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# OHIO LEGISLATIVE SERVICE COMMISSION

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and Drafting

Legislative Budget  
Office

**H.B. 323**  
**136<sup>th</sup> General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Lorenz

Paul Luzzi, Attorney

### SUMMARY

- Requires an employer to report known or suspected child sexual assault.
- Subjects an employer to the same reporting procedures and the same penalties for failure to report as mandatory reporters.
- Requires the Director of Job and Family Services to create a virtual training program to help employers recognize and report sexual assault.
- Subjects an employer that fails to provide the training program created by the Director to an employee to a criminal penalty of a fourth degree misdemeanor.

### DETAILED ANALYSIS

#### Employers as mandatory reporters

The bill requires an employer, to report known or suspected child sexual assault. The reporting requirement applies to both public and private employers and includes any agent of the employer.<sup>1</sup>

The bill subjects an employer to the same reporting procedures as mandatory reporters (a person required to report known or suspected child abuse or neglect). Under continuing law, a mandatory reporter typically must make the report to the county public children services agency ("PCSA") or a peace officer in the county where the child resides or where the abuse or neglect is occurring or has occurred.

When an individual is a mandatory reporter because the individual is a peace officer, continuing law requires the mandatory reporter to make the report to the PCSA for the county in which the child resides or in which the abuse is occurring or has occurred. Where the abuse

<sup>1</sup> R.C. 2151.421(A)(1)(d), by reference to R.C. 4113.90.

victim is an inmate in the custody of a state correctional institution, a mandatory reporter must direct the report to the State Highway Patrol.<sup>2</sup>

An individual who is not a mandatory reporter may, but is not required to, make a report in such instances.<sup>3</sup> The PCSA must investigate each report of child abuse or neglect that it receives within 24 hours.<sup>4</sup>

For additional details about mandatory reporting, including a list of all professionals currently designated as mandatory reporters, see the LSC Members Brief, [Child Abuse or Neglect Reporting \(PDF\)](#), which is available on LSC's website: [lsc.ohio.gov/Publications](http://lsc.ohio.gov/Publications).

The bill applies the current law penalties for failing to report to an employer who fails to report. Under continuing law, a mandatory reporter who fails to report known or suspected child abuse or neglect is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. Additionally, failing to report is a fourth degree misdemeanor. Failing to report is a first degree misdemeanor if the known or suspected child abuse or neglect occurs while the child is under the direct care or supervision of the reporter, acting in an official or professional capacity, or another person over whom the reporter has supervisory control.<sup>5</sup> The employer is also provided the same immunities that are given to other mandatory reporters to the extent they apply to the employer.<sup>6</sup>

## Sexual assault recognition mandatory training

Under the bill, the Director of Job and Family Services must create a one-hour virtual training program to help employers recognize and report sexual assault. The Director must include in the training program penalties for failing to report sexual assault.

The bill requires an employer to provide the training program created by the Director to an employee who begins employment with the employer on or after the bill's effective date. Failing to provide the training program to an employee is a fourth degree misdemeanor.<sup>7</sup>

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## HISTORY

Action	Date
Introduced	06-03-25

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<sup>2</sup> R.C. 2151.421(A)(1)(a) and (d) by reference to R.C. 5120.173, not in the bill.

<sup>3</sup> R.C. 2151.421(B).

<sup>4</sup> R.C. 2151.421(G)(1).

<sup>5</sup> R.C. 2151.421(M); R.C. 2151.99, not in the bill.

<sup>6</sup> R.C. 2151.421(H).

<sup>7</sup> R.C. 4113.90 and 4113.99.