

# **As Reported by the House Judiciary Committee**

**126th General Assembly**

**Regular Session**

**2005-2006**

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

**Senators Spada, Jacobson, Fedor, Clancy, Dann, Mallory, Zurz, Armbruster,**

**Cates, Gardner, Hagan, Harris, Hottinger, Miller, R., Mumper, Padgett,**

**Prentiss, Roberts**

**Representative Willamowski**

**—**

## **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, 2950.031, 2950.11, and 5120.173	3
and to enact sections 2721.21, 3797.01 to 3797.12,	4
and 4799.01 of the Revised Code to require a	5
member of the clergy, rabbi, priest, Christian	6
Science practitioner, minister, or any person or	7
layperson, other than a volunteer, acting as a	8
leader, official, delegate, or other designated	9
function on behalf of any church, religious	10
society, or faith to report the abuse or neglect	11
of a child that is known or reasonably believed to	12
have been committed by any other member of the	13
clergy, rabbi, priest, Christian Science	14
practitioner, minister, or person or layperson,	15
other than a volunteer, so acting on behalf of any	16
church, religious society, or faith; to toll the	17
criminal statute of limitations for violations	18
involving abuse or neglect of a child if certain	19
individuals fail to report the abuse or neglect of	20
the child; to provide a ten-year statute of	21

limitations for civil assault or battery actions 22  
brought by victims of childhood sexual abuse based 23  
on childhood sexual abuse or civil actions brought 24  
by victims of childhood sexual abuse asserting 25  
resulting claims; to expand the offense of "sexual 26  
battery" to also prohibit a cleric from engaging 27  
in sexual conduct with a minor who is a member of, 28  
or attends, the church or congregation served by 29  
the cleric; to prohibit a person convicted of a 30  
sexually oriented offense or child-victim oriented 31  
offense who has a duty to register from living 32  
within 1,000 feet of a victim of the offense; to 33  
require a sheriff to notify the public children 34  
services agency of registered sex offenders in the 35  
jurisdiction; to create a cause of action for a 36  
declaratory judgment in cases in which a victim of 37  
childhood sexual abuse is barred from bringing an 38  
ordinary civil action by the expiration of the 39  
limitations period; to create a registration and 40  
community notification program for persons who are 41  
found liable in a declaratory judgment action for 42  
assault or battery based on childhood sexual 43  
abuse; to require the Attorney General to 44  
establish on the internet a civil registry of 45  
persons found liable in a declaratory judgment 46  
action for assault or battery based on childhood 47  
sexual abuse; to prohibit persons required to 48  
register after being found liable in a declaratory 49  
judgment action for assault or battery based on 50  
childhood sexual abuse from failing to register 51  
and from living within 1,000 feet of any school 52  
premises; and to require occupational licensing 53  
boards to consider a person's listing on the civil 54

registry in making determinations related to the 55  
licensing of the person. 56

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

**Section 1.** That sections 2151.03, 2151.281, 2151.421, 57  
2151.99, 2305.10, 2305.111, 2305.115, 2317.02, 2901.13, 2907.03, 58  
2950.031, 2950.11, and 5120.173 be amended and sections 2721.21, 59  
3797.01, 3797.02, 3797.03, 3797.04, 3797.05, 3797.06, 3797.07, 60  
3797.08, 3797.09, 3797.10, 3797.11, 3797.12, and 4799.01 of the 61  
Revised Code be enacted to read as follows: 62

**Sec. 2151.03.** (A) As used in this chapter, "neglected child" 63  
includes any child: 64

(1) Who is abandoned by the child's parents, guardian, or 65  
custodian; 66

(2) Who lacks adequate parental care because of the faults or 67  
habits of the child's parents, guardian, or custodian; 68

(3) Whose parents, guardian, or custodian neglects the child 69  
or refuses to provide proper or necessary subsistence, education, 70  
medical or surgical care or treatment, or other care necessary for 71  
the child's health, morals, or well being; 72

(4) Whose parents, guardian, or custodian neglects the child 73  
or refuses to provide the special care made necessary by the 74  
child's mental condition; 75

(5) Whose parents, legal guardian, or custodian have placed 76  
or attempted to place the child in violation of sections 5103.16 77  
and 5103.17 of the Revised Code; 78

(6) Who, because of the omission of the child's parents, 79  
guardian, or custodian, suffers physical or mental injury that 80  
harms or threatens to harm the child's health or welfare; 81

(7) Who is subjected to out-of-home care child neglect. 82

(B) Nothing in this chapter shall be construed as subjecting 83  
a parent, guardian, or custodian of a child to criminal liability 84  
when, solely in the practice of religious beliefs, the parent, 85  
guardian, or custodian fails to provide adequate medical or 86  
surgical care or treatment for the child. This division does not 87  
abrogate or limit any person's responsibility under section 88  
2151.421 of the Revised Code to report child abuse that is known 89  
or reasonably suspected ~~child abuse~~ or believed to have occurred, 90  
child neglect that is known or reasonably suspected ~~child neglect~~ 91  
or believed to have occurred, and children who are known to face 92  
or are reasonably suspected ~~of~~ or believed to be facing a threat 93  
of suffering abuse or neglect and does not preclude any exercise 94  
of the authority of the state, any political subdivision, or any 95  
court to ensure that medical or surgical care or treatment is 96  
provided to a child when the child's health requires the provision 97  
of medical or surgical care or treatment. 98

**Sec. 2151.281.** (A) The court shall appoint a guardian ad 99  
litem to protect the interest of a child in any proceeding 100  
concerning an alleged or adjudicated delinquent child or unruly 101  
child when either of the following applies: 102

(1) The child has no parent, guardian, or legal custodian. 103

(2) The court finds that there is a conflict of interest 104  
between the child and the child's parent, guardian, or legal 105  
custodian. 106

(B)(1) The court shall appoint a guardian ad litem to protect 107  
the interest of a child in any proceeding concerning an alleged 108  
abused or neglected child and in any proceeding held pursuant to 109  
section 2151.414 of the Revised Code. The guardian ad litem so 110  
appointed shall not be the attorney responsible for presenting the 111

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~~  
~~suspected~~ child abuse or child neglect, that is known or  
reasonably suspected or believed to have occurred if that person  
knows, or ~~suspects~~ has reasonable cause to suspect or believe  
based on facts that would cause a reasonable person in a similar  
position to suspect or believe, as applicable, 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 suspected~~ child abuse or child neglect that is known or  
reasonably suspected or believed to have occurred 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;

(3) The legal custody of the child is granted to a relative

of the child, or to another person; 174

(4) The child is placed in an adoptive home or, at the 175  
court's discretion, a final decree of adoption is issued with 176  
respect to the child; 177

(5) The child reaches the age of eighteen if the child is not 178  
mentally retarded, developmentally disabled, or physically 179  
impaired or the child reaches the age of twenty-one if the child 180  
is mentally retarded, developmentally disabled, or physically 181  
impaired; 182

(6) The guardian ad litem resigns or is removed by the court 183  
and a replacement is appointed by the court. 184

If a guardian ad litem ceases to serve a child pursuant to 185  
division (G)(4) of this section and the petition for adoption with 186  
respect to the child is denied or withdrawn prior to the issuance 187  
of a final decree of adoption or prior to the date an 188  
interlocutory order of adoption becomes final, the juvenile court 189  
shall reappoint a guardian ad litem for that child. The public 190  
children services agency or private child placing agency with 191  
permanent custody of the child shall notify the juvenile court if 192  
the petition for adoption is denied or withdrawn. 193

(H) If the guardian ad litem for an alleged or adjudicated 194  
abused, neglected, or dependent child is an attorney admitted to 195  
the practice of law in this state, the guardian ad litem also may 196  
serve as counsel to the ward. If a person is serving as guardian 197  
ad litem and counsel for a child and either that person or the 198  
court finds that a conflict may exist between the person's roles 199  
as guardian ad litem and as counsel, the court shall relieve the 200  
person of duties as guardian ad litem and appoint someone else as 201  
guardian ad litem for the child. If the court appoints a person 202  
who is not an attorney admitted to the practice of law in this 203  
state to be a guardian ad litem, the court also may appoint an 204

attorney admitted to the practice of law in this state to serve as  
counsel for the guardian ad litem.

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

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

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

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

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



suspect to the entity or persons specified in this division. 235  
Except as provided in section 5120.173 of the Revised Code, the 236  
person making the report shall make it to the public children 237  
services agency or a municipal or county peace officer in the 238  
county in which the child resides or in which the abuse or neglect 239  
is occurring or has occurred. In the circumstances described in 240  
section 5120.173 of the Revised Code, the person making the report 241  
shall make it to the entity specified in that section. 242

(b) Division (A)(1)(a) of this section applies to any person 243  
who is an attorney; physician, including a hospital intern or 244  
resident; dentist; podiatrist; practitioner of a limited branch of 245  
medicine as specified in section 4731.15 of the Revised Code; 246  
registered nurse; licensed practical nurse; visiting nurse; other 247  
health care professional; licensed psychologist; licensed school 248  
psychologist; independent marriage and family therapist or 249  
marriage and family therapist; speech pathologist or audiologist; 250  
coroner; administrator or employee of a child day-care center; 251  
administrator or employee of a residential camp or child day camp; 252  
administrator or employee of a certified child care agency or 253  
other public or private children services agency; school teacher; 254  
school employee; school authority; person engaged in social work 255  
or the practice of professional counseling; agent of a county 256  
humane society; person, other than a cleric, rendering spiritual 257  
treatment through prayer in accordance with the tenets of a 258  
well-recognized religion; superintendent, board member, or 259  
employee of a county board of mental retardation; investigative 260  
agent contracted with by a county board of mental retardation; or 261  
employee of the department of mental retardation and developmental 262  
disabilities. 263

(2) ~~An~~ Except as provided in division (A)(3) of this section, 264  
an attorney or a physician is not required to make a report 265  
pursuant to division (A)(1) of this section concerning any 266

communication the attorney or physician receives from a client or 267  
patient in an attorney-client or physician-patient relationship, 268  
if, in accordance with division (A) or (B) of section 2317.02 of 269  
the Revised Code, the attorney or physician could not testify with 270  
respect to that communication in a civil or criminal proceeding, 271  
~~except that the.~~ 272

(3) The client or patient in an attorney-client or 273  
physician-patient relationship described in division (A)(2) of 274  
this section is deemed to have waived any testimonial privilege 275  
under division (A) or (B) of section 2317.02 of the Revised Code 276  
with respect to ~~that~~ any communication the attorney or physician 277  
receives from the client or patient in that attorney-client or 278  
physician-patient relationship, and the attorney or physician 279  
shall make a report pursuant to division (A)(1) of this section 280  
with respect to that communication, if all of the following apply: 281

(a) The client or patient, at the time of the communication, 282  
is either a child under eighteen years of age or a mentally 283  
retarded, developmentally disabled, or physically impaired person 284  
under twenty-one years of age. 285

(b) The attorney or physician knows, ~~or suspects~~ has 286  
reasonable cause to suspect based on facts that would cause a 287  
reasonable person in similar position to suspect, as a result of 288  
the communication or any observations made during that 289  
communication, that the client or patient has suffered or faces a 290  
threat of suffering any physical or mental wound, injury, 291  
disability, or condition of a nature that reasonably indicates 292  
abuse or neglect of the client or patient. 293

(c) ~~The attorney-client or physician-patient relationship~~ 294  
abuse or neglect does not arise out of the client's or patient's 295  
attempt to have an abortion without the notification of her 296  
parents, guardian, or custodian in accordance with section 2151.85 297  
of the Revised Code. 298

(4)(a) No cleric and no person, other than a volunteer, 299  
designated by any church, religious society, or faith acting as a 300  
leader, official, or delegate on behalf of the church, religious 301  
society, or faith who is acting in an official or professional 302  
capacity, who knows, or has reasonable cause to believe based on 303  
facts that would cause a reasonable person in a similar position 304  
to believe, that a child under eighteen years of age or a mentally 305  
retarded, developmentally disabled, or physically impaired child 306  
under twenty-one years of age has suffered or faces a threat of 307  
suffering any physical or mental wound, injury, disability, or 308  
condition of a nature that reasonably indicates abuse or neglect 309  
of the child, and who knows, or has reasonable cause to believe 310  
based on facts that would cause a reasonable person in a similar 311  
position to believe, that another cleric or another person, other 312  
than a volunteer, designated by a church, religious society, or 313  
faith acting as a leader, official, or delegate on behalf of the 314  
church, religious society, or faith caused, or poses the threat of 315  
causing, the wound, injury, disability, or condition that 316  
reasonably indicates abuse or neglect shall fail to immediately 317  
report that knowledge or reasonable cause to believe to the entity 318  
or persons specified in this division. Except as provided in 319  
section 5120.173 of the Revised Code, the person making the report 320  
shall make it to the public children services agency or a 321  
municipal or county peace officer in the county in which the child 322  
resides or in which the abuse or neglect is occurring or has 323  
occurred. In the circumstances described in section 5120.173 of 324  
the Revised Code, the person making the report shall make it to 325  
the entity specified in that section. 326

(b) Except as provided in division (A)(4)(c) of this section, 327  
a cleric is not required to make a report pursuant to division 328  
(A)(4)(a) of this section concerning any communication the cleric 329  
receives from a penitent in a cleric-penitent relationship, if, in 330

accordance with division (C) of section 2317.02 of the Revised 331  
Code, the cleric could not testify with respect to that 332  
communication in a civil or criminal proceeding. 333

(c) The penitent in a cleric-penitent relationship described 334  
in division (A)(4)(b) of this section is deemed to have waived any 335  
testimonial privilege under division (C) of section 2317.02 of the 336  
Revised Code with respect to any communication the cleric receives 337  
from the penitent in that cleric-penitent relationship, and the 338  
cleric shall make a report pursuant to division (A)(4)(a) of this 339  
section with respect to that communication, if all of the 340  
following apply: 341

(i) The penitent, at the time of the communication, is either 342  
a child under eighteen years of age or a mentally retarded, 343  
developmentally disabled, or physically impaired person under 344  
twenty-one years of age. 345

(ii) The cleric knows, or has reasonable cause to believe 346  
based on facts that would cause a reasonable person in a similar 347  
position to believe, as a result of the communication or any 348  
observations made during that communication, the penitent has 349  
suffered or faces a threat of suffering any physical or mental 350  
wound, injury, disability, or condition of a nature that 351  
reasonably indicates abuse or neglect of the penitent. 352

(iii) The abuse or neglect does not arise out of the 353  
penitent's attempt to have an abortion performed upon a child 354  
under eighteen years of age or upon a mentally retarded, 355  
developmentally disabled, or physically impaired person under 356  
twenty-one years of age without the notification of her parents, 357  
guardian, or custodian in accordance with section 2151.85 of the 358  
Revised Code. 359

(d) Divisions (A)(4)(a) and (c) of this section do not apply 360  
in a cleric-penitent relationship when the disclosure of any 361

communication the cleric receives from the penitent is in  
violation of the sacred trust.

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

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

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

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

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(2) The child's age and the nature and extent of the child's

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~~known or suspected~~ injuries, abuse, or neglect that is known or 393  
reasonably suspected or believed, as applicable, to have occurred 394  
or of the ~~known or suspected~~ threat of injury, abuse, or neglect 395  
that is known or reasonably suspected or believed, as applicable, 396  
to exist, including any evidence of previous injuries, abuse, or 397  
neglect; 398

(3) Any other information that might be helpful in 399  
establishing the cause of the ~~known or suspected~~ injury, abuse, or 400  
neglect that is known or reasonably suspected or believed, as 401  
applicable, to have occurred or of the ~~known or suspected~~ threat 402  
of injury, abuse, or neglect that is known or reasonably suspected 403  
or believed, as applicable, to exist. 404

Any person, who is required by division (A) of this section 405  
to report ~~known or suspected~~ child abuse or child neglect that is 406  
known or reasonably suspected or believed to have occurred, may 407  
take or cause to be taken color photographs of areas of trauma 408  
visible on a child and, if medically indicated, cause to be 409  
performed radiological examinations of the child. 410

(D) As used in this division, "children's advocacy center" 411  
and "sexual abuse of a child" have the same meanings as in section 412  
2151.425 of the Revised Code. 413

(1) When a municipal or county peace officer receives a 414  
report concerning the possible abuse or neglect of a child or the 415  
possible threat of abuse or neglect of a child, upon receipt of 416  
the report, the municipal or county peace officer who receives the 417  
report shall refer the report to the appropriate public children 418  
services agency. 419

(2) When a public children services agency receives a report 420  
pursuant to this division or division (A) or (B) of this section, 421  
upon receipt of the report, the public children services agency 422  
shall do both of the following: 423

(a) Comply with section 2151.422 of the Revised Code; 424

(b) If the county served by the agency is also served by a 425  
children's advocacy center and the report alleges sexual abuse of 426  
a child or another type of abuse of a child that is specified in 427  
the memorandum of understanding that creates the center as being 428  
within the center's jurisdiction, comply regarding the report with 429  
the protocol and procedures for referrals and investigations, with 430  
the coordinating activities, and with the authority or 431  
responsibility for performing or providing functions, activities, 432  
and services stipulated in the interagency agreement entered into 433  
under section 2151.428 of the Revised Code relative to that 434  
center. 435

(E) No township, municipal, or county peace officer shall 436  
remove a child about whom a report is made pursuant to this 437  
section from the child's parents, stepparents, or guardian or any 438  
other persons having custody of the child without consultation 439  
with the public children services agency, unless, in the judgment 440  
of the officer, and, if the report was made by physician, the 441  
physician, immediate removal is considered essential to protect 442  
the child from further abuse or neglect. The agency that must be 443  
consulted shall be the agency conducting the investigation of the 444  
report as determined pursuant to section 2151.422 of the Revised 445  
Code. 446

(F)(1) Except as provided in section 2151.422 of the Revised 447  
Code or in an interagency agreement entered into under section 448  
2151.428 of the Revised Code that applies to the particular 449  
report, the public children services agency shall investigate, 450  
within twenty-four hours, each report of ~~known or suspected~~ child 451  
abuse or child neglect that is known or reasonably suspected or 452  
believed to have occurred and of a ~~known or suspected~~ threat of 453  
child abuse or child neglect that is known or reasonably suspected 454  
or believed to exist that is referred to it under this section to 455

determine the circumstances surrounding the injuries, abuse, or 456  
neglect or the threat of injury, abuse, or neglect, the cause of 457  
the injuries, abuse, neglect, or threat, and the person or persons 458  
responsible. The investigation shall be made in cooperation with 459  
the law enforcement agency and in accordance with the memorandum 460  
of understanding prepared under division (J) of this section. A 461  
representative of the public children services agency shall, at 462  
the time of initial contact with the person subject to the 463  
investigation, inform the person of the specific complaints or 464  
allegations made against the person. The information shall be 465  
given in a manner that is consistent with division (H)(1) of this 466  
section and protects the rights of the person making the report 467  
under this section. 468

A failure to make the investigation in accordance with the 469  
memorandum is not grounds for, and shall not result in, the 470  
dismissal of any charges or complaint arising from the report or 471  
the suppression of any evidence obtained as a result of the report 472  
and does not give, and shall not be construed as giving, any 473  
rights or any grounds for appeal or post-conviction relief to any 474  
person. The public children services agency shall report each case 475  
to a central registry which the department of job and family 476  
services shall maintain in order to determine whether prior 477  
reports have been made in other counties concerning the child or 478  
other principals in the case. The public children services agency 479  
shall submit a report of its investigation, in writing, to the law 480  
enforcement agency. 481

(2) The public children services agency shall make any 482  
recommendations to the county prosecuting attorney or city 483  
director of law that it considers necessary to protect any 484  
children that are brought to its attention. 485

(G)(1)(a) Except as provided in division (H)(3) of this 486  
section, anyone or any hospital, institution, school, health 487



department, or agency participating in the making of reports under 488  
division (A) of this section, anyone or any hospital, institution, 489  
school, health department, or agency participating in good faith 490  
in the making of reports under division (B) of this section, and 491  
anyone participating in good faith in a judicial proceeding 492  
resulting from the reports, shall be immune from any civil or 493  
criminal liability for injury, death, or loss to person or 494  
property that otherwise might be incurred or imposed as a result 495  
of the making of the reports or the participation in the judicial 496  
proceeding. 497

(b) Notwithstanding section 4731.22 of the Revised Code, the 498  
physician-patient privilege shall not be a ground for excluding 499  
evidence regarding a child's injuries, abuse, or neglect, or the 500  
cause of the injuries, abuse, or neglect in any judicial 501  
proceeding resulting from a report submitted pursuant to this 502  
section. 503

(2) In any civil or criminal action or proceeding in which it 504  
is alleged and proved that participation in the making of a report 505  
under this section was not in good faith or participation in a 506  
judicial proceeding resulting from a report made under this 507  
section was not in good faith, the court shall award the 508  
prevailing party reasonable attorney's fees and costs and, if a 509  
civil action or proceeding is voluntarily dismissed, may award 510  
reasonable attorney's fees and costs to the party against whom the 511  
civil action or proceeding is brought. 512

(H)(1) Except as provided in divisions (H)(4) and (M) of this 513  
section, a report made under this section is confidential. The 514  
information provided in a report made pursuant to this section and 515  
the name of the person who made the report shall not be released 516  
for use, and shall not be used, as evidence in any civil action or 517  
proceeding brought against the person who made the report. In a 518  
criminal proceeding, the report is admissible in evidence in 519

accordance with the Rules of Evidence and is subject to discovery 520  
in accordance with the Rules of Criminal Procedure. 521

(2) No person shall permit or encourage the unauthorized 522  
dissemination of the contents of any report made under this 523  
section. 524

(3) A person who knowingly makes or causes another person to 525  
make a false report under division (B) of this section that 526  
alleges that any person has committed an act or omission that 527  
resulted in a child being an abused child or a neglected child is 528  
guilty of a violation of section 2921.14 of the Revised Code. 529

(4) If a report is made pursuant to division (A) or (B) of 530  
this section and the child who is the subject of the report dies 531  
for any reason at any time after the report is made, but before 532  
the child attains eighteen years of age, the public children 533  
services agency or municipal or county peace officer to which the 534  
report was made or referred, on the request of the child fatality 535  
review board, shall submit a summary sheet of information 536  
providing a summary of the report to the review board of the 537  
county in which the deceased child resided at the time of death. 538  
On the request of the review board, the agency or peace officer 539  
may, at its discretion, make the report available to the review 540  
board. If the county served by the public children services agency 541  
is also served by a children's advocacy center and the report of 542  
alleged sexual abuse of a child or another type of abuse of a 543  
child is specified in the memorandum of understanding that creates 544  
the center as being within the center's jurisdiction, the agency 545  
or center shall perform the duties and functions specified in this 546  
division in accordance with the interagency agreement entered into 547  
under section 2151.428 of the Revised Code relative to that 548  
advocacy center. 549

(5) A public children services agency shall advise a person 550

alleged to have inflicted abuse or neglect on a child who is the  
subject of a report made pursuant to this section, including a  
report alleging sexual abuse of a child or another type of abuse  
of a child referred to a children's advocacy center pursuant to an  
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;	582
(d) All chief municipal peace officers within the county;	583
(e) Other law enforcement officers handling child abuse and neglect cases in the county;	584 585
(f) The prosecuting attorney of the county;	586
(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;	587 588 589
(h) The county humane society;	590
(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.	591 592 593 594 595
(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect	596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611

and does not give, and shall not be construed as giving, any  
rights or any grounds for appeal or post-conviction relief to any  
person.

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

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

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

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

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

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

(b) Whether the agency or center is continuing to investigate 643  
the report; 644

(c) Whether the agency or center is otherwise involved with 645  
the child who is the subject of the report; 646

(d) The general status of the health and safety of the child 647  
who is the subject of the report; 648

(e) Whether the report has resulted in the filing of a 649  
complaint in juvenile court or of criminal charges in another 650  
court. 651

(2) A person may request the information specified in 652  
division (K)(1) of this section only if, at the time the report is 653  
made, the person's name, address, and telephone number are 654  
provided to the person who receives the report. 655

When a municipal or county peace officer or employee of a 656  
public children services agency receives a report pursuant to 657  
division (A) or (B) of this section the recipient of the report 658  
shall inform the person of the right to request the information 659  
described in division (K)(1) of this section. The recipient of the 660  
report shall include in the initial child abuse or child neglect 661  
report that the person making the report was so informed and, if 662  
provided at the time of the making of the report, shall include 663  
the person's name, address, and telephone number in the report. 664

Each request is subject to verification of the identity of 665  
the person making the report. If that person's identity is 666  
verified, the agency shall provide the person with the information 667  
described in division (K)(1) of this section a reasonable number 668  
of times, except that the agency shall not disclose any 669  
confidential information regarding the child who is the subject of 670  
the report other than the information described in those 671  
divisions. 672

(3) A request made pursuant to division (K)(1) of this 673  
section is not a substitute for any report required to be made 674  
pursuant to division (A) of this section. 675

(4) If an agency other than the agency that received or was 676  
referred the report is conducting the investigation of the report 677  
pursuant to section 2151.422 of the Revised Code, the agency 678  
conducting the investigation shall comply with the requirements of 679  
division (K) of this section. 680

(L) The director of job and family services shall adopt rules 681  
in accordance with Chapter 119. of the Revised Code to implement 682  
this section. The department of job and family services may enter 683  
into a plan of cooperation with any other governmental entity to 684  
aid in ensuring that children are protected from abuse and 685  
neglect. The department shall make recommendations to the attorney 686  
general that the department determines are necessary to protect 687  
children from child abuse and child neglect. 688

(M)(1) As used in this division: 689

(a) "Out-of-home care" includes a nonchartered nonpublic 690  
school if the alleged child abuse or child neglect, or alleged 691  
threat of child abuse or child neglect, described in a report 692  
received by a public children services agency allegedly occurred 693  
in or involved the nonchartered nonpublic school and the alleged 694  
perpetrator named in the report holds a certificate, permit, or 695  
license issued by the state board of education under section 696  
3301.071 or Chapter 3319. of the Revised Code. 697

(b) "Administrator, director, or other chief administrative 698  
officer" means the superintendent of the school district if the 699  
out-of-home care entity subject to a report made pursuant to this 700  
section is a school operated by the district. 701

(2) No later than the end of the day following the day on 702  
which a public children services agency receives a report of 703

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  
named as the alleged perpetrator in the report to the  
administrator, director, or other chief administrative officer of  
the out-of-home care entity that is the subject of the report  
unless the administrator, director, or other chief administrative  
officer is named as an alleged perpetrator in the report. If the  
administrator, director, or other chief administrative officer of  
an out-of-home care entity is named as an alleged perpetrator in 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 the out-of-home care entity, the agency  
shall provide the written notice to the owner or governing board  
of the out-of-home care entity that is the subject of the report.  
The agency shall not provide witness statements or police or other  
investigative reports.

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

**Sec. 2151.99.** (A) ~~Whoever~~ (1) Except as otherwise provided in



division (A)(2) of this section, whoever violates division (D)(2) 735  
or (3) of section 2151.313 or division (A)(1), (A)(4), or (H)(2) 736  
of section 2151.421 of the Revised Code is guilty of a misdemeanor 737  
of the fourth degree. 738

(2) Whoever violates division (A)(4) of section 2151.421 of 739  
the Revised Code knowing that a child has been abused or neglected 740  
and knowing that the person who committed the abuse or neglect was 741  
a cleric or another person, other than a volunteer, designated by 742  
a church, religious society, or faith acting as a leader, 743  
official, or delegate on behalf of the church, religious society, 744  
or faith, is guilty of a misdemeanor of the first degree if the 745  
person who violates division (A)(4) of this section and the person 746  
who committed the abuse or neglect belong to the same church, 747  
religious society, or faith. 748

(B) Whoever violates division (D)(1) of section 2151.313 of 749  
the Revised Code is guilty of a minor misdemeanor. 750

**Sec. 2305.10.** (A) Except as provided in division (C) or (E) 751  
of this section, an action based on a product liability claim and 752  
an action for bodily injury or injuring personal property shall be 753  
brought within two years after the cause of action accrues. Except 754  
as provided in divisions (B)(1), (2), (3), (4), and (5) of this 755  
section, a cause of action accrues under this division when the 756  
injury or loss to person or property occurs. 757

(B)(1) For purposes of division (A) of this section, a cause 758  
of action for bodily injury that is not described in division 759  
(B)(2), (3), (4), or (5) of this section and that is caused by 760  
exposure to hazardous or toxic chemicals, ethical drugs, or 761  
ethical medical devices accrues upon the date on which the 762  
plaintiff is informed by competent medical authority that the 763  
plaintiff has an injury that is related to the exposure, or upon 764

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.

(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.

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

(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.

(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 796  
medical authority that the plaintiff has an injury that is related 797  
to the exposure, or upon the date on which by the exercise of 798  
reasonable diligence the plaintiff should have known that the 799  
plaintiff has an injury that is related to the exposure, whichever 800  
date occurs first. 801

(C)(1) Except as otherwise provided in divisions (C)(2), (3), 802  
(4), (5), (6), and (7) of this section or in section 2305.19 of 803  
the Revised Code, no cause of action based on a product liability 804  
claim shall accrue against the manufacturer or supplier of a 805  
product later than ten years from the date that the product was 806  
delivered to its first purchaser or first lessee who was not 807  
engaged in a business in which the product was used as a component 808  
in the production, construction, creation, assembly, or rebuilding 809  
of another product. 810

(2) Division (C)(1) of this section does not apply if the 811  
manufacturer or supplier of a product engaged in fraud in regard 812  
to information about the product and the fraud contributed to the 813  
harm that is alleged in a product liability claim involving that 814  
product. 815

(3) Division (C)(1) of this section does not bar an action 816  
based on a product liability claim against a manufacturer or 817  
supplier of a product who made an express, written warranty as to 818  
the safety of the product that was for a period longer than ten 819  
years and that, at the time of the accrual of the cause of action, 820  
has not expired in accordance with the terms of that warranty. 821

(4) If the cause of action relative to a product liability 822  
claim accrues during the ten-year period described in division 823  
(C)(1) of this section but less than two years prior to the 824  
expiration of that period, an action based on the product 825  
liability claim may be commenced within two years after the cause 826

of action accrues. 827

(5) If a cause of action relative to a product liability 828  
claim accrues during the ten-year period described in division 829  
(C)(1) of this section and the claimant cannot commence an action 830  
during that period due to a disability described in section 831  
2305.16 of the Revised Code, an action based on the product 832  
liability claim may be commenced within two years after the 833  
disability is removed. 834

(6) Division (C)(1) of this section does not bar an action 835  
for bodily injury caused by exposure to asbestos if the cause of 836  
action that is the basis of the action accrues upon the date on 837  
which the plaintiff is informed by competent medical authority 838  
that the plaintiff has an injury that is related to the exposure, 839  
or upon the date on which by the exercise of reasonable diligence 840  
the plaintiff should have known that the plaintiff has an injury 841  
that is related to the exposure, whichever date occurs first. 842

(7)(a) Division (C)(1) of this section does not bar an action 843  
based on a product liability claim against a manufacturer or 844  
supplier of a product if all of the following apply: 845

(i) The action is for bodily injury. 846

(ii) The product involved is a substance or device described 847  
in division (B)(1), (2), (3), or (4) of this section. 848

(iii) The bodily injury results from exposure to the product 849  
during the ten-year period described in division (C)(1) of this 850  
section. 851

(b) If division (C)(7)(a) of this section applies regarding 852  
an action, the cause of action accrues upon the date on which the 853  
claimant is informed by competent medical authority that the 854  
bodily injury was related to the exposure to the product, or upon 855  
the date on which by the exercise of reasonable diligence the 856

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

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

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

(F) As used in this section:

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

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

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

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

Sec. 2305.111. (A) As used in this section: 887

(1) "Childhood sexual abuse" means any conduct that 888  
constitutes any of the violations identified in division (A)(1)(a) 889  
or (b) of this section and would constitute a criminal offense 890  
under the specified section or division of the Revised Code, if 891  
the victim of the violation is at the time of the violation a 892  
child under eighteen years of age or a mentally retarded, 893  
developmentally disabled, or physically impaired child under 894  
twenty-one years of age. The court need not find that any person 895  
has been convicted of or pleaded guilty to the offense under the 896  
specified section or division of the Revised Code in order for the 897  
conduct that is the violation constituting the offense to be 898  
childhood sexual abuse for purposes of this division. This 899  
division applies to any of the following violations committed in 900  
the following specified circumstances: 901

(a) A violation of section 2907.02 or of division (A)(1), 902  
(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 of 903  
the Revised Code; 904

(b) A violation of section 2907.05 or 2907.06 of the Revised 905  
Code if, at the time of the violation, any of the following apply: 906

(i) The actor is the victim's natural parent, adoptive 907  
parent, or stepparent or the guardian, custodian, or person in 908  
loco parentis of the victim. 909

(ii) The victim is in custody of law or a patient in a 910  
hospital or other institution, and the actor has supervisory or 911  
disciplinary authority over the victim. 912

(iii) The actor is a teacher, administrator, coach, or other 913  
person in authority employed by or serving in a school for which 914  
the state board of education prescribes minimum standards pursuant 915  
to division (D) of section 3301.07 of the Revised Code, the victim 916

is enrolled in or attends that school, and the actor is not 917  
enrolled in and does not attend that school. 918

(iv) The actor is a teacher, administrator, coach, or other 919  
person in authority employed by or serving in an institution of 920  
higher education, and the victim is enrolled in or attends that 921  
institution. 922

(v) The actor is the victim's athletic or other type of 923  
coach, is the victim's instructor, is the leader of a scouting 924  
troop of which the victim is a member, or is a person with 925  
temporary or occasional disciplinary control over the victim. 926

(vi) The actor is a mental health professional, the victim is 927  
a mental health client or patient of the actor, and the actor 928  
induces the victim to submit by falsely representing to the victim 929  
that the sexual contact involved in the violation is necessary for 930  
mental health treatment purposes. 931

(vii) The victim is confined in a detention facility, and the 932  
actor is an employee of that detention facility. 933

(viii) The actor is a cleric, and the victim is a member of, 934  
or attends, the church or congregation served by the cleric. 935

(2) "Cleric" has the same meaning as in section 2317.02 of 936  
the Revised Code. 937

(3) "Mental health client or patient" has the same meaning as 938  
in section 2305.51 of the Revised Code. 939

(4) "Mental health professional" has the same meaning as in 940  
section 2305.115 of the Revised Code. 941

(5) "Sexual contact" has the same meaning as in section 942  
2907.01 of the Revised Code. 943

(6) "Victim" means, except as provided in division (B) of 944  
this section, a victim of childhood sexual abuse. 945

(B) Except as provided in section 2305.115 of the Revised 946  
Code and subject to division (C) of this section, an action for 947  
assault or battery shall be brought within one year after the 948  
cause of the action accrues. For purposes of this section, a cause 949  
of action for assault or battery accrues upon the later of the 950  
following: 951

~~(A)~~(1) The date on which the alleged assault or battery 952  
occurred; 953

~~(B)~~(2) If the plaintiff did not know the identity of the 954  
person who allegedly committed the assault or battery on the date 955  
on which it allegedly occurred, the earlier of the following 956  
dates: 957

~~(1)~~(a) The date on which the plaintiff learns the identity of 958  
that person; 959

~~(2)~~(b) The date on which, by the exercise of reasonable 960  
diligence, the plaintiff should have learned the identity of that 961  
person. 962

(C) An action for assault or battery brought by a victim of 963  
childhood sexual abuse based on childhood sexual abuse, or an 964  
action brought by a victim of childhood sexual abuse asserting any 965  
claim resulting from childhood sexual abuse, shall be brought 966  
within twelve years after the cause of action accrues. For 967  
purposes of this section, a cause of action for assault or battery 968  
based on childhood sexual abuse, or a cause of action for a claim 969  
resulting from childhood sexual abuse, accrues upon the date on 970  
which the victim reaches the age of majority. If the defendant in 971  
an action brought by a victim of childhood sexual abuse asserting 972  
a claim resulting from childhood sexual abuse that occurs on or 973  
after the effective date of this act has fraudulently concealed 974  
from the plaintiff facts that form the basis of the claim, the 975  
running of the limitations period with regard to that claim is 976



tolled until the time when the plaintiff discovers or in the 977  
exercise of due diligence should have discovered those facts. 978

**Sec. 2305.115.** (A) ~~An~~ Except as provided in division (C) of 979  
this section, an action for assault or battery shall be brought 980  
within two years after the cause of action accrues, except as 981  
provided in division (B) of this section, if all of the following 982  
apply regarding the action, the cause of the action, and the 983  
parties to the action: 984

(1) The action is brought against a mental health 985  
professional. 986

(2) The assault or battery claim asserted in the action is 987  
that, while the plaintiff was a mental health client or patient of 988  
the mental health professional, the mental health professional 989  
engaged in sexual conduct with, had sexual contact with, or caused 990  
one or more other persons to have sexual contact with the 991  
plaintiff. 992

(3) At the time of the sexual conduct or sexual contact 993  
described in division (A)(2) of this section, the plaintiff was 994  
not the spouse of the mental health professional. 995

(B) If the mental health service relationship between the 996  
plaintiff in an action for assault or battery that is described in 997  
division (A) of this section and the mental health professional 998  
continues after the date on which the cause of action accrues, the 999  
two-year period specified in division (A) of this section does not 1000  
begin to run until the date on which that mental health service 1001  
relationship is terminated by either or both of the parties. 1002

(C) ~~Unless~~ An action for assault or battery brought by a 1003  
victim of childhood sexual abuse that is based on childhood sexual 1004  
abuse, as defined in section 2305.111 of the Revised Code, shall 1005  
be brought as provided in division (C) of that section. In all 1006

other cases, unless division (A) or (B) of this section applies, 1007  
an action for assault or battery shall be brought as provided in 1008  
division (B) of section 2305.111 of the Revised Code. 1009

(D) As used in this section: 1010

(1) "Mental health client or patient" and "mental health 1011  
service" have the same meanings as in section 2305.51 of the 1012  
Revised Code. 1013

(2) "Mental health professional" has the same meaning as in 1014  
section 2305.51 of the Revised Code and also includes an 1015  
individual who is not licensed, certified, or registered under the 1016  
Revised Code, or otherwise authorized in this state, but who 1017  
regularly provides or purports to provide mental health services 1018  
for compensation or remuneration at an established place of 1019  
business. 1020

(3) "Mental health service relationship" means the 1021  
relationship between a mental health professional and a mental 1022  
health client or patient of the mental health professional that 1023  
exists for purposes of the mental health professional's provision 1024  
of mental health services to the mental health client or patient. 1025

(4) "Sexual conduct" and "sexual contact" have the same 1026  
meanings as in section 2907.01 of the Revised Code. 1027

**Sec. 2317.02.** The following persons shall not testify in 1028  
certain respects: 1029

(A) An attorney, concerning a communication made to the 1030  
attorney by a client in that relation or the attorney's advice to 1031  
a client, except that the attorney may testify by express consent 1032  
of the client or, if the client is deceased, by the express 1033  
consent of the surviving spouse or the executor or administrator 1034  
of the estate of the deceased client and except that, if the 1035  
client voluntarily testifies or is deemed by section 2151.421 of 1036

the Revised Code to have waived any testimonial privilege under 1037  
this division, the attorney may be compelled to testify on the 1038  
same subject; 1039

(B)(1) A physician or a dentist concerning a communication 1040  
made to the physician or dentist by a patient in that relation or 1041  
the physician's or dentist's advice to a patient, except as 1042  
otherwise provided in this division, division (B)(2), and division 1043  
(B)(3) of this section, and except that, if the patient is deemed 1044  
by section 2151.421 of the Revised Code to have waived any 1045  
testimonial privilege under this division, the physician may be 1046  
compelled to testify on the same subject. 1047

The testimonial privilege established under this division 1048  
does not apply, and a physician or dentist may testify or may be 1049  
compelled to testify, in any of the following circumstances: 1050

(a) In any civil action, in accordance with the discovery 1051  
provisions of the Rules of Civil Procedure in connection with a 1052  
civil action, or in connection with a claim under Chapter 4123. of 1053  
the Revised Code, under any of the following circumstances: 1054

(i) If the patient or the guardian or other legal 1055  
representative of the patient gives express consent; 1056

(ii) If the patient is deceased, the spouse of the patient or 1057  
the executor or administrator of the patient's estate gives 1058  
express consent; 1059

(iii) If a medical claim, dental claim, chiropractic claim, 1060  
or optometric claim, as defined in section 2305.113 of the Revised 1061  
Code, an action for wrongful death, any other type of civil 1062  
action, or a claim under Chapter 4123. of the Revised Code is 1063  
filed by the patient, the personal representative of the estate of 1064  
the patient if deceased, or the patient's guardian or other legal 1065  
representative. 1066

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

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

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

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

(i) The patient is deceased.

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

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

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

(b) If a health care provider possesses any records of the type described in division (B)(2)(a) of this section regarding the person in question at any time relevant to the criminal offense in question, in lieu of personally testifying as to the results of the test in question, the custodian of the records may submit a certified copy of the records, and, upon its submission, the certified copy is qualified as authentic evidence and may be

admitted as evidence in accordance with the Rules of Evidence. 1130  
Division (A) of section 2317.422 of the Revised Code does not 1131  
apply to any certified copy of records submitted in accordance 1132  
with this division. Nothing in this division shall be construed to 1133  
limit the right of any party to call as a witness the person who 1134  
administered the test to which the records pertain, the person 1135  
under whose supervision the test was administered, the custodian 1136  
of the records, the person who made the records, or the person 1137  
under whose supervision the records were made. 1138

(3)(a) If the testimonial privilege described in division 1139  
(B)(1) of this section does not apply as provided in division 1140  
(B)(1)(a)(iii) of this section, a physician or dentist may be 1141  
compelled to testify or to submit to discovery under the Rules of 1142  
Civil Procedure only as to a communication made to the physician 1143  
or dentist by the patient in question in that relation, or the 1144  
physician's or dentist's advice to the patient in question, that 1145  
related causally or historically to physical or mental injuries 1146  
that are relevant to issues in the medical claim, dental claim, 1147  
chiropractic claim, or optometric claim, action for wrongful 1148  
death, other civil action, or claim under Chapter 4123. of the 1149  
Revised Code. 1150

(b) If the testimonial privilege described in division (B)(1) 1151  
of this section does not apply to a physician or dentist as 1152  
provided in division (B)(1)(c) of this section, the physician or 1153  
dentist, in lieu of personally testifying as to the results of the 1154  
test in question, may submit a certified copy of those results, 1155  
and, upon its submission, the certified copy is qualified as 1156  
authentic evidence and may be admitted as evidence in accordance 1157  
with the Rules of Evidence. Division (A) of section 2317.422 of 1158  
the Revised Code does not apply to any certified copy of results 1159  
submitted in accordance with this division. Nothing in this 1160  
division shall be construed to limit the right of any party to 1161

call as a witness the person who administered the test in 1162  
question, the person under whose supervision the test was 1163  
administered, the custodian of the results of the test, the person 1164  
who compiled the results, or the person under whose supervision 1165  
the results were compiled. 1166

(c) If the testimonial privilege described in division (B)(1) 1167  
of this section does not apply as provided in division (B)(1)(e) 1168  
of this section, a physician or dentist may be compelled to 1169  
testify or to submit to discovery in the will contest action under 1170  
sections 2107.71 to 2107.77 of the Revised Code only as to the 1171  
patient in question on issues relevant to the competency of the 1172  
patient at the time of the execution of the will. Testimony or 1173  
discovery conducted pursuant to this division shall be conducted 1174  
in accordance with the Rules of Civil Procedure. 1175

(4) The testimonial privilege described in division (B)(1) of 1176  
this section is not waived when a communication is made by a 1177  
physician to a pharmacist or when there is communication between a 1178  
patient and a pharmacist in furtherance of the physician-patient 1179  
relation. 1180

(5)(a) As used in divisions (B)(1) to (4) of this section, 1181  
"communication" means acquiring, recording, or transmitting any 1182  
information, in any manner, concerning any facts, opinions, or 1183  
statements necessary to enable a physician or dentist to diagnose, 1184  
treat, prescribe, or act for a patient. A "communication" may 1185  
include, but is not limited to, any medical or dental, office, or 1186  
hospital communication such as a record, chart, letter, 1187  
memorandum, laboratory test and results, x-ray, photograph, 1188  
financial statement, diagnosis, or prognosis. 1189

(b) As used in division (B)(2) of this section, "health care 1190  
provider" means a hospital, ambulatory care facility, long-term 1191  
care facility, pharmacy, emergency facility, or health care 1192

practitioner. 1193

(c) As used in division (B)(5)(b) of this section: 1194

(i) "Ambulatory care facility" means a facility that provides 1195  
medical, diagnostic, or surgical treatment to patients who do not 1196  
require hospitalization, including a dialysis center, ambulatory 1197  
surgical facility, cardiac catheterization facility, diagnostic 1198  
imaging center, extracorporeal shock wave lithotripsy center, home 1199  
health agency, inpatient hospice, birthing center, radiation 1200  
therapy center, emergency facility, and an urgent care center. 1201  
"Ambulatory health care facility" does not include the private 1202  
office of a physician or dentist, whether the office is for an 1203  
individual or group practice. 1204

(ii) "Emergency facility" means a hospital emergency 1205  
department or any other facility that provides emergency medical 1206  
services. 1207

(iii) "Health care practitioner" has the same meaning as in 1208  
section 4769.01 of the Revised Code. 1209

(iv) "Hospital" has the same meaning as in section 3727.01 of 1210  
the Revised Code. 1211

(v) "Long-term care facility" means a nursing home, 1212  
residential care facility, or home for the aging, as those terms 1213  
are defined in section 3721.01 of the Revised Code; an adult care 1214  
facility, as defined in section 3722.01 of the Revised Code; a 1215  
nursing facility or intermediate care facility for the mentally 1216  
retarded, as those terms are defined in section 5111.20 of the 1217  
Revised Code; a facility or portion of a facility certified as a 1218  
skilled nursing facility under Title XVIII of the "Social Security 1219  
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 1220

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 1221  
the Revised Code. 1222



(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 1223  
apply to doctors of medicine, doctors of osteopathic medicine, 1224  
doctors of podiatry, and dentists. 1225

(7) Nothing in divisions (B)(1) to (6) of this section 1226  
affects, or shall be construed as affecting, the immunity from 1227  
civil liability conferred by section 307.628 or 2305.33 of the 1228  
Revised Code upon physicians who report an employee's use of a 1229  
drug of abuse, or a condition of an employee other than one 1230  
involving the use of a drug of abuse, to the employer of the 1231  
employee in accordance with division (B) of that section. As used 1232  
in division (B)(7) of this section, "employee," "employer," and 1233  
"physician" have the same meanings as in section 2305.33 of the 1234  
Revised Code. 1235

~~(C)(1) A member of the clergy, rabbi, priest, or regularly~~ 1236  
~~ordained, accredited, or licensed minister of an established and~~ 1237  
~~legally cognizable church, denomination, or sect~~ cleric, when the 1238  
~~member of the clergy, rabbi, priest, or minister~~ cleric remains 1239  
accountable to the authority of that cleric's church, 1240  
denomination, or sect, concerning a confession made, or any 1241  
information confidentially communicated, to the ~~member of the~~ 1242  
~~clergy, rabbi, priest, or minister~~ cleric for a religious 1243  
counseling purpose in the ~~member of the clergy's, rabbi's,~~ 1244  
~~priest's, or minister's~~ cleric's professional character; ~~however,~~ 1245  
~~the member of the clergy, rabbi, priest, or minister.~~ The cleric 1246  
may testify by express consent of the person making the 1247  
communication, except when the disclosure of the information is in 1248  
violation of a sacred trust; and except that, if the person 1249  
voluntarily testifies or is deemed by division (A)(4)(c) of 1250  
section 2151.421 of the Revised Code to have waived any 1251  
testimonial privilege under this division, the cleric may be 1252  
compelled to testify on the same subject except when disclosure of 1253  
the information is in violation of a sacred trust. 1254

(2) As used in division (C) of this section: 1255

(a) "Cleric" means a member of the clergy, rabbi, priest, 1256  
Christian science practitioner, or regularly ordained, accredited, 1257  
or licensed minister of an established and legally cognizable 1258  
church, denomination, or sect. 1259

(b) "Sacred trust" means a confession or confidential 1260  
communication made to a cleric in the cleric's ecclesiastical 1261  
capacity in the course of discipline enjoined by the church to 1262  
which the cleric belongs, including, but not limited to, the 1263  
Catholic Church, if both of the following apply: 1264

(i) The confession or confidential communication was made 1265  
directly to the cleric. 1266

(ii) The confession or confidential communication was made in 1267  
the manner and context that places the cleric specifically and 1268  
strictly under a level of confidentiality that is considered 1269  
inviolable by canon law or church doctrine. 1270

(D) Husband or wife, concerning any communication made by one 1271  
to the other, or an act done by either in the presence of the 1272  
other, during coverture, unless the communication was made, or act 1273  
done, in the known presence or hearing of a third person competent 1274  
to be a witness; and such rule is the same if the marital relation 1275  
has ceased to exist; 1276

(E) A person who assigns a claim or interest, concerning any 1277  
matter in respect to which the person would not, if a party, be 1278  
permitted to testify; 1279

(F) A person who, if a party, would be restricted under 1280  
section 2317.03 of the Revised Code, when the property or thing is 1281  
sold or transferred by an executor, administrator, guardian, 1282  
trustee, heir, devisee, or legatee, shall be restricted in the 1283  
same manner in any action or proceeding concerning the property or 1284

thing. 1285

(G)(1) A school guidance counselor who holds a valid educator 1286  
license from the state board of education as provided for in 1287  
section 3319.22 of the Revised Code, a person licensed under 1288  
Chapter 4757. of the Revised Code as a professional clinical 1289  
counselor, professional counselor, social worker, independent 1290  
social worker, marriage and family therapist or independent 1291  
marriage and family therapist, or registered under Chapter 4757. 1292  
of the Revised Code as a social work assistant concerning a 1293  
confidential communication received from a client in that relation 1294  
or the person's advice to a client unless any of the following 1295  
applies: 1296

(a) The communication or advice indicates clear and present 1297  
danger to the client or other persons. For the purposes of this 1298  
division, cases in which there are indications of present or past 1299  
child abuse or neglect of the client constitute a clear and 1300  
present danger. 1301

(b) The client gives express consent to the testimony. 1302

(c) If the client is deceased, the surviving spouse or the 1303  
executor or administrator of the estate of the deceased client 1304  
gives express consent. 1305

(d) The client voluntarily testifies, in which case the 1306  
school guidance counselor or person licensed or registered under 1307  
Chapter 4757. of the Revised Code may be compelled to testify on 1308  
the same subject. 1309

(e) The court in camera determines that the information 1310  
communicated by the client is not germane to the counselor-client, 1311  
marriage and family therapist-client, or social worker-client 1312  
relationship. 1313

(f) A court, in an action brought against a school, its 1314

administration, or any of its personnel by the client, rules after 1315  
an in-camera inspection that the testimony of the school guidance 1316  
counselor is relevant to that action. 1317

(g) The testimony is sought in a civil action and concerns 1318  
court-ordered treatment or services received by a patient as part 1319  
of a case plan journalized under section 2151.412 of the Revised 1320  
Code or the court-ordered treatment or services are necessary or 1321  
relevant to dependency, neglect, or abuse or temporary or 1322  
permanent custody proceedings under Chapter 2151. of the Revised 1323  
Code. 1324

(2) Nothing in division (G)(1) of this section shall relieve 1325  
a school guidance counselor or a person licensed or registered 1326  
under Chapter 4757. of the Revised Code from the requirement to 1327  
report information concerning child abuse or neglect under section 1328  
2151.421 of the Revised Code. 1329

(H) A mediator acting under a mediation order issued under 1330  
division (A) of section 3109.052 of the Revised Code or otherwise 1331  
issued in any proceeding for divorce, dissolution, legal 1332  
separation, annulment, or the allocation of parental rights and 1333  
responsibilities for the care of children, in any action or 1334  
proceeding, other than a criminal, delinquency, child abuse, child 1335  
neglect, or dependent child action or proceeding, that is brought 1336  
by or against either parent who takes part in mediation in 1337  
accordance with the order and that pertains to the mediation 1338  
process, to any information discussed or presented in the 1339  
mediation process, to the allocation of parental rights and 1340  
responsibilities for the care of the parents' children, or to the 1341  
awarding of parenting time rights in relation to their children; 1342

(I) A communications assistant, acting within the scope of 1343  
the communication assistant's authority, when providing 1344  
telecommunications relay service pursuant to section 4931.35 of 1345

the Revised Code or Title II of the "Communications Act of 1934," 1346  
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 1347  
made through a telecommunications relay service. Nothing in this 1348  
section shall limit the obligation of a communications assistant 1349  
to divulge information or testify when mandated by federal law or 1350  
regulation or pursuant to subpoena in a criminal proceeding. 1351

Nothing in this section shall limit any immunity or privilege 1352  
granted under federal law or regulation. 1353

(J)(1) A chiropractor in a civil proceeding concerning a 1354  
communication made to the chiropractor by a patient in that 1355  
relation or the chiropractor's advice to a patient, except as 1356  
otherwise provided in this division. The testimonial privilege 1357  
established under this division does not apply, and a chiropractor 1358  
may testify or may be compelled to testify, in any civil action, 1359  
in accordance with the discovery provisions of the Rules of Civil 1360  
Procedure in connection with a civil action, or in connection with 1361  
a claim under Chapter 4123. of the Revised Code, under any of the 1362  
following circumstances: 1363

(a) If the patient or the guardian or other legal 1364  
representative of the patient gives express consent. 1365

(b) If the patient is deceased, the spouse of the patient or 1366  
the executor or administrator of the patient's estate gives 1367  
express consent. 1368

(c) If a medical claim, dental claim, chiropractic claim, or 1369  
optometric claim, as defined in section 2305.113 of the Revised 1370  
Code, an action for wrongful death, any other type of civil 1371  
action, or a claim under Chapter 4123. of the Revised Code is 1372  
filed by the patient, the personal representative of the estate of 1373  
the patient if deceased, or the patient's guardian or other legal 1374  
representative. 1375

(2) If the testimonial privilege described in division (J)(1) 1376

of this section does not apply as provided in division (J)(1)(c) 1377  
of this section, a chiropractor may be compelled to testify or to 1378  
submit to discovery under the Rules of Civil Procedure only as to 1379  
a communication made to the chiropractor by the patient in 1380  
question in that relation, or the chiropractor's advice to the 1381  
patient in question, that related causally or historically to 1382  
physical or mental injuries that are relevant to issues in the 1383  
medical claim, dental claim, chiropractic claim, or optometric 1384  
claim, action for wrongful death, other civil action, or claim 1385  
under Chapter 4123. of the Revised Code. 1386

(3) The testimonial privilege established under this division 1387  
does not apply, and a chiropractor may testify or be compelled to 1388  
testify, in any criminal action or administrative proceeding. 1389

(4) As used in this division, "communication" means 1390  
acquiring, recording, or transmitting any information, in any 1391  
manner, concerning any facts, opinions, or statements necessary to 1392  
enable a chiropractor to diagnose, treat, or act for a patient. A 1393  
communication may include, but is not limited to, any 1394  
chiropractic, office, or hospital communication such as a record, 1395  
chart, letter, memorandum, laboratory test and results, x-ray, 1396  
photograph, financial statement, diagnosis, or prognosis. 1397

(K)(1) Except as provided under division (K)(2) of this 1398  
section, a critical incident stress management team member 1399  
concerning a communication received from an individual who 1400  
receives crisis response services from the team member, or the 1401  
team member's advice to the individual, during a debriefing 1402  
session. 1403

(2) The testimonial privilege established under division 1404  
(K)(1) of this section does not apply if any of the following are 1405  
true: 1406

(a) The communication or advice indicates clear and present 1407

danger to the individual who receives crisis response services or 1408  
to other persons. For purposes of this division, cases in which 1409  
there are indications of present or past child abuse or neglect of 1410  
the individual constitute a clear and present danger. 1411

(b) The individual who received crisis response services 1412  
gives express consent to the testimony. 1413

(c) If the individual who received crisis response services 1414  
is deceased, the surviving spouse or the executor or administrator 1415  
of the estate of the deceased individual gives express consent. 1416

(d) The individual who received crisis response services 1417  
voluntarily testifies, in which case the team member may be 1418  
compelled to testify on the same subject. 1419

(e) The court in camera determines that the information 1420  
communicated by the individual who received crisis response 1421  
services is not germane to the relationship between the individual 1422  
and the team member. 1423

(f) The communication or advice pertains or is related to any 1424  
criminal act. 1425

(3) As used in division (K) of this section: 1426

(a) "Crisis response services" means consultation, risk 1427  
assessment, referral, and on-site crisis intervention services 1428  
provided by a critical incident stress management team to 1429  
individuals affected by crisis or disaster. 1430

(b) "Critical incident stress management team member" or 1431  
"team member" means an individual specially trained to provide 1432  
crisis response services as a member of an organized community or 1433  
local crisis response team that holds membership in the Ohio 1434  
critical incident stress management network. 1435

(c) "Debriefing session" means a session at which crisis 1436  
response services are rendered by a critical incident stress 1437

management team member during or after a crisis or disaster. 1438

(L)(1) Subject to division (L)(2) of this section and except 1439  
as provided in division (L)(3) of this section, an employee 1440  
assistance professional, concerning a communication made to the 1441  
employee assistance professional by a client in the employee 1442  
assistance professional's official capacity as an employee 1443  
assistance professional. 1444

(2) Division (L)(1) of this section applies to an employee 1445  
assistance professional who meets either or both of the following 1446  
requirements: 1447

(a) Is certified by the employee assistance certification 1448  
commission to engage in the employee assistance profession; 1449

(b) Has education, training, and experience in all of the 1450  
following: 1451

(i) Providing workplace-based services designed to address 1452  
employer and employee productivity issues; 1453

(ii) Providing assistance to employees and employees' 1454  
dependents in identifying and finding the means to resolve 1455  
personal problems that affect the employees or the employees' 1456  
performance; 1457

(iii) Identifying and resolving productivity problems 1458  
associated with an employee's concerns about any of the following 1459  
matters: health, marriage, family, finances, substance abuse or 1460  
other addiction, workplace, law, and emotional issues; 1461

(iv) Selecting and evaluating available community resources; 1462

(v) Making appropriate referrals; 1463

(vi) Local and national employee assistance agreements; 1464

(vii) Client confidentiality. 1465

(3) Division (L)(1) of this section does not apply to any of 1466



the following: 1467

(a) A criminal action or proceeding involving an offense 1468  
under sections 2903.01 to 2903.06 of the Revised Code if the 1469  
employee assistance professional's disclosure or testimony relates 1470  
directly to the facts or immediate circumstances of the offense; 1471

(b) A communication made by a client to an employee 1472  
assistance professional that reveals the contemplation or 1473  
commission of a crime or serious, harmful act; 1474

(c) A communication that is made by a client who is an 1475  
unemancipated minor or an adult adjudicated to be incompetent and 1476  
indicates that the client was the victim of a crime or abuse; 1477

(d) A civil proceeding to determine an individual's mental 1478  
competency or a criminal action in which a plea of not guilty by 1479  
reason of insanity is entered; 1480

(e) A civil or criminal malpractice action brought against 1481  
the employee assistance professional; 1482

(f) When the employee assistance professional has the express 1483  
consent of the client or, if the client is deceased or disabled, 1484  
the client's legal representative; 1485

(g) When the testimonial privilege otherwise provided by 1486  
division (L)(1) of this section is abrogated under law. 1487

**Sec. 2721.21. (A) As used in this section:** 1488

(1) "Defendant" means a person against whom an individual 1489  
believes that, but for the expiration of the limitation period for 1490  
the cause of action under section 2305.111 of the Revised Code, 1491  
the individual would have a cause of action for assault or battery 1492  
based on childhood sexual abuse. 1493

(2) "Prosecuting attorney" means the prosecuting attorney of 1494  
the county in which the defendant resides or, if the defendant 1495

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

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

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

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

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1528 prosecuting attorney does not commence an action within that  
1529 forty-five day period, the attorney general within ninety days  
1530 after receipt of the notice may commence an action pursuant to  
1531 division (B) of this section in the Franklin county court of  
1532 common pleas or the court of common pleas of the county in which  
1533 the defendant resides. If neither the attorney general nor the  
1534 prosecuting attorney commences an action pursuant to division (B)  
1535 of this section within the appropriate forty-five-day or  
1536 ninety-day period after receiving the notice, the individual may  
1537 commence an action in the court of common pleas of the county in  
1538 which the individual or the defendant resides or in which the  
1539 childhood sexual abuse allegedly occurred for a declaratory  
1540 judgment finding that the defendant would be liable for assault or  
1541 battery based on childhood sexual abuse but for the expiration of  
1542 the limitation period under section 2305.111 of the Revised Code.

1543 (D) If the court finds by a preponderance of the evidence in  
1544 an action brought pursuant to this section that the defendant  
1545 would be liable for assault or battery based on childhood sexual  
1546 abuse but for the expiration of the limitation period under  
1547 section 2305.111 of the Revised Code, the court shall enter a  
1548 judgment with that finding against the defendant and shall order  
1549 that the defendant be listed on the civil registry maintained by  
1550 the attorney general pursuant to section 3797.08 of the Revised  
1551 Code. The court shall notify the defendant of the defendant's  
1552 obligations under sections 3797.02, 3797.03, and 3797.04 of the  
1553 Revised Code.

1554 (E) In an action brought by an individual pursuant to  
1555 division (C) of this section, the court may award reasonable  
1556 attorney's fees to the prevailing party.

1557 (F) After the expiration of six years from the date on which  
1558 a court orders pursuant to this section that an individual be  
1559 listed on the civil registry maintained by the attorney general

pursuant to section 3797.08 of the Revised Code, the registrant 1560  
may apply to the court that issued the order to be removed from 1561  
the registry. The court may order that the individual's name be 1562  
removed from the registry if the court finds by clear and 1563  
convincing evidence that since the individual was first listed on 1564  
the civil registry the individual has not been found liable in 1565  
damages in an action for assault or battery based on childhood 1566  
sexual abuse, has not been required to register pursuant to 1567  
section 2950.04 or 2950.041 of the Revised Code or a similar 1568  
statute of any other state, and is not likely to commit an act in 1569  
the future that would subject the individual to the requirement to 1570  
register under section 2950.04, 2950.041, or 3797.02 of the 1571  
Revised Code. 1572

**Sec. 2901.13.** (A)(1) Except as provided in division (A)(2) or 1573  
(3) of this section or as otherwise provided in this section, a 1574  
prosecution shall be barred unless it is commenced within the 1575  
following periods after an offense is committed: 1576

(a) For a felony, six years; 1577

(b) For a misdemeanor other than a minor misdemeanor, two 1578  
years; 1579

(c) For a minor misdemeanor, six months. 1580

(2) There is no period of limitation for the prosecution of a 1581  
violation of section 2903.01 or 2903.02 of the Revised Code. 1582

(3) Except as otherwise provided in divisions (B) to (H) of 1583  
this section, a prosecution of any of the following offenses shall 1584  
be barred unless it is commenced within twenty years after the 1585  
offense is committed: 1586

(a) A violation of section 2903.03, 2903.04, 2905.01, 1587  
2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 1588  
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 1589

2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a  
violation of section 2903.11 or 2903.12 of the Revised Code if the  
victim is a peace officer, a violation of section 2903.13 of the  
Revised Code that is a felony, or a violation of former section  
2907.12 of the Revised Code;

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

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

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

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

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

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

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

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

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

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

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

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

(J) As used in this section, "peace officer" has the same 1651  
meaning as in section 2935.01 of the Revised Code. 1652

**Sec. 2907.03.** (A) No person shall engage in sexual conduct 1653  
with another, not the spouse of the offender, when any of the 1654  
following apply: 1655

(1) The offender knowingly coerces the other person to submit 1656  
by any means that would prevent resistance by a person of ordinary 1657  
resolution. 1658

(2) The offender knows that the other person's ability to 1659  
appraise the nature of or control the other person's own conduct 1660  
is substantially impaired. 1661

(3) The offender knows that the other person submits because 1662  
the other person is unaware that the act is being committed. 1663

(4) The offender knows that the other person submits because 1664  
the other person mistakenly identifies the offender as the other 1665  
person's spouse. 1666

(5) The offender is the other person's natural or adoptive 1667  
parent, or a stepparent, or guardian, custodian, or person in loco 1668  
parentis of the other person. 1669

(6) The other person is in custody of law or a patient in a 1670  
hospital or other institution, and the offender has supervisory or 1671  
disciplinary authority over the other person. 1672

(7) The offender is a teacher, administrator, coach, or other 1673  
person in authority employed by or serving in a school for which 1674  
the state board of education prescribes minimum standards pursuant 1675  
to division (D) of section 3301.07 of the Revised Code, the other 1676  
person is enrolled in or attends that school, and the offender is 1677  
not enrolled in and does not attend that school. 1678

(8) The other person is a minor, the offender is a teacher, 1679

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

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

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

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

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

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

(C) As used in this section:

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

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

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



Code, or a school certified under Chapter 3332. of the Revised 1710  
Code. 1711

**Sec. 2950.031.** (A) No person who has been convicted of, is 1712  
convicted of, has pleaded guilty to, or pleads guilty to either a 1713  
sexually oriented offense that is not a registration-exempt 1714  
sexually oriented offense or a child-victim oriented offense shall 1715  
establish a residence or occupy residential premises within one 1716  
thousand feet of any school premises or within one thousand feet 1717  
of any residential premises occupied by the victim of the sexually 1718  
oriented offense or child-victim oriented offense. 1719

(B) If a person to whom division (A) of this section applies 1720  
violates division (A) of this section by establishing a residence 1721  
or occupying residential premises within one thousand feet of any 1722  
school premises or within one thousand feet of any residential 1723  
premises occupied by the victim of the sexually oriented offense 1724  
or child-victim oriented offense, an owner or lessee of real 1725  
property that is located within one thousand feet of those school 1726  
premises, or the prosecuting attorney, village solicitor, city or 1727  
township director of law, similar chief legal officer of a 1728  
municipal corporation or township, or official designated as a 1729  
prosecutor in a municipal corporation that has jurisdiction over 1730  
the place at which the person establishes the residence or 1731  
occupies the residential premises in question, has a cause of 1732  
action for injunctive relief against the person. The plaintiff 1733  
shall not be required to prove irreparable harm in order to obtain 1734  
the relief. 1735

**Sec. 2950.11.** (A) As used in this section, "specified 1736  
geographical notification area" means the geographic area or areas 1737  
within which the attorney general, by rule adopted under section 1738  
2950.13 of the Revised Code, requires the notice described in 1739  
division (B) of this section to be given to the persons identified 1740

in divisions (A)(2) to (8) of this section. If a person is 1741  
convicted of or pleads guilty to, or has been convicted of or 1742  
pleaded guilty to, either a sexually oriented offense that is not 1743  
a registration-exempt sexually oriented offense or a child-victim 1744  
oriented offense, or a person is adjudicated a delinquent child 1745  
for committing either a sexually oriented offense that is not a 1746  
registration-exempt sexually oriented offense or a child-victim 1747  
oriented offense and is classified a juvenile offender registrant 1748  
or is an out-of-state juvenile offender registrant based on that 1749  
adjudication, and if the offender or delinquent child is in any 1750  
category specified in division (F)(1)(a), (b), or (c) of this 1751  
section, the sheriff with whom the offender or delinquent child 1752  
has most recently registered under section 2950.04, 2950.041, or 1753  
2950.05 of the Revised Code and the sheriff to whom the offender 1754  
or delinquent child most recently sent a notice of intent to 1755  
reside under section 2950.04 or 2950.041 of the Revised Code, 1756  
within the period of time specified in division (C) of this 1757  
section, shall provide a written notice containing the information 1758  
set forth in division (B) of this section to all of the persons 1759  
described in divisions (A)(1) to (9) of this section. If the 1760  
sheriff has sent a notice to the persons described in those 1761  
divisions as a result of receiving a notice of intent to reside 1762  
and if the offender or delinquent child registers a residence 1763  
address that is the same residence address described in the notice 1764  
of intent to reside, the sheriff is not required to send an 1765  
additional notice when the offender or delinquent child registers. 1766  
The sheriff shall provide the notice to all of the following 1767  
persons: 1768

(1)(a) Any occupant of each residential unit that is located 1769  
within one thousand feet of the offender's or delinquent child's 1770  
residential premises, that is located within the county served by 1771  
the sheriff, and that is not located in a multi-unit building. 1772

Division (D)(3) of this section applies regarding notices required 1773  
under this division. 1774

(b) If the offender or delinquent child resides in a 1775  
multi-unit building, any occupant of each residential unit that is 1776  
located in that multi-unit building and that shares a common 1777  
hallway with the offender or delinquent child. For purposes of 1778  
this division, an occupant's unit shares a common hallway with the 1779  
offender or delinquent child if the entrance door into the 1780  
occupant's unit is located on the same floor and opens into the 1781  
same hallway as the entrance door to the unit the offender or 1782  
delinquent child occupies. Division (D)(3) of this section applies 1783  
regarding notices required under this division. 1784

(c) The building manager, or the person the building owner or 1785  
condominium unit owners association authorizes to exercise 1786  
management and control, of each multi-unit building that is 1787  
located within one thousand feet of the offender's or delinquent 1788  
child's residential premises, including a multi-unit building in 1789  
which the offender or delinquent child resides, and that is 1790  
located within the county served by the sheriff. In addition to 1791  
notifying the building manager or the person authorized to 1792  
exercise management and control in the multi-unit building under 1793  
this division, the sheriff shall post a copy of the notice 1794  
prominently in each common entryway in the building and any other 1795  
location in the building the sheriff determines appropriate. The 1796  
manager or person exercising management and control of the 1797  
building shall permit the sheriff to post copies of the notice 1798  
under this division as the sheriff determines appropriate. In lieu 1799  
of posting copies of the notice as described in this division, a 1800  
sheriff may provide notice to all occupants of the multi-unit 1801  
building by mail or personal contact; if the sheriff so notifies 1802  
all the occupants, the sheriff is not required to post copies of 1803  
the notice in the common entryways to the building. Division 1804

(D)(3) of this section applies regarding notices required under 1805  
this division. 1806

(d) All additional persons who are within any category of 1807  
neighbors of the offender or delinquent child that the attorney 1808  
general by rule adopted under section 2950.13 of the Revised Code 1809  
requires to be provided the notice and who reside within the 1810  
county served by the sheriff; 1811

(2) The executive director of the public children services 1812  
agency that has jurisdiction within the specified geographical 1813  
notification area and that is located within the county served by 1814  
the sheriff; 1815

(3)(a) The superintendent of each board of education of a 1816  
school district that has schools within the specified geographical 1817  
notification area and that is located within the county served by 1818  
the sheriff; 1819

(b) The principal of the school within the specified 1820  
geographical notification area and within the county served by the 1821  
sheriff that the delinquent child attends; 1822

(c) If the delinquent child attends a school outside of the 1823  
specified geographical notification area or outside of the school 1824  
district where the delinquent child resides, the superintendent of 1825  
the board of education of a school district that governs the 1826  
school that the delinquent child attends and the principal of the 1827  
school that the delinquent child attends. 1828

(4)(a) The appointing or hiring officer of each chartered 1829  
nonpublic school located within the specified geographical 1830  
notification area and within the county served by the sheriff or 1831  
of each other school located within the specified geographical 1832  
notification area and within the county served by the sheriff and 1833  
that is not operated by a board of education described in division 1834  
(A)(3) of this section; 1835

(b) Regardless of the location of the school, the appointing 1836  
or hiring officer of a chartered nonpublic school that the 1837  
delinquent child attends. 1838

(5) The director, head teacher, elementary principal, or site 1839  
administrator of each preschool program governed by Chapter 3301. 1840  
of the Revised Code that is located within the specified 1841  
geographical notification area and within the county served by the 1842  
sheriff; 1843

(6) The administrator of each child day-care center or type A 1844  
family day-care home that is located within the specified 1845  
geographical notification area and within the county served by the 1846  
sheriff, and the provider of each certified type B family day-care 1847  
home that is located within the specified geographical 1848  
notification area and within the county served by the sheriff. As 1849  
used in this division, "child day-care center," "type A family 1850  
day-care home," and "certified type B family day-care home" have 1851  
the same meanings as in section 5104.01 of the Revised Code. 1852

(7) The president or other chief administrative officer of 1853  
each institution of higher education, as defined in section 1854  
2907.03 of the Revised Code, that is located within the specified 1855  
geographical notification area and within the county served by the 1856  
sheriff, and the chief law enforcement officer of the state 1857  
university law enforcement agency or campus police department 1858  
established under section 3345.04 or 1713.50 of the Revised Code, 1859  
if any, that serves that institution; 1860

(8) The sheriff of each county that includes any portion of 1861  
the specified geographical notification area; 1862

(9) If the offender or delinquent child resides within the 1863  
county served by the sheriff, the chief of police, marshal, or 1864  
other chief law enforcement officer of the municipal corporation 1865  
in which the offender or delinquent child resides or, if the 1866

offender or delinquent child resides in an unincorporated area, 1867  
the constable or chief of the police department or police district 1868  
police force of the township in which the offender or delinquent 1869  
child resides. 1870

(B) The notice required under division (A) of this section 1871  
shall include all of the following information regarding the 1872  
subject offender or delinquent child: 1873

(1) The offender's or delinquent child's name; 1874

(2) The address or addresses of the offender's residence, 1875  
school, institution of higher education, or place of employment, 1876  
as applicable, or the delinquent child's residence address or 1877  
addresses; 1878

(3) The sexually oriented offense or child-victim oriented 1879  
offense of which the offender was convicted, to which the offender 1880  
pleaded guilty, or for which the child was adjudicated a 1881  
delinquent child; 1882

(4) All of the following statements that are applicable: 1883

(a) A statement that the offender has been adjudicated a 1884  
sexual predator, a statement that the offender has been convicted 1885  
of or pleaded guilty to an aggravated sexually oriented offense, a 1886  
statement that the delinquent child has been adjudicated a sexual 1887  
predator and that, as of the date of the notice, the court has not 1888  
entered a determination that the delinquent child no longer is a 1889  
sexual predator, or a statement that the sentencing or reviewing 1890  
judge has determined that the offender or delinquent child is a 1891  
habitual sex offender and that, as of the date of the notice, the 1892  
determination regarding a delinquent child has not been removed 1893  
pursuant to section 2152.84 or 2152.85 of the Revised Code; 1894

(b) A statement that the offender has been adjudicated a 1895  
child-victim predator, a statement that the delinquent child has 1896

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

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

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

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

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

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

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

(3) A sheriff may provide notice under division (A)(1)(a) or  
(b) of this section, and may provide notice under division  
(A)(1)(c) of this section to a building manager or person



authorized to exercise management and control of a building, by 1961  
mail, by personal contact, or by leaving the notice at or under 1962  
the entry door to a residential unit. For purposes of divisions 1963  
(A)(1)(a) and (b) of this section, and the portion of division 1964  
(A)(1)(c) of this section relating to the provision of notice to 1965  
occupants of a multi-unit building by mail or personal contact, 1966  
the provision of one written notice per unit is deemed as 1967  
providing notice to all occupants of that unit. 1968

(E) All information that a sheriff possesses regarding a 1969  
sexual predator, a habitual sex offender, a child-victim predator, 1970  
or a habitual child-victim offender that is described in division 1971  
(B) of this section and that must be provided in a notice required 1972  
under division (A) or (C) of this section or that may be provided 1973  
in a notice authorized under division (D)(2) of this section is a 1974  
public record that is open to inspection under section 149.43 of 1975  
the Revised Code. 1976

The sheriff shall not cause to be publicly disseminated by 1977  
means of the internet any of the information described in this 1978  
division that is provided by a sexual predator, habitual sex 1979  
offender, child-victim predator, or habitual child-victim offender 1980  
who is a juvenile offender registrant, except when the act that is 1981  
the basis of the child's classification as a juvenile offender 1982  
registrant is a violation of, or an attempt to commit a violation 1983  
of, section 2903.01, 2903.02, or 2905.01 of the Revised Code that 1984  
was committed with a purpose to gratify the sexual needs or 1985  
desires of the child, a violation of section 2907.02 of the 1986  
Revised Code, or an attempt to commit a violation of that section. 1987

(F)(1) The duties to provide the notices described in 1988  
divisions (A) and (C) of this section apply regarding any offender 1989  
or delinquent child who is in any of the following categories, if 1990  
the other criteria set forth in division (A) or (C) of this 1991  
section, whichever is applicable, are satisfied: 1992

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

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

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

(2) The notification provisions of this section do not apply regarding a person who is convicted of or pleads guilty to, has been convicted of or pleaded guilty to, or is adjudicated a delinquent child for committing, a sexually oriented offense or a child-victim oriented offense, who is not in the category specified in either division (F)(1)(a) or (c) of this section, and

who is determined pursuant to division (C)(2) or (E) of section 2025  
2950.09 or 2950.091, division (B) of section 2152.83, section 2026  
2152.84, or section 2152.85 of the Revised Code to be a habitual 2027  
sex offender or habitual child-victim offender unless the 2028  
sentencing or reviewing court imposes a requirement in the 2029  
offender's sentence and in the judgment of conviction that 2030  
contains the sentence or in the delinquent child's adjudication, 2031  
or imposes a requirement as described in division (C)(2) of 2032  
section 2950.09 or 2950.091 of the Revised Code, that subjects the 2033  
offender or the delinquent child to the provisions of this 2034  
section. 2035

(G) The department of job and family services shall compile, 2036  
maintain, and update in January and July of each year, a list of 2037  
all agencies, centers, or homes of a type described in division 2038  
(A)(2) or (6) of this section that contains the name of each 2039  
agency, center, or home of that type, the county in which it is 2040  
located, its address and telephone number, and the name of an 2041  
administrative officer or employee of the agency, center, or home. 2042  
The department of education shall compile, maintain, and update in 2043  
January and July of each year, a list of all boards of education, 2044  
schools, or programs of a type described in division (A)(3), (4), 2045  
or (5) of this section that contains the name of each board of 2046  
education, school, or program of that type, the county in which it 2047  
is located, its address and telephone number, the name of the 2048  
superintendent of the board or of an administrative officer or 2049  
employee of the school or program, and, in relation to a board of 2050  
education, the county or counties in which each of its schools is 2051  
located and the address of each such school. The Ohio board of 2052  
regents shall compile, maintain, and update in January and July of 2053  
each year, a list of all institutions of a type described in 2054  
division (A)(7) of this section that contains the name of each 2055  
such institution, the county in which it is located, its address 2056

and telephone number, and the name of its president or other chief  
administrative officer. A sheriff required by division (A) or (C)  
of this section, or authorized by division (D)(2) of this section,  
to provide notices regarding an offender or delinquent child, or a  
designee of a sheriff of that type, may request the department of  
job and family services, department of education, or Ohio board of  
regents, by telephone, in person, or by mail, to provide the  
sheriff or designee with the names, addresses, and telephone  
numbers of the appropriate persons and entities to whom the  
notices described in divisions (A)(2) to (7) of this section are  
to be provided. Upon receipt of a request, the department or board  
shall provide the requesting sheriff or designee with the names,  
addresses, and telephone numbers of the appropriate persons and  
entities to whom those notices are to be provided.

(H)(1) Upon the motion of the offender or the prosecuting  
attorney of the county in which the offender was convicted of or  
pleaded guilty to the sexually oriented offense or child-victim  
oriented offense for which the offender is subject to community  
notification under this section, or upon the motion of the  
sentencing judge or that judge's successor in office, the judge  
may schedule a hearing to determine whether the interests of  
justice would be served by suspending the community notification  
requirement under this section in relation to the offender. The  
judge may dismiss the motion without a hearing but may not issue  
an order suspending the community notification requirement without  
a hearing. At the hearing, all parties are entitled to be heard,  
and the judge shall consider all of the factors set forth in  
division (B)(3) of section 2950.09 of the Revised Code. If, at the  
conclusion of the hearing, the judge finds that the offender has  
proven by clear and convincing evidence that the offender is  
unlikely to commit in the future a sexually oriented offense or a  
child-victim oriented offense and if the judge finds that

suspending the community notification requirement is in the  
interests of justice, the judge may suspend the application of  
this section in relation to the offender. The order shall contain  
both of these findings.

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

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

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

(3) The offender and the prosecuting attorney have the right  
to appeal an order approving or denying a motion made under  
division (H)(1) of this section.

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

(a) A person who is convicted of or pleads guilty to a 2120  
violent sex offense or designated homicide, assault, or kidnapping 2121  
offense and who, in relation to that offense, is adjudicated a 2122  
sexually violent predator; 2123

(b) A habitual sex offender or habitual child-victim oriented 2124  
offender who is subject to community notification who, subsequent 2125  
to being subjected to community notification, has pleaded guilty 2126  
to or been convicted of a sexually oriented offense or a 2127  
child-victim oriented offense; 2128

(c) A sexual predator or child-victim predator who is not 2129  
adjudicated a sexually violent predator who, subsequent to being 2130  
subjected to community notification, has pleaded guilty to or been 2131  
convicted of a sexually oriented offense or child-victim oriented 2132  
offense. 2133

(I) If a person is convicted of or pleads guilty to, or has 2134  
been convicted of or pleaded guilty to, either a sexually oriented 2135  
offense that is not a registration-exempt sexually oriented 2136  
offense or a child-victim oriented offense, or a person is 2137  
adjudicated a delinquent child for committing either a sexually 2138  
oriented offense that is not a registration-exempt sexually 2139  
oriented offense or a child-victim oriented offense and is 2140  
classified a juvenile offender registrant or is an out-of-state 2141  
juvenile offender registrant based on that adjudication, and if 2142  
the offender or delinquent child is not in any category specified 2143  
in division (F)(1)(a), (b), or (c) of this section, the sheriff 2144  
with whom the offender or delinquent child has most recently 2145  
registered under section 2950.04, 2950.041, or 2950.05 of the 2146  
Revised Code and the sheriff to whom the offender or delinquent 2147  
child most recently sent a notice of intent to reside under 2148  
section 2950.04 or 2950.041 of the Revised Code, within the period 2149  
of time specified in division (D) of this section, shall provide a 2150  
written notice containing the information set forth in division 2151

(B) of this section to the executive director of the public 2152  
children services agency that has jurisdiction within the 2153  
specified geographical notification area and that is located 2154  
within the county served by the sheriff. 2155

**Sec. 3797.01.** As used in sections 3797.01 to 3797.12 of the 2156  
Revised Code: 2157

(A) "Employed" means employed for more than fourteen days or 2158  
for an aggregate of thirty days in a calendar year. 2159

(B) "Registrant" means a person against whom a court has 2160  
entered a declaratory judgment under section 2721.21 of the 2161  
Revised Code and issued an order that the person be listed on the 2162  
civil registry maintained by the attorney general pursuant to 2163  
section 3797.08 of the Revised Code. 2164

(C) "Reside" includes temporarily reside. 2165

(D) "Sheriff" includes a person designated by a sheriff to 2166  
carry out functions that the sheriff is required to perform under 2167  
sections 3797.02 to 3797.12 of the Revised Code. 2168

(E) "Temporarily reside" means live in a county in this 2169  
state, other than as a permanent resident, for a period of five or 2170  
more consecutive days. 2171

**Sec. 3797.02.** (A)(1) A registrant shall register personally 2172  
with the sheriff of the county in which the registrant resides and 2173  
with the sheriff of any county in which the registrant is 2174  
employed. 2175

(2) A registrant who is registered in one or more counties 2176  
and who establishes a new residence or place of employment in a 2177  
county in which the registrant is not registered shall register 2178  
personally with the sheriff of the county in which the new 2179  
residence or place of employment is located immediately upon 2180

coming into that county. 2181

(B) A registrant shall obtain from the sheriff a registration 2182  
form prescribed by the attorney general pursuant to section 2183  
3797.07 of the Revised Code, complete and sign the form, and 2184  
return the form to the sheriff. The sheriff shall sign the form 2185  
and indicate on the form the date on which it is returned. The 2186  
registration required under this division is complete when the 2187  
registrant returns the form, containing the requisite information, 2188  
signature, and date, to the sheriff. 2189

(C) The duty to register pursuant to division (A) of this 2190  
section commences on the date a declaratory judgment against the 2191  
registrant is entered and continues unless and until the 2192  
registrant is removed pursuant to section 2721.21 of the Revised 2193  
Code from the civil registry established under section 3797.08 of 2194  
the Revised Code. 2195

**Sec. 3797.03.** (A) A registrant who establishes a new 2196  
residence or place of employment within a county in which the 2197  
registrant is registered shall promptly send the sheriff written 2198  
notice of the address of the new residence or place of employment. 2199

(B) A registrant who intends to reside in a county other than 2200  
the one in which the registrant has registered a residence address 2201  
shall send the sheriff of the county in which the registrant 2202  
intends to reside written notice of the registrant's intent to 2203  
reside in that county. The registrant shall send the notice at 2204  
least twenty days before the date the registrant begins to reside 2205  
in the county. The notice shall include the registrant's name and 2206  
the address or addresses at which the registrant intends to 2207  
reside. If the change of address is not to a fixed address, the 2208  
registrant shall include in the notice a detailed description of 2209  
the place or places at which the registrant intends to stay and, 2210  
not later than the end of the first business day immediately 2211



2212 following the day on which the registrant obtains a fixed  
2213 residence address, shall provide the sheriff written notice of the  
2214 fixed residence address. If a registrant whose residence address  
2215 change is not to a fixed address describes in a notice under this  
2216 division the place or places at which the registrant intends to  
2217 stay, the place or places so described in the notice shall be  
2218 considered the registrant's residence address until the registrant  
2219 provides the written notice of a fixed residence address as  
2220 described in this division.

2221 **Sec. 3797.04.** (A) A registrant shall verify the registrant's  
2222 current residence address and employment address on each  
2223 anniversary of the registrant's initial registration date by  
2224 personally appearing before the sheriff of the county in which the  
2225 registrant is registered not earlier than ten days before the  
2226 anniversary date and not later than the anniversary date and  
2227 completing and signing a copy of a verification form provided by  
2228 the sheriff. The sheriff shall sign the completed form and  
2229 indicate on the form the date on which it is completed. The  
2230 verification is complete when the registrant personally appears  
2231 before the sheriff and completes and signs the form.

2232 (B) To facilitate the verification of a registrant's current  
2233 residence or employment address, the sheriff with whom the  
2234 registrant most recently registered the address may mail a  
2235 nonforwardable verification form to the registrant's last reported  
2236 residence address or employment address, as applicable, with a  
2237 notice that conspicuously states that the registrant must  
2238 personally appear before the sheriff to complete the form and the  
2239 date by which the form must be completed. Regardless of whether a  
2240 sheriff mails a form to a registrant, each registrant shall  
2241 personally appear before the sheriff to verify the address.

2242 (C)(1) If a registrant fails to verify a current residence

address or employment address by the date required for the 2243  
verification, the sheriff with whom the registrant is required to 2244  
verify the current address shall send on the day following that 2245  
date required for the verification and at the registrant's last 2246  
known residence or place of employment, as applicable, a written 2247  
warning to the registrant regarding the registrant's duty to 2248  
verify the registrant's current address. 2249

The written warning shall do all of the following: 2250

(a) Identify the sheriff who sends it and the date on which 2251  
it is sent; 2252

(b) State conspicuously that the registrant has failed to 2253  
verify the registrant's current residence address or employment 2254  
address, as applicable, by the date required for the verification; 2255

(c) Conspicuously state that the registrant has seven days 2256  
from the date on which the warning is sent to verify the current 2257  
residence address or employment address, as applicable, with the 2258  
sheriff who sent the warning; 2259

(d) Conspicuously state that a failure to timely verify the 2260  
specified current address or addresses is a felony offense; 2261

(e) Conspicuously state that the registrant will not be 2262  
prosecuted for a failure to timely verify a current address if the 2263  
registrant verifies the current address with that sheriff within 2264  
that seven-day period; 2265

(f) Conspicuously state that the registrant will be arrested 2266  
or taken into custody, as appropriate, and prosecuted for a 2267  
failure to timely verify a current address if the registrant does 2268  
not verify the current address with that sheriff within that 2269  
seven-day period. 2270

(2) If a registrant fails to verify a current address as 2271  
required by this section by the date required for the 2272

verification, the registrant shall not be prosecuted for a  
violation of division (A) of section 3797.10 of the Revised Code  
unless the seven-day period subsequent to that date that the  
registrant is provided under division (C)(1) of this section to  
verify the current address has expired and the registrant has not  
verified the current address prior to the expiration of that  
seven-day period. Upon the expiration of the seven-day period that  
the registrant is provided under division (C)(1) of this section  
to verify the current address, if the registrant has not verified  
the current address, all of the following apply:

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

(b) The sheriff with whom the registrant is required to  
verify the current address, the sheriff of the county in which the  
registrant resides or is employed, or a deputy of the appropriate  
sheriff shall locate the registrant, promptly shall seek a warrant  
for the arrest or taking into custody, as appropriate, of the  
registrant for the violation of division (A) of section 3797.10 of  
the Revised Code, and shall arrest the registrant.

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

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

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

apply: 2303

(1) At any time after the registration, provision of the 2304  
notice, or verification, the sheriff with whom the registrant so 2305  
registered or to whom the registrant so provided the notice or 2306  
verified the current address may contact a person who owns, 2307  
leases, or otherwise has custody, control, or supervision of the 2308  
premises at the address provided by the registrant in the 2309  
registration, the notice, or the verification and request that the 2310  
person confirm or deny that the registrant currently resides at 2311  
that address. 2312

(2) Upon receipt of a request under division (A)(1) of this 2313  
section, notwithstanding any other provision of law, the person 2314  
who owns, leases, or otherwise has custody, control, or 2315  
supervision of the premises, or an agent of that person, shall 2316  
comply with the request and inform the sheriff or designee who 2317  
made the request whether or not the registrant currently resides 2318  
at that address. 2319

(3) Section 3797.12 of the Revised Code applies to a person 2320  
who provides information of the type described in division (A)(2) 2321  
of this section in accordance with that division. 2322

(B) Division (A) of this section applies regarding any public 2323  
or private residential premises, including, but not limited to, a 2324  
private residence, a multi-unit residential facility, a halfway 2325  
house, a homeless shelter, or any other type of residential 2326  
premises. 2327

(C) A sheriff may attempt to confirm that a registrant who 2328  
registers a residence address, provides notice of a change of any 2329  
residence address, or verifies a current residence address as 2330  
described in division (A) of this section currently resides at the 2331  
address in question in manners other than the manner provided in 2332

this section. A sheriff is not limited in the number of requests 2333  
that may be made under this section regarding any registration, 2334  
provision of notice, or verification or in the number of times 2335  
that the sheriff may attempt to confirm in manners other than the 2336  
manner provided in this section that a registrant currently 2337  
resides at the address in question. 2338

**Sec. 3797.06.** (A) As used in this section, "specified 2339  
geographical notification area" means the geographic area or areas 2340  
within which the attorney general requires by rule adopted under 2341  
section 3797.08 of the Revised Code the notice described in 2342  
division (B) of this section to be given to the persons identified 2343  
in divisions (A)(1) to (9) of this section. If a court enters a 2344  
declaratory judgment against a registrant under section 2721.21 of 2345  
the Revised Code, the sheriff with whom the registrant has most 2346  
recently registered under section 3797.02 or 3797.03 of the 2347  
Revised Code and the sheriff to whom the registrant most recently 2348  
sent a notice of intent to reside under section 3797.03 of the 2349  
Revised Code shall provide within the period of time specified in 2350  
division (C) of this section a written notice containing the 2351  
information set forth in division (B) of this section to all of 2352  
the persons described in divisions (A)(1) to (9) of this section. 2353  
If the sheriff has sent a notice to the persons described in those 2354  
divisions as a result of receiving a notice of intent to reside 2355  
and if the registrant registers a residence address that is the 2356  
same residence address described in the notice of intent to 2357  
reside, the sheriff is not required to send an additional notice 2358  
when the registrant registers. The sheriff shall provide the 2359  
notice to all of the following persons: 2360

(1)(a) Any occupant of each residential unit that is located 2361  
within one thousand feet of the registrant's residential premises, 2362  
that is located within the county served by the sheriff, and that 2363

is not located in a multi-unit building. Division (D)(3) of this  
section applies regarding notices required under this division.

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

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(c) The building manager, or the person the building owner or  
condominium unit owners association authorizes to exercise  
management and control, of each multi-unit building that is  
located within one thousand feet of the registrant's residential  
premises, including a multi-unit building in which the registrant  
resides, and that is located within the county served by the  
sheriff. In addition to notifying the building manager or the  
person authorized to exercise management and control in the  
multi-unit building under this division, the sheriff shall post a  
copy of the notice prominently in each common entryway in the  
building and any other location in the building the sheriff  
determines appropriate. The manager or person exercising  
management and control of the building shall permit the sheriff to  
post copies of the notice under this division as the sheriff  
determines appropriate. In lieu of posting copies of the notice as  
described in this division, a sheriff may provide notice to all  
occupants of the multi-unit building by mail or personal contact.  
If the sheriff so notifies all the occupants, the sheriff is not  
required to post copies of the notice in the common entryways to  
the building. Division (D)(3) of this section applies regarding  
notices required under this division.

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(d) All additional persons who are within any category of 2396  
neighbors of the registrant that the attorney general by rule 2397  
adopted under section 3797.08 of the Revised Code requires to be 2398  
provided the notice and who reside within the county served by the 2399  
sheriff. 2400

(2) The executive director of the public children services 2401  
agency that has jurisdiction within the specified geographical 2402  
notification area and that is located within the county served by 2403  
the sheriff; 2404

(3) The superintendent of each board of education of a school 2405  
district that has schools within the specified geographical 2406  
notification area and that is located within the county served by 2407  
the sheriff; 2408

(4) The appointing or hiring officer of each nonpublic school 2409  
located within the specified geographical notification area and 2410  
within the county served by the sheriff or of each other school 2411  
located within the specified geographical notification area and 2412  
within the county served by the sheriff and that is not operated 2413  
by a board of education described in division (A)(3) of this 2414  
section; 2415

(5) The director, head teacher, elementary principal, or site 2416  
administrator of each preschool program governed by Chapter 3301. 2417  
of the Revised Code that is located within the specified 2418  
geographical notification area and within the county served by the 2419  
sheriff; 2420

(6) The administrator of each child day-care center or type A 2421  
family day-care home that is located within the specified 2422  
geographical notification area and within the county served by the 2423  
sheriff, and the provider of each certified type B family day-care 2424  
home that is located within the specified geographical 2425  
notification area and within the county served by the sheriff. As 2426

used in this division, "child day-care center," "type A family  
day-care home," and "certified type B family day-care home" have  
the same meanings as in section 5104.01 of the Revised Code.

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

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

(9) If the registrant resides within the county served by the  
sheriff, the chief of police, marshal, or other chief law  
enforcement officer of the municipal corporation in which the  
registrant resides or, if the registrant resides in an  
unincorporated area, the constable or chief of the police  
department or police district police force of the township in  
which the registrant resides.

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

(C) If a sheriff with whom a registrant registers under  
section 3797.02 or 3797.03 of the Revised Code or to whom the  
registrant most recently sent a notice of intent to reside under  
section 3797.03 of the Revised Code is required by division (A) of  
this section to provide notices regarding a registrant and if the



sheriff provides a notice pursuant to that requirement the sheriff 2458  
provides a notice to a sheriff of one or more other counties in 2459  
accordance with division (A)(8) of this section, the sheriff of 2460  
each of the other counties who is provided notice under division 2461  
(A)(8) of this section shall provide the notices described in 2462  
divisions (A)(1) to (7) and (A)(9) of this section to each person 2463  
or entity identified within those divisions that is located within 2464  
the specified geographical notification area and within the county 2465  
served by the sheriff in question. 2466

(D)(1) A sheriff required by division (A) or (C) of this 2467  
section to provide notices regarding a registrant shall provide 2468  
the notice to the neighbors that are described in division (A)(1) 2469  
of this section and the notices to law enforcement personnel that 2470  
are described in divisions (A)(8) and (9) of this section as soon 2471  
as practicable, but not later than five days after the registrant 2472  
sends the notice of intent to reside to the sheriff, and again not 2473  
later than five days after the registrant registers with the 2474  
sheriff or, if the sheriff is required by division (C) to provide 2475  
the notices, not later than five days after the sheriff is 2476  
provided the notice described in division (A)(8) of this section. 2477

A sheriff required by division (A) or (C) of this section to 2478  
provide notices regarding a registrant shall provide the notices 2479  
to all other specified persons that are described in divisions 2480  
(A)(2) to (7) of this section as soon as practicable, but not 2481  
later than seven days after the registrant registers with the 2482  
sheriff, or, if the sheriff is required by division (C) to provide 2483  
the notices, not later than five days after the sheriff is 2484  
provided the notice described in division (A)(8) of this section. 2485

(2) If a registrant in relation to whom division (A) of this 2486  
section applies verifies the registrant's current residence 2487  
address with a sheriff pursuant to section 3797.04 of the Revised 2488  
Code, the sheriff may provide a written notice containing the 2489

information set forth in division (B) of this section to the 2490  
persons identified in divisions (A)(1) to (9) of this section. If 2491  
a sheriff provides a notice pursuant to this division to the 2492  
sheriff of one or more other counties in accordance with division 2493  
(A)(8) of this section, the sheriff of each of the other counties 2494  
who is provided the notice under division (A)(8) of this section 2495  
may provide, but is not required to provide, a written notice 2496  
containing the information set forth in division (B) of this 2497  
section to the persons identified in divisions (A)(1) to (7) and 2498  
(A)(9) of this section. 2499

(3) A sheriff may provide notice under division (A)(1)(a) or 2500  
(b) of this section, and may provide notice under division 2501  
(A)(1)(c) of this section to a building manager or person 2502  
authorized to exercise management and control of a building, by 2503  
mail, by personal contact, or by leaving the notice at or under 2504  
the entry door to a residential unit. For purposes of divisions 2505  
(A)(1)(a) and (b) of this section and of the portion of division 2506  
(A)(1)(c) of this section relating to the provision of notice to 2507  
occupants of a multi-unit building by mail or personal contact, 2508  
the provision of one written notice per unit is deemed providing 2509  
notice to all occupants of that unit. 2510

(E) All information that a sheriff possesses regarding a 2511  
registrant that is described in division (B) of this section and 2512  
that must be provided in a notice required under division (A) or 2513  
(C) of this section or that may be provided in a notice authorized 2514  
under division (D)(2) of this section is a public record that is 2515  
open to inspection under section 149.43 of the Revised Code. 2516

(F) A sheriff required by division (A) or (C) of this 2517  
section, or authorized by division (D)(2) of this section, to 2518  
provide notices regarding a registrant may request the department 2519  
of job and family services, department of education, or Ohio board 2520  
of regents, by telephone, in registrant, or by mail, to provide 2521

the sheriff with the names, addresses, and telephone numbers of 2522  
the appropriate persons and entities to whom the notices described 2523  
in divisions (A)(2) to (7) of this section are to be provided. 2524  
Upon receipt of a request, the department or board shall provide 2525  
the requesting sheriff with the names, addresses, and telephone 2526  
numbers of the appropriate persons and entities to whom those 2527  
notices are to be provided. 2528

(G)(1) Upon the motion of the registrant or the judge that 2529  
entered a declaratory judgment pursuant to section 2721.21 of the 2530  
Revised Code or that judge's successor in office, the judge may 2531  
schedule a hearing to determine whether the interests of justice 2532  
would be served by suspending the community notification 2533  
requirement under this section in relation to the registrant. The 2534  
judge may dismiss the motion without a hearing but may not issue 2535  
an order suspending the community notification requirement without 2536  
a hearing. At the hearing, all parties are entitled to be heard. 2537  
If, at the conclusion of the hearing, the judge finds that the 2538  
registrant has proven by clear and convincing evidence that the 2539  
registrant is unlikely to commit childhood sexual abuse in the 2540  
future and that suspending the community notification requirement 2541  
is in the interests of justice, the judge may issue an order 2542  
suspending the application of this section in relation to the 2543  
registrant. The order shall contain both of these findings. 2544

The judge promptly shall serve a copy of the order upon the 2545  
sheriff with whom the registrant most recently registered a 2546  
residence address and the sheriff with whom the registrant most 2547  
recently registered an employment address under section 3797.02 of 2548  
the Revised Code. 2549

An order suspending the community notification requirement 2550  
does not suspend or otherwise alter a registrant's duties to 2551  
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised 2552  
Code. 2553

(2) A registrant has the right to appeal an order denying a 2554  
motion made under division (G)(1) of this section. 2555

**Sec. 3797.07.** (A) The attorney general shall prescribe forms 2556  
to be used for registration, notice of intent to reside, and 2557  
verification of current address under sections 3797.02, 3797.03, 2558  
and 3797.04 of the Revised Code. The forms shall comply with the 2559  
following: 2560

(1) The registration form to be used under section 3797.02 of 2561  
the Revised Code shall include the registrant's name, the 2562  
registrant's current residence and employment addresses, a 2563  
photograph of the registrant, the name of the court that rendered 2564  
a declaratory judgment against the registrant pursuant to section 2565  
2721.21 of the Revised Code and the date the judgment was entered, 2566  
and any other information required by the attorney general. 2567

(2) The notice of intent to reside form to be used under 2568  
section 3797.03 of the Revised Code shall include the registrant's 2569  
name, the registrant's current residence and employment addresses, 2570  
a statement that a court has entered a declaratory judgment 2571  
against the registrant pursuant to section 2721.21 of the Revised 2572  
Code, the address of the place where the registrant intends to 2573  
reside, and any other information required by the attorney 2574  
general. 2575

(3) The verification form to be used under section 3797.04 of 2576  
the Revised Code shall contain the registrant's current residence 2577  
or employment address, as applicable, and any other information 2578  
required by the attorney general. 2579

(B) Upon completion of a registration, notice of intent to 2580  
reside, or verification of current address form by a registrant, 2581  
the sheriff shall promptly forward a copy of the form to the 2582  
attorney general in accordance with procedures established by the 2583

attorney general. Upon receiving from a registrant a notice of a 2584  
change of the registrant's residence address, if the new address 2585  
is in another county in this state, the sheriff promptly shall 2586  
forward the new address to the sheriff of that county. 2587

**Sec. 3797.08.** The attorney general shall do all of the 2588  
following: 2589

(A) In consultation with county sheriffs and not later than 2590  
July 1, 2006, adopt rules that do all of the following: 2591

(1) Contain guidelines necessary for the implementation of 2592  
this chapter; 2593

(2) Prescribe the registration, notice of intent to reside, 2594  
and verification of current address forms to be used by 2595  
registrants and sheriffs under sections 3797.02, 3797.03, and 2596  
3797.04 of the Revised Code; 2597

(3) Establish procedures for the forwarding of forms by the 2598  
sheriff to the attorney general; 2599

(4) Designate a geographic area or areas within which the 2600  
notice described in division (B) of section 3797.06 of the Revised 2601  
Code must be given to the persons identified in divisions (A)(2) 2602  
to (8) of that section; 2603

(5) At the attorney general's discretion, establish one or 2604  
more categories of neighbors of a registrant who, in addition to 2605  
the occupants of residential premises and other persons specified 2606  
in division (A) of section 3797.06 of the Revised Code, must be 2607  
given the notice described in division (B) of that section. 2608

(B) Make copies of the forms described in division (A)(2) of 2609  
this section available to sheriffs and judges; 2610

(C) Not later than January 1, 2007, establish and operate on 2611  
the internet a civil registry of persons against whom a court has 2612

entered a declaratory judgment under section 2721.21 of the  
Revised Code that contains information for each of those persons  
who registers in any county in this state pursuant to section  
3797.02 of the Revised Code. The attorney general shall determine  
the information to be provided on the registry for each  
registrant. The information provided for each registrant shall  
include at least the name, current residential and employment  
addresses, and photograph of the registrant, the name of the court  
that entered a declaratory judgment against the registrant  
pursuant to section 2721.21 of the Revised Code, and the date on  
which the judgment was entered. The registry shall be a public  
record open for inspection under section 149.43 of the Revised  
Code, and it shall be searchable by registrant name, by county, by  
zip code, and by school district. The registry shall provide a  
link to the web site of each sheriff of a county who has  
established and operates on the internet a database that contains  
information for registrants who register in that county pursuant  
to section 3797.02 or 3797.03 of the Revised Code.

(D) Upon the request of any sheriff, provide technical  
guidance to the requesting sheriff in establishing on the internet  
a database of registrants for the public dissemination of  
information that relates to registrants who are registered in the  
sheriff's county and that is a public record.

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

**Sec. 3797.10.** (A) No registrant who is required to register

pursuant to section 3797.02 of the Revised Code, send a sheriff a 2643  
written notice of a new residence or employment address or of an 2644  
intent to reside in a county pursuant to section 3797.03 of the 2645  
Revised Code, or verify a current address pursuant to section 2646  
3797.05 of the Revised Code shall fail to register, send the 2647  
notice, or verify the address as required by those sections. 2648

(B) It is an affirmative defense to a charge of a violation 2649  
of division (A) of this section by failing to send written notice 2650  
of a change of residence or employment address or notice of intent 2651  
to reside in a county as required by section 3797.03 of the 2652  
Revised Code that both of the following apply: 2653

(1) It was impossible for the registrant to provide the 2654  
notice to the sheriff because of a lack of knowledge on the date 2655  
specified for the provision of the notice of an address change or 2656  
of the new address. 2657

(2) The registrant provided notice of the address change or 2658  
the new address to the sheriff as soon as possible, but not later 2659  
than the end of the first business day, after learning of the 2660  
address change or of the new address by providing notice of the 2661  
address change or the new address to the sheriff by telephone 2662  
immediately upon learning of the address change or new address or, 2663  
if the registrant did not have reasonable access to a telephone at 2664  
that time, as soon as possible, but not later than the end of the 2665  
first business day, after learning of the address change and 2666  
having reasonable access to a telephone. 2667

(3) As soon as possible, but not later than the end of the 2668  
first business day, after providing notice of the address change 2669  
to the sheriff by telephone, the registrant provided written 2670  
notice of the address change to the sheriff. 2671

(C) Whoever violates division (A) of this section is guilty 2672

of a felony of the fifth degree.

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

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

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

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

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

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a prosecutor; 2703

(3) A person identified in division (A)(2), (3), (4), (5), 2704  
(6), or (7) of section 3797.06 of the Revised Code or the agent of 2705  
that person; 2706

(4) A person identified in division (A)(2) of section 3797.05 2707  
of the Revised Code, regarding the person's provision of 2708  
information pursuant to that division to a sheriff. 2709

(B) The immunity described in division (A) of this section 2710  
does not apply to a person described in divisions (A)(1) to (4) of 2711  
this section if, in relation to the act or omission in question, 2712  
any of the following applies: 2713

(1) The act or omission was manifestly outside the scope of 2714  
the person's employment or official responsibilities. 2715

(2) The act or omission was with malicious purpose, in bad 2716  
faith, or in a wanton or reckless manner. 2717

(3) Liability for the act or omission is expressly imposed by 2718  
a section of the Revised Code. 2719

**Sec. 4799.01.** In a proceeding held under Title XLVII of the 2720  
Revised Code to grant, renew, modify, suspend, or revoke a license 2721  
or other authorization to engage in an occupation, if the person 2722  
who is the subject of the proceeding is listed on the civil 2723  
registry established by the attorney general pursuant to section 2724  
3797.08 of the Revised Code, the board or other body that makes 2725  
the determination shall take into consideration the fact that the 2726  
person is listed on the civil registry. 2727

**Sec. 5120.173.** Any person who is required to report ~~suspected~~ 2728  
abuse or neglect of a child under eighteen years of age that is 2729  
reasonably suspected or believed to have occurred or the threat of 2730  
which is reasonably suspected or believed to exist pursuant to 2731

division (A) of section 2151.421 of the Revised Code, any person 2732  
who is permitted to report or cause a report to be made of 2733  
reasonably suspected abuse or neglect of a child under eighteen 2734  
years of age pursuant to division (B) of that section, any person 2735  
who is required to report suspected abuse or neglect of a person 2736  
with mental retardation or a developmental disability pursuant to 2737  
division (C) of section 5123.61 of the Revised Code, and any 2738  
person who is permitted to report suspected abuse or neglect of a 2739  
person with mental retardation or a developmental disability 2740  
pursuant to division (F) of that section and who makes or causes 2741  
the report to be made, shall direct that report to the state 2742  
highway patrol if the child or the person with mental retardation 2743  
or a developmental disability is an inmate in the custody of a 2744  
state correctional institution. If the state highway patrol 2745  
determines after receipt of the report that it is probable that 2746  
abuse or neglect of the inmate occurred, the patrol shall report 2747  
its findings to the department of rehabilitation and correction, 2748  
to the court that sentenced the inmate for the offense for which 2749  
the inmate is in the custody of the department, and to the 2750  
~~chairman~~ chairperson and ~~vice-chairman~~ vice-chairperson of the 2751  
correctional institution inspection committee established by 2752  
section 103.71 of the Revised Code. 2753

**Section 2.** That existing sections 2151.03, 2151.281, 2754  
2151.421, 2151.99, 2305.10, 2305.111, 2305.115, 2317.02, 2901.13, 2755  
2907.03, 2950.031, 2950.11, and 5120.173 of the Revised Code are 2756  
hereby repealed. 2757

**Section 3.** (A) As used in this section, "childhood sexual 2758  
abuse" has the same meaning as in section 2305.111 of the Revised 2759  
Code, as amended by this act. The court need not find that any 2760  
person has been convicted of or pleaded guilty to an offense under 2761  
Chapter 2907. of the Revised Code that is specified in that 2762

definition in order for the conduct that is the violation 2763  
constituting that offense to be childhood sexual abuse for 2764  
purposes of this section. 2765

(B) The amendments to section 2305.111 of the Revised Code 2766  
made in this act shall apply to all civil actions for assault or 2767  
battery brought by a victim of childhood sexual abuse based on 2768  
childhood sexual abuse that occurs on or after the effective date 2769  
of this act, to all civil actions brought by a victim of childhood 2770  
sexual abuse for a claim resulting from childhood sexual abuse 2771  
that occurs on or after the effective date of this act, to all 2772  
civil actions for assault or battery brought by a victim of 2773  
childhoodsexual abuse based on childhood sexual abuse that 2774  
occurred prior to the effective date of this act in relation to 2775  
which a civil action for assault or battery has never been filed 2776  
and for which the period of limitations applicable to such a civil 2777  
action prior to the effective date of this act has not expired on 2778  
the effective date of this act, and to all civil actions brought 2779  
by a victim of childhood sexual abuse for a claim resulting from 2780  
childhood sexual abuse that occurred prior to the effective date 2781  
of this act in relation to which a civil action for that claim has 2782  
never been filed and for which the period of limitations 2783  
applicable to such a civil action prior to the effective date of 2784  
this act has not expired on the effective date of this act. 2785

**Section 4.** The enactment of division (C) of section 2305.111 2786  
of the Revised Code by this act is not intended to prohibit or 2787  
affect a court's determination in an action involving childhood 2788  
sexual abuse that occurs prior to the effective date of this act 2789  
regarding the proper scope and application of the equitable 2790  
doctrine of fraudulent concealment. 2791

**Section 5.** If any provision of a section of the Revised Code 2792  
as amended or enacted by this act or the application of the 2793

provision to any person or circumstance is held invalid, the 2794  
invalidity does not affect other provisions or applications of the 2795  
section or related sections that can be given effect without the 2796  
invalid provision or application, and to this end the provisions 2797  
are severable. 2798

**Section 6.** Section 2151.421 of the Revised Code is presented 2799  
in this act as a composite of the section as amended by both Sub. 2800  
S.B. 66 and Sub. S.B. 185 of the 125th General Assembly. The 2801  
General Assembly, applying the principle stated in division (B) of 2802  
section 1.52 of the Revised Code that amendments are to be 2803  
harmonized if reasonably capable of simultaneous operation, finds 2804  
that the composites are the resulting versions of the sections in 2805  
effect prior to the effective date of the sections as presented in 2806  
this act. 2807