

As Reported by the Senate Judiciary--Criminal Justice Committee

126th General Assembly

Regular Session

2005-2006

Sub. S. B. No. 17

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

—

A B I L L

To amend sections 2151.03, 2151.281, 2151.421, 1
2151.99, 2305.10, 2305.111, 2305.115, 2317.02, 2
2901.13, 2907.03, and 5120.173 of the Revised Code 3
to require a member of the clergy, rabbi, priest, 4
minister, or any person or layperson, other than a 5
volunteer, acting as a leader, official, delegate, 6
or other designated function on behalf of any 7
church, religious society, or faith to report the 8
known or reasonably suspected abuse or neglect of 9
a child by any other member of the clergy, rabbi, 10
priest, minister, or person or layperson, other 11
than a volunteer, so acting on behalf of any 12
church, religious society, or faith; to toll the 13
criminal statute of limitations for violations 14
involving abuse or neglect of a child if certain 15
individuals fail to report the abuse or neglect of 16
the child; to provide a 20-year statute of 17
limitations for civil assault or battery actions 18
brought by victims of childhood sexual abuse based 19
on childhood sexual abuse or civil actions brought 20
by victims of childhood sexual abuse asserting 21
resulting claims; to provide a period of one or 22
two years, depending upon the circumstances, for 23
the filing of assault or battery actions by 24
victims of childhood sexual abuse based on 25

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

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

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

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

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

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

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

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

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

and 5103.17 of the Revised Code;

53

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

54

55

56

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

57

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

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

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

73

74

75

76

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

77

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

78

79

80

(B)(1) The court shall appoint a guardian ad litem to protect the interest of a child in any proceeding concerning an alleged

81

82

abused or neglected child and in any proceeding held pursuant to
section 2151.414 of the Revised Code. The guardian ad litem so
appointed shall not be the attorney responsible for presenting the
evidence alleging that the child is an abused or neglected child
and shall not be an employee of any party in the proceeding.

(2) The guardian ad litem appointed for an alleged or
adjudicated abused or neglected child may bring a civil action
against any person⁷ who is required by division (A)(1) or (4) of
section 2151.421 of the Revised Code to file a report of known or
reasonably suspected child abuse or child neglect⁷ if that person
knows, ~~or suspects~~ has reasonable cause to suspect based on facts
that would cause a reasonable person in a similar position to
suspect, that the child for whom the guardian ad litem is
appointed is the subject of child abuse or child neglect and does
not file the required report and if the child suffers any injury
or harm as a result of the known or reasonably suspected child
abuse or child neglect or suffers additional injury or harm after
the failure to file the report.

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

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

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

83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113

mentally incompetent shall be deemed sui juris for the purpose of 114
any proceeding relative to a child of the parent who is alleged or 115
adjudicated to be an abused, neglected, or dependent child. 116

(F) In any case in which a parent of a child alleged or 117
adjudicated to be an abused, neglected, or dependent child is 118
under eighteen years of age, the parents of that parent shall be 119
summoned to appear at any hearing respecting the child, who is 120
alleged or adjudicated to be an abused, neglected, or dependent 121
child. 122

(G) In any case involving an alleged or adjudicated abused or 123
neglected child or an agreement for the voluntary surrender of 124
temporary or permanent custody of a child that is made in 125
accordance with section 5103.15 of the Revised Code, the court 126
shall appoint the guardian ad litem in each case as soon as 127
possible after the complaint is filed, the request for an 128
extension of the temporary custody agreement is filed with the 129
court, or the request for court approval of the permanent custody 130
agreement is filed. In any case involving an alleged dependent 131
child in which the parent of the child appears to be mentally 132
incompetent or is under eighteen years of age, there is a conflict 133
of interest between the child and the child's parents, guardian, 134
or custodian, or the court believes that the parent of the child 135
is not capable of representing the best interest of the child, the 136
court shall appoint a guardian ad litem for the child. The 137
guardian ad litem or the guardian ad litem's replacement shall 138
continue to serve until any of the following occur: 139

(1) The complaint is dismissed or the request for an 140
extension of a temporary custody agreement or for court approval 141
of the permanent custody agreement is withdrawn or denied; 142

(2) All dispositional orders relative to the child have 143
terminated; 144

(3) The legal custody of the child is granted to a relative 145
of the child, or to another person; 146

(4) The child is placed in an adoptive home or, at the 147
court's discretion, a final decree of adoption is issued with 148
respect to the child; 149

(5) The child reaches the age of eighteen if the child is not 150
mentally retarded, developmentally disabled, or physically 151
impaired or the child reaches the age of twenty-one if the child 152
is mentally retarded, developmentally disabled, or physically 153
impaired; 154

(6) The guardian ad litem resigns or is removed by the court 155
and a replacement is appointed by the court. 156

If a guardian ad litem ceases to serve a child pursuant to 157
division (G)(4) of this section and the petition for adoption with 158
respect to the child is denied or withdrawn prior to the issuance 159
of a final decree of adoption or prior to the date an 160
interlocutory order of adoption becomes final, the juvenile court 161
shall reappoint a guardian ad litem for that child. The public 162
children services agency or private child placing agency with 163
permanent custody of the child shall notify the juvenile court if 164
the petition for adoption is denied or withdrawn. 165

(H) If the guardian ad litem for an alleged or adjudicated 166
abused, neglected, or dependent child is an attorney admitted to 167
the practice of law in this state, the guardian ad litem also may 168
serve as counsel to the ward. If a person is serving as guardian 169
ad litem and counsel for a child and either that person or the 170
court finds that a conflict may exist between the person's roles 171
as guardian ad litem and as counsel, the court shall relieve the 172
person of duties as guardian ad litem and appoint someone else as 173
guardian ad litem for the child. If the court appoints a person 174
who is not an attorney admitted to the practice of law in this 175

state to be a guardian ad litem, the court also may appoint an 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 206
suspect to the entity or persons specified in this division. 207
Except as provided in section 5120.173 of the Revised Code, the 208
person making the report shall make it to the public children 209
services agency or a municipal or county peace officer in the 210
county in which the child resides or in which the abuse or neglect 211
is occurring or has occurred. In the circumstances described in 212
section 5120.173 of the Revised Code, the person making the report 213
shall make it to the entity specified in that section. 214

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

(2) ~~An~~ Except as provided in division (A)(3) of this section, 235
an attorney or a physician is not required to make a report 236
pursuant to division (A)(1) of this section concerning any 237

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

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

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

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

(c) ~~The attorney-client or physician-patient relationship~~ 265
abuse or neglect does not arise out of the client's or patient's 266
attempt to have an abortion without the notification of her 267
parents, guardian, or custodian in accordance with section 2151.85 268
of the Revised Code. 269

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

(b) Except as provided in division (A)(4)(c) of this section, 298
a cleric is not required to make a report pursuant to division 299
(A)(4)(a) of this section concerning any communication the cleric 300
receives from a penitent in a cleric-penitent relationship, if, in 301

accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding. 302
303
304

(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply: 305
306
307
308
309
310
311
312

(i) The penitent, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age. 313
314
315
316

(ii) The cleric knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent. 317
318
319
320
321
322
323

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code. 324
325
326
327
328
329
330

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any 331
332

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

333
334

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

335
336
337

(B) Anyone~~7~~ who knows~~4~~ 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.

338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355

(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:

356
357
358
359

(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;

360
361
362

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

363

known or reasonably suspected injuries, abuse, or neglect or of 364
the known or reasonably suspected threat of injury, abuse, or 365
neglect, including any evidence of previous injuries, abuse, or 366
neglect; 367

(3) Any other information that might be helpful in 368
establishing the cause of the known or reasonably suspected 369
injury, abuse, or neglect or of the known or reasonably suspected 370
threat of injury, abuse, or neglect. 371

Any person, who is required by division (A) of this section 372
to report known or reasonably suspected child abuse or child 373
neglect, may take or cause to be taken color photographs of areas 374
of trauma visible on a child and, if medically indicated, cause to 375
be performed radiological examinations of the child. 376

(D) As used in this division, "children's advocacy center" 377
and "sexual abuse of a child" have the same meanings as in section 378
2151.425 of the Revised Code. 379

(1) When a municipal or county peace officer receives a 380
report concerning the possible abuse or neglect of a child or the 381
possible threat of abuse or neglect of a child, upon receipt of 382
the report, the municipal or county peace officer who receives the 383
report shall refer the report to the appropriate public children 384
services agency. 385

(2) When a public children services agency receives a report 386
pursuant to this division or division (A) or (B) of this section, 387
upon receipt of the report, the public children services agency 388
shall do both of the following: 389

(a) Comply with section 2151.422 of the Revised Code; 390

(b) If the county served by the agency is also served by a 391
children's advocacy center and the report alleges sexual abuse of 392
a child or another type of abuse of a child that is specified in 393

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

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

(F)(1) Except as provided in section 2151.422 of the Revised 413
Code or in an interagency agreement entered into under section 414
2151.428 of the Revised Code that applies to the particular 415
report, the public children services agency shall investigate, 416
within twenty-four hours, each report of known or reasonably 417
suspected child abuse or child neglect and of a known or 418
reasonably suspected threat of child abuse or child neglect that 419
is referred to it under this section to determine the 420
circumstances surrounding the injuries, abuse, or neglect or the 421
threat of injury, abuse, or neglect, the cause of the injuries, 422
abuse, neglect, or threat, and the person or persons responsible. 423
The investigation shall be made in cooperation with the law 424
enforcement agency and in accordance with the memorandum of 425

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

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

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

(G)(1)(a) Except as provided in division (H)(3) of this 451
section, anyone or any hospital, institution, school, health 452
department, or agency participating in the making of reports under 453
division (A) of this section, anyone or any hospital, institution, 454
school, health department, or agency participating in good faith 455
in the making of reports under division (B) of this section, and 456
anyone participating in good faith in a judicial proceeding 457

resulting from the reports, shall be immune from any civil or
criminal liability for injury, death, or loss to person or
property that otherwise might be incurred or imposed as a result
of the making of the reports or the participation in the judicial
proceeding.

458
459
460
461
462

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

463
464
465
466
467
468

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

469
470
471
472
473
474
475
476
477

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

478
479
480
481
482
483
484
485
486

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

487
488

section.

489

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

490

491

492

493

494

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

495

496

497

498

499

500

501

502

503

504

505

506

507

508

509

510

511

512

513

514

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

515

516

517

518

519

520

Revised Code, in writing of the disposition of the investigation. 521
The agency shall not provide to the person any information that 522
identifies the person who made the report, statements of 523
witnesses, or police or other investigative reports. 524

(I) Any report that is required by this section, other than a 525
report that is made to the state highway patrol as described in 526
section 5120.173 of the Revised Code, shall result in protective 527
services and emergency supportive services being made available by 528
the public children services agency on behalf of the children 529
about whom the report is made, in an effort to prevent further 530
neglect or abuse, to enhance their welfare, and, whenever 531
possible, to preserve the family unit intact. The agency required 532
to provide the services shall be the agency conducting the 533
investigation of the report pursuant to section 2151.422 of the 534
Revised Code. 535

(J)(1) Each public children services agency shall prepare a 536
memorandum of understanding that is signed by all of the 537
following: 538

(a) If there is only one juvenile judge in the county, the 539
juvenile judge of the county or the juvenile judge's 540
representative; 541

(b) If there is more than one juvenile judge in the county, a 542
juvenile judge or the juvenile judges' representative selected by 543
the juvenile judges or, if they are unable to do so for any 544
reason, the juvenile judge who is senior in point of service or 545
the senior juvenile judge's representative; 546

(c) The county peace officer; 547

(d) All chief municipal peace officers within the county; 548

(e) Other law enforcement officers handling child abuse and 549
neglect cases in the county; 550

(f) The prosecuting attorney of the county;	551
(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;	552 553 554
(h) The county humane society;	555
(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.	556 557 558 559 560
(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.	561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579
(3) A memorandum of understanding shall include all of the following:	580 581

(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect; 582
583

(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected. 584
585
586
587
588
589
590
591

(4) If a public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section. 592
593
594
595
596

(K)(1) Except as provided in division (K)(4) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information: 597
598
599
600
601
602
603
604
605

(a) Whether the agency or center has initiated an investigation of the report; 606
607

(b) Whether the agency or center is continuing to investigate the report; 608
609

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report; 610
611

(d) The general status of the health and safety of the child 612
who is the subject of the report; 613

(e) Whether the report has resulted in the filing of a 614
complaint in juvenile court or of criminal charges in another 615
court. 616

(2) A person may request the information specified in 617
division (K)(1) of this section only if, at the time the report is 618
made, the person's name, address, and telephone number are 619
provided to the person who receives the report. 620

When a municipal or county peace officer or employee of a 621
public children services agency receives a report pursuant to 622
division (A) or (B) of this section the recipient of the report 623
shall inform the person of the right to request the information 624
described in division (K)(1) of this section. The recipient of the 625
report shall include in the initial child abuse or child neglect 626
report that the person making the report was so informed and, if 627
provided at the time of the making of the report, shall include 628
the person's name, address, and telephone number in the report. 629

Each request is subject to verification of the identity of 630
the person making the report. If that person's identity is 631
verified, the agency shall provide the person with the information 632
described in division (K)(1) of this section a reasonable number 633
of times, except that the agency shall not disclose any 634
confidential information regarding the child who is the subject of 635
the report other than the information described in those 636
divisions. 637

(3) A request made pursuant to division (K)(1) of this 638
section is not a substitute for any report required to be made 639
pursuant to division (A) of this section. 640

(4) If an agency other than the agency that received or was 641
referred the report is conducting the investigation of the report 642

pursuant to section 2151.422 of the Revised Code, the agency 643
conducting the investigation shall comply with the requirements of 644
division (K) of this section. 645

(L) The director of job and family services shall adopt rules 646
in accordance with Chapter 119. of the Revised Code to implement 647
this section. The department of job and family services may enter 648
into a plan of cooperation with any other governmental entity to 649
aid in ensuring that children are protected from abuse and 650
neglect. The department shall make recommendations to the attorney 651
general that the department determines are necessary to protect 652
children from child abuse and child neglect. 653

(M)(1) As used in this division: 654

(a) "Out-of-home care" includes a nonchartered nonpublic 655
school if the alleged child abuse or child neglect, or alleged 656
threat of child abuse or child neglect, described in a report 657
received by a public children services agency allegedly occurred 658
in or involved the nonchartered nonpublic school and the alleged 659
perpetrator named in the report holds a certificate, permit, or 660
license issued by the state board of education under section 661
3301.071 or Chapter 3319. of the Revised Code. 662

(b) "Administrator, director, or other chief administrative 663
officer" means the superintendent of the school district if the 664
out-of-home care entity subject to a report made pursuant to this 665
section is a school operated by the district. 666

(2) No later than the end of the day following the day on 667
which a public children services agency receives a report of 668
alleged child abuse or child neglect, or a report of an alleged 669
threat of child abuse or child neglect, that allegedly occurred in 670
or involved an out-of-home care entity, the agency shall provide 671
written notice of the allegations contained in and the person 672
named as the alleged perpetrator in the report to the 673

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

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

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

(B) Whoever violates division (D)(1) of section 2151.313 of 703
the Revised Code is guilty of a minor misdemeanor. 704

Sec. 2305.10. (A) Except as provided in division (C) or (E) 705
of this section, an action based on a product liability claim and 706
an action for bodily injury or injuring personal property shall be 707
brought within two years after the cause of action accrues. Except 708
as provided in divisions (B)(1), (2), (3), (4), and (5) of this 709
section, a cause of action accrues under this division when the 710
injury or loss to person or property occurs. 711

(B)(1) For purposes of division (A) of this section, a cause 712
of action for bodily injury that is not described in division 713
(B)(2), (3), (4), or (5) of this section and that is caused by 714
exposure to hazardous or toxic chemicals, ethical drugs, or 715
ethical medical devices accrues upon the date on which the 716
plaintiff is informed by competent medical authority that the 717
plaintiff has an injury that is related to the exposure, or upon 718
the date on which by the exercise of reasonable diligence the 719
plaintiff should have known that the plaintiff has an injury that 720
is related to the exposure, whichever date occurs first. 721

(2) For purposes of division (A) of this section, a cause of 722
action for bodily injury caused by exposure to chromium in any of 723
its chemical forms accrues upon the date on which the plaintiff is 724
informed by competent medical authority that the plaintiff has an 725
injury that is related to the exposure, or upon the date on which 726
by the exercise of reasonable diligence the plaintiff should have 727
known that the plaintiff has an injury that is related to the 728
exposure, whichever date occurs first. 729

(3) For purposes of division (A) of this section, a cause of 730
action for bodily injury incurred by a veteran through exposure to 731
chemical defoliants or herbicides or other causative agents, 732
including agent orange, accrues upon the date on which the 733
plaintiff is informed by competent medical authority that the 734
plaintiff has an injury that is related to the exposure, or upon 735

the date on which by the exercise of reasonable diligence the 736
plaintiff should have known that the plaintiff has an injury that 737
is related to the exposure, whichever date occurs first. 738

(4) For purposes of division (A) of this section, a cause of 739
action for bodily injury caused by exposure to diethylstilbestrol 740
or other nonsteroidal synthetic estrogens, including exposure 741
before birth, accrues upon the date on which the plaintiff is 742
informed by competent medical authority that the plaintiff has an 743
injury that is related to the exposure, or upon the date on which 744
by the exercise of reasonable diligence the plaintiff should have 745
known that the plaintiff has an injury that is related to the 746
exposure, whichever date occurs first. 747

(5) For purposes of division (A) of this section, a cause of 748
action for bodily injury caused by exposure to asbestos accrues 749
upon the date on which the plaintiff is informed by competent 750
medical authority that the plaintiff has an injury that is related 751
to the exposure, or upon the date on which by the exercise of 752
reasonable diligence the plaintiff should have known that the 753
plaintiff has an injury that is related to the exposure, whichever 754
date occurs first. 755

(C)(1) Except as otherwise provided in divisions (C)(2), (3), 756
(4), (5), (6), and (7) of this section or in section 2305.19 of 757
the Revised Code, no cause of action based on a product liability 758
claim shall accrue against the manufacturer or supplier of a 759
product later than ten years from the date that the product was 760
delivered to its first purchaser or first lessee who was not 761
engaged in a business in which the product was used as a component 762
in the production, construction, creation, assembly, or rebuilding 763
of another product. 764

(2) Division (C)(1) of this section does not apply if the 765
manufacturer or supplier of a product engaged in fraud in regard 766

to information about the product and the fraud contributed to the 767
harm that is alleged in a product liability claim involving that 768
product. 769

(3) Division (C)(1) of this section does not bar an action 770
based on a product liability claim against a manufacturer or 771
supplier of a product who made an express, written warranty as to 772
the safety of the product that was for a period longer than ten 773
years and that, at the time of the accrual of the cause of action, 774
has not expired in accordance with the terms of that warranty. 775

(4) If the cause of action relative to a product liability 776
claim accrues during the ten-year period described in division 777
(C)(1) of this section but less than two years prior to the 778
expiration of that period, an action based on the product 779
liability claim may be commenced within two years after the cause 780
of action accrues. 781

(5) If a cause of action relative to a product liability 782
claim accrues during the ten-year period described in division 783
(C)(1) of this section and the claimant cannot commence an action 784
during that period due to a disability described in section 785
2305.16 of the Revised Code, an action based on the product 786
liability claim may be commenced within two years after the 787
disability is removed. 788

(6) Division (C)(1) of this section does not bar an action 789
for bodily injury caused by exposure to asbestos if the cause of 790
action that is the basis of the action accrues upon the date on 791
which the plaintiff is informed by competent medical authority 792
that the plaintiff has an injury that is related to the exposure, 793
or upon the date on which by the exercise of reasonable diligence 794
the plaintiff should have known that the plaintiff has an injury 795
that is related to the exposure, whichever date occurs first. 796

(7)(a) Division (C)(1) of this section does not bar an action 797

based on a product liability claim against a manufacturer or
supplier of a product if all of the following apply:

(i) The action is for bodily injury.

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

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

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

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

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

(F) As used in this section:

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

(2) "Ethical drug," "ethical medical device," "manufacturer,"

"product," "product liability claim," and "supplier" have the same meanings as in section 2307.71 of the Revised Code.

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

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

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

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

(a) A violation of section 2907.02 or of division (A)(1), (5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 of

the Revised Code; 858

(b) A violation of section 2907.05 or 2907.06 of the Revised Code if, at the time of the violation, any of the following apply: 859

(i) The actor is the victim's natural parent, adoptive parent, or stepparent or the guardian, custodian, or person in loco parentis of the victim. 861

(ii) The victim is in custody of law or a patient in a hospital or other institution, and the actor has supervisory or disciplinary authority over the victim. 862

(iii) The actor is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the victim is enrolled in or attends that school, and the actor is not enrolled in and does not attend that school. 863

(iv) The actor is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the victim is enrolled in or attends that institution. 864

(v) The actor is the victim's athletic or other type of coach, is the victim's instructor, is the leader of a scouting troop of which the victim is a member, or is a person with temporary or occasional disciplinary control over the victim. 865

(vi) The actor is a mental health professional, the victim is a mental health client or patient of the actor, and the actor induces the victim to submit by falsely representing to the victim that the sexual contact involved in the violation is necessary for mental health treatment purposes. 866

(vii) The victim is confined in a detention facility, and the actor is an employee of that detention facility. 867

(viii) The actor is a cleric, and the victim is a member of, or attends, the church or congregation served by the cleric. 888
889

(2) "Cleric" has the same meaning as in section 2317.02 of the Revised Code. 890
891

(3) "Mental health client or patient" has the same meaning as in section 2305.51 of the Revised Code. 892
893

(4) "Mental health professional" has the same meaning as in section 2305.115 of the Revised Code. 894
895

(5) "Sexual contact" has the same meaning as in section 2907.01 of the Revised Code. 896
897

(6) "Victim" means, except as provided in division (B) of this section, a victim of childhood sexual abuse. 898
899

(B) Except as provided in section 2305.115 of the Revised Code and subject to division (C) of this section, 900
an action for 901
assault or battery shall be brought within one year after the 902
cause of the action accrues. For purposes of this section, a cause 903
of action for assault or battery accrues upon the later of the 904
following: 905

~~(A)~~(1) The date on which the alleged assault or battery 906
occurred; 907

~~(B)~~(2) If the plaintiff did not know the identity of the 908
person who allegedly committed the assault or battery on the date 909
on which it allegedly occurred, the earlier of the following 910
dates: 911

~~(1)~~(a) The date on which the plaintiff learns the identity of 912
that person; 913

~~(2)~~(b) The date on which, by the exercise of reasonable 914
diligence, the plaintiff should have learned the identity of that 915
person. 916

(C) An action for assault or battery brought by a victim of childhood sexual abuse based on childhood sexual abuse, or an action brought by a victim of childhood sexual abuse asserting any claim resulting from childhood sexual abuse, shall be brought within twenty years after the cause of action accrues. For purposes of this section, a cause of action for assault or battery based on childhood sexual abuse, or a cause of action for a claim resulting from childhood sexual abuse, accrues upon the date on which the victim reaches the age of majority.

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

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

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

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

(B) If the mental health service relationship between the plaintiff in an action for assault or battery that is described in division (A) of this section and the mental health professional continues after the date on which the cause of action accrues, the

two-year period specified in division (A) of this section does not
begin to run until the date on which that mental health service
relationship is terminated by either or both of the parties.

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

(D) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

(iii) If a medical claim, dental claim, chiropractic claim,

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

(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. 1014
1015
1016
1017
1018
1019
1020

(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. 1021
1022
1023
1024
1025

(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 1026
1027
1028
1029
1030
1031
1032
1033
1034
1035
1036
1037
1038
1039

specific information from its records. 1040

(e) In any will contest action under sections 2107.71 to 1041
2107.77 of the Revised Code if all of the following apply: 1042

(i) The patient is deceased. 1043

(ii) A party to the will contest action requests the 1044
testimony, demonstrates to the court that that party would be an 1045
heir of the patient if the patient died without a will, is a 1046
beneficiary under the will that is the subject of the will contest 1047
action, or is a beneficiary under another testamentary document 1048
allegedly executed by the patient, and demonstrates to the court 1049
that the testimony is necessary to establish the party's rights as 1050
described in this division. 1051

(2)(a) If any law enforcement officer submits a written 1052
statement to a health care provider that states that an official 1053
criminal investigation has begun regarding a specified person or 1054
that a criminal action or proceeding has been commenced against a 1055
specified person, that requests the provider to supply to the 1056
officer copies of any records the provider possesses that pertain 1057
to any test or the results of any test administered to the 1058
specified person to determine the presence or concentration of 1059
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 1060
person's blood, breath, or urine at any time relevant to the 1061
criminal offense in question, and that conforms to section 1062
2317.022 of the Revised Code, the provider, except to the extent 1063
specifically prohibited by any law of this state or of the United 1064
States, shall supply to the officer a copy of any of the requested 1065
records the provider possesses. If the health care provider does 1066
not possess any of the requested records, the provider shall give 1067
the officer a written statement that indicates that the provider 1068
does not possess any of the requested records. 1069

(b) If a health care provider possesses any records of the 1070

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

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

(b) If the testimonial privilege described in division (B)(1)
of this section does not apply to a physician or dentist as
provided in division (B)(1)(c) of this section, the physician or
dentist, in lieu of personally testifying as to the results of the
test in question, may submit a certified copy of those results,

and, upon its submission, the certified copy is qualified as
authentic evidence and may be admitted as evidence in accordance
with the Rules of Evidence. Division (A) of section 2317.422 of
the Revised Code does not apply to any certified copy of results
submitted in accordance with this division. Nothing in this
division shall be construed to limit the right of any party to
call as a witness the person who administered the test in
question, the person under whose supervision the test was
administered, the custodian of the results of the test, the person
who compiled the results, or the person under whose supervision
the results were compiled.

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

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

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

memorandum, laboratory test and results, x-ray, photograph, 1135
financial statement, diagnosis, or prognosis. 1136

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

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

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

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

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

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

(v) "Long-term care facility" means a nursing home, 1159
residential care facility, or home for the aging, as those terms 1160
are defined in section 3721.01 of the Revised Code; an adult care 1161
facility, as defined in section 3722.01 of the Revised Code; a 1162
nursing facility or intermediate care facility for the mentally 1163
retarded, as those terms are defined in section 5111.20 of the 1164

Revised Code; a facility or portion of a facility certified as a
skilled nursing facility under Title XVIII of the "Social Security
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.

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

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

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

(C)(1) ~~A member of the clergy, rabbi, priest, or regularly
ordained, accredited, or licensed minister of an established and
legally cognizable church, denomination, or sect~~ cleric, when the
~~member of the clergy, rabbi, priest, or minister~~ cleric remains
accountable to the authority of that cleric's church,
denomination, or sect, concerning a confession made, or any
information confidentially communicated, to the ~~member of the
clergy, rabbi, priest, or minister~~ cleric for a religious
counseling purpose in the ~~member of the clergy's, rabbi's,
priest's, or minister's~~ cleric's professional character; ~~however,~~
~~the member of the clergy, rabbi, priest, or minister.~~ The cleric
may testify by express consent of the person making the
communication, except when the disclosure of the information is in

violation of a sacred trust; and except that, if the person 1196
voluntarily testifies or is deemed by division (A)(4)(c) of 1197
section 2151.421 of the Revised Code to have waived any 1198
testimonial privilege under this division, the cleric may be 1199
compelled to testify on the same subject except when disclosure of 1200
the information is in violation of a sacred trust. 1201

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

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

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

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

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

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

(E) A person who assigns a claim or interest, concerning any 1223
matter in respect to which the person would not, if a party, be 1224
permitted to testify; 1225

(F) A person who, if a party, would be restricted under 1226
section 2317.03 of the Revised Code, when the property or thing is 1227
sold or transferred by an executor, administrator, guardian, 1228
trustee, heir, devisee, or legatee, shall be restricted in the 1229
same manner in any action or proceeding concerning the property or 1230
thing. 1231

(G)(1) A school guidance counselor who holds a valid educator 1232
license from the state board of education as provided for in 1233
section 3319.22 of the Revised Code, a person licensed under 1234
Chapter 4757. of the Revised Code as a professional clinical 1235
counselor, professional counselor, social worker, independent 1236
social worker, marriage and family therapist or independent 1237
marriage and family therapist, or registered under Chapter 4757. 1238
of the Revised Code as a social work assistant concerning a 1239
confidential communication received from a client in that relation 1240
or the person's advice to a client unless any of the following 1241
applies: 1242

(a) The communication or advice indicates clear and present 1243
danger to the client or other persons. For the purposes of this 1244
division, cases in which there are indications of present or past 1245
child abuse or neglect of the client constitute a clear and 1246
present danger. 1247

(b) The client gives express consent to the testimony. 1248

(c) If the client is deceased, the surviving spouse or the 1249
executor or administrator of the estate of the deceased client 1250
gives express consent. 1251

(d) The client voluntarily testifies, in which case the 1252
school guidance counselor or person licensed or registered under 1253
Chapter 4757. of the Revised Code may be compelled to testify on 1254
the same subject. 1255

(e) The court in camera determines that the information 1256

communicated by the client is not germane to the counselor-client, 1257
marriage and family therapist-client, or social worker-client 1258
relationship. 1259

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

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

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

(H) A mediator acting under a mediation order issued under 1276
division (A) of section 3109.052 of the Revised Code or otherwise 1277
issued in any proceeding for divorce, dissolution, legal 1278
separation, annulment, or the allocation of parental rights and 1279
responsibilities for the care of children, in any action or 1280
proceeding, other than a criminal, delinquency, child abuse, child 1281
neglect, or dependent child action or proceeding, that is brought 1282
by or against either parent who takes part in mediation in 1283
accordance with the order and that pertains to the mediation 1284
process, to any information discussed or presented in the 1285
mediation process, to the allocation of parental rights and 1286
responsibilities for the care of the parents' children, or to the 1287

awarding of parenting time rights in relation to their children; 1288

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

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

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

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

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

(c) If a medical claim, dental claim, chiropractic claim, or 1315
optometric claim, as defined in section 2305.113 of the Revised 1316
Code, an action for wrongful death, any other type of civil 1317
action, or a claim under Chapter 4123. of the Revised Code is 1318

filed by the patient, the personal representative of the estate of 1319
the patient if deceased, or the patient's guardian or other legal 1320
representative. 1321

(2) If the testimonial privilege described in division (J)(1) 1322
of this section does not apply as provided in division (J)(1)(c) 1323
of this section, a chiropractor may be compelled to testify or to 1324
submit to discovery under the Rules of Civil Procedure only as to 1325
a communication made to the chiropractor by the patient in 1326
question in that relation, or the chiropractor's advice to the 1327
patient in question, that related causally or historically to 1328
physical or mental injuries that are relevant to issues in the 1329
medical claim, dental claim, chiropractic claim, or optometric 1330
claim, action for wrongful death, other civil action, or claim 1331
under Chapter 4123. of the Revised Code. 1332

(3) The testimonial privilege established under this division 1333
does not apply, and a chiropractor may testify or be compelled to 1334
testify, in any criminal action or administrative proceeding. 1335

(4) As used in this division, "communication" means 1336
acquiring, recording, or transmitting any information, in any 1337
manner, concerning any facts, opinions, or statements necessary to 1338
enable a chiropractor to diagnose, treat, or act for a patient. A 1339
communication may include, but is not limited to, any 1340
chiropractic, office, or hospital communication such as a record, 1341
chart, letter, memorandum, laboratory test and results, x-ray, 1342
photograph, financial statement, diagnosis, or prognosis. 1343

Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or 1344
(3) of this section or as otherwise provided in this section, a 1345
prosecution shall be barred unless it is commenced within the 1346
following periods after an offense is committed: 1347

(a) For a felony, six years; 1348

(b) For a misdemeanor other than a minor misdemeanor, two years;	1349 1350
(c) For a minor misdemeanor, six months.	1351
(2) There is no period of limitation for the prosecution of a violation of section 2903.01 or 2903.02 of the Revised Code.	1352 1353
(3) Except as otherwise provided in divisions (B) to (H) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within twenty years after the offense is committed:	1354 1355 1356 1357
(a) A violation of section 2903.03, 2903.04, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of section 2903.11 or 2903.12 of the Revised Code if the victim is a peace officer, a violation of section 2903.13 of the Revised Code that is a felony, or a violation of former section 2907.12 of the Revised Code;	1358 1359 1360 1361 1362 1363 1364
(b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A)(3)(a) of this section.	1365 1366 1367
(B) If the period of limitation provided in division (A)(1) or (3) of this section has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a fiduciary duty, within one year after discovery of the offense either by an aggrieved person, or by the aggrieved person's legal representative who is not a party to the offense.	1368 1369 1370 1371 1372 1373
(C) If the period of limitation provided in division (A)(1) or (3) of this section has expired, prosecution shall be commenced for an offense involving misconduct in office by a public servant as defined in section 2921.01 of the Revised Code, at any time while the accused remains a public servant, or within two years	1374 1375 1376 1377 1378

thereafter. 1379

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

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

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

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

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

(I) The period of limitation for a violation of any provision 1407
of Title XXIX of the Revised Code that involves a physical or 1408
mental wound, injury, disability, or condition of a nature that 1409

reasonably indicates abuse or neglect of a child under eighteen 1410
years of age or of a mentally retarded, developmentally disabled, 1411
or physically impaired child under twenty-one years of age shall 1412
not begin to run until either of the following occurs: 1413

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

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

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

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

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

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

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

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

(5) The offender is the other person's natural or adoptive 1436
parent, or a stepparent, or guardian, custodian, or person in loco 1437
parentis of the other person. 1438

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

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

(8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution.

(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: 1469

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

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

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

Sec. 5120.173. Any person who is required to report 1481
reasonably suspected abuse or neglect of a child under eighteen 1482
years of age pursuant to division (A) of section 2151.421 of the 1483
Revised Code, any person who is permitted to report or cause a 1484
report to be made of reasonably suspected abuse or neglect of a 1485
child under eighteen years of age pursuant to division (B) of that 1486
section, any person who is required to report suspected abuse or 1487
neglect of a person with mental retardation or a developmental 1488
disability pursuant to division (C) of section 5123.61 of the 1489
Revised Code, and any person who is permitted to report suspected 1490
abuse or neglect of a person with mental retardation or a 1491
developmental disability pursuant to division (F) of that section 1492
and who makes or causes the report to be made, shall direct that 1493
report to the state highway patrol if the child or the person with 1494
mental retardation or a developmental disability is an inmate in 1495
the custody of a state correctional institution. If the state 1496
highway patrol determines after receipt of the report that it is 1497
probable that abuse or neglect of the inmate occurred, the patrol 1498
shall report its findings to the department of rehabilitation and 1499

correction, to the court that sentenced the inmate for the offense 1500
for which the inmate is in the custody of the department, and to 1501
the ~~chairman~~ chairperson and ~~vice-chairman~~ vice-chairperson of the 1502
correctional institution inspection committee established by 1503
section 103.71 of the Revised Code. 1504

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

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

(B) The amendments to section 2305.111 of the Revised Code 1521
made in this act shall apply to all civil actions for assault or 1522
battery brought by a victim of childhood sexual abuse based on 1523
childhood sexual abuse that occurs on or after the effective date 1524
of this act, to all civil actions brought by a victim of childhood 1525
sexual abuse for a claim resulting from childhood sexual abuse 1526
that occurs on or after the effective date of this act, to all 1527
civil actions for assault or battery brought by a victim of 1528
childhood sexual abuse based on childhood sexual abuse that 1529
occurred prior to the effective date of this act in relation to 1530

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

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

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

(2) If a civil action for assault or battery based on the 1561
childhood sexual abuse was filed and it is pending in any court, 1562

including an appellate court, on the effective date of this act, 1563
at any time beginning on the effective date of this act and ending 1564
two years after the effective date of this act. 1565

(D) If a person was the victim of childhood sexual abuse that 1566
occurred prior to the effective date of this act but not earlier 1567
than thirty-five years prior to the effective date of this act, 1568
and if a civil action for a claim resulting from the childhood 1569
sexual abuse has never been filed by the victim and the period of 1570
limitations that was applicable to that claim has expired on or 1571
before the effective date of this act or a civil action for a 1572
claim resulting from the childhood sexual abuse was filed by the 1573
victim and it was dismissed prior to, or is dismissed on or after, 1574
the effective date of this act because of the expiration of the 1575
period of limitations that was applicable to that claim, 1576
notwithstanding the expiration of the period of limitations that 1577
applied to that type of claim resulting from childhood sexual 1578
abuse, the victim of childhood sexual abuse may bring an action 1579
asserting the claim resulting from the childhood sexual abuse 1580
within one of the following periods of time, as applicable: 1581

(1) Except as provided in division (D)(2) of this section, 1582
within the time period specified in division (C)(1) of this 1583
section; 1584

(2) If a civil action for the claim resulting from the 1585
childhood sexual abuse was filed by the victim and it is pending 1586
in any court, including an appellate court, on the effective date 1587
of this act, within the time period specified in division (C)(2) 1588
of this section. 1589

Section 4. Section 2151.421 of the Revised Code is presented 1590
in this act as a composite of the section as amended by both Sub. 1591
S.B. 66 and Sub. S.B. 185 of the 125th General Assembly. Section 1592
2317.02 of the Revised Code is presented in this act as a 1593

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