

**As Passed by the House**

**135th General Assembly**

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**2023-2024**

**Sub. 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., Galonski, Schmidt, Abdullahi, Abrams, Barhorst, Brent, Brewer, Carruthers, Claggett, Cross, Dell'Aquila, Dobos, Grim, Hoops, Humphrey, Jarrells, Johnson, Jones, Lightbody, Liston, Mathews, McNally, Miller, A., Miller, J., Mohamed, Patton, Pavliga, Robb Blasdel, Robinson, Roemer, Rogers, Somani, Stein, Thomas, C., Thomas, J., Willis**

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**A BILL**

To amend sections 2305.111 and to enact section 1  
2950.021 of the Revised Code to enact the 2  
Scout's Honor Law to eliminate the limitations 3  
period for a civil action based on a claim of 4  
childhood sexual abuse only for purposes of 5  
filing claims against a bankruptcy estate of an 6  
organization chartered under federal law; to 7  
provide with respect to sex offenders and child- 8  
victim offenders who committed their offense 9  
prior to January 1, 2008, mechanisms for 10  
reclassifying or classifying the offenders in 11  
specified circumstances under the SORN Law in 12  
effect prior to that date; and to subsequently 13  
amend section 2305.111 of the Revised Code five 14  
years after the effective date of that section 15  
to remove the described elimination of the 16  
limitations period. 17

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

**Section 1.** That section 2305.111 be amended and section 18  
2950.021 of the Revised Code be enacted to read as follows: 19

**Sec. 2305.111.** (A) As used in this section: 20

(1) "Childhood sexual abuse" means any conduct that 21  
constitutes any of the violations identified in division (A)(1) 22  
(a) or (b) of this section and would constitute a criminal 23  
offense under the specified section or division of the Revised 24  
Code, if the victim of the violation is at the time of the 25  
violation a child under eighteen years of age or a child with a 26  
developmental disability or physical impairment under twenty-one 27  
years of age. The court need not find that any person has been 28  
convicted of or pleaded guilty to the offense under the 29  
specified section or division of the Revised Code in order for 30  
the conduct that is the violation constituting the offense to be 31  
childhood sexual abuse for purposes of this division. This 32  
division applies to any of the following violations committed in 33  
the following specified circumstances: 34

(a) A violation of section 2907.02 or of division (A)(1), 35  
(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 36  
of the Revised Code; 37

(b) A violation of section 2907.05 or 2907.06 of the 38  
Revised Code if, at the time of the violation, any of the 39  
following apply: 40

(i) The actor is the victim's natural parent, adoptive 41  
parent, or stepparent or the guardian, custodian, or person in 42  
loco parentis of the victim. 43

(ii) The victim is in custody of law or a patient in a 44  
hospital or other institution, and the actor has supervisory or 45  
disciplinary authority over the victim. 46

(iii) The actor is a teacher, administrator, coach, or 47  
other person in authority employed by or serving in a school for 48  
which the state board of education prescribes minimum standards 49  
pursuant to division (D) of section 3301.07 of the Revised Code, 50  
the victim is enrolled in or attends that school, and the actor 51  
is not enrolled in and does not attend that school. 52

(iv) The actor is a teacher, administrator, coach, or 53  
other person in authority employed by or serving in an 54  
institution of higher education, and the victim is enrolled in 55  
or attends that institution. 56

(v) The actor is the victim's athletic or other type of 57  
coach, is the victim's instructor, is the leader of a scouting 58  
troop of which the victim is a member, or is a person with 59  
temporary or occasional disciplinary control over the victim. 60

(vi) The actor is a mental health professional, the victim 61  
is a mental health client or patient of the actor, and the actor 62  
induces the victim to submit by falsely representing to the 63  
victim that the sexual contact involved in the violation is 64  
necessary for mental health treatment purposes. 65

(vii) The victim is confined in a detention facility, and 66  
the actor is an employee of that detention facility. 67

(viii) The actor is a cleric, and the victim is a member 68  
of, or attends, the church or congregation served by the cleric. 69

(2) "Cleric" has the same meaning as in section 2317.02 of 70  
the Revised Code. 71

(3) "Mental health client or patient" has the same meaning 72  
as in section 2305.51 of the Revised Code. 73

(4) "Mental health professional" has the same meaning as 74

in section 2305.115 of the Revised Code. 75

(5) "Sexual contact" has the same meaning as in section 76  
2907.01 of the Revised Code. 77

(6) "Victim" means, except as provided in division (B) of 78  
this section, a victim of childhood sexual abuse. 79

(B) Except as provided in section 2305.115 of the Revised 80  
Code and subject to division (C) of this section, an action for 81  
assault or battery shall be brought within one year after the 82  
cause of the action accrues. For purposes of this section, a 83  
cause of action for assault or battery accrues upon the later of 84  
the following: 85

(1) The date on which the alleged assault or battery 86  
occurred; 87

(2) If the plaintiff did not know the identity of the 88  
person who allegedly committed the assault or battery on the 89  
date on which it allegedly occurred, the earlier of the 90  
following dates: 91

(a) The date on which the plaintiff learns the identity of 92  
that person; 93

(b) The date on which, by the exercise of reasonable 94  
diligence, the plaintiff should have learned the identity of 95  
that person. 96

~~(C) An~~ (C) (1) Except as provided in division (C) (2) of 97  
this section, an action for assault or battery brought by a 98  
victim of childhood sexual abuse based on childhood sexual 99  
abuse, or an action brought by a victim of childhood sexual 100  
abuse asserting any claim resulting from childhood sexual abuse, 101  
shall be brought within twelve years after the cause of action 102

~~accrues. For purposes of this section, a cause of action for~~ 103  
~~assault or battery based on childhood sexual abuse, or a cause~~ 104  
~~of action for a claim resulting from childhood sexual abuse,~~ 105  
~~accrues upon the date on which the victim reaches the age of~~ 106  
~~majority. If the defendant in an action brought by a victim of~~ 107  
childhood sexual abuse asserting a claim resulting from 108  
childhood sexual abuse that occurs on or after August 3, 2006, 109  
has fraudulently concealed from the plaintiff facts that form 110  
the basis of the claim, the running of the limitations period 111  
with regard to that claim is tolled until the time when the 112  
plaintiff discovers or in the exercise of due diligence should 113  
have discovered those facts. 114

(2) Only for purposes of making claims against a 115  
bankruptcy estate of an organization chartered under part B of 116  
subtitle II of Title 36 of the United States Code, an action for 117  
assault or battery brought by a victim of childhood sexual abuse 118  
based on childhood sexual abuse, or an action brought by a 119  
victim of childhood sexual abuse asserting any claim resulting 120  
from childhood sexual abuse, may be brought at any time after 121  
the cause of action accrues. 122

(3) For purposes of this section, a cause of action for 123  
assault or battery based on childhood sexual abuse, or a cause 124  
of action for a claim resulting from childhood sexual abuse, 125  
accrues upon the date on which the victim reaches the age of 126  
majority. 127

**Sec. 2950.021.** (A) As used in this section: 128

(1) "Wrongly classified Tier offender" means a sex 129  
offender or child-victim offender who has been classified by a 130  
court as a Tier I sex offender/child-victim offender, a Tier II 131  
sex offender/child-victim offender, or a Tier III sex 132

offender/child-victim offender based on a sexually oriented 133  
offense or a child-victim oriented offense committed prior to 134  
January 1, 2008, and whose Tier classification based on that 135  
offense is invalid under the decision of the Ohio supreme court 136  
in *State v. Williams*, 129 Ohio St.3d 344, 2011-Ohio-3374. 137

(2) "Pre-2008 classification" means one of the categories 138  
in which sex offenders and child-victim offenders were included 139  
under Chapter 2950. of the Revised Code as it existed 140  
immediately prior to January 1, 2008, and that determined the 141  
manner in which, and duration for which, the duties under that 142  
chapter applied to such offenders, including habitual sex 143  
offenders, sexual predators, habitual child-victim offenders, 144  
child-victim predators, sex offenders who were convicted of or 145  
pleaded guilty to an aggravated sexually oriented offense, and 146  
any other sex offenders or child-victim offenders not included 147  
in any of the preceding categories who were subject to duties, 148  
responsibilities, and restrictions under that chapter. 149

(B)(1) At any time before a wrongly classified Tier 150  
offender completes any registration and verification duties 151  
under this chapter that are associated with the sexually 152  
oriented offense or child-victim oriented offense that is the 153  
basis of the offender being a wrongly classified Tier offender, 154  
the court, upon the request of either the state or the offender 155  
or on the court's own initiative, shall hold a hearing to 156  
determine the pre-2008 classification that should apply to the 157  
offender under the provisions of Chapter 2950. of the Revised 158  
Code as it existed immediately prior to January 1, 2008. This 159  
division applies with respect to a wrongly classified Tier 160  
offender who is completing registration and verification duties 161  
for the first time or one who has completed those duties one or 162  
more times previously and subsequently is completing them again 163

in accordance with the provisions of Chapter 2950. of the 164  
Revised Code. 165

(2) The court shall give to both the state and the wrongly 166  
classified offender who is the subject of the hearing at least 167  
thirty days' notice of the date, time, and location of any 168  
hearing held under division (B)(1) of this section. The offender 169  
has the right to be represented by counsel and, if indigent, the 170  
right to have counsel appointed to represent the offender. 171

(3) A hearing held under division (B)(1) of this section 172  
shall be governed by, and held in accordance with, Chapter 2950. 173  
of the Revised Code as it existed immediately prior to January 174  
1, 2008, including one of the following as appropriate: 175

(a) As applicable to sexually oriented offenders, section 176  
2950.09 of the Revised Code as it existed immediately prior to 177  
that date; 178

(b) As applicable to child-victim offenders, section 179  
2950.091 of the Revised Code as it existed immediately prior to 180  
that date. 181

(4) If, at the conclusion of the hearing held under 182  
division (B)(1) of this section, the court determines that the 183  
wrongly classified Tier offender should be classified under the 184  
provisions of Chapter 2950. of the Revised Code as it existed 185  
immediately prior to January 1, 2008, the court shall determine 186  
the appropriate pre-2008 classification for the offender, shall 187  
make any other necessary findings under those provisions, and 188  
shall file an entry that does all of the following: 189

(a) Sets forth the pre-2008 classification that the court 190  
determined for the offender and other relevant information; 191

(b) Specifies that the pre-2008 classification that the 192

court determined for the offender is subject to enforcement 193  
under Chapter 2950. of the Revised Code as it existed 194  
immediately prior to January 1, 2008; 195

(c) Vacates the prior classification of the offender as a 196  
Tier I sex offender/child-victim offender, Tier II sex 197  
offender/child-victim offender, or Tier III sex offender/child- 198  
victim offender. 199

(5) Any wrongly classified Tier offender who is 200  
reclassified under division (B) of this section shall receive 201  
credit toward the registration and verification duties under the 202  
new pre-2008 classification for all time that the offender has 203  
been in compliance with the registration and verification duties 204  
as a Tier I sex offender/child-victim offender, Tier II sex 205  
offender/child-victim offender, or Tier III sex offender/child- 206  
victim offender. 207

(6) Nothing in division (B) of this section limits either 208  
the state or a wrongly classified Tier offender from challenging 209  
on direct appeal a classification of the offender as a Tier I 210  
sex offender/child-victim offender, Tier II sex offender/child- 211  
victim offender, or Tier III sex offender/child-victim offender. 212

(7) Proceedings under division (B) of this section shall 213  
be initiated by the filing of a motion by a wrongly classified 214  
Tier offender or the state, or by the court's own initiative, 215  
within one year after the effective date of this section. If 216  
proceedings are not initiated within one year after the 217  
effective date of this section with respect to a wrongly 218  
classified Tier offender, the offender's Tier classification 219  
thereafter shall be deemed to be a valid classification subject 220  
to enforcement under Chapter 2950. of the Revised Code as it 221  
exists on and after January 1, 2008. 222



(8) No hearing may be held under division (B) (1) of this 223  
section with respect to a wrongly classified Tier offender if 224  
the offender, in writing in a motion or in another document 225  
filed with the court in the case, affirmatively accepts the Tier 226  
classification assigned to the offender. Upon such acceptance, 227  
the court shall issue an order recognizing that the wrongly 228  
classified Tier offender affirmatively accepts the Tier 229  
classification and is subject to Chapter 2950. of the Revised 230  
Code as it exists on and after January 1, 2008. 231

(C) If, on or after the effective date of this section, a 232  
person is convicted of or pleads guilty to a sexually oriented 233  
offense or child-victim oriented offense committed prior to 234  
January 1, 2008, the court imposing sentence for the offense 235  
shall hold a hearing to determine the pre-2008 classification 236  
that should apply to the offender under the provisions of 237  
Chapter 2950. of the Revised Code as it existed immediately 238  
prior to January 1, 2008. Division (B) (3) of this section 239  
applies with respect to a hearing held under this division. 240

If, at the conclusion of the hearing held under this 241  
division, the court determines that the offender should be 242  
classified under the provisions of Chapter 2950. of the Revised 243  
Code as it existed immediately prior to January 1, 2008, the 244  
court shall determine the appropriate pre-2008 classification 245  
for the offender and shall file an entry that does both of the 246  
following: 247

(1) Sets forth the pre-2008 classification that the court 248  
determined for the offender; 249

(2) Specifies that the pre-2008 classification that the 250  
court determined for the offender is subject to enforcement 251  
under Chapter 2950. of the Revised Code as it existed 252

immediately prior to January 1, 2008. 253

**Section 2.** That existing section 2305.111 of the Revised 254  
Code is hereby repealed. 255

**Section 3.** That the version of section 2305.111 of the 256  
Revised Code amended in Section 1 of this act be amended to read 257  
as follows: 258

**Sec. 2305.111.** (A) As used in this section: 259

(1) "Childhood sexual abuse" means any conduct that 260  
constitutes any of the violations identified in division (A) (1) 261  
(a) or (b) of this section and would constitute a criminal 262  
offense under the specified section or division of the Revised 263  
Code, if the victim of the violation is at the time of the 264  
violation a child under eighteen years of age or a child with a 265  
developmental disability or physical impairment under twenty-one 266  
years of age. The court need not find that any person has been 267  
convicted of or pleaded guilty to the offense under the 268  
specified section or division of the Revised Code in order for 269  
the conduct that is the violation constituting the offense to be 270  
childhood sexual abuse for purposes of this division. This 271  
division applies to any of the following violations committed in 272  
the following specified circumstances: 273

(a) A violation of section 2907.02 or of division (A) (1), 274  
(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 275  
of the Revised Code; 276

(b) A violation of section 2907.05 or 2907.06 of the 277  
Revised Code if, at the time of the violation, any of the 278  
following apply: 279

(i) The actor is the victim's natural parent, adoptive 280  
parent, or stepparent or the guardian, custodian, or person in 281

loco parentis of the victim.	282
(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.	283 284 285
(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.	286 287 288 289 290 291
(iv) The actor is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the victim is enrolled in or attends that institution.	292 293 294 295
(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.	296 297 298 299
(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.	300 301 302 303 304
(vii) The victim is confined in a detention facility, and the actor is an employee of that detention facility.	305 306
(viii) The actor is a cleric, and the victim is a member of, or attends, the church or congregation served by the cleric.	307 308
(2) "Cleric" has the same meaning as in section 2317.02 of	309

the Revised Code.	310
(3) "Mental health client or patient" has the same meaning as in section 2305.51 of the Revised Code.	311 312
(4) "Mental health professional" has the same meaning as in section 2305.115 of the Revised Code.	313 314
(5) "Sexual contact" has the same meaning as in section 2907.01 of the Revised Code.	315 316
(6) "Victim" means, except as provided in division (B) of this section, a victim of childhood sexual abuse.	317 318
(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:	319 320 321 322 323 324
(1) The date on which the alleged assault or battery occurred;	325 326
(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:	327 328 329 330
(a) The date on which the plaintiff learns the identity of that person;	331 332
(b) The date on which, by the exercise of reasonable diligence, the plaintiff should have learned the identity of that person.	333 334 335
<del>(C) (1) Except as provided in division (C) (2) of this</del>	336

~~section, an~~ (C) An action for assault or battery brought by a 337  
victim of childhood sexual abuse based on childhood sexual 338  
abuse, or an action brought by a victim of childhood sexual 339  
abuse asserting any claim resulting from childhood sexual abuse, 340  
shall be brought within twelve years after the cause of action 341  
accrues. For purposes of this section, a cause of action for 342  
assault or battery based on childhood sexual abuse, or a cause 343  
of action for a claim resulting from childhood sexual abuse, 344  
accrues upon the date on which the victim reaches the age of 345  
majority. If the defendant in an action brought by a victim of 346  
childhood sexual abuse asserting a claim resulting from 347  
childhood sexual abuse that occurs on or after August 3, 2006, 348  
has fraudulently concealed from the plaintiff facts that form 349  
the basis of the claim, the running of the limitations period 350  
with regard to that claim is tolled until the time when the 351  
plaintiff discovers or in the exercise of due diligence should 352  
have discovered those facts. 353

~~(2) Only for purposes of making claims against a~~ 354  
~~bankruptcy estate of an organization chartered under part B of~~ 355  
~~subtitle II of Title 36 of the United States Code, an action for~~ 356  
~~assault or battery brought by a victim of childhood sexual abuse~~ 357  
~~based on childhood sexual abuse, or an action brought by a~~ 358  
~~victim of childhood sexual abuse asserting any claim resulting~~ 359  
~~from childhood sexual abuse, may be brought at any time after~~ 360  
~~the cause of action accrues.~~ 361

~~(3) For purposes of this section, a cause of action for~~ 362  
~~assault or battery based on childhood sexual abuse, or a cause~~ 363  
~~of action for a claim resulting from childhood sexual abuse,~~ 364  
~~accrues upon the date on which the victim reaches the age of~~ 365  
~~majority.~~ 366

**Section 4.** That the existing version of section 2305.111 367  
of the Revised Code as amended in Section 1 this act is hereby 368  
repealed. 369

**Section 5.** Sections 3 and 4 of this act take effect five 370  
years after the effective date of section 2305.111 of the 371  
Revised Code, as amended by Section 1 of this act. 372

**Section 6.** This act shall be known as the Scout's Honor 373  
Law. 374