

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 471

Representative Rogers

A BILL

To amend section 2305.111 of the Revised Code to 1
extend the period of limitations for a civil 2
action by a victim of childhood sexual abuse. 3

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

Section 1. That section 2305.111 of the Revised Code be 4
amended to read as follows: 5

Sec. 2305.111. (A) As used in this section: 6

(1) "Childhood sexual abuse" means any conduct that 7
constitutes any of the violations identified in division (A)(1) 8
(a) or (b) of this section and would constitute a criminal 9
offense under the specified section or division of the Revised 10
Code, if the victim of the violation is at the time of the 11
violation a child under eighteen years of age or a child with a 12
developmental disability or physical impairment under twenty-one 13
years of age. The court need not find that any person has been 14
convicted of or pleaded guilty to the offense under the 15
specified section or division of the Revised Code in order for 16
the conduct that is the violation constituting the offense to be 17
childhood sexual abuse for purposes of this division. This 18
division applies to any of the following violations committed in 19

the following specified circumstances:	20
(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;	21 22 23
(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:	24 25 26
(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.	27 28 29
(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.	30 31 32
(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.	33 34 35 36 37 38
(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.	39 40 41 42
(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.	43 44 45 46
(vi) The actor is a mental health professional, the victim	47

is a mental health client or patient of the actor, and the actor 48
induces the victim to submit by falsely representing to the 49
victim that the sexual contact involved in the violation is 50
necessary for mental health treatment purposes. 51

(vii) The victim is confined in a detention facility, and 52
the actor is an employee of that detention facility. 53

(viii) The actor is a cleric, and the victim is a member 54
of, or attends, the church or congregation served by the cleric. 55

(2) "Cleric" has the same meaning as in section 2317.02 of 56
the Revised Code. 57

(3) "Mental health client or patient" has the same meaning 58
as in section 2305.51 of the Revised Code. 59

(4) "Mental health professional" has the same meaning as 60
in section 2305.115 of the Revised Code. 61

(5) "Sexual contact" has the same meaning as in section 62
2907.01 of the Revised Code. 63

(6) "Victim" means, except as provided in division (B) of 64
this section, a victim of childhood sexual abuse. 65

(B) Except as provided in section 2305.115 of the Revised 66
Code and subject to division (C) of this section, an action for 67
assault or battery shall be brought within one year after the 68
cause of the action accrues. For purposes of this section, a 69
cause of action for assault or battery accrues upon the later of 70
the following: 71

(1) The date on which the alleged assault or battery 72
occurred; 73

(2) If the plaintiff did not know the identity of the 74

person who allegedly committed the assault or battery on the 75
date on which it allegedly occurred, the earlier of the 76
following dates: 77

(a) The date on which the plaintiff learns the identity of 78
that person; 79

(b) The date on which, by the exercise of reasonable 80
diligence, the plaintiff should have learned the identity of 81
that person. 82

(C) ~~An~~ Subject to division (D) of this section, an action 83
for assault or battery brought by a victim of childhood sexual 84
abuse based on childhood sexual abuse, or an action brought by a 85
victim of childhood sexual abuse asserting any claim resulting 86
from childhood sexual abuse, against a perpetrator of the 87
childhood sexual abuse or an entity that negligently facilitated 88
that sexual abuse, shall be brought ~~within twelve years after~~ 89
~~the cause of action accrues~~ at any time until the victim reaches 90
fifty-five years of age. ~~For purposes of this section, a cause-~~ 91
~~of action for assault or battery based on childhood sexual-~~ 92
~~abuse, or a cause of action for a claim resulting from childhood-~~ 93
~~sexual abuse, accrues upon the date on which the victim reaches~~ 94
~~the age of majority.~~ If the defendant in an action brought by a 95
victim of childhood sexual abuse asserting a claim resulting 96
from childhood sexual abuse that occurs on or after August 3, 97
2006, has fraudulently concealed from the plaintiff facts that 98
form the basis of the claim, ~~the running of the limitations-~~ 99
~~period with regard to that claim is tolled until the time when~~ 100
~~the plaintiff discovers or in the exercise of due diligence~~ 101
~~should have discovered those facts~~ and the plaintiff discovers 102
those facts after reaching fifty-five years of age, the 103
plaintiff may bring an action asserting a claim resulting from 104

the childhood sexual abuse not later than three years after the 105
date of the discovery of those facts that form the basis of the 106
claim. 107

(D) If, on the effective date of this amendment, a cause 108
of action for assault or battery based on childhood sexual abuse 109
or a claim resulting from childhood sexual abuse is barred due 110
to the expiration of the applicable period of limitation of that 111
action or claim that was in effect prior to the effective date 112
of this amendment, that cause of action or claim shall be 113
revived and an action for assault or battery by the victim of 114
the childhood sexual abuse based on childhood sexual abuse or a 115
claim resulting from childhood sexual abuse asserted by the 116
victim of that childhood sexual abuse may be commenced within 117
three years after the effective date of this amendment. 118

Section 2. That existing section 2305.111 of the Revised 119
Code is hereby repealed. 120