

# Catholic Conference of Ohio

9 E. Long St., Suite 201, Columbus, Ohio 43215

---

## STATEMENT ON SUB. SB 17

The Board of Directors of the Catholic Conference of Ohio support Sub. SB 17 as it was approved by the Ohio House of Representatives and concurred to by the Ohio Senate on Wednesday, March 29. They believe that the substitute bill focuses on protecting children from sexual abuse now and in the future.

The bill imposes on the clergy a separate mandatory requirement to report abuse or neglect of a child. The bill specifically requires clergy and other official representatives of the Church other than volunteers to report to local authorities the name of a clergyperson if it is known or there is reasonable cause to believe that another clergyperson caused or poses a threat of causing abuse or neglect of a child.

Other key provisions of Sub. SB 17:

- clarifies that the criminal statute of limitations for child abuse does not begin to run until the victim reaches the age of majority or until the public children services agency or peace officer has been notified of the suspected abuse;
- extends the statute of limitations for filing a civil lawsuit against alleged abusers for child sexual abuse that occurs after the effective date of the bill. Individuals will have 12 years past the age of majority (until age 30), instead of the current 2 years (until age 20);
- requires the Attorney General to create a civil registry of sex-offenders, similar to the system established by the Sex Offenses Regulation Notification Act. An

individual who is prevented from commencing a civil action for childhood sexual abuse solely because of the expiration of the statute of limitations may seek a court determination (declaratory judgment action) that the individual has been abused. If the court agrees with the victim's claim, the court shall order that the offender's name be listed on the civil registry, and the offender must report his or her residence, employment address, and a photograph to be posted on the Internet;

- prohibits a person who is listed in the registry from living within one thousand feet of the victim;
- prohibits a person listed in the registry from establishing or occupying a residence within one thousand feet of any school premises;
- requires the local sheriff to notify persons living within one thousand feet of the registrant's residence that a person listed in the registry is living within the neighborhood;
- requires the local sheriff to notify the following persons of individuals listed in the registry: the county's public children's services agency, the superintendents of public schools in the county, the chief administrative officer of each nonpublic school, director of each preschool program, administrator of each child day care center or type A family day-care home, and chief administrative officer of each institution of higher education in the county;
- as to an act of abuse which occurs after the effective date of the Act, if it is found that a defendant has fraudulently concealed pertinent information from the victim,

the running of the statute of limitations is stopped until the claimant discovers or in the exercise of due diligence should have discovered the concealed facts.

- requires Ohio's occupational licensing boards to consider a person's listing on the civil registry in issuing licenses;
- whoever fails to report known child abuse or neglect by someone employed by the church is guilty of a first-degree misdemeanor;
- allows an individual listed in the registry to apply to the court to have his or her name removed from the registry after six years. The court may order the individual's name to be removed if the individual has not been found liable for assault and battery based on childhood sexual abuse and is not likely to commit an act in the future than would subject the individual to register;
- expands the offense of "sexual battery" to prohibit a member of the clergy from engaging in sexual conduct with a minor, who is a member of the church served by the member of the clergy.

Eliminated from bill (as originally passed by the Senate) is the one-year window or look-back provision, which would have allowed persons claiming sexual abuse to file civil lawsuits for alleged offenses which occurred up to 35 years ago. The Catholic Conference of Ohio opposed the window, claiming that this provision is unconstitutional and does nothing to prevent the abuse of children today and in the future.

Sub. S.B. 17 now moves to the Governor's office for signature. The Catholic Conference anticipates that the Governor will sign this bill into law and it would become effective 90 days after signing.