

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 689

Representative Seitz

**Cosponsors: Representatives Lampton, Johnson, Carruthers, Troy, Schmidt, Bird,
Young, T., Galonski, Plummer, Holmes**

A BILL

To amend sections 2901.13, 3797.01, 3797.04, 1
3797.10, and 3797.12 and to repeal section 2
3797.11 of the Revised Code to impose a civil 3
penalty, rather than a criminal penalty, on a 4
person who fails to register with the childhood 5
sexual abuse civil registry, to eliminate the 6
residence restriction on such person, and to 7
extend the limitation period for prosecuting a 8
violation of the law requiring certain persons 9
to report child abuse or neglect under certain 10
circumstances. 11

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

Section 1. That sections 2901.13, 3797.01, 3797.04, 12
3797.10, and 3797.12 of the Revised Code be amended to read as 13
follows: 14

Sec. 2901.13. (A) (1) Except as provided in division (A) 15
(2), (3), ~~or~~ (4), or (5) of this section or as otherwise 16
provided in this section, a prosecution shall be barred unless 17
it is commenced within the following periods after an offense is 18

committed:	19
(a) For a felony, six years;	20
(b) For a misdemeanor other than a minor misdemeanor, two years;	21 22
(c) For a minor misdemeanor, six months.	23
(2) There is no period of limitation for the prosecution of a violation of section 2903.01 or 2903.02 of the Revised Code.	24 25 26
(3) Except as otherwise provided in divisions (B) to (J) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within twenty years after the offense is committed:	27 28 29 30
(a) A violation of section 2903.03, 2903.04, 2905.01, 2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of section 2903.11 or 2903.12 of the Revised Code if the victim is a peace officer, a violation of section 2903.13 of the Revised Code that is a felony, or a violation of former section 2907.12 of the Revised Code;	31 32 33 34 35 36 37 38
(b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A) (3) (a) of this section.	39 40 41
(4) Except as otherwise provided in divisions (D) to (L) of this section, a prosecution of a violation of section 2907.02 or 2907.03 of the Revised Code or a conspiracy to commit, attempt to commit, or complicity in committing a violation of either section shall be barred unless it is commenced within	42 43 44 45 46

twenty-five years after the offense is committed. 47

(5) A prosecution for a violation of division (A)(1) or 48
(4) of section 2151.421 of the Revised Code, which is a 49
misdemeanor of the fourth degree, or a misdemeanor of the first 50
degree under circumstances specified in section 2151.99 of the 51
Revised Code, is barred unless it is commenced within four years 52
after the violation is committed. 53

(B)(1) Except as otherwise provided in division (B)(2) of 54
this section, if the period of limitation provided in division 55
(A)(1) or (3) of this section has expired, prosecution shall be 56
commenced for an offense of which an element is fraud or breach 57
of a fiduciary duty, within one year after discovery of the 58
offense either by an aggrieved person, or by the aggrieved 59
person's legal representative who is not a party to the offense. 60

(2) If the period of limitation provided in division (A) 61
(1) or (3) of this section has expired, prosecution for a 62
violation of section 2913.49 of the Revised Code shall be 63
commenced within five years after discovery of the offense 64
either by an aggrieved person or the aggrieved person's legal 65
representative who is not a party to the offense. 66

(C)(1) If the period of limitation provided in division 67
(A)(1) or (3) of this section has expired, prosecution shall be 68
commenced for the following offenses during the following 69
specified periods of time: 70

(a) For an offense involving misconduct in office by a 71
public servant, at any time while the accused remains a public 72
servant, or within two years thereafter; 73

(b) For an offense by a person who is not a public servant 74
but whose offense is directly related to the misconduct in 75

office of a public servant, at any time while that public 76
servant remains a public servant, or within two years 77
thereafter. 78

(2) As used in this division: 79

(a) An "offense is directly related to the misconduct in 80
office of a public servant" includes, but is not limited to, a 81
violation of section 101.71, 101.91, 121.61 or 2921.13, division 82
(F) or (H) of section 102.03, division (A) of section 2921.02, 83
division (A) or (B) of section 2921.43, or division (F) or (G) 84
of section 3517.13 of the Revised Code, that is directly related 85
to an offense involving misconduct in office of a public 86
servant. 87

(b) "Public servant" has the same meaning as in section 88
2921.01 of the Revised Code. 89

(D) (1) If a DNA record made in connection with the 90
criminal investigation of the commission of a violation of 91
section 2907.02 or 2907.03 of the Revised Code is determined to 92
match another DNA record that is of an identifiable person and 93
if the time of the determination is later than twenty-five years 94
after the offense is committed, prosecution of that person for a 95
violation of the section may be commenced within five years 96
after the determination is complete. 97

(2) If a DNA record made in connection with the criminal 98
investigation of the commission of a violation of section 99
2907.02 or 2907.03 of the Revised Code is determined to match 100
another DNA record that is of an identifiable person and if the 101
time of the determination is within twenty-five years after the 102
offense is committed, prosecution of that person for a violation 103
of the section may be commenced within the longer of twenty-five 104

years after the offense is committed or five years after the 105
determination is complete. 106

(3) As used in this division, "DNA record" has the same 107
meaning as in section 109.573 of the Revised Code. 108

(E) An offense is committed when every element of the 109
offense occurs. In the case of an offense of which an element is 110
a continuing course of conduct, the period of limitation does 111
not begin to run until such course of conduct or the accused's 112
accountability for it terminates, whichever occurs first. 113

(F) A prosecution is commenced on the date an indictment 114
is returned or an information filed, or on the date a lawful 115
arrest without a warrant is made, or on the date a warrant, 116
summons, citation, or other process is issued, whichever occurs 117
first. A prosecution is not commenced by the return of an 118
indictment or the filing of an information unless reasonable 119
diligence is exercised to issue and execute process on the same. 120
A prosecution is not commenced upon issuance of a warrant, 121
summons, citation, or other process, unless reasonable diligence 122
is exercised to execute the same. 123

(G) The period of limitation shall not run during any time 124
when the corpus delicti remains undiscovered. 125

(H) The period of limitation shall not run during any time 126
when the accused purposely avoids prosecution. Proof that the 127
accused departed this state or concealed the accused's identity 128
or whereabouts is prima-facie evidence of the accused's purpose 129
to avoid prosecution. 130

(I) The period of limitation shall not run during any time 131
a prosecution against the accused based on the same conduct is 132
pending in this state, even though the indictment, information, 133

or process that commenced the prosecution is quashed or the 134
proceedings on the indictment, information, or process are set 135
aside or reversed on appeal. 136

(J) The period of limitation for a violation of any 137
provision of Title XXIX of the Revised Code that involves a 138
physical or mental wound, injury, disability, or condition of a 139
nature that reasonably indicates abuse or neglect of a child 140
under eighteen years of age or of a child with a developmental 141
disability or physical impairment under twenty-one years of age 142
shall not begin to run until either of the following occurs: 143

(1) The victim of the offense reaches the age of majority. 144

(2) A public children services agency, or a municipal or 145
county peace officer that is not the parent or guardian of the 146
child, in the county in which the child resides or in which the 147
abuse or neglect is occurring or has occurred has been notified 148
that abuse or neglect is known, suspected, or believed to have 149
occurred. 150

(K) As used in this section, "peace officer" has the same 151
meaning as in section 2935.01 of the Revised Code. 152

(L) The amendments to divisions (A) and (D) of this 153
section apply to a violation of section 2907.02 or 2907.03 of 154
the Revised Code committed on and after July 16, 2015, and apply 155
to a violation of either of those sections committed prior to 156
July 16, 2015, if prosecution for that violation was not barred 157
under this section as it existed on the day prior to July 16, 158
2015. 159

Sec. 3797.01. As used in sections 3797.01 to 3797.12 of 160
the Revised Code: 161

(A) "Aggrieved person" means the individual to whom the 162

registrant would have been liable for assault or battery based 163
on childhood sexual abuse, as defined in section 2305.111 of the 164
Revised Code, but for the expiration of the limitation period 165
under that section. 166

(B) "Employed" means employed for more than fourteen days 167
or for an aggregate of thirty days in a calendar year. 168

~~(B)~~ (C) "Registrant" means a person against whom a court 169
has entered a declaratory judgment under section 2721.21 of the 170
Revised Code and issued an order that the person be listed on 171
the civil registry maintained by the attorney general pursuant 172
to section 3797.08 of the Revised Code. 173

~~(C)~~ (D) "Reside" includes temporarily reside. 174

~~(D)~~ (E) "Sheriff" includes a person designated by a 175
sheriff to carry out functions that the sheriff is required to 176
perform under sections 3797.02 to 3797.12 of the Revised Code. 177

~~(E)~~ (F) "Temporarily reside" means live in a county in 178
this state, other than as a permanent resident, for a period of 179
five or more consecutive days. 180

Sec. 3797.04. (A) A registrant shall verify the 181
registrant's current residence address and employment address on 182
each anniversary of the registrant's initial registration date 183
by personally appearing before the sheriff of the county in 184
which the registrant is registered not earlier than ten days 185
before the anniversary date and not later than the anniversary 186
date and completing and signing a copy of a verification form 187
provided by the sheriff. The sheriff shall sign the completed 188
form and indicate on the form the date on which it is completed. 189
The verification is complete when the registrant personally 190
appears before the sheriff and completes and signs the form. 191

(B) To facilitate the verification of a registrant's 192
current residence or employment address, the sheriff with whom 193
the registrant most recently registered the address may mail a 194
nonforwardable verification form to the registrant's last 195
reported residence address or employment address, as applicable, 196
with a notice that conspicuously states that the registrant must 197
personally appear before the sheriff to complete the form and 198
the date by which the form must be completed. Regardless of 199
whether a sheriff mails a form to a registrant, each registrant 200
shall personally appear before the sheriff to verify the 201
address. 202

(C) (1) If a registrant fails to verify a current residence 203
address or employment address by the date required for the 204
verification, the sheriff with whom the registrant is required 205
to verify the current address shall send on the day following 206
that date required for the verification and at the registrant's 207
last known residence or place of employment, as applicable, a 208
written warning to the registrant regarding the registrant's 209
duty to verify the registrant's current address. 210

The written warning shall do all of the following: 211

(a) Identify the sheriff who sends it and the date on 212
which it is sent; 213

(b) State conspicuously that the registrant has failed to 214
verify the registrant's current residence address or employment 215
address, as applicable, by the date required for the 216
verification; 217

(c) Conspicuously state that the registrant has seven days 218
from the date on which the warning is sent to verify the current 219
residence address or employment address, as applicable, with the 220

sheriff who sent the warning; 221

(d) Conspicuously state that a failure to timely verify 222
the specified current address or addresses is a ~~felony~~ 223
~~offense~~ subject to a civil penalty of up to two thousand five 224
hundred dollars; 225

(e) Conspicuously state that the registrant will not be 226
~~prosecuted~~ liable for that civil penalty for a failure to timely 227
verify a current address if the registrant verifies the current 228
address with that sheriff within that seven-day period; 229

(f) Conspicuously state that the registrant will be 230
~~arrested or taken into custody, as appropriate, and prosecuted~~ 231
liable for that civil penalty for a failure to timely verify a 232
current address if the registrant does not verify the current 233
address with that sheriff within that seven-day period. 234

(2) If a registrant fails to verify a current address as 235
required by this section by the date required for the 236
verification, the registrant shall not be ~~prosecuted~~ liable for 237
that civil penalty for a violation of division (A) of section 238
3797.10 of the Revised Code unless the seven-day period 239
subsequent to that date that the registrant is provided under 240
division (C) (1) of this section to verify the current address 241
has expired and the registrant has not verified the current 242
address prior to the expiration of that seven-day period. Upon 243
the expiration of the seven-day period that the registrant is 244
provided under division (C) (1) of this section to verify the 245
current address, if the registrant has not verified the current 246
address, all of the following apply: 247

(a) The sheriff with whom the registrant is required to 248
verify the current address promptly shall notify the attorney 249

general of the failure. 250

(b) The sheriff with whom the registrant is required to 251
verify the current address, ~~the sheriff of the county in which~~ 252
~~the registrant resides or is employed, or a deputy of the~~ 253
~~appropriate sheriff shall locate the registrant, promptly shall~~ 254
~~seek a warrant for the arrest or taking into custody, as~~ 255
~~appropriate, of the registrant for the violation of division (A)~~ 256
~~of section 3797.10 of the Revised Code, and shall arrest the~~ 257
registrant promptly shall refer the registrant's failure to 258
verify the current address to either of the following: 259

(i) The prosecuting attorney of the county in which the 260
registrant is required to verify the current address to that 261
county's sheriff; 262

(ii) The prosecuting attorney of the county in which the 263
registrant resides or is employed. 264

(c) The prosecuting attorney to whom the referral is made 265
under division (C) (2) (b) of this section shall file a civil 266
action against the registrant is subject to prosecution for a 267
violation of division (A) of section 3797.10 of the Revised 268
Code. If the prosecuting attorney fails to file the civil action 269
within thirty days after the referral, the aggrieved person may 270
file that civil action. 271

(D) A registrant who is required to verify a current 272
address pursuant to division (A) of this section shall do so 273
unless and until the registrant is removed from the civil 274
registry pursuant to section 2721.21 of the Revised Code. 275

Sec. 3797.10. (A) No registrant who is required to 276
register pursuant to section 3797.02 of the Revised Code, send a 277
sheriff a written notice of a new residence or employment 278

address or of an intent to reside in a county pursuant to 279
section 3797.03 of the Revised Code, or verify a current address 280
pursuant to section 3797.05 of the Revised Code shall fail to 281
register, send the notice, or verify the address as required by 282
those sections. 283

~~(B) It is an affirmative defense to a charge of a~~ 284
~~violation of~~ A registrant does not violate division (A) of this 285
section by failing to send written notice of a change of 286
residence or employment address or notice of intent to reside in 287
a county as required by section 3797.03 of the Revised Code ~~that~~ 288
if both of the following apply: 289

(1) It was impossible for the registrant to provide the 290
notice to the sheriff because of a lack of knowledge on the date 291
specified for the provision of the notice of an address change 292
or of the new address. 293

(2) The registrant provided notice of the address change 294
or the new address to the sheriff ~~as~~ in compliance with both of 295
the following: 296

(a) As soon as possible, but not later than the end of the 297
first business day, after learning of the address change or of 298
the new address by providing notice of the address change or the 299
new address to the sheriff by telephone immediately upon 300
learning of the address change or new address or, if the 301
registrant did not have reasonable access to a telephone at that 302
time, as soon as possible, but not later than the end of the 303
first business day, after learning of the address change and 304
having reasonable access to a telephone. 305

~~(3)~~ (b) As soon as possible, but not later than the end of 306
the first business day, after providing notice of the address 307

change to the sheriff by telephone, the registrant provided 308
written notice of the address change to the sheriff. 309

(C) Whoever violates division (A) of this section ~~is~~ 310
~~guilty of a felony of the fifth degree~~ shall be subject to a 311
civil penalty of up to two thousand five hundred dollars. 312

Sec. 3797.12. (A) Except as provided in division (B) of 313
this section, any of the following persons shall be immune from 314
liability in a civil action to recover damages for injury, 315
death, or loss to person or property allegedly caused by an act 316
or omission in connection with a power, duty, responsibility, or 317
authorization under sections 3797.01 to ~~3797.11~~ 3797.10 of the 318
Revised Code or under rules adopted under authority of those 319
sections: 320

(1) The attorney general, a deputy, officer, or employee 321
of the office of the attorney general, a sheriff, or a deputy, 322
officer, or employee of the office of the sheriff; 323

(2) A prosecutor and an officer or employee of the office 324
of a prosecutor; 325

(3) A person identified in division (A) (2), (3), (4), (5), 326
(6), or (7) of section 3797.06 of the Revised Code or the agent 327
of that person; 328

(4) A person identified in division (A) (2) of section 329
3797.05 of the Revised Code, regarding the person's provision of 330
information pursuant to that division to a sheriff. 331

(B) The immunity described in division (A) of this section 332
does not apply to a person described in divisions (A) (1) to (4) 333
of this section if, in relation to the act or omission in 334
question, any of the following applies: 335

(1) The act or omission was manifestly outside the scope	336
of the person's employment or official responsibilities.	337
(2) The act or omission was with malicious purpose, in bad	338
faith, or in a wanton or reckless manner.	339
(3) Liability for the act or omission is expressly imposed	340
by a section of the Revised Code.	341
Section 2. That existing sections 2901.13, 3797.01,	342
3797.04, 3797.10, and 3797.12 of the Revised Code are hereby	343
repealed.	344
Section 3. That section 3797.11 of the Revised Code is	345
hereby repealed.	346