

**As Passed by the Senate**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 322**

**Representatives Seitz, Abrams**

**Cosponsors: Representatives King, Robb Blasdel, Schmidt, Carruthers, White, Miller, K., Dean, Cross, Hillyer, Mathews, Brennan, Brewer, Click, Cutrona, Daniels, Dell'Aquila, Dobos, Edwards, Holmes, John, Johnson, Jones, Kick, Lear, Miller, M., Oelslager, Patton, Pavliga, Thomas, C., Williams, Willis, Young, T.**

**Senators Manning, Antonio, Blessing, Brenner, Cirino, Cutrona, DeMora, Dolan, Gavarone, Ingram, Johnson, Kunze, Landis, Reineke, Reynolds, Romanchuk, Schaffer, Wilkin, Wilson**

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**A BILL**

To amend sections 2901.13, 3797.01, 3797.04, 1  
3797.10, and 3797.12; to enact section 2907.071; 2  
and to repeal section 3797.11 of the Revised 3  
Code to impose a civil penalty, rather than a 4  
criminal penalty, on a person who fails to 5  
register with the childhood sexual abuse civil 6  
registry, to eliminate the residence restriction 7  
on such person, to create the offense of 8  
grooming, and to extend the limitation period 9  
for prosecuting a violation of the law requiring 10  
certain persons to report child abuse or neglect 11  
under certain circumstances. 12

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

**Section 1.** That sections 2901.13, 3797.01, 3797.04, 13  
3797.10, and 3797.12 be amended and section 2907.071 of the 14

Revised Code be enacted to read as follows: 15

**Sec. 2901.13.** (A) (1) Except as provided in division (A) 16  
(2), (3), (4), ~~or (5)~~, or (6) of this section or as otherwise 17  
provided in this section, a prosecution shall be barred unless 18  
it is commenced within the following periods after an offense is 19  
committed: 20

(a) For a felony, six years; 21

(b) For a misdemeanor other than a minor misdemeanor, two 22  
years; 23

(c) For a minor misdemeanor, six months. 24

(2) There is no period of limitation for the prosecution 25  
of a violation of section 2903.01 or 2903.02 of the Revised Code 26  
or for the prosecution of a conspiracy to commit, attempt to 27  
commit, or complicity in committing a violation of section 28  
2903.01 or 2903.02 of the Revised Code. 29

(3) Except as otherwise provided in divisions (B) to (J) 30  
of this section, a prosecution of any of the following offenses 31  
shall be barred unless it is commenced within twenty years after 32  
the offense is committed: 33

(a) A violation of section 2903.03, 2903.04, 2905.01, 34  
2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 35  
2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 36  
2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of 37  
section 2903.11 or 2903.12 of the Revised Code if the victim is 38  
a peace officer, a violation of section 2903.13 of the Revised 39  
Code that is a felony, or a violation of former section 2907.12 40  
of the Revised Code; 41

(b) A conspiracy to commit, attempt to commit, or 42

complicity in committing a violation set forth in division (A) 43  
(3) (a) of this section. 44

(4) Except as otherwise provided in divisions (D) to (L) 45  
of this section, a prosecution of a violation of section 2907.02 46  
or 2907.03 of the Revised Code or a conspiracy to commit, 47  
attempt to commit, or complicity in committing a violation of 48  
either section shall be barred unless it is commenced within 49  
twenty-five years after the offense is committed. 50

(5) (a) Except as otherwise provided in divisions (A) (5) (b) 51  
and (E) to (I) of this section, a prosecution of a violation of 52  
section 2907.13 of the Revised Code shall be barred unless it is 53  
commenced within five years after the offense is committed. 54

(b) Prosecution that would otherwise be barred under 55  
division (A) (5) (a) of this section may be commenced within five 56  
years after the date of the discovery of the offense by either 57  
an aggrieved person or the aggrieved person's legal 58  
representative who is not a party to the offense. 59

(c) As used in division (B) (5) (b) of this section, 60  
"aggrieved person" includes any of the following individuals 61  
with regard to a violation of section 2907.13 of the Revised 62  
Code: 63

(i) A patient who was the victim of the violation; 64

(ii) The spouse or surviving spouse of a patient who was 65  
the victim of the violation; 66

(iii) Any child born as a result of the violation. 67

(6) A prosecution for a violation of division (A) (1) or 68  
(4) of section 2151.421 of the Revised Code, which is a 69  
misdemeanor of the fourth degree, or a misdemeanor of the first 70

degree under circumstances specified in section 2151.99 of the 71  
Revised Code, is barred unless it is commenced within four years 72  
after the violation is committed. 73

(B) (1) Except as otherwise provided in division (B) (2) of 74  
this section, if the period of limitation provided in division 75  
(A) (1) or (3) of this section has expired, prosecution shall be 76  
commenced for an offense of which an element is fraud or breach 77  
of a fiduciary duty, within one year after discovery of the 78  
offense either by an aggrieved person, or by the aggrieved 79  
person's legal representative who is not a party to the offense. 80

(2) If the period of limitation provided in division (A) 81  
(1) or (3) of this section has expired, prosecution for a 82  
violation of section 2913.49 of the Revised Code shall be 83  
commenced within five years after discovery of the offense 84  
either by an aggrieved person or the aggrieved person's legal 85  
representative who is not a party to the offense. 86

(C) (1) If the period of limitation provided in division 87  
(A) (1) or (3) of this section has expired, prosecution shall be 88  
commenced for the following offenses during the following 89  
specified periods of time: 90

(a) For an offense involving misconduct in office by a 91  
public servant, at any time while the accused remains a public 92  
servant, or within two years thereafter; 93

(b) For an offense by a person who is not a public servant 94  
but whose offense is directly related to the misconduct in 95  
office of a public servant, at any time while that public 96  
servant remains a public servant, or within two years 97  
thereafter. 98

(2) As used in this division: 99

(a) An "offense is directly related to the misconduct in office of a public servant" includes, but is not limited to, a violation of section 101.71, 101.91, 121.61 or 2921.13, division (F) or (H) of section 102.03, division (A) of section 2921.02, division (A) or (B) of section 2921.43, or division (F) or (G) of section 3517.13 of the Revised Code, that is directly related to an offense involving misconduct in office of a public servant.

(b) "Public servant" has the same meaning as in section 2921.01 of the Revised Code.

(D) (1) If a DNA record made in connection with the criminal investigation of the commission of a violation of section 2907.02 or 2907.03 of the Revised Code is determined to match another DNA record that is of an identifiable person and if the time of the determination is later than twenty-five years after the offense is committed, prosecution of that person for a violation of the section may be commenced within five years after the determination is complete.

(2) If a DNA record made in connection with the criminal investigation of the commission of a violation of section 2907.02 or 2907.03 of the Revised Code is determined to match another DNA record that is of an identifiable person and if the time of the determination is within twenty-five years after the offense is committed, prosecution of that person for a violation of the section may be commenced within the longer of twenty-five years after the offense is committed or five years after the determination is complete.

(3) As used in this division, "DNA record" has the same meaning as in section 109.573 of the Revised Code.

(E) An offense is committed when every element of the 129  
offense occurs. In the case of an offense of which an element is 130  
a continuing course of conduct, the period of limitation does 131  
not begin to run until such course of conduct or the accused's 132  
accountability for it terminates, whichever occurs first. 133

(F) A prosecution is commenced on the date an indictment 134  
is returned or an information filed, or on the date a lawful 135  
arrest without a warrant is made, or on the date a warrant, 136  
summons, citation, or other process is issued, whichever occurs 137  
first. A prosecution is not commenced by the return of an 138  
indictment or the filing of an information unless reasonable 139  
diligence is exercised to issue and execute process on the same. 140  
A prosecution is not commenced upon issuance of a warrant, 141  
summons, citation, or other process, unless reasonable diligence 142  
is exercised to execute the same. 143

(G) The period of limitation shall not run during any time 144  
when the corpus delicti remains undiscovered. 145

(H) The period of limitation shall not run during any time 146  
when the accused purposely avoids prosecution. Proof that the 147  
accused departed this state or concealed the accused's identity 148  
or whereabouts is prima-facie evidence of the accused's purpose 149  
to avoid prosecution. 150

(I) The period of limitation shall not run during any time 151  
a prosecution against the accused based on the same conduct is 152  
pending in this state, even though the indictment, information, 153  
or process that commenced the prosecution is quashed or the 154  
proceedings on the indictment, information, or process are set 155  
aside or reversed on appeal. 156

(J) The period of limitation for a violation of any 157

provision of Title XXIX of the Revised Code that involves a 158  
physical or mental wound, injury, disability, or condition of a 159  
nature that reasonably indicates abuse or neglect of a child 160  
under eighteen years of age or of a child with a developmental 161  
disability or physical impairment under twenty-one years of age 162  
shall not begin to run until either of the following occurs: 163

(1) The victim of the offense reaches the age of majority. 164

(2) A public children services agency, or a municipal or 165  
county peace officer that is not the parent or guardian of the 166  
child, in the county in which the child resides or in which the 167  
abuse or neglect is occurring or has occurred has been notified 168  
that abuse or neglect is known, suspected, or believed to have 169  
occurred. 170

(K) As used in this section, "peace officer" has the same 171  
meaning as in section 2935.01 of the Revised Code. 172

(L) (1) The amendments to divisions (A) and (D) of this 173  
section that took effect on July 16, 2015, apply to a violation 174  
of section 2907.02 or 2907.03 of the Revised Code committed on 175  
and after July 16, 2015, and apply to a violation of either of 176  
those sections committed prior to July 16, 2015, if prosecution 177  
for that violation was not barred under this section as it 178  
existed on the day prior to July 16, 2015. 179

(2) The amendment to division (A) (2) of this section that 180  
takes effect on ~~the effective date of this amendment~~ April 4, 181  
2023, applies to a conspiracy to commit, attempt to commit, or 182  
complicity in committing a violation of section 2903.01 or 183  
2903.02 of the Revised Code if the conspiracy, attempt, or 184  
complicity is committed on or after ~~the effective date of this~~ 185  
~~amendment~~ April 4, 2023, and applies to a conspiracy to commit, 186

attempt to commit, or complicity in committing a violation of 187  
either of those sections if the conspiracy, attempt, or 188  
complicity was committed prior to ~~that effective date~~ April 4, 189  
2023, and prosecution for that conspiracy, attempt, or 190  
complicity was not barred under this section as it existed on 191  
the day prior to ~~that effective date~~ April 4, 2023. 192

Sec. 2907.071. (A) As used in this section, "pattern of 193  
conduct" has the same meaning as in section 2903.211 of the 194  
Revised Code. 195

(B) No person who is eighteen years of age or older shall 196  
engage in a pattern of conduct with a minor who is less than 197  
sixteen years of age and who is four or more years younger than 198  
the person, when the pattern of conduct would cause a reasonable 199  
adult person to believe that the person is communicating with 200  
the minor with purpose to do either of the following: 201

(1) Entice, coerce, or solicit the minor to engage in 202  
sexual activity, and when the person's purpose in engaging in 203  
the pattern of conduct is to entice, coerce, or solicit the 204  
minor to engage in sexual activity with the person or a third 205  
person; 206

(2) Prepare the minor to engage in sexual activity, and 207  
when the person's purpose in engaging in the pattern of conduct 208  
is to prepare the minor to engage in sexual activity with the 209  
person or a third person that would be a violation of section 210  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, or 2907.07 of the 211  
Revised Code. 212

(C) No person who is eighteen years of age or older shall 213  
engage in a pattern of conduct with a minor if the person and 214  
the minor are in any of the relationships described in divisions 215



(A) (5) to (13) of section 2907.03 of the Revised Code, when the 216  
pattern of conduct would cause a reasonable adult person to 217  
believe that the person is communicating with the minor with 218  
purpose to do either of the following: 219

(1) Entice, coerce, or solicit the minor to engage in 220  
sexual activity, and when the person's purpose in engaging in 221  
the pattern of conduct is to entice, coerce, or solicit the 222  
minor to engage in sexual activity with the person or a third 223  
person; 224

(2) Prepare the minor to engage in sexual activity, and 225  
when the person's purpose in engaging in the pattern of conduct 226  
is to prepare the minor to engage in sexual activity with the 227  
person or a third person that would be a violation of section 228  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, or 2907.07 of the 229  
Revised Code. 230

(D) Whoever violates this section is guilty of grooming. 231

(1) Except as otherwise provided in this division, a 232  
violation of division (B) of this section is a misdemeanor of 233  
the second degree. If the victim of the offense is less than 234  
thirteen years of age or if the offender supplied alcohol or a 235  
drug of abuse to the victim of the offense, a violation of 236  
division (B) of this section is a felony of the fifth degree. If 237  
the victim of the offense is less than thirteen years of age and 238  
if the offender previously has been convicted of or pleaded 239  
guilty to a violation of this section or a sexually oriented 240  
offense or a child-victim oriented offense or the offender 241  
supplied alcohol or a drug of abuse to the victim of the 242  
offense, a violation of division (B) of this section is a felony 243  
of the fourth degree. If the offender previously has been 244  
convicted of or pleaded guilty to a violation of this section or 245

a sexually oriented offense or a child-victim oriented offense 246  
and the offender supplied alcohol or a drug of abuse to the 247  
victim of the offense, a violation of division (B) of this 248  
section is a felony of the third degree. 249

(2) Except as otherwise provided in this division, a 250  
violation of division (C) of this section is a misdemeanor of 251  
the first degree. If the offender supplied alcohol or a drug of 252  
abuse to the victim of the offense, a violation of division (C) 253  
of this section is a felony of the fifth degree. If the victim 254  
of the offense is less than thirteen years of age or if the 255  
offender previously has been convicted of or pleaded guilty to a 256  
violation of this section or a sexually oriented offense or a 257  
child-victim oriented offense, a violation of division (C) of 258  
this section is a felony of the fourth degree. If the victim of 259  
the offense is less than thirteen years of age and if the 260  
offender previously has been convicted of or pleaded guilty to a 261  
violation of this section or a sexually oriented offense or a 262  
child-victim oriented offense or the offender supplied alcohol 263  
or a drug of abuse to the victim of the offense, a violation of 264  
division (C) of this section is a felony of the third degree. 265

(E) A prosecution for a violation of this section does not 266  
preclude a prosecution of a violation of any other section of 267  
the Revised Code. One or more acts, a series of acts, or a 268  
course of behavior that can be prosecuted under this section or 269  
any other section of the Revised Code may be prosecuted under 270  
this section, the other section of the Revised Code, or both 271  
sections. 272

**Sec. 3797.01.** As used in sections 3797.01 to 3797.12 of 273  
the Revised Code: 274

(A) "Aggrieved person" means the individual to whom the 275

registrant would have been liable for assault or battery based 276  
on childhood sexual abuse, as defined in section 2305.111 of the 277  
Revised Code, but for the expiration of the limitation period 278  
under that section. 279

(B) "Employed" means employed for more than fourteen days 280  
or for an aggregate of thirty days in a calendar year. 281

~~(B)~~(C) "Registrant" means a person against whom a court 282  
has entered a declaratory judgment under section 2721.21 of the 283  
Revised Code and issued an order that the person be listed on 284  
the civil registry maintained by the attorney general pursuant 285  
to section 3797.08 of the Revised Code. 286

~~(C)~~(D) "Reside" includes temporarily reside. 287

~~(D)~~(E) "Sheriff" includes a person designated by a 288  
sheriff to carry out functions that the sheriff is required to 289  
perform under sections 3797.02 to 3797.12 of the Revised Code. 290

~~(E)~~(F) "Temporarily reside" means live in a county in 291  
this state, other than as a permanent resident, for a period of 292  
five or more consecutive days. 293

**Sec. 3797.04.** (A) A registrant shall verify the 294  
registrant's current residence address and employment address on 295  
each anniversary of the registrant's initial registration date 296  
by personally appearing before the sheriff of the county in 297  
which the registrant is registered not earlier than ten days 298  
before the anniversary date and not later than the anniversary 299  
date and completing and signing a copy of a verification form 300  
provided by the sheriff. The sheriff shall sign the completed 301  
form and indicate on the form the date on which it is completed. 302  
The verification is complete when the registrant personally 303  
appears before the sheriff and completes and signs the form. 304

(B) To facilitate the verification of a registrant's 305  
current residence or employment address, the sheriff with whom 306  
the registrant most recently registered the address may mail a 307  
nonforwardable verification form to the registrant's last 308  
reported residence address or employment address, as applicable, 309  
with a notice that conspicuously states that the registrant must 310  
personally appear before the sheriff to complete the form and 311  
the date by which the form must be completed. Regardless of 312  
whether a sheriff mails a form to a registrant, each registrant 313  
shall personally appear before the sheriff to verify the 314  
address. 315

(C) (1) If a registrant fails to verify a current residence 316  
address or employment address by the date required for the 317  
verification, the sheriff with whom the registrant is required 318  
to verify the current address shall send on the day following 319  
that date required for the verification and at the registrant's 320  
last known residence or place of employment, as applicable, a 321  
written warning to the registrant regarding the registrant's 322  
duty to verify the registrant's current address. 323

The written warning shall do all of the following: 324

(a) Identify the sheriff who sends it and the date on 325  
which it is sent; 326

(b) State conspicuously that the registrant has failed to 327  
verify the registrant's current residence address or employment 328  
address, as applicable, by the date required for the 329  
verification; 330

(c) Conspicuously state that the registrant has seven days 331  
from the date on which the warning is sent to verify the current 332  
residence address or employment address, as applicable, with the 333

sheriff who sent the warning; 334

(d) Conspicuously state that a failure to timely verify 335  
the specified current address or addresses is a ~~felony~~ 336  
~~offense~~ subject to a civil penalty of up to two thousand five 337  
hundred dollars; 338

(e) Conspicuously state that the registrant will not be 339  
~~prosecuted~~ liable for that civil penalty for a failure to timely 340  
verify a current address if the registrant verifies the current 341  
address with that sheriff within that seven-day period; 342

(f) Conspicuously state that the registrant will be 343  
~~arrested or taken into custody, as appropriate, and prosecuted~~ 344  
liable for that civil penalty for a failure to timely verify a 345  
current address if the registrant does not verify the current 346  
address with that sheriff within that seven-day period. 347

(2) If a registrant fails to verify a current address as 348  
required by this section by the date required for the 349  
verification, the registrant shall not be ~~prosecuted~~ liable for 350  
that civil penalty for a violation of division (A) of section 351  
3797.10 of the Revised Code unless the seven-day period 352  
subsequent to that date that the registrant is provided under 353  
division (C) (1) of this section to verify the current address 354  
has expired and the registrant has not verified the current 355  
address prior to the expiration of that seven-day period. Upon 356  
the expiration of the seven-day period that the registrant is 357  
provided under division (C) (1) of this section to verify the 358  
current address, if the registrant has not verified the current 359  
address, all of the following apply: 360

(a) The sheriff with whom the registrant is required to 361  
verify the current address promptly shall notify the attorney 362

general of the failure. 363

(b) The sheriff with whom the registrant is required to 364  
verify the current address, ~~the sheriff of the county in which~~ 365  
~~the registrant resides or is employed, or a deputy of the~~ 366  
~~appropriate sheriff shall locate the registrant, promptly shall~~ 367  
~~seek a warrant for the arrest or taking into custody, as~~ 368  
~~appropriate, of the registrant for the violation of division (A)~~ 369  
~~of section 3797.10 of the Revised Code, and shall arrest the~~ 370  
registrant promptly shall refer the registrant's failure to 371  
verify the current address to either of the following: 372

(i) The prosecuting attorney of the county in which the 373  
registrant is required to verify the current address to that 374  
county's sheriff; 375

(ii) The prosecuting attorney of the county in which the 376  
registrant resides or is employed. 377

(c) The prosecuting attorney to whom the referral is made 378  
under division (C) (2) (b) of this section may file a civil action 379  
against the registrant is subject to prosecution for a violation 380  
of division (A) of section 3797.10 of the Revised Code. If the 381  
prosecuting attorney does not file the civil action within 382  
forty-five days after the referral, the aggrieved person may 383  
file that civil action. 384

(D) A registrant who is required to verify a current 385  
address pursuant to division (A) of this section shall do so 386  
unless and until the registrant is removed from the civil 387  
registry pursuant to section 2721.21 of the Revised Code. 388

**Sec. 3797.10.** (A) No registrant who is required to 389  
register pursuant to section 3797.02 of the Revised Code, send a 390  
sheriff a written notice of a new residence or employment 391

address or of an intent to reside in a county pursuant to 392  
section 3797.03 of the Revised Code, or verify a current address 393  
pursuant to section 3797.05 of the Revised Code shall fail to 394  
register, send the notice, or verify the address as required by 395  
those sections. 396

~~(B) It is an affirmative defense to a charge of a~~ 397  
~~violation of~~ A registrant does not violate division (A) of this 398  
section by failing to send written notice of a change of 399  
residence or employment address or notice of intent to reside in 400  
a county as required by section 3797.03 of the Revised Code ~~that~~ 401  
if both of the following apply: 402

(1) It was impossible for the registrant to provide the 403  
notice to the sheriff because of a lack of knowledge on the date 404  
specified for the provision of the notice of an address change 405  
or of the new address. 406

(2) The registrant provided notice of the address change 407  
or the new address to the sheriff as in compliance with both of 408  
the following: 409

(a) As soon as possible, but not later than the end of the 410  
first business day, after learning of the address change or of 411  
the new address by providing notice of the address change or the 412  
new address to the sheriff by telephone immediately upon 413  
learning of the address change or new address or, if the 414  
registrant did not have reasonable access to a telephone at that 415  
time, as soon as possible, but not later than the end of the 416  
first business day, after learning of the address change and 417  
having reasonable access to a telephone. 418

~~(3)~~ (b) As soon as possible, but not later than the end of 419  
the first business day, after providing notice of the address 420

change to the sheriff by telephone, the registrant provided 421  
written notice of the address change to the sheriff. 422

(C) Whoever violates division (A) of this section ~~is~~ 423  
~~guilty of a felony of the fifth degree~~ shall be subject to a 424  
civil penalty of up to two thousand five hundred dollars. 425

**Sec. 3797.12.** (A) Except as provided in division (B) of 426  
this section, any of the following persons shall be immune from 427  
liability in a civil action to recover damages for injury, 428  
death, or loss to person or property allegedly caused by an act 429  
or omission in connection with a power, duty, responsibility, or 430  
authorization under sections 3797.01 to ~~3797.11~~ 3797.10 of the 431  
Revised Code or under rules adopted under authority of those 432  
sections: 433

(1) The attorney general, a deputy, officer, or employee 434  
of the office of the attorney general, a sheriff, or a deputy, 435  
officer, or employee of the office of the sheriff; 436

(2) A prosecutor and an officer or employee of the office 437  
of a prosecutor; 438

(3) A person identified in division (A) (2), (3), (4), (5), 439  
(6), or (7) of section 3797.06 of the Revised Code or the agent 440  
of that person; 441

(4) A person identified in division (A) (2) of section 442  
3797.05 of the Revised Code, regarding the person's provision of 443  
information pursuant to that division to a sheriff. 444

(B) The immunity described in division (A) of this section 445  
does not apply to a person described in divisions (A) (1) to (4) 446  
of this section if, in relation to the act or omission in 447  
question, any of the following applies: 448



(1) The act or omission was manifestly outside the scope 449  
of the person's employment or official responsibilities. 450

(2) The act or omission was with malicious purpose, in bad 451  
faith, or in a wanton or reckless manner. 452

(3) Liability for the act or omission is expressly imposed 453  
by a section of the Revised Code. 454

**Section 2.** That existing sections 2901.13, 3797.01, 455  
3797.04, 3797.10, and 3797.12 of the Revised Code are hereby 456  
repealed. 457

**Section 3.** That section 3797.11 of the Revised Code is 458  
hereby repealed. 459

**Section 4.** Section 2901.13 of the Revised Code is 460  
presented in this act as a composite of the section as amended 461  
by both S.B. 16 and S.B. 288 of the 134th General Assembly. The 462  
General Assembly, applying the principle stated in division (B) 463  
of section 1.52 of the Revised Code that amendments are to be 464  
harmonized if reasonably capable of simultaneous operation, 465  
finds that the composite is the resulting version of the section 466  
in effect prior to the effective date of the section as 467  
presented in this act. 468