

As Introduced

**127th General Assembly
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H. B. No. 197

Representative Boyd

**Cosponsors: Representatives Lundy, Mallory, Dodd, Skindell, Williams, S.,
Miller, Letson, Luckie**

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A B I L L

To amend section 2921.22 and to enact sections 1
3313.668 and 3314.19 of the Revised Code to 2
provide for the reporting of assaults in public 3
schools to school administrators and law 4
enforcement authorities. 5

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

Section 1. That section 2921.22 be amended and sections 6
3313.668 and 3314.19 of the Revised Code be enacted to read as 7
follows: 8

Sec. 2921.22. (A) No person, knowing that a felony has been 9
or is being committed, shall knowingly fail to report such 10
information to law enforcement authorities. 11

(B) Except for conditions that are within the scope of 12
division (E) of this section, no physician, limited practitioner, 13
nurse, or other person giving aid to a sick or injured person 14
shall negligently fail to report to law enforcement authorities 15
any gunshot or stab wound treated or observed by the physician, 16
limited practitioner, nurse, or person, or any serious physical 17
harm to persons that the physician, limited practitioner, nurse, 18

or person knows or has reasonable cause to believe resulted from 19
an offense of violence. 20

(C) No person who discovers the body or acquires the first 21
knowledge of the death of a person shall fail to report the death 22
immediately to a physician whom the person knows to be treating 23
the deceased for a condition from which death at such time would 24
not be unexpected, or to a law enforcement officer, an ambulance 25
service, an emergency squad, or the coroner in a political 26
subdivision in which the body is discovered, the death is believed 27
to have occurred, or knowledge concerning the death is obtained. 28

(D) No person shall fail to provide upon request of the 29
person to whom a report required by division (C) of this section 30
was made, or to any law enforcement officer who has reasonable 31
cause to assert the authority to investigate the circumstances 32
surrounding the death, any facts within the person's knowledge 33
that may have a bearing on the investigation of the death. 34

(E)(1) As used in this division, "burn injury" means any of 35
the following: 36

(a) Second or third degree burns; 37

(b) Any burns to the upper respiratory tract or laryngeal 38
edema due to the inhalation of superheated air; 39

(c) Any burn injury or wound that may result in death; 40

(d) Any physical harm to persons caused by or as the result 41
of the use of fireworks, novelties and trick noisemakers, and wire 42
sparklers, as each is defined by section 3743.01 of the Revised 43
Code. 44

(2) No physician, nurse, or limited practitioner who, outside 45
a hospital, sanitarium, or other medical facility, attends or 46
treats a person who has sustained a burn injury that is inflicted 47
by an explosion or other incendiary device or that shows evidence 48

of having been inflicted in a violent, malicious, or criminal 49
manner shall fail to report the burn injury immediately to the 50
local arson, or fire and explosion investigation, bureau, if there 51
is a bureau of this type in the jurisdiction in which the person 52
is attended or treated, or otherwise to local law enforcement 53
authorities. 54

(3) No manager, superintendent, or other person in charge of 55
a hospital, sanitarium, or other medical facility in which a 56
person is attended or treated for any burn injury that is 57
inflicted by an explosion or other incendiary device or that shows 58
evidence of having been inflicted in a violent, malicious, or 59
criminal manner shall fail to report the burn injury immediately 60
to the local arson, or fire and explosion investigation, bureau, 61
if there is a bureau of this type in the jurisdiction in which the 62
person is attended or treated, or otherwise to local law 63
enforcement authorities. 64

(4) No person who is required to report any burn injury under 65
division (E)(2) or (3) of this section shall fail to file, within 66
three working days after attending or treating the victim, a 67
written report of the burn injury with the office of the state 68
fire marshal. The report shall comply with the uniform standard 69
developed by the state fire marshal pursuant to division (A)(15) 70
of section 3737.22 of the Revised Code. 71

(5) Anyone participating in the making of reports under 72
division (E) of this section or anyone participating in a judicial 73
proceeding resulting from the reports is immune from any civil or 74
criminal liability that otherwise might be incurred or imposed as 75
a result of such actions. Notwithstanding section 4731.22 of the 76
Revised Code, the physician-patient relationship is not a ground 77
for excluding evidence regarding a person's burn injury or the 78
cause of the burn injury in any judicial proceeding resulting from 79
a report submitted under division (E) of this section. 80

(F)(1) Any doctor of medicine or osteopathic medicine, 81
hospital intern or resident, registered or licensed practical 82
nurse, psychologist, social worker, independent social worker, 83
social work assistant, professional clinical counselor, or 84
professional counselor who knows or has reasonable cause to 85
believe that a patient or client has been the victim of domestic 86
violence, as defined in section 3113.31 of the Revised Code, shall 87
note that knowledge or belief and the basis for it in the 88
patient's or client's records. 89

(2) Notwithstanding section 4731.22 of the Revised Code, the 90
doctor-patient privilege shall not be a ground for excluding any 91
information regarding the report containing the knowledge or 92
belief noted under division (F)(1) of this section, and the 93
information may be admitted as evidence in accordance with the 94
Rules of Evidence. 95

(G) Divisions (A) and (D) of this section do not require 96
disclosure of information, when any of the following applies: 97

(1) The information is privileged by reason of the 98
relationship between attorney and client; doctor and patient; 99
licensed psychologist or licensed school psychologist and client; 100
member of the clergy, rabbi, minister, or priest and any person 101
communicating information confidentially to the member of the 102
clergy, rabbi, minister, or priest for a religious counseling 103
purpose of a professional character; husband and wife; or a 104
communications assistant and those who are a party to a 105
telecommunications relay service call. 106

(2) The information would tend to incriminate a member of the 107
actor's immediate family. 108

(3) Disclosure of the information would amount to revealing a 109
news source, privileged under section 2739.04 or 2739.12 of the 110
Revised Code. 111

(4) Disclosure of the information would amount to disclosure 112
by a member of the ordained clergy of an organized religious body 113
of a confidential communication made to that member of the clergy 114
in that member's capacity as a member of the clergy by a person 115
seeking the aid or counsel of that member of the clergy. 116

(5) Disclosure would amount to revealing information acquired 117
by the actor in the course of the actor's duties in connection 118
with a bona fide program of treatment or services for drug 119
dependent persons or persons in danger of drug dependence, which 120
program is maintained or conducted by a hospital, clinic, person, 121
agency, or organization certified pursuant to section 3793.06 of 122
the Revised Code. 123

(6) Disclosure would amount to revealing information acquired 124
by the actor in the course of the actor's duties in connection 125
with a bona fide program for providing counseling services to 126
victims of crimes that are violations of section 2907.02 or 127
2907.05 of the Revised Code or to victims of felonious sexual 128
penetration in violation of former section 2907.12 of the Revised 129
Code. As used in this division, "counseling services" include 130
services provided in an informal setting by a person who, by 131
education or experience, is competent to provide those services. 132

(7) The actor is an employee of a school district or 133
community school established under Chapter 3314. of the Revised 134
Code or a private school bus operator, as defined in section 135
3313.668 of the Revised Code, and the information involves an 136
assault that is required to be reported to law enforcement 137
authorities by a district or community school employee other than 138
the actor under section 3313.668 or 3314.19 of the Revised Code. 139

(H) No disclosure of information pursuant to this section 140
gives rise to any liability or recrimination for a breach of 141
privilege or confidence. 142

(I) Whoever violates division (A) or (B) of this section is 143
guilty of failure to report a crime. Violation of division (A) of 144
this section is a misdemeanor of the fourth degree. Violation of 145
division (B) of this section is a misdemeanor of the second 146
degree. 147

(J) Whoever violates division (C) or (D) of this section is 148
guilty of failure to report knowledge of a death, a misdemeanor of 149
the fourth degree. 150

(K)(1) Whoever negligently violates division (E) of this 151
section is guilty of a minor misdemeanor. 152

(2) Whoever knowingly violates division (E) of this section 153
is guilty of a misdemeanor of the second degree. 154

Sec. 3313.668. As used in this section, "private school bus 155
operator" means a school bus operator employed by a private entity 156
to provide transportation services for a school district pursuant 157
to a contract with the district. 158

(A) Each employee of a school district and each private 159
school bus operator shall immediately report any assault on a 160
student, district employee, or private school bus operator of 161
which the employee or operator is aware and that occurs in or on 162
the premises of a school operated by the district, during a 163
school-sponsored event held off of district property, or on a 164
school bus transporting students, as follows: 165

(1) If the victim of the assault is a student enrolled in the 166
district, to the principal of the school at which the assault 167
occurred or, if the assault occurred off of district property or 168
on a school bus, to the principal of the school the student 169
attends; 170

(2) If the victim of the assault is a student enrolled in a 171
community school established under Chapter 3314. of the Revised 172

Code or a nonpublic school, to the principal of any 173
district-operated school; 174

(3) If the victim of the assault is an employee of the 175
district, to the principal of the school at which the assault 176
occurred or, if the assault occurred off of district property or 177
on a school bus, to the principal of the school at which the 178
employee is employed; 179

(4) If the victim of the assault is a private school bus 180
operator, to the principal of any district-operated school. 181

(B) Within twenty-four hours after receiving a report of an 182
assault under division (A) of this section, a principal shall 183
provide a written summary of the incident to the district 184
superintendent. The superintendent shall immediately notify law 185
enforcement authorities of the incident. 186

(C) If the alleged perpetrator of the assault is a student 187
enrolled in the district, the superintendent or the principal of 188
the student's school shall initiate any disciplinary actions 189
required by the policy adopted by the district board of education 190
under section 3313.661 of the Revised Code. 191

(D) Within seven school days after receiving a written 192
summary of an incident involving an assault, the superintendent 193
shall notify the district board of the incident, whether law 194
enforcement authorities are conducting an investigation of the 195
incident, and any disciplinary actions that have been taken 196
against the persons involved in the incident. 197

(E) If a school district employee fails to report an assault 198
as required by division (A) of this section or a principal fails 199
to provide a written summary of an assault to the superintendent 200
as required by division (B) of this section, the superintendent 201
and the board jointly shall determine any disciplinary actions 202
that should be taken against the employee or principal. If a 203

superintendent fails to notify law enforcement authorities of an 204
assault as required by division (B) of this section, the district 205
board shall determine any disciplinary actions that should be 206
taken against the superintendent. 207

(F) A principal, other school district employee, or private 208
school bus operator who reports an assault, or a superintendent 209
who notifies law enforcement authorities of an assault, in 210
compliance with this section and in good faith shall be 211
individually immune from liability in a civil action for damages 212
arising from the report or notification. 213

Sec. 3314.19. (A) Each employee of a community school or of a 214
community school's operator shall immediately report to the 215
principal or chief administrative officer of the school any 216
assault on a student or employee of the school or operator of 217
which the employee is aware and that occurs in or on the premises 218
of the school, during a school-sponsored event held off of school 219
property, or on a school bus transporting students enrolled in the 220
school. 221

(B) After receiving a report of an assault under division (A) 222
of this section, the principal or chief administrative officer 223
shall immediately notify law enforcement authorities of the 224
incident. 225

(C) If the alleged perpetrator of the assault is a student 226
enrolled in the school, the principal or chief administrative 227
officer shall initiate any disciplinary actions required by the 228
policy adopted by the school's governing authority in accordance 229
with section 3313.661 of the Revised Code. 230

(D) Within seven school days after receiving a report of an 231
assault, the principal or chief administrative officer shall 232
notify the school's governing authority of the incident, whether 233
law enforcement authorities are conducting an investigation of the 234

incident, and any disciplinary actions that have been taken 235
against the persons involved in the incident. 236

(E) If a school or operator employee fails to report an 237
assault as required by division (A) of this section or a principal 238
or chief administrative officer fails to notify law enforcement 239
authorities of an assault as required by division (B) of this 240
section, the governing authority of the school shall determine any 241
disciplinary actions that should be taken against the employee, 242
principal, or chief administrative officer. 243

(F) A school or operator employee who reports an assault, or 244
a principal or chief administrative officer who notifies law 245
enforcement authorities of an assault, in compliance with this 246
section and in good faith shall be individually immune from 247
liability in a civil action for damages arising from the report or 248
notification. 249

Section 2. That existing section 2921.22 of the Revised Code 250
is hereby repealed. 251