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**Majority Floor Leader Bill Seitz
The Ohio House of Representatives**

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**Sponsor Testimony for House Bill 322: Regards Childhood Sexual Abuse Registrants,
Offense of Grooming**

Chair Hillyer, Vice Chair Mathews, Ranking Member Galonski and members of the House Civil Justice Committee, thank you for the opportunity to provide sponsor testimony on House Bill 322. This legislation is a reintroduction of HB 689 from the 134th General Assembly with one additional provision.

House Bill 322 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. I want to emphasize that nothing in this part of the bill in any way affects the ability of prosecutors to

bring criminal charges against child abusers if such charges are available under the criminal law statute of limitations. Such charges may be brought and the defendants convicted of them will have to comply with all of the requirements of our criminal SORN registry. But what this bill does do is to provide a civil remedy for victims of child abuse to use against child abusers for whom the criminal law statute of limitations has expired.

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.

Furthermore, this legislation creates a “grooming” statute that will allow prosecutors to pursue criminal penalties against individuals who demonstrate a pattern of inappropriate behavior with minors, with the purpose to engage in sexual activity with a minor.

Using legislation enacted in Indiana as a model, we worked with concerned citizens and the Ohio Prosecuting Attorneys Association on this language, and both have approved it as a meaningful way to deter grooming behavior that may not be captured in other parts of Ohio law.

Specifically, the grooming statute prohibits inappropriate patterns of conduct with a minor and contains higher penalties if (1) the victim was in a relationship of trust with the offender similar to sexual battery, (2) the victim was less than 13 years old, (3) the offender has prior convictions sexually oriented offenses or child-victim oriented offenses, and (4) the offender supplied alcohol or drugs to the victim. We drafted this statute in such a way to ensure that this new grooming section won’t prohibit prosecution for anything more serious.

Chair Hillyer, thank you for the opportunity to present sponsor testimony on House Bill 322. At this time we would be more than happy to answer any questions that the committee might have.