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H.B. 35
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Seitz and Miranda

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SUMMARY

- Eliminates the current 12-year period of limitation for an action for assault or battery brought by a victim of childhood sexual abuse based on childhood sexual abuse, or an action brought by such victim asserting any claim resulting from childhood sexual abuse, only for purposes of making claims against a bankruptcy estate.

DETAILED ANALYSIS

Background – civil action based on childhood sexual abuse

An action for assault or battery may be brought by a victim of childhood sexual abuse based on childhood sexual abuse or by a victim of childhood sexual abuse asserting any claim resulting from childhood sexual abuse.¹ “Childhood sexual abuse” means any conduct that constitutes any of the violations identified in the Childhood Sexual Abuse Law and would constitute any of the following criminal offenses, if the victim of the violation is at the time of the violation a child 18 years of age or a child with a developmental disability or physical impairment under 21 years of age:²

- Rape;
- Sexual battery committed under certain circumstances specified in the Sexual Battery Law in which the offender is a person in authority over the victim;
- Gross sexual imposition or sexual imposition committed under specified circumstances in which the offender is a person in authority over the victim.

¹ R.C. 2305.111(C).

² R.C. 2305.111(A)(1)(a) and (b).

Statute of limitations

Current law provides the period of limitation for an action for assault or battery brought by a victim of childhood sexual abuse based on childhood sexual abuse, or an action brought by such victim asserting any claim resulting from childhood sexual abuse, is 12 years after the cause of action accrues.³

As an exception to the above period of limitation, the bill specifies that only for purposes of making claims against a bankruptcy estate of an organization chartered under part B of subtitle II of Title 36 of the United States Code, 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 asserting any claim resulting from childhood sexual abuse, may be brought at any time after the cause of action accrues.⁴

Under continuing law, relocated by the bill, 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.⁵

Sunset

The bill sunsets its provisions five years after its effective date, such that R.C. 2305.111 will return to the version that is in current law on that date.⁶

HISTORY

Action	Date
Introduced	02-15-23

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³ R.C. 2305.111(C)(1).

⁴ R.C. 2305.111(C)(2).

⁵ R.C. 2305.111(C)(3)

⁶ Sections 3 and 4.