



**H.B. 207**

125th General Assembly  
(As Introduced)

**Reps. Mason, Barrett, Allen, C. Evans, Otterman, Key, Carano, Strahorn,  
Hartnett, DePiero, Price, Brown, S. Patton, Harwood**

---

**BILL SUMMARY**

- Requires persons acting in specified capacities on behalf of a church, religious society, or faith to report known or suspected abuse or neglect of a child.
- Changes from a fourth degree misdemeanor to a first degree misdemeanor the failure of a person to report knowledge or suspicion of child abuse or neglect if the person is required to make such a report.
- Establishes a period of limitation of 20 years for the offenses of felonious assault, aggravated assault, assault, negligent assault, rape, sexual battery, unlawful sexual conduct with a minor, and gross sexual imposition if the victim is under age 18 at the time the offense is committed.
- Provides that the period of limitation does not include any time the person accused of the offense departs the state for any reason.
- If the victim does not report the offense or reports the offense to a person required to report knowledge or suspicion of child abuse or neglect who fails to report that knowledge or suspicion, specifies that the period of limitation does not run until the victim becomes age 18.

---

**CONTENT AND OPERATION**

**Persons required to report injury or neglect**

(R.C. 2151.421)

Current law requires certain persons to report their knowledge or suspicion that a child under age 18 or a mentally retarded, developmentally disabled, or

physically impaired child under age 21 has suffered or faces a threat of suffering abuse or neglect. These persons (mandatory reporters) are subject to the requirement whenever they are acting in their official or professional capacities.<sup>1</sup> Mandatory reports must be made to the public children services agency or a county or municipal peace officer in the county in which the abuse or neglect is occurring or has occurred. A mandatory reporter or any individual, hospital, institution, school, health department, or agency that participates in making a mandatory report, is provided qualified immunity 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 making the child abuse or neglect report or participating in a resulting judicial proceeding.

The bill adds as mandatory reporters members of the clergy, rabbis, priests, or regularly ordained, accredited, or licensed ministers of an established and legally cognizable church, denomination, or sect, or any person or layperson in any church, religious society, or faith acting as a leader, official, delegate, or other designated function on behalf of the church, religious society, or faith.

**Failure to report child abuse and neglect**

(R.C. 2151.99)

Current law provides that a mandatory reporter who fails to report knowledge or suspicion of abuse or neglect is guilty of a fourth degree misdemeanor.

The bill changes failure to report to a first degree misdemeanor.<sup>2</sup>

---

<sup>1</sup> *Persons who are required to report abuse or neglect of a child are attorneys; physicians; dentists; podiatrists; practitioners of a limited branch of medicine or surgery; registered and licensed practical nurses; other health care professionals; psychologists; school psychologists; speech pathologist or audiologists; coroners; administrators or employees of a child day-care center, residential camp or child day camp, certified child care agency, or other public or private children services agency; school teachers, employees, and officials; social workers; professional counselors; and persons rendering spiritual treatment through prayer in accordance with the tenets of a well recognized religion. Exceptions are provided from the reporting requirements in limited circumstances for attorneys and physicians. (R.C. 2151.421(A) and (B).)*

<sup>2</sup> *The maximum penalty for a fourth degree misdemeanor is 30 days in jail and a fine of \$250. For a first degree misdemeanor, the maximum penalty is 180 days in jail and a fine of \$1,000 (R.C. 2929.24 and 2929.28).*

### **Statute of limitations for criminal prosecution**

(R.C. 2901.13)

A statute of limitations establishes a time limit for prosecuting a crime based on when the offense occurred. For most felonies, the statute of limitations is six years. However, the statute of limitations for all of the following crimes is 20 years: voluntary manslaughter, involuntary manslaughter, kidnapping, rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, compelling prostitution, aggravated arson, aggravated robbery, robbery, aggravated burglary, burglary, felonious assault of a peace officer, aggravated assault of a peace officer, felonious assault, and aggravated riot committed prior to July 1, 1996.

The bill specifies that the statute of limitations for felonious assault, aggravated assault, assault, negligent assault, rape, sexual battery, unlawful sexual conduct with a minor, and gross sexual imposition is 20 years if the victim is age 18 at the time of the violation.

### **Tolling of the statute of limitations**

(R.C. 2901.13)

Current law provides that the period of limitation for the prosecution of an offense does not run during any time when the corpus delicti (the act itself and the fact that the act was a crime) remains undiscovered. (See **COMMENT**.)

The bill specifies that the period of limitation does not run during any time when a person accused of felonious assault, aggravated assault, rape, sexual battery, unlawful sexual conduct with a minor, or gross sexual imposition involving a victim who is under age 18 at the time of the violation departs this state for any reason. The bill also provides that, if either of the following applies, the period of limitation for any of the above violations involving a victim who is under age 18 at the time of the violation does not run until the victim is age 18:

- The victim does not report the violation to any mandatory reporter.
- The victim reports the violation to a mandatory reporter but the reporter fails for any reason to report knowledge or suspicion of abuse or neglect of the child to a public children services agency or municipal or county peace officer.

---

## COMMENT

The Ohio Supreme Court has held that the corpus delicti of crimes involving child abuse or neglect is discovered when a responsible adult has knowledge of both the act and the criminal nature of the act. *State v. Hensley* (1991), 59 Ohio St.3d 136, 141. The Court does not include parents as responsible adults but does include mandatory reporters specified in law as responsible adults. *Hensley*, at 139. A growing number of Ohio appellate courts have held that the victim is presumed to become aware of the crime when the victim turns age 18, and the statute of limitations begins to run. *See, e.g. State v. Hughes* (12th Dist. 1994), 92 Ohio App.3d 26, *State v. Weiss* (5th Dist. 1994), 96 Ohio App.3d 379.

---

## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	06-03-03	p. 531

H0207-I-125.doc/jc