

As Passed by the Senate

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S. B. No. 421

Senators Antonio, Manning

Cosponsors: Senators Brenner, Cirino, Craig, DeMora, Gavarone, Hicks-Hudson, Landis, Patton, Reynolds, Roegner, Schaffer, Smith, Weinstein, Wilkin

To amend section 2305.111 of the Revised Code to 1
increase the period of limitations for a civil 2
action for a victim of a sex offense to five 3
years and to amend the version of section 4
2305.111 of the Revised Code that is scheduled 5
to take effect on October 12, 2028, to continue 6
the change on and after that date. 7

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

Section 1. That section 2305.111 of the Revised Code be 8
amended to read as follows: 9

Sec. 2305.111. (A) As used in this section: 10

(1) "Childhood sexual abuse" means any conduct that 11
constitutes any of the violations identified in division (A)(1) 12
(a) or (b) of this section and would constitute a criminal 13
offense under the specified section of the Revised Code, if the 14
victim of the violation is at the time of the violation a child 15
under eighteen years of age or a child with a developmental 16
disability or physical impairment under twenty-one years of age. 17
The court need not find that any person has been convicted of or 18
pleaded guilty to the offense under the specified section of the 19

Revised Code in order for the conduct that is the violation 20
constituting the offense to be childhood sexual abuse for 21
purposes of this division. This division applies to any of the 22
following violations committed in the following specified 23
circumstances: 24

(a) A violation of section 2907.02 or section 2907.03 of 25
the Revised Code; 26

(b) A violation of section 2907.05 or 2907.06 of the 27
Revised Code if, at the time of the violation, any of the 28
following apply: 29

(i) The actor is the victim's natural parent, adoptive 30
parent, or stepparent or the guardian, custodian, or person in 31
loco parentis of the victim. 32

(ii) The victim is in custody of law or a patient in a 33
hospital or other institution, and the actor has supervisory or 34
disciplinary authority over the victim. 35

(iii) The actor is a teacher, administrator, coach, or 36
other person in authority employed by or serving in a school for 37
which the director of education and workforce prescribes minimum 38
standards pursuant to division (D) of section 3301.07 of the 39
Revised Code, the victim is enrolled in or attends that school, 40
and the actor is not enrolled in and does not attend that 41
school. 42

(iv) The actor is a teacher, administrator, coach, or 43
other person in authority employed by or serving in an 44
institution of higher education, and the victim is enrolled in 45
or attends that institution. 46

(v) The actor is the victim's athletic or other type of 47
coach, is the victim's instructor, is the leader of a scouting 48

troop of which the victim is a member, or is a person with 49
temporary or occasional disciplinary control over the victim. 50

(vi) The actor is a mental health professional, the victim 51
is a mental health client or patient of the actor, and the actor 52
induces the victim to submit by falsely representing to the 53
victim that the sexual contact involved in the violation is 54
necessary for mental health treatment purposes. 55

(vii) The actor is a licensed medical professional, the 56
victim is a patient of the actor, and the sexual contact occurs 57
in the course of medical treatment. 58

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

(ix) The actor is a cleric, and the victim is a member of, 61
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) "Licensed medical professional" has the same meaning 65
as in section 2907.01 of the Revised Code. 66

(4) "Mental health client or patient" has the same meaning 67
as in section 2305.51 of the Revised Code. 68

(5) "Mental health professional" has the same meaning as 69
in section 2305.115 of the Revised Code. 70

(6) "Sexual contact" has the same meaning as in section 71
2907.01 of the Revised Code. 72

(7) "Victim" means, except as provided in division (B) of 73
this section, a victim of childhood sexual abuse. 74

(B) Except as provided in section 2305.115 of the Revised 75

Code and subject to division (C) of this section, an action for 76
assault or battery shall be brought within one year, or within 77
five years for an action against an individual who allegedly 78
committed conduct prohibited by Chapter 2907. of the Revised 79
Code, after the cause of the action accrues. For purposes of 80
this section, a cause of action for assault or battery or 81
conduct prohibited by Chapter 2907. of the Revised Code accrues 82
upon the later of the following: 83

(1) The date on which the alleged assault or battery 84
occurred; 85

(2) If the plaintiff did not know the identity of the 86
person who allegedly committed the assault or battery or conduct 87
prohibited by Chapter 2907. of the Revised Code on the date on 88
which it allegedly occurred, the earlier of the following dates: 89

(a) The date on which the plaintiff learns the identity of 90
that person; 91

(b) The date on which, by the exercise of reasonable 92
diligence, the plaintiff should have learned the identity of 93
that person. 94

(C) (1) Except as provided in division (C) (2) of this 95
section, an action for assault or battery brought by a victim of 96
childhood sexual abuse based on childhood sexual abuse, or an 97
action brought by a victim of childhood sexual abuse asserting 98
any claim resulting from childhood sexual abuse, shall be 99
brought within twelve years after the cause of action accrues. 100
If the defendant in an action brought by a victim of childhood 101
sexual abuse asserting a claim resulting from childhood sexual 102
abuse that occurs on or after August 3, 2006, has fraudulently 103
concealed from the plaintiff facts that form the basis of the 104

claim, the running of the limitations period with regard to that 105
claim is tolled until the time when the plaintiff discovers or 106
in the exercise of due diligence should have discovered those 107
facts. 108

(2) Only for purposes of making claims against a 109
bankruptcy estate of an organization chartered under part B of 110
subtitle II of Title 36 of the United States Code, an action for 111
assault or battery brought by a victim of childhood sexual abuse 112
based on childhood sexual abuse, or an action brought by a 113
victim of childhood sexual abuse asserting any claim resulting 114
from childhood sexual abuse, may be brought at any time after 115
the cause of action accrues. 116

(3) For purposes of this section, a cause of action for 117
assault or battery based on childhood sexual abuse, or a cause 118
of action for a claim resulting from childhood sexual abuse, 119
accrues upon the date on which the victim reaches the age of 120
majority. 121

Section 2. That existing section 2305.111 of the Revised 122
Code is hereby repealed. 123

Section 3. That the version of section 2305.111 of the 124
Revised Code that is scheduled to take effect October 12, 2028, 125
be amended to read as follows: 126

Sec. 2305.111. (A) As used in this section: 127

(1) "Childhood sexual abuse" means any conduct that 128
constitutes any of the violations identified in division (A)(1) 129
(a) or (b) of this section and would constitute a criminal 130
offense under the specified section of the Revised Code, if the 131
victim of the violation is at the time of the violation a child 132
under eighteen years of age or a child with a developmental 133

disability or physical impairment under twenty-one years of age. 134
The court need not find that any person has been convicted of or 135
pleaded guilty to the offense under the specified section of the 136
Revised Code in order for the conduct that is the violation 137
constituting the offense to be childhood sexual abuse for 138
purposes of this division. This division applies to any of the 139
following violations committed in the following specified 140
circumstances: 141

(a) A violation of section 2907.02 or section 2907.03 of 142
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 director of education and workforce prescribes minimum 155
standards pursuant to division (D) of section 3301.07 of the 156
Revised Code, the victim is enrolled in or attends that school, 157
and the actor is not enrolled in and does not attend that 158
school. 159

(iv) The actor is a teacher, administrator, coach, or 160
other person in authority employed by or serving in an 161
institution of higher education, and the victim is enrolled in 162

or attends that institution.	163
(v) The actor is the victim's athletic or other type of coach, is the victim's instructor, is the leader of a scouting troop of which the victim is a member, or is a person with temporary or occasional disciplinary control over the victim.	164 165 166 167
(vi) The actor is a mental health professional, the victim is a mental health client or patient of the actor, and the actor induces the victim to submit by falsely representing to the victim that the sexual contact involved in the violation is necessary for mental health treatment purposes.	168 169 170 171 172
(vii) The actor is a licensed medical professional, the victim is a patient of the actor, and the sexual contact occurs in the course of medical treatment.	173 174 175
(viii) The victim is confined in a detention facility, and the actor is an employee of that detention facility.	176 177
(ix) The actor is a cleric, and the victim is a member of, or attends, the church or congregation served by the cleric.	178 179
(2) "Cleric" has the same meaning as in section 2317.02 of the Revised Code.	180 181
(3) "Licensed medical professional" has the same meaning as in section 2907.01 of the Revised Code.	182 183
(4) "Mental health client or patient" has the same meaning as in section 2305.51 of the Revised Code.	184 185
(5) "Mental health professional" has the same meaning as in section 2305.115 of the Revised Code.	186 187
(6) "Sexual contact" has the same meaning as in section 2907.01 of the Revised Code.	188 189

(7) "Victim" means, except as provided in division (B) of this section, a victim of childhood sexual abuse.	190 191
(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, <u>or within five years for an action against an individual who allegedly committed conduct prohibited by Chapter 2907. of the Revised Code,</u> after the cause of the action accrues. For purposes of this section, a cause of action for assault or battery <u>or conduct prohibited by Chapter 2907. of the Revised Code</u> accrues upon the later of the following:	192 193 194 195 196 197 198 199 200
(1) The date on which the alleged assault or battery occurred;	201 202
(2) If the plaintiff did not know the identity of the person who allegedly committed the assault or battery <u>or conduct prohibited by Chapter 2907. of the Revised Code</u> on the date on which it allegedly occurred, the earlier of the following dates:	203 204 205 206
(a) The date on which the plaintiff learns the identity of that person;	207 208
(b) The date on which, by the exercise of reasonable diligence, the plaintiff should have learned the identity of that person.	209 210 211
(C) 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	212 213 214 215 216 217 218

for a claim resulting from childhood sexual abuse, accrues upon 219
the date on which the victim reaches the age of majority. If the 220
defendant in an action brought by a victim of childhood sexual 221
abuse asserting a claim resulting from childhood sexual abuse 222
that occurs on or after August 3, 2006, has fraudulently 223
concealed from the plaintiff facts that form the basis of the 224
claim, the running of the limitations period with regard to that 225
claim is tolled until the time when the plaintiff discovers or 226
in the exercise of due diligence should have discovered those 227
facts. 228

Section 4. That the existing version of section 2305.111 229
of the Revised Code that is scheduled to take effect October 12, 230
2028, is hereby repealed. 231

Section 5. Sections 3 and 4 of this act take effect on 232
October 12, 2028. 233