county in which the  
registrant is registered not earlier than ten days before the  
anniversary date and not later than the anniversary date and  
completing and signing a copy of a verification form provided by  
the sheriff. The sheriff shall sign the completed form and

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indicate on the form the date on which it is completed. The 2859  
verification is complete when the registrant personally appears 2860  
before the sheriff and completes and signs the form. 2861

(B) To facilitate the verification of a registrant's current 2862  
residence or employment address, the sheriff with whom the 2863  
registrant most recently registered the address may mail a 2864  
nonforwardable verification form to the registrant's last reported 2865  
residence address or employment address, as applicable, with a 2866  
notice that conspicuously states that the registrant must 2867  
personally appear before the sheriff to complete the form and the 2868  
date by which the form must be completed. Regardless of whether a 2869  
sheriff mails a form to a registrant, each registrant shall 2870  
personally appear before the sheriff to verify the address. 2871

(C)(1) If a registrant fails to verify a current residence 2872  
address or employment address by the date required for the 2873  
verification, the sheriff with whom the registrant is required to 2874  
verify the current address shall send on the day following that 2875  
date required for the verification and at the registrant's last 2876  
known residence or place of employment, as applicable, a written 2877  
warning to the registrant regarding the registrant's duty to 2878  
verify the registrant's current address. 2879

The written warning shall do all of the following: 2880

(a) Identify the sheriff who sends it and the date on which 2881  
it is sent; 2882

(b) State conspicuously that the registrant has failed to 2883  
verify the registrant's current residence address or employment 2884  
address, as applicable, by the date required for the verification; 2885

(c) Conspicuously state that the registrant has seven days 2886  
from the date on which the warning is sent to verify the current 2887  
residence address or employment address, as applicable, with the 2888

sheriff who sent the warning; 2889

(d) Conspicuously state that a failure to timely verify the 2890  
specified current address or addresses is a felony offense; 2891

(e) Conspicuously state that the registrant will not be 2892  
prosecuted for a failure to timely verify a current address if the 2893  
registrant verifies the current address with that sheriff within 2894  
that seven-day period; 2895

(f) Conspicuously state that the registrant will be arrested 2896  
or taken into custody, as appropriate, and prosecuted for a 2897  
failure to timely verify a current address if the registrant does 2898  
not verify the current address with that sheriff within that 2899  
seven-day period. 2900

(2) If a registrant fails to verify a current address as 2901  
required by this section by the date required for the 2902  
verification, the registrant shall not be prosecuted for a 2903  
violation of division (A) of section 3797.10 of the Revised Code 2904  
unless the seven-day period subsequent to that date that the 2905  
registrant is provided under division (C)(1) of this section to 2906  
verify the current address has expired and the registrant has not 2907  
verified the current address prior to the expiration of that 2908  
seven-day period. Upon the expiration of the seven-day period that 2909  
the registrant is provided under division (C)(1) of this section 2910  
to verify the current address, if the registrant has not verified 2911  
the current address, all of the following apply: 2912

(a) The sheriff with whom the registrant is required to 2913  
verify the current address promptly shall notify the attorney 2914  
general of the failure. 2915

(b) The sheriff with whom the registrant is required to 2916  
verify the current address, the sheriff of the county in which the 2917  
registrant resides or is employed, or a deputy of the appropriate 2918  
sheriff shall locate the registrant, promptly shall seek a warrant 2919

for the arrest or taking into custody, as appropriate, of the 2920  
registrant for the violation of division (A) of section 3797.10 of 2921  
the Revised Code, and shall arrest the registrant. 2922

(c) The registrant is subject to prosecution for a violation 2923  
of division (A) of section 3797.10 of the Revised Code. 2924

(D) A registrant who is required to verify a current address 2925  
pursuant to division (A) of this section shall do so unless and 2926  
until the registrant is removed from the civil registry pursuant 2927  
to section 2721.21 of the Revised Code. 2928

**Sec. 3797.05.** (A) If a registrant registers a residence 2929  
address, provides notice of a change of any residence address, or 2930  
verifies a current residence address pursuant to section 3797.02, 2931  
3797.03, or 3797.04 of the Revised Code, all of the following 2932  
apply: 2933

(1) At any time after the registration, provision of the 2934  
notice, or verification, the sheriff with whom the registrant so 2935  
registered or to whom the registrant so provided the notice or 2936  
verified the current address may contact a person who owns, 2937  
leases, or otherwise has custody, control, or supervision of the 2938  
premises at the address provided by the registrant in the 2939  
registration, the notice, or the verification and request that the 2940  
person confirm or deny that the registrant currently resides at 2941  
that address. 2942

(2) Upon receipt of a request under division (A)(1) of this 2943  
section, notwithstanding any other provision of law, the person 2944  
who owns, leases, or otherwise has custody, control, or 2945  
supervision of the premises, or an agent of that person, shall 2946  
comply with the request and inform the sheriff or designee who 2947  
made the request whether or not the registrant currently resides 2948  
at that address. 2949



(3) Section 3797.12 of the Revised Code applies to a person 2950  
who provides information of the type described in division (A)(2) 2951  
of this section in accordance with that division. 2952

(B) Division (A) of this section applies regarding any public 2953  
or private residential premises, including, but not limited to, a 2954  
private residence, a multi-unit residential facility, a halfway 2955  
house, a homeless shelter, or any other type of residential 2956  
premises. 2957

(C) A sheriff may attempt to confirm that a registrant who 2958  
registers a residence address, provides notice of a change of any 2959  
residence address, or verifies a current residence address as 2960  
described in division (A) of this section currently resides at the 2961  
address in question in manners other than the manner provided in 2962  
this section. A sheriff is not limited in the number of requests 2963  
that may be made under this section regarding any registration, 2964  
provision of notice, or verification or in the number of times 2965  
that the sheriff may attempt to confirm in manners other than the 2966  
manner provided in this section that a registrant currently 2967  
resides at the address in question. 2968

**Sec. 3797.06.** (A) As used in this section, "specified 2969  
geographical notification area" means the geographic area or areas 2970  
within which the attorney general requires by rule adopted under 2971  
section 3797.08 of the Revised Code the notice described in 2972  
division (B) of this section to be given to the persons identified 2973  
in divisions (A)(1) to (9) of this section. If a court enters a 2974  
declaratory judgment against a registrant under section 2721.21 of 2975  
the Revised Code, the sheriff with whom the registrant has most 2976  
recently registered under section 3797.02 or 3797.03 of the 2977  
Revised Code and the sheriff to whom the registrant most recently 2978  
sent a notice of intent to reside under section 3797.03 of the 2979  
Revised Code shall provide within the period of time specified in 2980

division (C) of this section a written notice containing the 2981  
information set forth in division (B) of this section to all of 2982  
the persons described in divisions (A)(1) to (9) of this section. 2983  
If the sheriff has sent a notice to the persons described in those 2984  
divisions as a result of receiving a notice of intent to reside 2985  
and if the registrant registers a residence address that is the 2986  
same residence address described in the notice of intent to 2987  
reside, the sheriff is not required to send an additional notice 2988  
when the registrant registers. The sheriff shall provide the 2989  
notice to all of the following persons: 2990

(1)(a) Any occupant of each residential unit that is located 2991  
within one thousand feet of the registrant's residential premises, 2992  
that is located within the county served by the sheriff, and that 2993  
is not located in a multi-unit building. Division (D)(3) of this 2994  
section applies regarding notices required under this division. 2995

(b) If the registrant resides in a multi-unit building, any 2996  
occupant of each residential unit that is located in that 2997  
multi-unit building and that shares a common hallway with the 2998  
registrant. For purposes of this division, an occupant's unit 2999  
shares a common hallway with the registrant if the entrance door 3000  
into the occupant's unit is located on the same floor and opens 3001  
into the same hallway as the entrance door to the unit the 3002  
registrant occupies. Division (D)(3) of this section applies 3003  
regarding notices required under this division. 3004

(c) The building manager, or the person the building owner or 3005  
condominium unit owners association authorizes to exercise 3006  
management and control, of each multi-unit building that is 3007  
located within one thousand feet of the registrant's residential 3008  
premises, including a multi-unit building in which the registrant 3009  
resides, and that is located within the county served by the 3010  
sheriff. In addition to notifying the building manager or the 3011

person authorized to exercise management and control in the 3012  
multi-unit building under this division, the sheriff shall post a 3013  
copy of the notice prominently in each common entryway in the 3014  
building and any other location in the building the sheriff 3015  
determines appropriate. The manager or person exercising 3016  
management and control of the building shall permit the sheriff to 3017  
post copies of the notice under this division as the sheriff 3018  
determines appropriate. In lieu of posting copies of the notice as 3019  
described in this division, a sheriff may provide notice to all 3020  
occupants of the multi-unit building by mail or personal contact. 3021  
If the sheriff so notifies all the occupants, the sheriff is not 3022  
required to post copies of the notice in the common entryways to 3023  
the building. Division (D)(3) of this section applies regarding 3024  
notices required under this division. 3025

(d) All additional persons who are within any category of 3026  
neighbors of the registrant that the attorney general by rule 3027  
adopted under section 3797.08 of the Revised Code requires to be 3028  
provided the notice and who reside within the county served by the 3029  
sheriff. 3030

(2) The executive director of the public children services 3031  
agency that has jurisdiction within the specified geographical 3032  
notification area and that is located within the county served by 3033  
the sheriff; 3034

(3) The superintendent of each board of education of a school 3035  
district that has schools within the specified geographical 3036  
notification area and that is located within the county served by 3037  
the sheriff; 3038

(4) The appointing or hiring officer of each nonpublic school 3039  
located within the specified geographical notification area and 3040  
within the county served by the sheriff or of each other school 3041  
located within the specified geographical notification area and 3042

within the county served by the sheriff and that is not operated 3043  
by a board of education described in division (A)(3) of this 3044  
section; 3045

(5) The director, head teacher, elementary principal, or site 3046  
administrator of each preschool program governed by Chapter 3301. 3047  
of the Revised Code that is located within the specified 3048  
geographical notification area and within the county served by the 3049  
sheriff; 3050

(6) The administrator of each child day-care center or type A 3051  
family day-care home that is located within the specified 3052  
geographical notification area and within the county served by the 3053  
sheriff, and the provider of each certified type B family day-care 3054  
home that is located within the specified geographical 3055  
notification area and within the county served by the sheriff. As 3056  
used in this division, "child day-care center," "type A family 3057  
day-care home," and "certified type B family day-care home" have 3058  
the same meanings as in section 5104.01 of the Revised Code. 3059

(7) The president or other chief administrative officer of 3060  
each institution of higher education, as defined in section 3061  
2907.03 of the Revised Code, that is located within the specified 3062  
geographical notification area and within the county served by the 3063  
sheriff and the chief law enforcement officer of any state 3064  
university law enforcement agency or campus police department 3065  
established under section 3345.04 or 1713.50 of the Revised Code 3066  
that serves that institution; 3067

(8) The sheriff of each county that includes any portion of 3068  
the specified geographical notification area; 3069

(9) If the registrant resides within the county served by the 3070  
sheriff, the chief of police, marshal, or other chief law 3071  
enforcement officer of the municipal corporation in which the 3072  
registrant resides or, if the registrant resides in an 3073

unincorporated area, the constable or chief of the police 3074  
department or police district police force of the township in 3075  
which the registrant resides. 3076

(B) The notice required under division (A) of this section 3077  
shall include the registrant's name, residence or employment 3078  
address, as applicable, and a statement that the registrant has 3079  
been found liable for childhood sexual abuse in a civil action and 3080  
is listed on the civil registry established by the attorney 3081  
general pursuant to section 3797.08 of the Revised Code. 3082

(C) If a sheriff with whom a registrant registers under 3083  
section 3797.02 or 3797.03 of the Revised Code or to whom the 3084  
registrant most recently sent a notice of intent to reside under 3085  
section 3797.03 of the Revised Code is required by division (A) of 3086  
this section to provide notices regarding a registrant and if the 3087  
sheriff provides a notice pursuant to that requirement the sheriff 3088  
provides a notice to a sheriff of one or more other counties in 3089  
accordance with division (A)(8) of this section, the sheriff of 3090  
each of the other counties who is provided notice under division 3091  
(A)(8) of this section shall provide the notices described in 3092  
divisions (A)(1) to (7) and (A)(9) of this section to each person 3093  
or entity identified within those divisions that is located within 3094  
the specified geographical notification area and within the county 3095  
served by the sheriff in question. 3096

(D)(1) A sheriff required by division (A) or (C) of this 3097  
section to provide notices regarding a registrant shall provide 3098  
the notice to the neighbors that are described in division (A)(1) 3099  
of this section and the notices to law enforcement personnel that 3100  
are described in divisions (A)(8) and (9) of this section as soon 3101  
as practicable, but not later than five days after the registrant 3102  
sends the notice of intent to reside to the sheriff, and again not 3103  
later than five days after the registrant registers with the 3104  
sheriff or, if the sheriff is required by division (C) to provide 3105

the notices, not later than five days after the sheriff is 3106  
provided the notice described in division (A)(8) of this section. 3107

A sheriff required by division (A) or (C) of this section to 3108  
provide notices regarding a registrant shall provide the notices 3109  
to all other specified persons that are described in divisions 3110  
(A)(2) to (7) of this section as soon as practicable, but not 3111  
later than seven days after the registrant registers with the 3112  
sheriff, or, if the sheriff is required by division (C) to provide 3113  
the notices, not later than five days after the sheriff is 3114  
provided the notice described in division (A)(8) of this section. 3115

(2) If a registrant in relation to whom division (A) of this 3116  
section applies verifies the registrant's current residence 3117  
address with a sheriff pursuant to section 3797.04 of the Revised 3118  
Code, the sheriff may provide a written notice containing the 3119  
information set forth in division (B) of this section to the 3120  
persons identified in divisions (A)(1) to (9) of this section. If 3121  
a sheriff provides a notice pursuant to this division to the 3122  
sheriff of one or more other counties in accordance with division 3123  
(A)(8) of this section, the sheriff of each of the other counties 3124  
who is provided the notice under division (A)(8) of this section 3125  
may provide, but is not required to provide, a written notice 3126  
containing the information set forth in division (B) of this 3127  
section to the persons identified in divisions (A)(1) to (7) and 3128  
(A)(9) of this section. 3129

(3) A sheriff may provide notice under division (A)(1)(a) or 3130  
(b) of this section, and may provide notice under division 3131  
(A)(1)(c) of this section to a building manager or person 3132  
authorized to exercise management and control of a building, by 3133  
mail, by personal contact, or by leaving the notice at or under 3134  
the entry door to a residential unit. For purposes of divisions 3135  
(A)(1)(a) and (b) of this section and of the portion of division 3136  
(A)(1)(c) of this section relating to the provision of notice to 3137

occupants of a multi-unit building by mail or personal contact, 3138  
the provision of one written notice per unit is deemed providing 3139  
notice to all occupants of that unit. 3140

(E) All information that a sheriff possesses regarding a 3141  
registrant that is described in division (B) of this section and 3142  
that must be provided in a notice required under division (A) or 3143  
(C) of this section or that may be provided in a notice authorized 3144  
under division (D)(2) of this section is a public record that is 3145  
open to inspection under section 149.43 of the Revised Code. 3146

(F) A sheriff required by division (A) or (C) of this 3147  
section, or authorized by division (D)(2) of this section, to 3148  
provide notices regarding a registrant may request the department 3149  
of job and family services, department of education, or Ohio board 3150  
of regents, by telephone, in registrant, or by mail, to provide 3151  
the sheriff with the names, addresses, and telephone numbers of 3152  
the appropriate persons and entities to whom the notices described 3153  
in divisions (A)(2) to (7) of this section are to be provided. 3154  
Upon receipt of a request, the department or board shall provide 3155  
the requesting sheriff with the names, addresses, and telephone 3156  
numbers of the appropriate persons and entities to whom those 3157  
notices are to be provided. 3158

(G)(1) Upon the motion of the registrant or the judge that 3159  
entered a declaratory judgment pursuant to section 2721.21 of the 3160  
Revised Code or that judge's successor in office, the judge may 3161  
schedule a hearing to determine whether the interests of justice 3162  
would be served by suspending the community notification 3163  
requirement under this section in relation to the registrant. The 3164  
judge may dismiss the motion without a hearing but may not issue 3165  
an order suspending the community notification requirement without 3166  
a hearing. At the hearing, all parties are entitled to be heard. 3167  
If, at the conclusion of the hearing, the judge finds that the 3168  
registrant has proven by clear and convincing evidence that the 3169

registrant is unlikely to commit childhood sexual abuse in the 3170  
future and that suspending the community notification requirement 3171  
is in the interests of justice, the judge may issue an order 3172  
suspending the application of this section in relation to the 3173  
registrant. The order shall contain both of these findings. 3174

The judge promptly shall serve a copy of the order upon the 3175  
sheriff with whom the registrant most recently registered a 3176  
residence address and the sheriff with whom the registrant most 3177  
recently registered an employment address under section 3797.02 of 3178  
the Revised Code. 3179

An order suspending the community notification requirement 3180  
does not suspend or otherwise alter a registrant's duties to 3181  
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised 3182  
Code. 3183

(2) A registrant has the right to appeal an order denying a 3184  
motion made under division (G)(1) of this section. 3185

**Sec. 3797.07.** (A) The attorney general shall prescribe forms 3186  
to be used for registration, notice of intent to reside, and 3187  
verification of current address under sections 3797.02, 3797.03, 3188  
and 3797.04 of the Revised Code. The forms shall comply with the 3189  
following: 3190

(1) The registration form to be used under section 3797.02 of 3191  
the Revised Code shall include the registrant's name, the 3192  
registrant's current residence and employment addresses, a 3193  
photograph of the registrant, the name of the court that rendered 3194  
a declaratory judgment against the registrant pursuant to section 3195  
2721.21 of the Revised Code and the date the judgment was entered, 3196  
and any other information required by the attorney general. 3197

(2) The notice of intent to reside form to be used under 3198  
section 3797.03 of the Revised Code shall include the registrant's 3199



name, the registrant's current residence and employment addresses, 3200  
a statement that a court has entered a declaratory judgment 3201  
against the registrant pursuant to section 2721.21 of the Revised 3202  
Code, the address of the place where the registrant intends to 3203  
reside, and any other information required by the attorney 3204  
general. 3205

(3) The verification form to be used under section 3797.04 of 3206  
the Revised Code shall contain the registrant's current residence 3207  
or employment address, as applicable, and any other information 3208  
required by the attorney general. 3209

(B) Upon completion of a registration, notice of intent to 3210  
reside, or verification of current address form by a registrant, 3211  
the sheriff shall promptly forward a copy of the form to the 3212  
attorney general in accordance with procedures established by the 3213  
attorney general. Upon receiving from a registrant a notice of a 3214  
change of the registrant's residence address, if the new address 3215  
is in another county in this state, the sheriff promptly shall 3216  
forward the new address to the sheriff of that county. 3217

Sec. 3797.08. The attorney general shall do all of the 3218  
following: 3219

(A) In consultation with county sheriffs and not later than 3220  
July 1, 2006, adopt rules that do all of the following: 3221

(1) Contain guidelines necessary for the implementation of 3222  
this chapter; 3223

(2) Prescribe the registration, notice of intent to reside, 3224  
and verification of current address forms to be used by 3225  
registrants and sheriffs under sections 3797.02, 3797.03, and 3226  
3797.04 of the Revised Code; 3227

(3) Establish procedures for the forwarding of forms by the 3228  
sheriff to the attorney general; 3229

(4) Designate a geographic area or areas within which the notice described in division (B) of section 3797.06 of the Revised Code must be given to the persons identified in divisions (A)(2) to (8) of that section; 3230  
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(5) At the attorney general's discretion, establish one or more categories of neighbors of a registrant who, in addition to the occupants of residential premises and other persons specified in division (A) of section 3797.06 of the Revised Code, must be given the notice described in division (B) of that section. 3234  
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(B) Make copies of the forms described in division (A)(2) of this section available to sheriffs and judges; 3239  
3240

(C) Not later than January 1, 2007, establish and operate on the internet a civil registry of persons against whom a court has entered a declaratory judgment under section 2721.21 of the Revised Code that contains information for each of those persons who registers in any county in this state pursuant to section 3797.02 of the Revised Code. The attorney general shall determine the information to be provided on the registry for each registrant. The information provided for each registrant shall include at least the name, current residential and employment addresses, and photograph of the registrant, the name of the court that entered a declaratory judgment against the registrant pursuant to section 2721.21 of the Revised Code, and the date on which the judgment was entered. The registry shall be a public record open for inspection under section 149.43 of the Revised Code, and it shall be searchable by registrant name, by county, by zip code, and by school district. The registry shall provide a link to the web site of each sheriff of a county who has established and operates on the internet a database that contains information for registrants who register in that county pursuant to section 3797.02 or 3797.03 of the Revised Code. 3241  
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(D) Upon the request of any sheriff, provide technical 3261  
guidance to the requesting sheriff in establishing on the internet 3262  
a database of registrants for the public dissemination of 3263  
information that relates to registrants who are registered in the 3264  
sheriff's county and that is a public record. 3265

**Sec. 3797.09.** Any statements, information, or photographs 3266  
that are required to be provided, and that are provided, by a 3267  
registrant pursuant to section 3797.02, 3797.03, or 3797.04 of the 3268  
Revised Code and that are in the possession of a county sheriff 3269  
are public records open to public inspection under section 149.43 3270  
of the Revised Code. 3271

**Sec. 3797.10.** (A) No registrant who is required to register 3272  
pursuant to section 3797.02 of the Revised Code, send a sheriff a 3273  
written notice of a new residence or employment address or of an 3274  
intent to reside in a county pursuant to section 3797.03 of the 3275  
Revised Code, or verify a current address pursuant to section 3276  
3797.05 of the Revised Code shall fail to register, send the 3277  
notice, or verify the address as required by those sections. 3278

(B) It is an affirmative defense to a charge of a violation 3279  
of division (A) of this section by failing to send written notice 3280  
of a change of residence or employment address or notice of intent 3281  
to reside in a county as required by section 3797.03 of the 3282  
Revised Code that both of the following apply: 3283

(1) It was impossible for the registrant to provide the 3284  
notice to the sheriff because of a lack of knowledge on the date 3285  
specified for the provision of the notice of an address change or 3286  
of the new address. 3287

(2) The registrant provided notice of the address change or 3288  
the new address to the sheriff as soon as possible, but not later 3289  
than the end of the first business day, after learning of the 3290

address change or of the new address by providing notice of the 3291  
address change or the new address to the sheriff by telephone 3292  
immediately upon learning of the address change or new address or, 3293  
if the registrant did not have reasonable access to a telephone at 3294  
that time, as soon as possible, but not later than the end of the 3295  
first business day, after learning of the address change and 3296  
having reasonable access to a telephone. 3297

(3) As soon as possible, but not later than the end of the 3298  
first business day, after providing notice of the address change 3299  
to the sheriff by telephone, the registrant provided written 3300  
notice of the address change to the sheriff. 3301

(C) Whoever violates division (A) of this section is guilty 3302  
of a felony of the fifth degree. 3303

**Sec. 3797.11.** (A) No person against whom a court has entered 3304  
a declaratory judgment under section 2721.21 of the Revised Code 3305  
and who has not been removed from the civil registry pursuant to 3306  
that section shall establish a residence or occupy residential 3307  
premises within one thousand feet of any school premises. 3308

(B) If a person to whom division (A) of this section applies 3309  
violates division (A) of this section by establishing a residence 3310  
or occupying residential premises within one thousand feet of any 3311  
school premises, an owner or lessee of real property that is 3312  
located within one thousand feet of those school premises, or the 3313  
prosecuting attorney, village solicitor, city or township director 3314  
of law, similar chief legal officer of a municipal corporation or 3315  
township, or official designated as a prosecutor in a municipal 3316  
corporation that has jurisdiction over the place at which the 3317  
person establishes the residence or occupies the residential 3318  
premises in question, has a cause of action for injunctive relief 3319  
against the person. The plaintiff shall not be required to prove 3320  
irreparable harm in order to obtain the relief. 3321

Sec. 3797.12. (A) Except as provided in division (B) of this section, any of the following persons shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by an act or omission in connection with a power, duty, responsibility, or authorization under sections 3797.01 to 3797.11 of the Revised Code or under rules adopted under authority of those sections:

(1) The attorney general, a deputy, officer, or employee of the office of the attorney general, a sheriff, or a deputy, officer, or employee of the office of the sheriff;

(2) A prosecutor and an officer or employee of the office of a prosecutor;

(3) A person identified in division (A)(2), (3), (4), (5), (6), or (7) of section 3797.06 of the Revised Code or the agent of that person;

(4) A person identified in division (A)(2) of section 3797.05 of the Revised Code, regarding the person's provision of information pursuant to that division to a sheriff.

(B) The immunity described in division (A) of this section does not apply to a person described in divisions (A)(1) to (4) of this section if, in relation to the act or omission in question, any of the following applies:

(1) The act or omission was manifestly outside the scope of the person's employment or official responsibilities.

(2) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.

(3) Liability for the act or omission is expressly imposed by a section of the Revised Code.

Sec. 4799.01. In a proceeding held under Title XLVII of the

Revised Code to grant, renew, modify, suspend, or revoke a license 3351  
or other authorization to engage in an occupation, if the person 3352  
who is the subject of the proceeding is listed on the civil 3353  
registry established by the attorney general pursuant to section 3354  
3797.08 of the Revised Code, the board or other body that makes 3355  
the determination shall take into consideration the fact that the 3356  
person is listed on the civil registry. 3357

**Sec. 5120.173.** Any person who is required to report ~~suspected~~ 3358  
abuse or neglect of a child under eighteen years of age that is 3359  
reasonably suspected or believed to have occurred or the threat of 3360  
which is reasonably suspected or believed to exist pursuant to 3361  
division (A) of section 2151.421 of the Revised Code, any person 3362  
who is permitted to report or cause a report to be made of 3363  
reasonably suspected abuse or neglect of a child under eighteen 3364  
years of age pursuant to division (B) of that section, any person 3365  
who is required to report suspected abuse or neglect of a person 3366  
with mental retardation or a developmental disability pursuant to 3367  
division (C) of section 5123.61 of the Revised Code, and any 3368  
person who is permitted to report suspected abuse or neglect of a 3369  
person with mental retardation or a developmental disability 3370  
pursuant to division (F) of that section and who makes or causes 3371  
the report to be made, shall direct that report to the state 3372  
highway patrol if the child or the person with mental retardation 3373  
or a developmental disability is an inmate in the custody of a 3374  
state correctional institution. If the state highway patrol 3375  
determines after receipt of the report that it is probable that 3376  
abuse or neglect of the inmate occurred, the patrol shall report 3377  
its findings to the department of rehabilitation and correction, 3378  
to the court that sentenced the inmate for the offense for which 3379  
the inmate is in the custody of the department, and to the 3380  
~~chairman~~ chairperson and ~~vice-chairman~~ vice-chairperson of the 3381  
correctional institution inspection committee established by 3382

section 103.71 of the Revised Code. 3383

**Section 2.** That existing sections 2151.03, 2151.281, 3384  
2151.421, 2151.99, 2305.10, 2305.111, 2305.115, 2317.02, 2901.13, 3385  
2907.03, 2919.26, 2950.11, 3113.31, and 5120.173 of the Revised 3386  
Code are hereby repealed. 3387

**Section 3.** (A) As used in this section, "childhood sexual 3388  
abuse" has the same meaning as in section 2305.111 of the Revised 3389  
Code, as amended by this act. The court need not find that any 3390  
person has been convicted of or pleaded guilty to an offense under 3391  
Chapter 2907. of the Revised Code that is specified in that 3392  
definition in order for the conduct that is the violation 3393  
constituting that offense to be childhood sexual abuse for 3394  
purposes of this section. 3395

(B) The amendments to section 2305.111 of the Revised Code 3396  
made in this act shall apply to all civil actions for assault or 3397  
battery brought by a victim of childhood sexual abuse based on 3398  
childhood sexual abuse that occurs on or after the effective date 3399  
of this act, to all civil actions brought by a victim of childhood 3400  
sexual abuse for a claim resulting from childhood sexual abuse 3401  
that occurs on or after the effective date of this act, to all 3402  
civil actions for assault or battery brought by a victim of 3403  
childhood sexual abuse based on childhood sexual abuse that 3404  
occurred prior to the effective date of this act in relation to 3405  
which a civil action for assault or battery has never been filed 3406  
and for which the period of limitations applicable to such a civil 3407  
action prior to the effective date of this act has not expired on 3408  
the effective date of this act, and to all civil actions brought 3409  
by a victim of childhood sexual abuse for a claim resulting from 3410  
childhood sexual abuse that occurred prior to the effective date 3411  
of this act in relation to which a civil action for that claim has 3412  
never been filed and for which the period of limitations 3413

applicable to such a civil action prior to the effective date of 3414  
this act has not expired on the effective date of this act. 3415

**Section 4.** The enactment of division (C) of section 2305.111 3416  
of the Revised Code by this act is not intended to prohibit or 3417  
affect a court's determination in an action involving childhood 3418  
sexual abuse that occurs prior to the effective date of this act 3419  
regarding the proper scope and application of the equitable 3420  
doctrine of fraudulent concealment. 3421

**Section 5.** If any provision of a section of the Revised Code 3422  
as amended or enacted by this act or the application of the 3423  
provision to any person or circumstance is held invalid, the 3424  
invalidity does not affect other provisions or applications of the 3425  
section or related sections that can be given effect without the 3426  
invalid provision or application, and to this end the provisions 3427  
are severable. 3428

**Section 6.** Section 2151.421 of the Revised Code is presented 3429  
in this act as a composite of the section as amended by both Sub. 3430  
S.B. 66 and Sub. S.B. 185 of the 125th General Assembly. The 3431  
General Assembly, applying the principle stated in division (B) of 3432  
section 1.52 of the Revised Code that amendments are to be 3433  
harmonized if reasonably capable of simultaneous operation, finds 3434  
that the composites are the resulting versions of the sections in 3435  
effect prior to the effective date of the sections as presented in 3436  
this act. 3437