

As Introduced

134th General Assembly

Regular Session

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H. B. No. 709

Representatives Seitz, Miranda

**Cosponsors: Representatives Brown, Click, Davis, Denson, Gross, Hillyer,
Lightbody, O'Brien, Miller, J., Russo, Sheehy, White, Young, T.**

A BILL

To amend section 2305.111 of the Revised Code to 1
enact the Scout's Honor Law to eliminate the 2
limitations period for a civil action based on a 3
claim of childhood sexual abuse only for 4
purposes of filing claims against a bankruptcy 5
estate. 6

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

Section 1. That section 2305.111 of the Revised Code be 7
amended to read as follows: 8

Sec. 2305.111. (A) As used in this section: 9

(1) "Childhood sexual abuse" means any conduct that 10
constitutes any of the violations identified in division (A)(1) 11
(a) or (b) of this section and would constitute a criminal 12
offense under the specified section or division of the Revised 13
Code, if the victim of the violation is at the time of the 14
violation a child under eighteen years of age or a child with a 15
developmental disability or physical impairment under twenty-one 16
years of age. The court need not find that any person has been 17

convicted of or pleaded guilty to the offense under the 18
specified section or division of the Revised Code in order for 19
the conduct that is the violation constituting the offense to be 20
childhood sexual abuse for purposes of this division. This 21
division applies to any of the following violations committed in 22
the following specified circumstances: 23

(a) A violation of section 2907.02 or of division (A) (1), 24
(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 25
of 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 state board of education prescribes minimum standards 38
pursuant to division (D) of section 3301.07 of the Revised Code, 39
the victim is enrolled in or attends that school, and the actor 40
is not enrolled in and does not attend that school. 41

(iv) The actor is a teacher, administrator, coach, or 42
other person in authority employed by or serving in an 43
institution of higher education, and the victim is enrolled in 44
or attends that institution. 45

(v) The actor is the victim's athletic or other type of 46

coach, is the victim's instructor, is the leader of a scouting 47
troop of which the victim is a member, or is a person with 48
temporary or occasional disciplinary control over the victim. 49

(vi) The actor is a mental health professional, the victim 50
is a mental health client or patient of the actor, and the actor 51
induces the victim to submit by falsely representing to the 52
victim that the sexual contact involved in the violation is 53
necessary for mental health treatment purposes. 54

(vii) The victim is confined in a detention facility, and 55
the actor is an employee of that detention facility. 56

(viii) The actor is a cleric, and the victim is a member 57
of, or attends, the church or congregation served by the cleric. 58

(2) "Cleric" has the same meaning as in section 2317.02 of 59
the Revised Code. 60

(3) "Mental health client or patient" has the same meaning 61
as in section 2305.51 of the Revised Code. 62

(4) "Mental health professional" has the same meaning as 63
in section 2305.115 of the Revised Code. 64

(5) "Sexual contact" has the same meaning as in section 65
2907.01 of the Revised Code. 66

(6) "Victim" means, except as provided in division (B) of 67
this section, a victim of childhood sexual abuse. 68

(B) Except as provided in section 2305.115 of the Revised 69
Code and subject to division (C) of this section, an action for 70
assault or battery shall be brought within one year after the 71
cause of the action accrues. For purposes of this section, a 72
cause of action for assault or battery accrues upon the later of 73
the following: 74

(1) The date on which the alleged assault or battery occurred;	75 76
(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:	77 78 79 80
(a) The date on which the plaintiff learns the identity of that person;	81 82
(b) The date on which, by the exercise of reasonable diligence, the plaintiff should have learned the identity of that person.	83 84 85
(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, has fraudulently concealed from the plaintiff facts that form the basis of the claim, the running of the limitations period with regard to that claim is tolled until the time when the plaintiff discovers or in the exercise of due diligence should have discovered those facts.	86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103

(2) Only for purposes of making claims against a 104
bankruptcy estate, an action for assault or battery brought by a 105
victim of childhood sexual abuse based on childhood sexual 106
abuse, or an action brought by a victim of childhood sexual 107
abuse asserting any claim resulting from childhood sexual abuse, 108
may be brought at any time after the cause of action accrues. 109

(3) For purposes of this section, a cause of action for 110
assault or battery based on childhood sexual abuse, or a cause 111
of action for a claim resulting from childhood sexual abuse, 112
accrues upon the date on which the victim reaches the age of 113
majority. 114

Section 2. That existing section 2305.111 of the Revised 115
Code is hereby repealed. 116

Section 3. This act shall be known as the Scout's Honor 117
Law. 118