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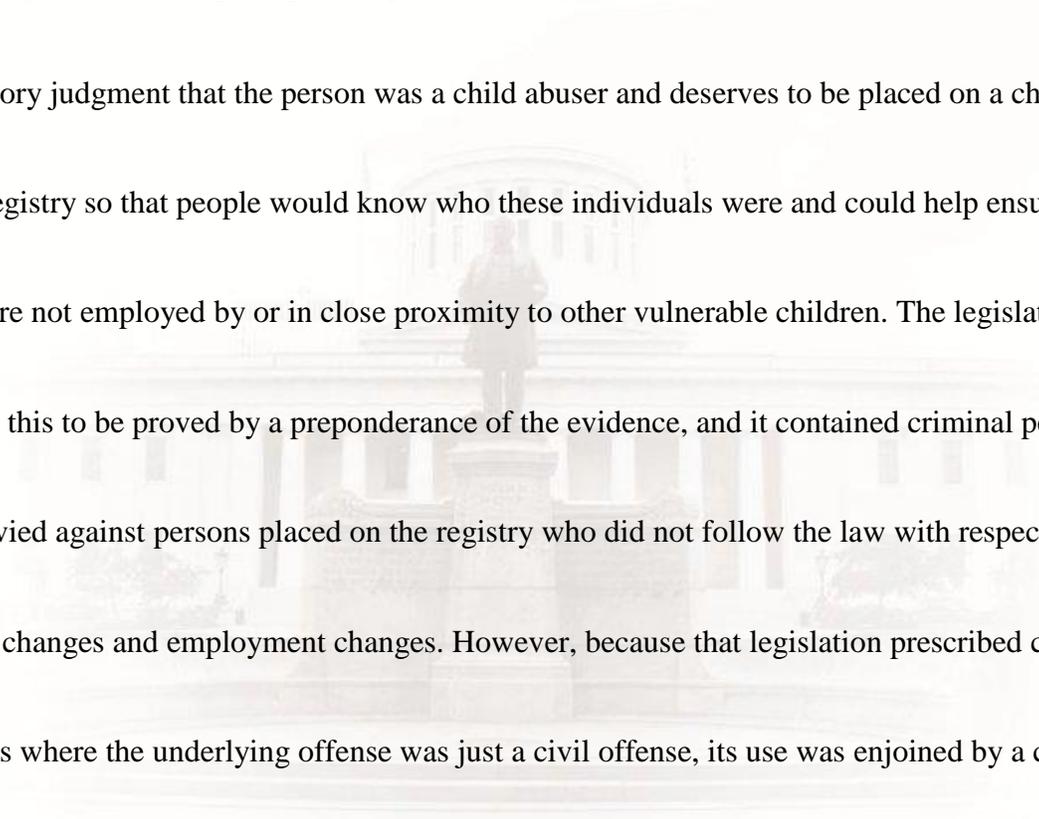
November 15th, 2022

Sponsor Testimony for House Bill 689: Revise Restrictions on Childhood Sexual Abuse Sex Offenders

Chairman LaRe, Vice Chair White, Ranking Member Leland, and members of the House

Criminal Justice Committee, it is my pleasure to present House Bill 689 to you today. This bill has received initial bipartisan support.

This legislation revises current law regarding childhood sex abuse offenders in two ways. First, this bill doubles the statute of limitations, from the current 2 years to 4 years, for which prosecutors may pursue criminal cases against mandatory reporters of child abuse who failed in their duty to make the mandatory report. Additionally, this would be the longest statute of limitations in the Ohio Criminal Code for prosecution of any misdemeanor. Policing mandatory reporters who fail in their duty to report is a key ingredient in discovering the abusers for whom the mandatory reporter covered up their offences.



Second, the bill addresses an update to legislation that I successfully amended into Senate Bill 17 back in 2006. The original legislation allowed prosecutors to file a civil action against any child abuser, regardless of the passage or expiration of any statute of limitations, to obtain a declaratory judgment that the person was a child abuser and deserves to be placed on a child abuse registry so that people would know who these individuals were and could help ensure that they were not employed by or in close proximity to other vulnerable children. The legislation allowed this to be proved by a preponderance of the evidence, and it contained criminal penalties to be levied against persons placed on the registry who did not follow the law with respect to address changes and employment changes. However, because that legislation prescribed criminal penalties where the underlying offense was just a civil offense, its use was enjoined by a court in Franklin County and has not been much used since.

Therefore, the HB 689 will rectify this problem in two ways. First, the penalties for failing to keep current the address and employment information required of persons placed on the registry will be a civil penalty, not a criminal one. Second, we are extending to the abused person or close relatives the right to bring such an action for placement on the registry against the suspected child abuser in cases where the prosecutor declines to bring the case.

Taken together, this bill will serve the interest of justice without extending any other statutes of limitation for actions for money damages or any other criminal statutes of limitations, which are already fairly generous.

Thank you for the opportunity to present this testimony, at this time I would be happy to answer any questions that the committee might have.