

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 35**

**Representatives Seitz, Miranda**

**Cosponsors: Representatives Russo, Baker, Brown, Brennan, Denson, Forhan,  
Isaacsohn, Weinstein, Upchurch, Click, Gross, Hillyer, Lipps, Williams, White,  
Young, T.**

---

**A BILL**

To amend section 2305.111 of the Revised Code to 1  
eliminate the limitations period for a civil 2  
action based on a claim of childhood sexual 3  
abuse only for purposes of filing claims against 4  
a bankruptcy estate of an organization chartered 5  
under federal law, and to subsequently amend 6  
section 2305.111 of the Revised Code five years 7  
after the effective date of that section to 8  
remove that elimination of the limitations 9  
period. 10

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

**Section 1.** That section 2305.111 of the Revised Code be 11  
amended to read as follows: 12

**Sec. 2305.111.** (A) As used in this section: 13

(1) "Childhood sexual abuse" means any conduct that 14  
constitutes any of the violations identified in division (A)(1) 15  
(a) or (b) of this section and would constitute a criminal 16

offense under the specified section or division of the Revised Code, if the victim of the violation is at the time of the violation a child under eighteen years of age or a child with a developmental disability or physical impairment under twenty-one years of age. The court need not find that any person has been convicted of or pleaded guilty to the offense under the specified section or division of the Revised Code in order for the conduct that is the violation constituting the offense to be childhood sexual abuse for purposes of this division. This division applies to any of the following violations committed in the following specified circumstances:

(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;

(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:

(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.

(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.

(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.

(iv) The actor is a teacher, administrator, coach, or 46  
other person in authority employed by or serving in an 47  
institution of higher education, and the victim is enrolled in 48  
or attends that institution. 49

(v) The actor is the victim's athletic or other type of 50  
coach, is the victim's instructor, is the leader of a scouting 51  
troop of which the victim is a member, or is a person with 52  
temporary or occasional disciplinary control over the victim. 53

(vi) The actor is a mental health professional, the victim 54  
is a mental health client or patient of the actor, and the actor 55  
induces the victim to submit by falsely representing to the 56  
victim that the sexual contact involved in the violation is 57  
necessary for mental health treatment purposes. 58

(vii) The victim is confined in a detention facility, and 59  
the actor is an employee of that detention facility. 60

(viii) The actor is a cleric, and the victim is a member 61  
of, or attends, the church or congregation served by the cleric. 62

(2) "Cleric" has the same meaning as in section 2317.02 of 63  
the Revised Code. 64

(3) "Mental health client or patient" has the same meaning 65  
as in section 2305.51 of the Revised Code. 66

(4) "Mental health professional" has the same meaning as 67  
in section 2305.115 of the Revised Code. 68

(5) "Sexual contact" has the same meaning as in section 69  
2907.01 of the Revised Code. 70

(6) "Victim" means, except as provided in division (B) of 71  
this section, a victim of childhood sexual abuse. 72

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

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

(2) If the plaintiff did not know the identity of the person who allegedly committed the assault or battery on the date on which it allegedly occurred, the earlier of the following dates:

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

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

~~(C) An (C) (1) Except as provided in division (C) (2) of this section, an action for assault or battery brought by a victim of childhood sexual abuse based on childhood sexual abuse, or an action brought by a victim of childhood sexual abuse asserting any claim resulting from childhood sexual abuse, shall be brought within twelve years after the cause of action accrues. For purposes of this section, a cause of action for assault or battery based on childhood sexual abuse, or a cause of action for a claim resulting from childhood sexual abuse, accrues upon the date on which the victim reaches the age of majority. If the defendant in an action brought by a victim of childhood sexual abuse asserting a claim resulting from~~

childhood sexual abuse that occurs on or after August 3, 2006, 102  
has fraudulently concealed from the plaintiff facts that form 103  
the basis of the claim, the running of the limitations period 104  
with regard to that claim is tolled until the time when the 105  
plaintiff discovers or in the exercise of due diligence should 106  
have discovered those facts. 107

(2) Only for purposes of making claims against a 108  
bankruptcy estate of an organization chartered under part B of 109  
subtitle II of Title 36 of the United States Code, an action for 110  
assault or battery brought by a victim of childhood sexual abuse 111  
based on childhood sexual abuse, or an action brought by a 112  
victim of childhood sexual abuse asserting any claim resulting 113  
from childhood sexual abuse, may be brought at any time after 114  
the cause of action accrues. 115

(3) For purposes of this section, a cause of action for 116  
assault or battery based on childhood sexual abuse, or a cause 117  
of action for a claim resulting from childhood sexual abuse, 118  
accrues upon the date on which the victim reaches the age of 119  
majority. 120

**Section 2.** That existing section 2305.111 of the Revised 121  
Code is hereby repealed. 122

**Section 3.** That the version of section 2305.111 of the 123  
Revised Code amended in Section 1 of this act be amended to read 124  
as follows: 125

**Sec. 2305.111.** (A) As used in this section: 126

(1) "Childhood sexual abuse" means any conduct that 127  
constitutes any of the violations identified in division (A)(1) 128  
(a) or (b) of this section and would constitute a criminal 129  
offense under the specified section or division of the Revised 130

Code, if the victim of the violation is at the time of the 131  
violation a child under eighteen years of age or a child with a 132  
developmental disability or physical impairment under twenty-one 133  
years of age. The court need not find that any person has been 134  
convicted of or pleaded guilty to the offense under the 135  
specified section or division of the Revised Code in order for 136  
the conduct that is the violation constituting the offense to be 137  
childhood sexual abuse for purposes of this division. This 138  
division applies to any of the following violations committed in 139  
the following specified circumstances: 140

(a) A violation of section 2907.02 or of division (A) (1), 141  
(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 142  
of the Revised Code; 143

(b) A violation of section 2907.05 or 2907.06 of the 144  
Revised Code if, at the time of the violation, any of the 145  
following apply: 146

(i) The actor is the victim's natural parent, adoptive 147  
parent, or stepparent or the guardian, custodian, or person in 148  
loco parentis of the victim. 149

(ii) The victim is in custody of law or a patient in a 150  
hospital or other institution, and the actor has supervisory or 151  
disciplinary authority over the victim. 152

(iii) The actor is a teacher, administrator, coach, or 153  
other person in authority employed by or serving in a school for 154  
which the state board of education prescribes minimum standards 155  
pursuant to division (D) of section 3301.07 of the Revised Code, 156  
the victim is enrolled in or attends that school, and the actor 157  
is not enrolled in and does not attend that school. 158

(iv) The actor is a teacher, administrator, coach, or 159

other person in authority employed by or serving in an 160  
institution of higher education, and the victim is enrolled in 161  
or attends that institution. 162

(v) The actor is the victim's athletic or other type of 163  
coach, is the victim's instructor, is the leader of a scouting 164  
troop of which the victim is a member, or is a person with 165  
temporary or occasional disciplinary control over the victim. 166

(vi) The actor is a mental health professional, the victim 167  
is a mental health client or patient of the actor, and the actor 168  
induces the victim to submit by falsely representing to the 169  
victim that the sexual contact involved in the violation is 170  
necessary for mental health treatment purposes. 171

(vii) The victim is confined in a detention facility, and 172  
the actor is an employee of that detention facility. 173

(viii) The actor is a cleric, and the victim is a member 174  
of, or attends, the church or congregation served by the cleric. 175

(2) "Cleric" has the same meaning as in section 2317.02 of 176  
the Revised Code. 177

(3) "Mental health client or patient" has the same meaning 178  
as in section 2305.51 of the Revised Code. 179

(4) "Mental health professional" has the same meaning as 180  
in section 2305.115 of the Revised Code. 181

(5) "Sexual contact" has the same meaning as in section 182  
2907.01 of the Revised Code. 183

(6) "Victim" means, except as provided in division (B) of 184  
this section, a victim of childhood sexual abuse. 185

(B) Except as provided in section 2305.115 of the Revised 186

Code and subject to division (C) of this section, an action for 187  
assault or battery shall be brought within one year after the 188  
cause of the action accrues. For purposes of this section, a 189  
cause of action for assault or battery accrues upon the later of 190  
the following: 191

(1) The date on which the alleged assault or battery 192  
occurred; 193

(2) If the plaintiff did not know the identity of the 194  
person who allegedly committed the assault or battery on the 195  
date on which it allegedly occurred, the earlier of the 196  
following dates: 197

(a) The date on which the plaintiff learns the identity of 198  
that person; 199

(b) The date on which, by the exercise of reasonable 200  
diligence, the plaintiff should have learned the identity of 201  
that person. 202

~~(C) (1) Except as provided in division (C) (2) of this~~ 203  
~~section, an (C) An~~ action for assault or battery brought by a 204  
victim of childhood sexual abuse based on childhood sexual 205  
abuse, or an action brought by a victim of childhood sexual 206  
abuse asserting any claim resulting from childhood sexual abuse, 207  
shall be brought within twelve years after the cause of action 208  
accrues. For purposes of this section, a cause of action for 209  
assault or battery based on childhood sexual abuse, or a cause 210  
of action for a claim resulting from childhood sexual abuse, 211  
accrues upon the date on which the victim reaches the age of 212  
majority. If the defendant in an action brought by a victim of 213  
childhood sexual abuse asserting a claim resulting from 214  
childhood sexual abuse that occurs on or after August 3, 2006, 215



has fraudulently concealed from the plaintiff facts that form 216  
the basis of the claim, the running of the limitations period 217  
with regard to that claim is tolled until the time when the 218  
plaintiff discovers or in the exercise of due diligence should 219  
have discovered those facts. 220

~~(2) Only for purposes of making claims against a 221  
bankruptcy estate of an organization chartered under part B of 222  
subtitle II of Title 36 of the United States Code, an action for 223  
assault or battery brought by a victim of childhood sexual abuse 224  
based on childhood sexual abuse, or an action brought by a 225  
victim of childhood sexual abuse asserting any claim resulting 226  
from childhood sexual abuse, may be brought at any time after 227  
the cause of action accrues. 228~~

~~(3) For purposes of this section, a cause of action for 229  
assault or battery based on childhood sexual abuse, or a cause 230  
of action for a claim resulting from childhood sexual abuse, 231  
accrues upon the date on which the victim reaches the age of 232  
majority. 233~~

**Section 4.** That the existing version of section 2305.111 234  
of the Revised Code as amended in Section 1 this act is hereby 235  
repealed. 236

**Section 5.** Sections 3 and 4 of this act take effect five 237  
years after the effective date of section 2305.111 of the 238  
Revised Code, as amended by Section 1 of this act. 239