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Sub. S. B. No. 17

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

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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, and 5120.173 of the Revised Code 3
to require a member of the clergy, rabbi, priest, 4
minister, or any person or layperson, other than a 5
volunteer, acting as a leader, official, delegate, 6
or other designated function on behalf of any 7
church, religious society, or faith to report the 8
known or reasonably suspected abuse or neglect of 9
a child by any other member of the clergy, rabbi, 10
priest, minister, or person or layperson, other 11
than a volunteer, so acting on behalf of any 12
church, religious society, or faith; to toll the 13
criminal statute of limitations for violations 14
involving abuse or neglect of a child if certain 15
individuals fail to report the abuse or neglect of 16
the child; to provide a 20-year statute of 17
limitations for civil assault or battery actions 18
brought by victims of childhood sexual abuse based 19
on childhood sexual abuse or civil actions brought 20
by victims of childhood sexual abuse asserting 21
resulting claims; to provide a period of one or 22
two years, depending upon the circumstances, for 23

the filing of assault or battery actions by 24
victims of childhood sexual abuse based on 25
childhood sexual abuse occurring within the 26
preceding 35 years, or civil actions by victims of 27
childhood sexual abuse asserting resulting claims, 28
that otherwise are barred by the expiration of the 29
period of limitations; and to expand the offense 30
of "sexual battery" to also prohibit a cleric from 31
engaging in sexual conduct with a minor who is a 32
member of, or attends, the church or congregation 33
served by the cleric. 34

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

Section 1. That sections 2151.03, 2151.281, 2151.421, 35
2151.99, 2305.10, 2305.111, 2305.115, 2317.02, 2901.13, 2907.03, 36
and 5120.173 of the Revised Code be amended to read as follows: 37

Sec. 2151.03. (A) As used in this chapter, "neglected child" 38
includes any child: 39

(1) Who is abandoned by the child's parents, guardian, or 40
custodian; 41

(2) Who lacks adequate parental care because of the faults or 42
habits of the child's parents, guardian, or custodian; 43

(3) Whose parents, guardian, or custodian neglects the child 44
or refuses to provide proper or necessary subsistence, education, 45
medical or surgical care or treatment, or other care necessary for 46
the child's health, morals, or well being; 47

(4) Whose parents, guardian, or custodian neglects the child 48
or refuses to provide the special care made necessary by the 49
child's mental condition; 50

(5) Whose parents, legal guardian, or custodian have placed 51
or attempted to place the child in violation of sections 5103.16 52
and 5103.17 of the Revised Code; 53

(6) Who, because of the omission of the child's parents, 54
guardian, or custodian, suffers physical or mental injury that 55
harms or threatens to harm the child's health or welfare; 56

(7) Who is subjected to out-of-home care child neglect. 57

(B) Nothing in this chapter shall be construed as subjecting 58
a parent, guardian, or custodian of a child to criminal liability 59
when, solely in the practice of religious beliefs, the parent, 60
guardian, or custodian fails to provide adequate medical or 61
surgical care or treatment for the child. This division does not 62
abrogate or limit any person's responsibility under section 63
2151.421 of the Revised Code to report known or reasonably 64
suspected child abuse, known or reasonably suspected child 65
neglect, and children who are known to face or are reasonably 66
suspected of facing a threat of suffering abuse or neglect and 67
does not preclude any exercise of the authority of the state, any 68
political subdivision, or any court to ensure that medical or 69
surgical care or treatment is provided to a child when the child's 70
health requires the provision of medical or surgical care or 71
treatment. 72

Sec. 2151.281. (A) The court shall appoint a guardian ad 73
litem to protect the interest of a child in any proceeding 74
concerning an alleged or adjudicated delinquent child or unruly 75
child when either of the following applies: 76

(1) The child has no parent, guardian, or legal custodian. 77

(2) The court finds that there is a conflict of interest 78
between the child and the child's parent, guardian, or legal 79
custodian. 80

(B)(1) The court shall appoint a guardian ad litem to protect the interest of a child in any proceeding concerning an alleged abused or neglected child and in any proceeding held pursuant to section 2151.414 of the Revised Code. The guardian ad litem so appointed shall not be the attorney responsible for presenting the evidence alleging that the child is an abused or neglected child and shall not be an employee of any party in the proceeding.

(2) The guardian ad litem appointed for an alleged or adjudicated abused or neglected child may bring a civil action against any person, who is required by division (A)(1) or (4) of section 2151.421 of the Revised Code to file a report of known or reasonably suspected child abuse or child neglect, if that person knows, ~~or suspects~~ has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that the child for whom the guardian ad litem is appointed is the subject of child abuse or child neglect and does not file the required report and if the child suffers any injury or harm as a result of the known or reasonably suspected child abuse or child neglect or suffers additional injury or harm after the failure to file the report.

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

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

(E) A parent who is eighteen years of age or older and not mentally incompetent shall be deemed sui juris for the purpose of any proceeding relative to a child of the parent who is alleged or adjudicated to be an abused, neglected, or dependent child.

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

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

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

(2) All dispositional orders relative to the child have

terminated;	144
(3) The legal custody of the child is granted to a relative of the child, or to another person;	145 146
(4) The child is placed in an adoptive home or, at the court's discretion, a final decree of adoption is issued with respect to the child;	147 148 149
(5) The child reaches the age of eighteen if the child is not mentally retarded, developmentally disabled, or physically impaired or the child reaches the age of twenty-one if the child is mentally retarded, developmentally disabled, or physically impaired;	150 151 152 153 154
(6) The guardian ad litem resigns or is removed by the court and a replacement is appointed by the court.	155 156
If a guardian ad litem ceases to serve a child pursuant to division (G)(4) of this section and the petition for adoption with respect to the child is denied or withdrawn prior to the issuance of a final decree of adoption or prior to the date an interlocutory order of adoption becomes final, the juvenile court shall reappoint a guardian ad litem for that child. The public children services agency or private child placing agency with permanent custody of the child shall notify the juvenile court if the petition for adoption is denied or withdrawn.	157 158 159 160 161 162 163 164 165
(H) If the guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child is an attorney admitted to the practice of law in this state, the guardian ad litem also may serve as counsel to the ward. If a person is serving as guardian ad litem and counsel for a child and either that person or the court finds that a conflict may exist between the person's roles as guardian ad litem and as counsel, the court shall relieve the person of duties as guardian ad litem and appoint someone else as guardian ad litem for the child. If the court appoints a person	166 167 168 169 170 171 172 173 174

who is not an attorney admitted to the practice of law in this 175
state to be a guardian ad litem, the court also may appoint an 176
attorney admitted to the practice of law in this state to serve as 177
counsel for the guardian ad litem. 178

(I) The guardian ad litem for an alleged or adjudicated 179
abused, neglected, or dependent child shall perform whatever 180
functions are necessary to protect the best interest of the child, 181
including, but not limited to, investigation, mediation, 182
monitoring court proceedings, and monitoring the services provided 183
the child by the public children services agency or private child 184
placing agency that has temporary or permanent custody of the 185
child, and shall file any motions and other court papers that are 186
in the best interest of the child. 187

The guardian ad litem shall be given notice of all hearings, 188
administrative reviews, and other proceedings in the same manner 189
as notice is given to parties to the action. 190

(J)(1) When the court appoints a guardian ad litem pursuant 191
to this section, it shall appoint a qualified volunteer whenever 192
one is available and the appointment is appropriate. 193

(2) Upon request, the department of job and family services 194
shall provide for the training of volunteer guardians ad litem. 195

Sec. 2151.421. (A)(1)(a) No person described in division 196
(A)(1)(b) of this section who is acting in an official or 197
professional capacity and knows, ~~or suspects~~ has reasonable cause 198
to suspect based on facts that would cause a reasonable person in 199
a similar position to suspect, that a child under eighteen years 200
of age or a mentally retarded, developmentally disabled, or 201
physically impaired child under twenty-one years of age has 202
suffered or faces a threat of suffering any physical or mental 203
wound, injury, disability, or condition of a nature that 204

reasonably indicates abuse or neglect of the child, shall fail to 205
immediately report that knowledge or ~~suspicion~~ reasonable cause to 206
suspect to the entity or persons specified in this division. 207
Except as provided in section 5120.173 of the Revised Code, the 208
person making the report shall make it to the public children 209
services agency or a municipal or county peace officer in the 210
county in which the child resides or in which the abuse or neglect 211
is occurring or has occurred. In the circumstances described in 212
section 5120.173 of the Revised Code, the person making the report 213
shall make it to the entity specified in that section. 214

(b) Division (A)(1)(a) of this section applies to any person 215
who is an attorney; physician, including a hospital intern or 216
resident; dentist; podiatrist; practitioner of a limited branch of 217
medicine as specified in section 4731.15 of the Revised Code; 218
registered nurse; licensed practical nurse; visiting nurse; other 219
health care professional; licensed psychologist; licensed school 220
psychologist; independent marriage and family therapist or 221
marriage and family therapist; speech pathologist or audiologist; 222
coroner; administrator or employee of a child day-care center; 223
administrator or employee of a residential camp or child day camp; 224
administrator or employee of a certified child care agency or 225
other public or private children services agency; school teacher; 226
school employee; school authority; person engaged in social work 227
or the practice of professional counseling; agent of a county 228
humane society; person rendering spiritual treatment through 229
prayer in accordance with the tenets of a well-recognized 230
religion; superintendent, board member, or employee of a county 231
board of mental retardation; investigative agent contracted with 232
by a county board of mental retardation; or employee of the 233
department of mental retardation and developmental disabilities. 234

(2) ~~An~~ Except as provided in division (A)(3) of this section, 235
an attorney or a physician is not required to make a report 236

pursuant to division (A)(1) of this section concerning any 237
communication the attorney or physician receives from a client or 238
patient in an attorney-client or physician-patient relationship, 239
if, in accordance with division (A) or (B) of section 2317.02 of 240
the Revised Code, the attorney or physician could not testify with 241
respect to that communication in a civil or criminal proceeding, 242
~~except that the~~ 243

(3) The client or patient in an attorney-client or 244
physician-patient relationship described in division (A)(2) of 245
this section is deemed to have waived any testimonial privilege 246
under division (A) or (B) of section 2317.02 of the Revised Code 247
with respect to ~~that~~ any communication the attorney or physician 248
receives from the client or patient in that attorney-client or 249
physician-patient relationship, and the attorney or physician 250
shall make a report pursuant to division (A)(1) of this section 251
with respect to that communication, if all of the following apply: 252

(a) The client or patient, at the time of the communication, 253
is either a child under eighteen years of age or a mentally 254
retarded, developmentally disabled, or physically impaired person 255
under twenty-one years of age. 256

(b) The attorney or physician knows, ~~or suspects~~ has 257
reasonable cause to suspect based on facts that would cause a 258
reasonable person in similar position to suspect, as a result of 259
the communication or any observations made during that 260
communication, that the client or patient has suffered or faces a 261
threat of suffering any physical or mental wound, injury, 262
disability, or condition of a nature that reasonably indicates 263
abuse or neglect of the client or patient. 264

(c) ~~The attorney-client or physician-patient relationship~~ 265
abuse or neglect does not arise out of the client's or patient's 266
attempt to have an abortion without the notification of her 267
parents, guardian, or custodian in accordance with section 2151.85 268

of the Revised Code. 269

(4)(a) No cleric and no person, other than a volunteer, 270
designated by any church, religious society, or faith acting as a 271
leader, official, or delegate on behalf of the church, religious 272
society, or faith who is acting in an official or professional 273
capacity, who knows, or has reasonable cause to suspect based on 274
facts that would cause a reasonable person in a similar position 275
to suspect, that a child under eighteen years of age or a mentally 276
retarded, developmentally disabled, or physically impaired child 277
under twenty-one years of age has suffered or faces a threat of 278
suffering any physical or mental wound, injury, disability, or 279
condition of a nature that reasonably indicates abuse or neglect 280
of the child, and who knows, or has reasonable cause to suspect 281
based on facts that would cause a reasonable person in a similar 282
position to suspect, that another cleric or another person, other 283
than a volunteer, designated by a church, religious society, or 284
faith acting as a leader, official, or delegate on behalf of the 285
church, religious society, or faith caused, or poses the threat of 286
causing, the wound, injury, disability, or condition that 287
reasonably indicates abuse or neglect shall fail to immediately 288
report that knowledge or reasonable cause to suspect to the entity 289
or persons specified in this division. Except as provided in 290
section 5120.173 of the Revised Code, the person making the report 291
shall make it to the public children services agency or a 292
municipal or county peace officer in the county in which the child 293
resides or in which the abuse or neglect is occurring or has 294
occurred. In the circumstances described in section 5120.173 of 295
the Revised Code, the person making the report shall make it to 296
the entity specified in that section. 297

(b) Except as provided in division (A)(4)(c) of this section, 298
a cleric is not required to make a report pursuant to division 299
(A)(4)(a) of this section concerning any communication the cleric 300

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

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

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

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(ii) The cleric knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, as a result of the communication or any observations made during that communication, the penitent 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 penitent.

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

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

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in a cleric-penitent relationship when the disclosure of any 332
communication the cleric receives from the penitent is in 333
violation of the sacred trust. 334

(e) As used in division (A)(4) of this section, "cleric" and 335
"sacred trust" have the same meanings as in section 2317.02 of the 336
Revised Code. 337

(B) Anyone~~7~~ who knows~~4~~ or ~~suspects~~ has reasonable cause to 338
suspect based on facts that would cause a reasonable person in 339
similar circumstances to suspect, that a child under eighteen 340
years of age or a mentally retarded, developmentally disabled, or 341
physically impaired person under twenty-one years of age has 342
suffered or faces a threat of suffering any physical or mental 343
wound, injury, disability, or other condition of a nature that 344
reasonably indicates abuse or neglect of the child may report or 345
cause reports to be made of that knowledge or ~~suspicion~~ reasonable 346
cause to suspect to the entity or persons specified in this 347
division. Except as provided in section 5120.173 of the Revised 348
Code, a person making a report or causing a report to be made 349
under this division shall make it or cause it to be made to the 350
public children services agency or to a municipal or county peace 351
officer. In the circumstances described in section 5120.173 of the 352
Revised Code, a person making a report or causing a report to be 353
made under this division shall make it or cause it to be made to 354
the entity specified in that section. 355

(C) Any report made pursuant to division (A) or (B) of this 356
section shall be made forthwith either by telephone or in person 357
and shall be followed by a written report, if requested by the 358
receiving agency or officer. The written report shall contain: 359

(1) The names and addresses of the child and the child's 360
parents or the person or persons having custody of the child, if 361
known; 362

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

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

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

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

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

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following:

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

(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 393
the memorandum of understanding that creates the center as being 394
within the center's jurisdiction, comply regarding the report with 395
the protocol and procedures for referrals and investigations, with 396
the coordinating activities, and with the authority or 397
responsibility for performing or providing functions, activities, 398
and services stipulated in the interagency agreement entered into 399
under section 2151.428 of the Revised Code relative to that 400
center. 401

(E) No township, municipal, or county peace officer shall 402
remove a child about whom a report is made pursuant to this 403
section from the child's parents, stepparents, or guardian or any 404
other persons having custody of the child without consultation 405
with the public children services agency, unless, in the judgment 406
of the officer, and, if the report was made by physician, the 407
physician, immediate removal is considered essential to protect 408
the child from further abuse or neglect. The agency that must be 409
consulted shall be the agency conducting the investigation of the 410
report as determined pursuant to section 2151.422 of the Revised 411
Code. 412

(F)(1) Except as provided in section 2151.422 of the Revised 413
Code or in an interagency agreement entered into under section 414
2151.428 of the Revised Code that applies to the particular 415
report, the public children services agency shall investigate, 416
within twenty-four hours, each report of known or reasonably 417
suspected child abuse or child neglect and of a known or 418
reasonably suspected threat of child abuse or child neglect that 419
is referred to it under this section to determine the 420
circumstances surrounding the injuries, abuse, or neglect or the 421
threat of injury, abuse, or neglect, the cause of the injuries, 422
abuse, neglect, or threat, and the person or persons responsible. 423
The investigation shall be made in cooperation with the law 424

enforcement agency and in accordance with the memorandum of 425
understanding prepared under division (J) of this section. A 426
representative of the public children services agency shall, at 427
the time of initial contact with the person subject to the 428
investigation, inform the person of the specific complaints or 429
allegations made against the person. The information shall be 430
given in a manner that is consistent with division (H)(1) of this 431
section and protects the rights of the person making the report 432
under this section. 433

A failure to make the investigation in accordance with the 434
memorandum is not grounds for, and shall not result in, the 435
dismissal of any charges or complaint arising from the report or 436
the suppression of any evidence obtained as a result of the report 437
and does not give, and shall not be construed as giving, any 438
rights or any grounds for appeal or post-conviction relief to any 439
person. The public children services agency shall report each case 440
to a central registry which the department of job and family 441
services shall maintain in order to determine whether prior 442
reports have been made in other counties concerning the child or 443
other principals in the case. The public children services agency 444
shall submit a report of its investigation, in writing, to the law 445
enforcement agency. 446

(2) The public children services agency shall make any 447
recommendations to the county prosecuting attorney or city 448
director of law that it considers necessary to protect any 449
children that are brought to its attention. 450

(G)(1)(a) Except as provided in division (H)(3) of this 451
section, anyone or any hospital, institution, school, health 452
department, or agency participating in the making of reports under 453
division (A) of this section, anyone or any hospital, institution, 454
school, health department, or agency participating in good faith 455
in the making of reports under division (B) of this section, and 456

anyone participating in good faith in a judicial proceeding 457
resulting from the reports, shall be immune from any civil or 458
criminal liability for injury, death, or loss to person or 459
property that otherwise might be incurred or imposed as a result 460
of the making of the reports or the participation in the judicial 461
proceeding. 462

(b) Notwithstanding section 4731.22 of the Revised Code, the 463
physician-patient privilege shall not be a ground for excluding 464
evidence regarding a child's injuries, abuse, or neglect, or the 465
cause of the injuries, abuse, or neglect in any judicial 466
proceeding resulting from a report submitted pursuant to this 467
section. 468

(2) In any civil or criminal action or proceeding in which it 469
is alleged and proved that participation in the making of a report 470
under this section was not in good faith or participation in a 471
judicial proceeding resulting from a report made under this 472
section was not in good faith, the court shall award the 473
prevailing party reasonable attorney's fees and costs and, if a 474
civil action or proceeding is voluntarily dismissed, may award 475
reasonable attorney's fees and costs to the party against whom the 476
civil action or proceeding is brought. 477

(H)(1) Except as provided in divisions (H)(4) and (M) of this 478
section, a report made under this section is confidential. The 479
information provided in a report made pursuant to this section and 480
the name of the person who made the report shall not be released 481
for use, and shall not be used, as evidence in any civil action or 482
proceeding brought against the person who made the report. In a 483
criminal proceeding, the report is admissible in evidence in 484
accordance with the Rules of Evidence and is subject to discovery 485
in accordance with the Rules of Criminal Procedure. 486

(2) No person shall permit or encourage the unauthorized 487

dissemination of the contents of any report made under this 488
section. 489

(3) A person who knowingly makes or causes another person to 490
make a false report under division (B) of this section that 491
alleges that any person has committed an act or omission that 492
resulted in a child being an abused child or a neglected child is 493
guilty of a violation of section 2921.14 of the Revised Code. 494

(4) If a report is made pursuant to division (A) or (B) of 495
this section and the child who is the subject of the report dies 496
for any reason at any time after the report is made, but before 497
the child attains eighteen years of age, the public children 498
services agency or municipal or county peace officer to which the 499
report was made or referred, on the request of the child fatality 500
review board, shall submit a summary sheet of information 501
providing a summary of the report to the review board of the 502
county in which the deceased child resided at the time of death. 503
On the request of the review board, the agency or peace officer 504
may, at its discretion, make the report available to the review 505
board. If the county served by the public children services agency 506
is also served by a children's advocacy center and the report of 507
alleged sexual abuse of a child or another type of abuse of a 508
child is specified in the memorandum of understanding that creates 509
the center as being within the center's jurisdiction, the agency 510
or center shall perform the duties and functions specified in this 511
division in accordance with the interagency agreement entered into 512
under section 2151.428 of the Revised Code relative to that 513
advocacy center. 514

(5) A public children services agency shall advise a person 515
alleged to have inflicted abuse or neglect on a child who is the 516
subject of a report made pursuant to this section, including a 517
report alleging sexual abuse of a child or another type of abuse 518
of a child referred to a children's advocacy center pursuant to an 519

interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

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

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

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

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

(c) The county peace officer;

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

(e) Other law enforcement officers handling child abuse and

neglect cases in the county; 550

(f) The prosecuting attorney of the county; 551

(g) If the public children services agency is not the county 552
department of job and family services, the county department of 553
job and family services; 554

(h) The county humane society; 555

(i) If the public children services agency participated in 556
the execution of a memorandum of understanding under section 557
2151.426 of the Revised Code establishing a children's advocacy 558
center, each participating member of the children's advocacy 559
center established by the memorandum. 560

(2) A memorandum of understanding shall set forth the normal 561
operating procedure to be employed by all concerned officials in 562
the execution of their respective responsibilities under this 563
section and division (C) of section 2919.21, division (B)(1) of 564
section 2919.22, division (B) of section 2919.23, and section 565
2919.24 of the Revised Code and shall have as two of its primary 566
goals the elimination of all unnecessary interviews of children 567
who are the subject of reports made pursuant to division (A) or 568
(B) of this section and, when feasible, providing for only one 569
interview of a child who is the subject of any report made 570
pursuant to division (A) or (B) of this section. A failure to 571
follow the procedure set forth in the memorandum by the concerned 572
officials is not grounds for, and shall not result in, the 573
dismissal of any charges or complaint arising from any reported 574
case of abuse or neglect or the suppression of any evidence 575
obtained as a result of any reported child abuse or child neglect 576
and does not give, and shall not be construed as giving, any 577
rights or any grounds for appeal or post-conviction relief to any 578
person. 579

(3) A memorandum of understanding shall include all of the 580

following:	581
(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;	582 583
(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.	584 585 586 587 588 589 590 591
(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.	592 593 594 595 596
(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:	597 598 599 600 601 602 603 604 605
(a) Whether the agency or center has initiated an investigation of the report;	606 607
(b) Whether the agency or center is continuing to investigate the report;	608 609
(c) Whether the agency or center is otherwise involved with	610

the child who is the subject of the report;

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

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

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

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

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

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

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

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

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

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

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

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide

written notice of the allegations contained in and the person 672
named as the alleged perpetrator in the report to the 673
administrator, director, or other chief administrative officer of 674
the out-of-home care entity that is the subject of the report 675
unless the administrator, director, or other chief administrative 676
officer is named as an alleged perpetrator in the report. If the 677
administrator, director, or other chief administrative officer of 678
an out-of-home care entity is named as an alleged perpetrator in a 679
report of alleged child abuse or child neglect, or a report of an 680
alleged threat of child abuse or child neglect, that allegedly 681
occurred in or involved the out-of-home care entity, the agency 682
shall provide the written notice to the owner or governing board 683
of the out-of-home care entity that is the subject of the report. 684
The agency shall not provide witness statements or police or other 685
investigative reports. 686

(3) No later than three days after the day on which a public 687
children services agency that conducted the investigation as 688
determined pursuant to section 2151.422 of the Revised Code makes 689
a disposition of an investigation involving a report of alleged 690
child abuse or child neglect, or a report of an alleged threat of 691
child abuse or child neglect, that allegedly occurred in or 692
involved an out-of-home care entity, the agency shall send written 693
notice of the disposition of the investigation to the 694
administrator, director, or other chief administrative officer and 695
the owner or governing board of the out-of-home care entity. The 696
agency shall not provide witness statements or police or other 697
investigative reports. 698

Sec. 2151.99. (A) Whoever violates division (D)(2) or (3) of 699
section 2151.313 or division (A)(1), (A)(4), or (H)(2) of section 700
2151.421 of the Revised Code is guilty of a misdemeanor of the 701
fourth degree. 702

(B) Whoever violates division (D)(1) of section 2151.313 of the Revised Code is guilty of a minor misdemeanor. 703
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Sec. 2305.10. (A) Except as provided in division (C) or (E) of this section, an action based on a product liability claim and an action for bodily injury or injuring personal property shall be brought within two years after the cause of action accrues. Except as provided in divisions (B)(1), (2), (3), (4), and (5) of this section, a cause of action accrues under this division when the injury or loss to person or property occurs. 705
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(B)(1) For purposes of division (A) of this section, a cause of action for bodily injury that is not described in division (B)(2), (3), (4), or (5) of this section and that is caused by exposure to hazardous or toxic chemicals, ethical drugs, or ethical medical devices 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. 712
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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. 722
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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 730
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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
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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(C)(1) Except as otherwise provided in divisions (C)(2), (3),
(4), (5), (6), and (7) of this section or in section 2305.19 of
the Revised Code, no cause of action based on a product liability
claim shall accrue against the manufacturer or supplier of a
product later than ten years from the date that the product was
delivered to its first purchaser or first lessee who was not
engaged in a business in which the product was used as a component
in the production, construction, creation, assembly, or rebuilding
of another product.

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

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

(4) If the cause of action relative to a product liability claim accrues during the ten-year period described in division (C)(1) of this section but less than two years prior to the expiration of that period, an action based on the product liability claim may be commenced within two years after the cause of action accrues.

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

(6) Division (C)(1) of this section does not bar an action for bodily injury caused by exposure to asbestos if the cause of action that is the basis of the action 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. 896

(7)(a) Division (C)(1) of this section does not bar an action 897
based on a product liability claim against a manufacturer or 898
supplier of a product if all of the following apply: 899

(i) The action is for bodily injury. 900

(ii) The product involved is a substance or device described 901
in division (B)(1), (2), (3), or (4) of this section. 902

(iii) The bodily injury results from exposure to the product 903
during the ten-year period described in division (C)(1) of this 904
section. 905

(b) If division (C)(7)(a) of this section applies regarding 906
an action, the cause of action accrues upon the date on which the 907
claimant is informed by competent medical authority that the 908
bodily injury was related to the exposure to the product, or upon 909
the date on which by the exercise of reasonable diligence the 910
claimant should have known that the bodily injury was related to 911
the exposure to the product, whichever date occurs first. The 912
action based on the product liability claim shall be commenced 913
within two years after the cause of action accrues and shall not 914
be commenced more than two years after the cause of action 915
accrues. 916

(D) This section does not create a new cause of action or 917
substantive legal right against any person involving a product 918
liability claim. 919

(E) An action brought by a victim of childhood sexual abuse 920
asserting any claim resulting from childhood sexual abuse, as 921
defined in section 2305.111 of the Revised Code, shall be brought 922
as provided in division (C) of that section. 923

(F) As used in this section: 924

(1) "Agent orange," "causative agent," and "veteran" have the 925

same meanings as in section 5903.21 of the Revised Code. 826

(2) "Ethical drug," "ethical medical device," "manufacturer," 827
"product," "product liability claim," and "supplier" have the same 828
meanings as in section 2307.71 of the Revised Code. 829

(3) "Harm" means injury, death, or loss to person or 830
property. 831

~~(F)~~(G) This section shall be considered to be purely remedial 832
in operation and shall be applied in a remedial manner in any 833
civil action commenced on or after ~~the effective date of this~~ 834
~~amendment~~ April 7, 2005, in which this section is relevant, 835
regardless of when the cause of action accrued and notwithstanding 836
any other section of the Revised Code or prior rule of law of this 837
state, but shall not be construed to apply to any civil action 838
pending prior to ~~the effective date of this amendment~~ April 7, 839
2005. 840

Sec. 2305.111. (A) As used in this section: 841

(1) "Childhood sexual abuse" means any conduct that 842
constitutes any of the violations identified in division (A)(1)(a) 843
or (b) of this section and would constitute a criminal offense 844
under the specified section or division of the Revised Code, if 845
the victim of the violation is at the time of the violation a 846
child under eighteen years of age or a mentally retarded, 847
developmentally disabled, or physically impaired child under 848
twenty-one years of age. The court need not find that any person 849
has been convicted of or pleaded guilty to the offense under the 850
specified section or division of the Revised Code in order for the 851
conduct that is the violation constituting the offense to be 852
childhood sexual abuse for purposes of this division. This 853
division applies to any of the following violations committed in 854
the following specified circumstances: 855

(a) A violation of section 2907.02 or of division (A)(1), (5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 of the Revised Code; 856
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(b) A violation of section 2907.05 or 2907.06 of the Revised Code if, at the time of the violation, any of the following apply: 859
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(i) The actor is the victim's natural parent, adoptive parent, or stepparent or the guardian, custodian, or person in loco parentis of the victim. 861
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(ii) The victim is in custody of law or a patient in a hospital or other institution, and the actor has supervisory or disciplinary authority over the victim. 864
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(iii) The actor is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the victim is enrolled in or attends that school, and the actor is not enrolled in and does not attend that school. 867
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(iv) The actor is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the victim is enrolled in or attends that institution. 873
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(v) The actor is the victim's athletic or other type of coach, is the victim's instructor, is the leader of a scouting troop of which the victim is a member, or is a person with temporary or occasional disciplinary control over the victim. 877
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(vi) The actor is a mental health professional, the victim is a mental health client or patient of the actor, and the actor induces the victim to submit by falsely representing to the victim that the sexual contact involved in the violation is necessary for mental health treatment purposes. 881
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(vii) The victim is confined in a detention facility, and the actor is an employee of that detention facility. 886
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(viii) The actor is a cleric, and the victim is a member of, or attends, the church or congregation served by the cleric. 888
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(2) "Cleric" has the same meaning as in section 2317.02 of the Revised Code. 890
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(3) "Mental health client or patient" has the same meaning as in section 2305.51 of the Revised Code. 892
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(4) "Mental health professional" has the same meaning as in section 2305.115 of the Revised Code. 894
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(5) "Sexual contact" has the same meaning as in section 2907.01 of the Revised Code. 896
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(6) "Victim" means, except as provided in division (B) of this section, a victim of childhood sexual abuse. 898
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(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: 900
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~~(A)~~(1) The date on which the alleged assault or battery occurred; 906
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~~(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: 908
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~~(1)~~(a) The date on which the plaintiff learns the identity of that person; 912
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~~(2)~~(b) The date on which, by the exercise of reasonable 914

diligence, the plaintiff should have learned the identity of that person. 915
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(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 twenty 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. 917
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Sec. 2305.115. (A) ~~An~~ Except as provided in division (C) of this section, an action for assault or battery shall be brought within two years after the cause of action accrues, except as provided in division (B) of this section, if all of the following apply regarding the action, the cause of the action, and the parties to the action: 926
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(1) The action is brought against a mental health professional. 932
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(2) The assault or battery claim asserted in the action is that, while the plaintiff was a mental health client or patient of the mental health professional, the mental health professional engaged in sexual conduct with, had sexual contact with, or caused one or more other persons to have sexual contact with the plaintiff. 934
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(3) At the time of the sexual conduct or sexual contact described in division (A)(2) of this section, the plaintiff was not the spouse of the mental health professional. 940
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(B) If the mental health service relationship between the plaintiff in an action for assault or battery that is described in 943
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division (A) of this section and the mental health professional
continues after the date on which the cause of action accrues, the
two-year period specified in division (A) of this section does not
begin to run until the date on which that mental health service
relationship is terminated by either or both of the parties.

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(C) ~~Unless~~ An action for assault or battery brought by a
victim of childhood sexual abuse that is based on childhood sexual
abuse, as defined in section 2305.111 of the Revised Code, shall
be brought as provided in division (C) of that section. In all
other cases, unless division (A) or (B) of this section applies,
an action for assault or battery shall be brought as provided in
division (B) of section 2305.111 of the Revised Code.

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(D) As used in this section:

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

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

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

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

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Sec. 2317.02. The following persons shall not testify in 975
certain respects: 976

(A) An attorney, concerning a communication made to the 977
attorney by a client in that relation or the attorney's advice to 978
a client, except that the attorney may testify by express consent 979
of the client or, if the client is deceased, by the express 980
consent of the surviving spouse or the executor or administrator 981
of the estate of the deceased client and except that, if the 982
client voluntarily testifies or is deemed by section 2151.421 of 983
the Revised Code to have waived any testimonial privilege under 984
this division, the attorney may be compelled to testify on the 985
same subject; 986

(B)(1) A physician or a dentist concerning a communication 987
made to the physician or dentist by a patient in that relation or 988
the physician's or dentist's advice to a patient, except as 989
otherwise provided in this division, division (B)(2), and division 990
(B)(3) of this section, and except that, if the patient is deemed 991
by section 2151.421 of the Revised Code to have waived any 992
testimonial privilege under this division, the physician may be 993
compelled to testify on the same subject. 994

The testimonial privilege established under this division 995
does not apply, and a physician or dentist may testify or may be 996
compelled to testify, in any of the following circumstances: 997

(a) In any civil action, in accordance with the discovery 998
provisions of the Rules of Civil Procedure in connection with a 999
civil action, or in connection with a claim under Chapter 4123. of 1000
the Revised Code, under any of the following circumstances: 1001

(i) If the patient or the guardian or other legal 1002
representative of the patient gives express consent; 1003

(ii) If the patient is deceased, the spouse of the patient or 1004

the executor or administrator of the patient's estate gives 1005
express consent; 1006

(iii) If a medical claim, dental claim, chiropractic claim, 1007
or optometric claim, as defined in section 2305.113 of the Revised 1008
Code, an action for wrongful death, any other type of civil 1009
action, or a claim under Chapter 4123. of the Revised Code is 1010
filed by the patient, the personal representative of the estate of 1011
the patient if deceased, or the patient's guardian or other legal 1012
representative. 1013

(b) In any civil action concerning court-ordered treatment or 1014
services received by a patient, if the court-ordered treatment or 1015
services were ordered as part of a case plan journalized under 1016
section 2151.412 of the Revised Code or the court-ordered 1017
treatment or services are necessary or relevant to dependency, 1018
neglect, or abuse or temporary or permanent custody proceedings 1019
under Chapter 2151. of the Revised Code. 1020

(c) In any criminal action concerning any test or the results 1021
of any test that determines the presence or concentration of 1022
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 1023
patient's blood, breath, urine, or other bodily substance at any 1024
time relevant to the criminal offense in question. 1025

(d) In any criminal action against a physician or dentist. In 1026
such an action, the testimonial privilege established under this 1027
division does not prohibit the admission into evidence, in 1028
accordance with the Rules of Evidence, of a patient's medical or 1029
dental records or other communications between a patient and the 1030
physician or dentist that are related to the action and obtained 1031
by subpoena, search warrant, or other lawful means. A court that 1032
permits or compels a physician or dentist to testify in such an 1033
action or permits the introduction into evidence of patient 1034
records or other communications in such an action shall require 1035

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 1067
the officer a written statement that indicates that the provider 1068
does not possess any of the requested records. 1069

(b) If a health care provider possesses any records of the 1070
type described in division (B)(2)(a) of this section regarding the 1071
person in question at any time relevant to the criminal offense in 1072
question, in lieu of personally testifying as to the results of 1073
the test in question, the custodian of the records may submit a 1074
certified copy of the records, and, upon its submission, the 1075
certified copy is qualified as authentic evidence and may be 1076
admitted as evidence in accordance with the Rules of Evidence. 1077
Division (A) of section 2317.422 of the Revised Code does not 1078
apply to any certified copy of records submitted in accordance 1079
with this division. Nothing in this division shall be construed to 1080
limit the right of any party to call as a witness the person who 1081
administered the test to which the records pertain, the person 1082
under whose supervision the test was administered, the custodian 1083
of the records, the person who made the records, or the person 1084
under whose supervision the records were made. 1085

(3)(a) If the testimonial privilege described in division 1086
(B)(1) of this section does not apply as provided in division 1087
(B)(1)(a)(iii) of this section, a physician or dentist may be 1088
compelled to testify or to submit to discovery under the Rules of 1089
Civil Procedure only as to a communication made to the physician 1090
or dentist by the patient in question in that relation, or the 1091
physician's or dentist's advice to the patient in question, that 1092
related causally or historically to physical or mental injuries 1093
that are relevant to issues in the medical claim, dental claim, 1094
chiropractic claim, or optometric claim, action for wrongful 1095
death, other civil action, or claim under Chapter 4123. of the 1096
Revised Code. 1097

(b) If the testimonial privilege described in division (B)(1) 1098

of this section does not apply to a physician or dentist as 1099
provided in division (B)(1)(c) of this section, the physician or 1100
dentist, in lieu of personally testifying as to the results of the 1101
test in question, may submit a certified copy of those results, 1102
and, upon its submission, the certified copy is qualified as 1103
authentic evidence and may be admitted as evidence in accordance 1104
with the Rules of Evidence. Division (A) of section 2317.422 of 1105
the Revised Code does not apply to any certified copy of results 1106
submitted in accordance with this division. Nothing in this 1107
division shall be construed to limit the right of any party to 1108
call as a witness the person who administered the test in 1109
question, the person under whose supervision the test was 1110
administered, the custodian of the results of the test, the person 1111
who compiled the results, or the person under whose supervision 1112
the results were compiled. 1113

(c) If the testimonial privilege described in division (B)(1) 1114
of this section does not apply as provided in division (B)(1)(e) 1115
of this section, a physician or dentist may be compelled to 1116
testify or to submit to discovery in the will contest action under 1117
sections 2107.71 to 2107.77 of the Revised Code only as to the 1118
patient in question on issues relevant to the competency of the 1119
patient at the time of the execution of the will. Testimony or 1120
discovery conducted pursuant to this division shall be conducted 1121
in accordance with the Rules of Civil Procedure. 1122

(4) The testimonial privilege described in division (B)(1) of 1123
this section is not waived when a communication is made by a 1124
physician to a pharmacist or when there is communication between a 1125
patient and a pharmacist in furtherance of the physician-patient 1126
relation. 1127

(5)(a) As used in divisions (B)(1) to (4) of this section, 1128
"communication" means acquiring, recording, or transmitting any 1129
information, in any manner, concerning any facts, opinions, or 1130

statements necessary to enable a physician or dentist to diagnose, 1131
treat, prescribe, or act for a patient. A "communication" may 1132
include, but is not limited to, any medical or dental, office, or 1133
hospital communication such as a record, chart, letter, 1134
memorandum, laboratory test and results, x-ray, photograph, 1135
financial statement, diagnosis, or prognosis. 1136

(b) As used in division (B)(2) of this section, "health care 1137
provider" means a hospital, ambulatory care facility, long-term 1138
care facility, pharmacy, emergency facility, or health care 1139
practitioner. 1140

(c) As used in division (B)(5)(b) of this section: 1141

(i) "Ambulatory care facility" means a facility that provides 1142
medical, diagnostic, or surgical treatment to patients who do not 1143
require hospitalization, including a dialysis center, ambulatory 1144
surgical facility, cardiac catheterization facility, diagnostic 1145
imaging center, extracorporeal shock wave lithotripsy center, home 1146
health agency, inpatient hospice, birthing center, radiation 1147
therapy center, emergency facility, and an urgent care center. 1148
"Ambulatory health care facility" does not include the private 1149
office of a physician or dentist, whether the office is for an 1150
individual or group practice. 1151

(ii) "Emergency facility" means a hospital emergency 1152
department or any other facility that provides emergency medical 1153
services. 1154

(iii) "Health care practitioner" has the same meaning as in 1155
section 4769.01 of the Revised Code. 1156

(iv) "Hospital" has the same meaning as in section 3727.01 of 1157
the Revised Code. 1158

(v) "Long-term care facility" means a nursing home, 1159
residential care facility, or home for the aging, as those terms 1160

are defined in section 3721.01 of the Revised Code; an adult care 1161
facility, as defined in section 3722.01 of the Revised Code; a 1162
nursing facility or intermediate care facility for the mentally 1163
retarded, as those terms are defined in section 5111.20 of the 1164
Revised Code; a facility or portion of a facility certified as a 1165
skilled nursing facility under Title XVIII of the "Social Security 1166
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 1167

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 1168
the Revised Code. 1169

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 1170
apply to doctors of medicine, doctors of osteopathic medicine, 1171
doctors of podiatry, and dentists. 1172

(7) Nothing in divisions (B)(1) to (6) of this section 1173
affects, or shall be construed as affecting, the immunity from 1174
civil liability conferred by section 307.628 or 2305.33 of the 1175
Revised Code upon physicians who report an employee's use of a 1176
drug of abuse, or a condition of an employee other than one 1177
involving the use of a drug of abuse, to the employer of the 1178
employee in accordance with division (B) of that section. As used 1179
in division (B)(7) of this section, "employee," "employer," and 1180
"physician" have the same meanings as in section 2305.33 of the 1181
Revised Code. 1182

(C)(1) ~~A member of the clergy, rabbi, priest, or regularly~~ 1183
~~ordained, accredited, or licensed minister of an established and~~ 1184
~~legally cognizable church, denomination, or sect~~ cleric, when the 1185
~~member of the clergy, rabbi, priest, or minister~~ cleric remains 1186
accountable to the authority of that cleric's church, 1187
denomination, or sect, concerning a confession made, or any 1188
information confidentially communicated, to the ~~member of the~~ 1189
~~clergy, rabbi, priest, or minister~~ cleric for a religious 1190
counseling purpose in the ~~member of the clergy's, rabbi's,~~ 1191

~~priest's, or minister's cleric's~~ professional character; ~~however,~~ 1192
~~the member of the clergy, rabbi, priest, or minister.~~ The cleric 1193
may testify by express consent of the person making the 1194
communication, except when the disclosure of the information is in 1195
violation of a sacred trust; and except that, if the person 1196
voluntarily testifies or is deemed by division (A)(4)(c) of 1197
section 2151.421 of the Revised Code to have waived any 1198
testimonial privilege under this division, the cleric may be 1199
compelled to testify on the same subject except when disclosure of 1200
the information is in violation of a sacred trust. 1201

(2) As used in division (C) of this section: 1202

(a) "Cleric" means a member of the clergy, rabbi, priest, or 1203
regularly ordained, accredited, or licensed minister of an 1204
established and legally cognizable church, denomination, or sect. 1205

(b) "Sacred trust" means a confession or confidential 1206
communication made to a cleric in the cleric's ecclesiastical 1207
capacity in the course of discipline enjoined by the church to 1208
which the cleric belongs, including, but not limited to, the 1209
Catholic Church, if both of the following apply: 1210

(i) The confession or confidential communication was made 1211
directly to the cleric. 1212

(ii) The confession or confidential communication was made in 1213
the manner and context that places the cleric specifically and 1214
strictly under a level of confidentiality that is considered 1215
inviolable by canon law or church doctrine. 1216

(D) Husband or wife, concerning any communication made by one 1217
to the other, or an act done by either in the presence of the 1218
other, during coverture, unless the communication was made, or act 1219
done, in the known presence or hearing of a third person competent 1220
to be a witness; and such rule is the same if the marital relation 1221
has ceased to exist; 1222

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

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

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

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

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

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

(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under

Chapter 4757. of the Revised Code may be compelled to testify on 1254
the same subject. 1255

(e) The court in camera determines that the information 1256
communicated by the client is not germane to the counselor-client, 1257
marriage and family therapist-client, or social worker-client 1258
relationship. 1259

(f) A court, in an action brought against a school, its 1260
administration, or any of its personnel by the client, rules after 1261
an in-camera inspection that the testimony of the school guidance 1262
counselor is relevant to that action. 1263

(g) The testimony is sought in a civil action and concerns 1264
court-ordered treatment or services received by a patient as part 1265
of a case plan journalized under section 2151.412 of the Revised 1266
Code or the court-ordered treatment or services are necessary or 1267
relevant to dependency, neglect, or abuse or temporary or 1268
permanent custody proceedings under Chapter 2151. of the Revised 1269
Code. 1270

(2) Nothing in division (G)(1) of this section shall relieve 1271
a school guidance counselor or a person licensed or registered 1272
under Chapter 4757. of the Revised Code from the requirement to 1273
report information concerning child abuse or neglect under section 1274
2151.421 of the Revised Code. 1275

(H) A mediator acting under a mediation order issued under 1276
division (A) of section 3109.052 of the Revised Code or otherwise 1277
issued in any proceeding for divorce, dissolution, legal 1278
separation, annulment, or the allocation of parental rights and 1279
responsibilities for the care of children, in any action or 1280
proceeding, other than a criminal, delinquency, child abuse, child 1281
neglect, or dependent child action or proceeding, that is brought 1282
by or against either parent who takes part in mediation in 1283
accordance with the order and that pertains to the mediation 1284

process, to any information discussed or presented in the 1285
mediation process, to the allocation of parental rights and 1286
responsibilities for the care of the parents' children, or to the 1287
awarding of parenting time rights in relation to their children; 1288

(I) A communications assistant, acting within the scope of 1289
the communication assistant's authority, when providing 1290
telecommunications relay service pursuant to section 4931.35 of 1291
the Revised Code or Title II of the "Communications Act of 1934," 1292
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 1293
made through a telecommunications relay service. Nothing in this 1294
section shall limit the obligation of a communications assistant 1295
to divulge information or testify when mandated by federal law or 1296
regulation or pursuant to subpoena in a criminal proceeding. 1297

Nothing in this section shall limit any immunity or privilege 1298
granted under federal law or regulation. 1299

(J)(1) A chiropractor in a civil proceeding concerning a 1300
communication made to the chiropractor by a patient in that 1301
relation or the chiropractor's advice to a patient, except as 1302
otherwise provided in this division. The testimonial privilege 1303
established under this division does not apply, and a chiropractor 1304
may testify or may be compelled to testify, in any civil action, 1305
in accordance with the discovery provisions of the Rules of Civil 1306
Procedure in connection with a civil action, or in connection with 1307
a claim under Chapter 4123. of the Revised Code, under any of the 1308
following circumstances: 1309

(a) If the patient or the guardian or other legal 1310
representative of the patient gives express consent. 1311

(b) If the patient is deceased, the spouse of the patient or 1312
the executor or administrator of the patient's estate gives 1313
express consent. 1314

(c) If a medical claim, dental claim, chiropractic claim, or 1315

optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative. 1316
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(2) If the testimonial privilege described in division (J)(1) of this section does not apply as provided in division (J)(1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code. 1322
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(3) The testimonial privilege established under this division does not apply, and a chiropractor may testify or be compelled to testify, in any criminal action or administrative proceeding. 1333
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(4) As used in this division, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a chiropractor to diagnose, treat, or act for a patient. A communication may include, but is not limited to, any chiropractic, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis. 1336
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Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or (3) of this section or as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the 1344
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following periods after an offense is committed:	1347
(a) For a felony, six years;	1348
(b) For a misdemeanor other than a minor misdemeanor, two years;	1349 1350
(c) For a minor misdemeanor, six months.	1351
(2) There is no period of limitation for the prosecution of a violation of section 2903.01 or 2903.02 of the Revised Code.	1352 1353
(3) Except as otherwise provided in divisions (B) to (H) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within twenty years after the offense is committed:	1354 1355 1356 1357
(a) A violation of section 2903.03, 2903.04, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of section 2903.11 or 2903.12 of the Revised Code if the victim is a peace officer, a violation of section 2903.13 of the Revised Code that is a felony, or a violation of former section 2907.12 of the Revised Code;	1358 1359 1360 1361 1362 1363 1364
(b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A)(3)(a) of this section.	1365 1366 1367
(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.	1368 1369 1370 1371 1372 1373
(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	1374 1375 1376

as defined in section 2921.01 of the Revised Code, at any time 1377
while the accused remains a public servant, or within two years 1378
thereafter. 1379

(D) An offense is committed when every element of the offense 1380
occurs. In the case of an offense of which an element is a 1381
continuing course of conduct, the period of limitation does not 1382
begin to run until such course of conduct or the accused's 1383
accountability for it terminates, whichever occurs first. 1384

(E) A prosecution is commenced on the date an indictment is 1385
returned or an information filed, or on the date a lawful arrest 1386
without a warrant is made, or on the date a warrant, summons, 1387
citation, or other process is issued, whichever occurs first. A 1388
prosecution is not commenced by the return of an indictment or the 1389
filing of an information unless reasonable diligence is exercised 1390
to issue and execute process on the same. A prosecution is not 1391
commenced upon issuance of a warrant, summons, citation, or other 1392
process, unless reasonable diligence is exercised to execute the 1393
same. 1394

(F) The period of limitation shall not run during any time 1395
when the corpus delicti remains undiscovered. 1396

(G) The period of limitation shall not run during any time 1397
when the accused purposely avoids prosecution. Proof that the 1398
accused departed this state or concealed the accused's identity or 1399
whereabouts is prima-facie evidence of the accused's purpose to 1400
avoid prosecution. 1401

(H) The period of limitation shall not run during any time a 1402
prosecution against the accused based on the same conduct is 1403
pending in this state, even though the indictment, information, or 1404
process which commenced the prosecution is quashed or the 1405
proceedings thereon are set aside or reversed on appeal. 1406

(I) The period of limitation for a violation of any provision 1407

of Title XXIX of the Revised Code that involves a physical or 1408
mental wound, injury, disability, or condition of a nature that 1409
reasonably indicates abuse or neglect of a child under eighteen 1410
years of age or of a mentally retarded, developmentally disabled, 1411
or physically impaired child under twenty-one years of age shall 1412
not begin to run until either of the following occurs: 1413

(1) The victim of the offense reaches the age of majority. 1414

(2) A public children services agency, or a municipal or 1415
county peace officer that is not the parent or guardian of the 1416
child, in the county in which the child resides or in which the 1417
abuse or neglect is occurring or has occurred has knowledge of or 1418
suspects that the abuse or neglect occurred. 1419

(J) As used in this section, "peace officer" has the same 1420
meaning as in section 2935.01 of the Revised Code. 1421

Sec. 2907.03. (A) No person shall engage in sexual conduct 1422
with another, not the spouse of the offender, when any of the 1423
following apply: 1424

(1) The offender knowingly coerces the other person to submit 1425
by any means that would prevent resistance by a person of ordinary 1426
resolution. 1427

(2) The offender knows that the other person's ability to 1428
appraise the nature of or control the other person's own conduct 1429
is substantially impaired. 1430

(3) The offender knows that the other person submits because 1431
the other person is unaware that the act is being committed. 1432

(4) The offender knows that the other person submits because 1433
the other person mistakenly identifies the offender as the other 1434
person's spouse. 1435

(5) The offender is the other person's natural or adoptive 1436
parent, or a stepparent, or guardian, custodian, or person in loco 1437

parentis of the other person.	1438
(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.	1439 1440 1441
(7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.	1442 1443 1444 1445 1446 1447
(8) The other person is a minor, the offender is a teacher, 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.	1448 1449 1450 1451
(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.	1452 1453 1454 1455 1456
(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.	1457 1458 1459 1460 1461
(11) The other person is confined in a detention facility, and the offender is an employee of that detention facility.	1462 1463
<u>(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.</u>	1464 1465 1466
(B) Whoever violates this section is guilty of sexual	1467

battery, a felony of the third degree. 1468

(C) As used in this section: 1469

(1) "Cleric" has the same meaning as in section 2317.02 of 1470
the Revised Code. 1471

(2) "Detention facility" has the same meaning as in section 1472
2921.01 of the Revised Code. 1473

~~(2)~~(3) "Institution of higher education" means a state 1474
institution of higher education defined in section 3345.011 of the 1475
Revised Code, a private nonprofit college or university located in 1476
this state that possesses a certificate of authorization issued by 1477
the Ohio board of regents pursuant to Chapter 1713. of the Revised 1478
Code, or a school certified under Chapter 3332. of the Revised 1479
Code. 1480

Sec. 5120.173. Any person who is required to report 1481
reasonably suspected abuse or neglect of a child under eighteen 1482
years of age pursuant to division (A) of section 2151.421 of the 1483
Revised Code, any person who is permitted to report or cause a 1484
report to be made of reasonably suspected abuse or neglect of a 1485
child under eighteen years of age pursuant to division (B) of that 1486
section, any person who is required to report suspected abuse or 1487
neglect of a person with mental retardation or a developmental 1488
disability pursuant to division (C) of section 5123.61 of the 1489
Revised Code, and any person who is permitted to report suspected 1490
abuse or neglect of a person with mental retardation or a 1491
developmental disability pursuant to division (F) of that section 1492
and who makes or causes the report to be made, shall direct that 1493
report to the state highway patrol if the child or the person with 1494
mental retardation or a developmental disability is an inmate in 1495
the custody of a state correctional institution. If the state 1496
highway patrol determines after receipt of the report that it is 1497

probable that abuse or neglect of the inmate occurred, the patrol 1498
shall report its findings to the department of rehabilitation and 1499
correction, to the court that sentenced the inmate for the offense 1500
for which the inmate is in the custody of the department, and to 1501
the ~~chairman~~ chairperson and ~~vice-chairman~~ vice-chairperson of the 1502
correctional institution inspection committee established by 1503
section 103.71 of the Revised Code. 1504

Section 2. That existing sections 2151.03, 2151.281, 1505
2151.421, 2151.99, 2305.10, 2305.111, 2305.115, 2317.02, 2901.13, 1506
2907.03, and 5120.173 of the Revised Code are hereby repealed. 1507

Section 3. (A) As used in this section, "childhood sexual 1508
abuse" has the same meaning as in section 2305.111 of the Revised 1509
Code, as amended by this act, and includes any conduct occurring 1510
prior to the effective date of this act but not earlier than 1511
thirty-five years prior to the effective date of this act that, 1512
had it occurred on or after the effective date of this act, would 1513
be childhood sexual abuse under the definition in section 2305.111 1514
of the Revised Code, as amended by this act. The court need not 1515
find that any person has been convicted of or pleaded guilty to an 1516
offense under Chapter 2907. of the Revised Code that is specified 1517
in that definition in order for the conduct that is the violation 1518
constituting that offense to be childhood sexual abuse for 1519
purposes of this section. 1520

(B) The amendments to section 2305.111 of the Revised Code 1521
made in this act shall apply to all civil actions for assault or 1522
battery brought by a victim of childhood sexual abuse based on 1523
childhood sexual abuse that occurs on or after the effective date 1524
of this act, to all civil actions brought by a victim of childhood 1525
sexual abuse for a claim resulting from childhood sexual abuse 1526
that occurs on or after the effective date of this act, to all 1527
civil actions for assault or battery brought by a victim of 1528

childhood sexual abuse based on childhood sexual abuse that 1529
occurred prior to the effective date of this act in relation to 1530
which a civil action for assault or battery has never been filed 1531
and for which the period of limitations applicable to such a civil 1532
action prior to the effective date of this act has not expired on 1533
the effective date of this act, and to all civil actions brought 1534
by a victim of childhood sexual abuse for a claim resulting from 1535
childhood sexual abuse that occurred prior to the effective date 1536
of this act in relation to which a civil action for that claim has 1537
never been filed and for which the period of limitations 1538
applicable to such a civil action prior to the effective date of 1539
this act has not expired on the effective date of this act. 1540

(C) If a person was the victim of childhood sexual abuse that 1541
occurred prior to the effective date of this act but not earlier 1542
than thirty-five years prior to the effective date of this act, 1543
and if a civil action for assault or battery based on the 1544
childhood sexual abuse has never been filed by the victim and the 1545
period of limitations that was applicable to the assault or 1546
battery has expired on or before the effective date of this act or 1547
a civil action for assault or battery based on the childhood 1548
sexual abuse was filed by the victim and it was dismissed prior 1549
to, or is dismissed on or after, the effective date of this act 1550
because of the expiration of the period of limitations that was 1551
applicable to the assault or battery, notwithstanding the 1552
expiration of the period of limitations that applied to assault or 1553
battery based on childhood sexual abuse, the victim of childhood 1554
sexual abuse may bring an action asserting a claim for assault or 1555
battery based on the childhood sexual abuse within one of the 1556
following periods of time, as applicable: 1557

(1) Except as provided in division (C)(2) of this section, at 1558
any time beginning on the effective date of this act and ending 1559
one year after the effective date of this act; 1560

(2) If a civil action for assault or battery based on the childhood sexual abuse was filed and it is pending in any court, including an appellate court, on the effective date of this act, at any time beginning on the effective date of this act and ending two years after the effective date of this act.

(D) If a person was the victim of childhood sexual abuse that occurred prior to the effective date of this act but not earlier than thirty-five years prior to the effective date of this act, and if a civil action for a claim resulting from the childhood sexual abuse has never been filed by the victim and the period of limitations that was applicable to that claim has expired on or before the effective date of this act or a civil action for a claim resulting from the childhood sexual abuse was filed by the victim and it was dismissed prior to, or is dismissed on or after, the effective date of this act because of the expiration of the period of limitations that was applicable to that claim, notwithstanding the expiration of the period of limitations that applied to that type of claim resulting from childhood sexual abuse, the victim of childhood sexual abuse may bring an action asserting the claim resulting from the childhood sexual abuse within one of the following periods of time, as applicable:

(1) Except as provided in division (D)(2) of this section, within the time period specified in division (C)(1) of this section;

(2) If a civil action for the claim resulting from the childhood sexual abuse was filed by the victim and it is pending in any court, including an appellate court, on the effective date of this act, within the time period specified in division (C)(2) of this section.

Section 4. Section 2151.421 of the Revised Code is presented in this act as a composite of the section as amended by both Sub.

S.B. 66 and Sub. S.B. 185 of the 125th General Assembly. Section 1592
2317.02 of the Revised Code is presented in this act as a 1593
composite of the section as amended by Am. Sub. H.B. 374, Am. H.B. 1594
533, and Am. Sub. S.B. 281, all of the 124th General Assembly. The 1595
General Assembly, applying the principle stated in division (B) of 1596
section 1.52 of the Revised Code that amendments are to be 1597
harmonized if reasonably capable of simultaneous operation, finds 1598
that the composites are the resulting versions of the sections in 1599
effect prior to the effective date of the sections as presented in 1600
this act. 1601