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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 471  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Rogers

Nicholas A. Keller, Attorney

### SUMMARY

- Modifies the statute of limitations for a childhood sexual abuse action by providing that the action must be brought at any time until the victim reaches age 55 and allows an action against a perpetrator of the childhood sexual abuse or an entity that negligently facilitated that sexual abuse.
- Removes a provision that states that a childhood sexual abuse action accrues on the date on which the victim reaches the age of majority.
- Modifies when a childhood sexual abuse victim may bring an action if the defendant in a childhood sexual abuse action brought by a childhood sexual abuse victim asserting a claim resulting from childhood sexual abuse that occurs after August 3, 2006, has fraudulently concealed from the plaintiff facts that form the basis of the claim.
- Allows for the revival of a childhood sexual abuse action if the action is otherwise barred on the effective date of the bill and allows a childhood sexual abuse action to be commenced within three years after the effective date of the bill.

### DETAILED ANALYSIS

#### Statute of limitations for childhood sexual abuse

The bill modifies the existing statute of limitations for an action for assault and battery brought by a childhood sexual abuse victim based on childhood sexual abuse, or an action brought by a victim of childhood sexual abuse asserting any claim resulting from childhood sexual abuse. Under existing law, the action must be brought within 12 years after the cause of action accrues. The bill provides that the action must be brought at any time until the victim

reaches age 55 and also allows an action against a perpetrator of the childhood sexual abuse or an entity that negligently facilitated that sexual abuse.<sup>1</sup>

The bill removes the existing law provision that states that 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.<sup>2</sup>

Under existing law, if the defendant in an action brought by a childhood sexual abuse victim asserting a claim resulting from childhood sexual abuse that occurs 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. The bill modifies this provision by instead providing that if the plaintiff discovers those facts after reaching age 55, the plaintiff may bring an action asserting a claim resulting from the childhood sexual abuse not later than three years after the date of the discovery of those facts that form the basis of the claim.<sup>3</sup>

## Revival of childhood sexual abuse action

Under the bill, if, on the effective date of this amendment, a cause of action for assault or battery based on childhood sexual abuse or a claim resulting from childhood sexual abuse is barred due to the expiration of the applicable period of limitation of that action or claim that was in effect prior to the effective date of the bill, that cause of action or claim must be revived and an action for assault or battery by the victim of the childhood sexual abuse based on childhood sexual abuse or a claim resulting from childhood sexual abuse asserted by the victim of that childhood sexual abuse may be commenced within three years after the effective date of the bill.<sup>4</sup>

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## HISTORY

Action	Date
Introduced	01-14-20

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H0471-I-133/ks

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<sup>1</sup> R.C. 2305.111(C).

<sup>2</sup> R.C. 2305.111(C).

<sup>3</sup> R.C. 2305.111(C).

<sup>4</sup> R.C. 2305.111(D).