

As Introduced

128th General Assembly
Regular Session
2009-2010

H. B. No. 83

Representative Boyd

Cosponsors: Representatives Hagan, Yuko, Williams, B., Harris, Mallory

—

A B I L L

To amend section 2921.22 and to enact sections 1
3313.668, 3314.39, and 3326.26 of the Revised Code 2
to 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, 3314.39, and 3326.26 of the Revised Code be enacted to 7
read as 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, a 133
community school established under Chapter 3314. of the Revised 134
Code, a STEM school established under Chapter 3326. of the Revised 135
Code, or a private school bus operator as defined in section 136
3313.668 of the Revised Code, and the information involves an 137
assault that is required to be reported to law enforcement 138
authorities by a district, community school, or STEM school 139
employee other than the actor under section 3313.668, 3314.39, or 140
3326.26 of the Revised Code. 141

(H) No disclosure of information pursuant to this section 142
gives rise to any liability or recrimination for a breach of 143
privilege or confidence. 144

(I) Whoever violates division (A) or (B) of this section is 145
guilty of failure to report a crime. Violation of division (A) of 146
this section is a misdemeanor of the fourth degree. Violation of 147
division (B) of this section is a misdemeanor of the second 148
degree. 149

(J) Whoever violates division (C) or (D) of this section is 150
guilty of failure to report knowledge of a death, a misdemeanor of 151
the fourth degree. 152

(K)(1) Whoever negligently violates division (E) of this 153
section is guilty of a minor misdemeanor. 154

(2) Whoever knowingly violates division (E) of this section 155
is guilty of a misdemeanor of the second degree. 156

Sec. 3313.668. As used in this section, "private school bus 157
operator" means a school bus operator employed by a private entity 158
to provide transportation services for a school district pursuant 159
to a contract with the district. 160

(A) Each employee of a school district and each private 161
school bus operator shall immediately report any assault on a 162
student, district employee, or private school bus operator of 163
which the employee or operator is aware and that occurs in or on 164
the premises of a school operated by the district, during a 165
school-sponsored event held off of district property, or on a 166
school bus transporting students, as follows: 167

(1) If the victim of the assault is a student enrolled in the 168
district, to the principal of the school at which the assault 169
occurred or, if the assault occurred off of district property or 170
on a school bus, to the principal of the school the student 171
attends; 172

(2) If the victim of the assault is a student enrolled in a 173
community school established under Chapter 3314. of the Revised 174

Code, a STEM school established under Chapter 3326. of the Revised 175
Code, or a nonpublic school, to the principal of any 176
district-operated school; 177

(3) If the victim of the assault is an employee of the 178
district, to the principal of the school at which the assault 179
occurred or, if the assault occurred off of district property or 180
on a school bus, to the principal of the school at which the 181
employee is employed; 182

(4) If the victim of the assault is a private school bus 183
operator, to the principal of any district-operated school. 184

(B) Within twenty-four hours after receiving a report of an 185
assault under division (A) of this section, a principal shall 186
provide a written summary of the incident to the district 187
superintendent. The superintendent shall immediately notify law 188
enforcement authorities of the incident. 189

(C) If the alleged perpetrator of the assault is a student 190
enrolled in the district, the superintendent or the principal of 191
the student's school shall initiate any disciplinary actions 192
required by the policy adopted by the district board of education 193
under section 3313.661 of the Revised Code. 194

(D) Within seven school days after receiving a written 195
summary of an incident involving an assault, the superintendent 196
shall notify the district board of the incident, whether law 197
enforcement authorities are conducting an investigation of the 198
incident, and any disciplinary actions that have been taken 199
against the persons involved in the incident. 200

(E) If a school district employee fails to report an assault 201
as required by division (A) of this section or a principal fails 202
to provide a written summary of an assault to the superintendent 203
as required by division (B) of this section, the superintendent 204
and the board jointly shall determine any disciplinary actions 205

that should be taken against the employee or principal. If a 206
superintendent fails to notify law enforcement authorities of an 207
assault as required by division (B) of this section, the district 208
board shall determine any disciplinary actions that should be 209
taken against the superintendent. 210

(F) A principal, other school district employee, or private 211
school bus operator who reports an assault, or a superintendent 212
who notifies law enforcement authorities of an assault, in 213
compliance with this section and in good faith shall be 214
individually immune from liability in a civil action for damages 215
arising from the report or notification. 216

Sec. 3314.39. (A) Each employee of a community school or of a 217
community school's operator shall immediately report to the 218
principal or chief administrative officer of the school any 219
assault on a student or employee of the school or operator of 220
which the employee is aware and that occurs in or on the premises 221
of the school, during a school-sponsored event held off of school 222
property, or on a school bus transporting students enrolled in the 223
school. 224

(B) After receiving a report of an assault under division (A) 225
of this section, the principal or chief administrative officer 226
shall immediately notify law enforcement authorities of the 227
incident. 228

(C) If the alleged perpetrator of the assault is a student 229
enrolled in the school, the principal or chief administrative 230
officer shall initiate any disciplinary actions required by the 231
policy adopted by the school's governing authority in accordance 232
with section 3313.661 of the Revised Code. 233

(D) Within seven school days after receiving a report of an 234
assault, the principal or chief administrative officer shall 235
notify the school's governing authority of the incident, whether 236

law enforcement authorities are conducting an investigation of the 237
incident, and any disciplinary actions that have been taken 238
against the persons involved in the incident. 239

(E) If a school or operator employee fails to report an 240
assault as required by division (A) of this section or a principal 241
or chief administrative officer fails to notify law enforcement 242
authorities of an assault as required by division (B) of this 243
section, the governing authority of the school shall determine any 244
disciplinary actions that should be taken against the employee, 245
principal, or chief administrative officer. 246

(F) A school or operator employee who reports an assault, or 247
a principal or chief administrative officer who notifies law 248
enforcement authorities of an assault, in compliance with this 249
section and in good faith shall be individually immune from 250
liability in a civil action for damages arising from the report or 251
notification. 252

Sec. 3326.26. (A) Each employee of a STEM school shall 253
immediately report to the chief administrative officer of the 254
school any assault on a student or employee of the school of which 255
the employee is aware and that occurs in or on the premises of the 256
school, during a school-sponsored event held off of school 257
property, or on a school bus transporting students enrolled in the 258
school. 259

(B) After receiving a report of an assault under division (A) 260
of this section, the chief administrative officer shall 261
immediately notify law enforcement authorities of the incident. 262

(C) If the alleged perpetrator of the assault is a student 263
enrolled in the school, the chief administrative officer shall 264
initiate any disciplinary actions required by the policy adopted 265
by the school's governing body in accordance with section 3313.661 266
of the Revised Code. 267

(D) Within seven school days after receiving a report of an 268
assault, the chief administrative officer shall notify the 269
school's governing body of the incident, whether law enforcement 270
authorities are conducting an investigation of the incident, and 271
any disciplinary actions that have been taken against the persons 272
involved in the incident. 273

(E) If a school employee fails to report an assault as 274
required by division (A) of this section or a chief administrative 275
officer fails to notify law enforcement authorities of an assault 276
as required by division (B) of this section, the governing body of 277
the school shall determine any disciplinary actions that should be 278
taken against the employee or chief administrative officer. 279
280

(F) A school employee who reports an assault, or a chief 281
administrative officer who notifies law enforcement authorities of 282
an assault, in compliance with this section and in good faith 283
shall be individually immune from liability in a civil action for 284
damages arising from the report or notification. 285

Section 2. That existing section 2921.22 of the Revised Code 286
is hereby repealed. 287