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135th General Assembly

Final Analysis

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Primary Sponsors: Reps. Seitz and Abrams

Effective date: April 9, 2025

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SUMMARY

Childhood sexual abuse registration and community notification

- Provides that if a registrant for the Child Sexual Abuse Registry fails to comply with registration, notice, and verification requirements, the penalty for a violation of the offense is a civil penalty of up to \$2,500, instead of a fifth degree felony.
- Requires the sheriff, if a registrant for the Child Sexual Abuse Registry fails to comply with verification requirements, to promptly refer the failure to the prosecuting attorney of the county in which the registrant is required to verify their current address or the county in which the registrant resides or is employed.
- Allows the prosecuting attorney in the preceding dot point to file a civil action against the registrant, but if the prosecuting attorney does not file the civil action within 45 days after the referral, the aggrieved person may file the civil action.

Repeals the prohibition on a registrant for the Child Sexual Abuse Registry establishing a residence or occupying a residential premises within 1,000 feet of any school premises.

Limitation period for reporting child abuse or neglect

- Provides that a prosecution for a violation of failure to report child abuse or neglect by specified persons is barred unless it is brought within four years after a violation of the offense is committed, instead of within two years under former law.

Grooming

- Creates the offense of grooming, a first or second degree misdemeanor, except under specified circumstances in which the offense is a felony.

DETAILED ANALYSIS

Childhood Sexual Abuse Registration and Community Notification

Declaratory judgment

If an individual is precluded from bringing a civil action for assault or battery based on childhood sexual abuse solely because the limitation period for the action expired, the Attorney General or the prosecuting attorney may bring an action for a declaratory judgment finding that the person would have been liable for assault or battery based on childhood sexual abuse but for the expiration of the limitation period.¹

If a court enters a declaratory judgment and issues an order that the person be listed on the Child Sexual Abuse Registry, the registrant must do all of the following: (1) register personally with the sheriff of the county in which the registrant resides and with the sheriff of any county in which the registrant is employed,² (2)(a) if a registrant establishes a new residence or place of employment, promptly send the sheriff written notice of the address of the new residence or place of employment, or (b) if a registrant intends to reside in a new county, send the sheriff written notice of the registrant's intent to reside in that county,³ and (3) verify the registrant's current residence address and employment address on each anniversary of the registrant's initial registration date.⁴

Failure to comply with registration, notice, and verification

The Child Sexual Abuse Registry Law prohibits a registrant from failing to comply with the registration, notice, and verification requirements described above.⁵ The act modifies the penalty for failing to comply with the registration, notice, and verification requirements. It provides that the penalty for failing to comply with those requirements is a civil penalty of up to \$2,500 (instead of a fifth degree felony under former law).⁶

The act makes conforming changes regarding the applicable affirmative defense. The act provides that "a registrant does not violate the prohibition" by failing to send written notice of a change of residence or employment address or notice of intent to reside in a county in specified circumstances. Former law stated that failing to send written notice of a change of residence or

¹ R.C. 2721.21(B), not in the act.

² R.C. 3797.02, not in the act.

³ R.C. 3797.03, not in the act.

⁴ R.C. 3797.04.

⁵ R.C. 3797.10(A). There is a technical error in law unchanged by the act in R.C. 3797.10(A). In R.C. 3797.10(A), the prohibition applies to R.C. 3797.02, 3797.03, and 3797.05. The reference to R.C. 3707.05 should be a reference to R.C. 3797.04. This analysis is drafted as though the reference to R.C. 3797.05 is to R.C. 3797.04.

⁶ R.C. 3797.10(C).

employment address or notice of intent to reside in a county was “an affirmative defense to a charge of the violation of the prohibition” in specified circumstances.⁷

Verification of registrant’s current resident and employment addresses

If a registrant fails to verify a current residence address or employment address by the date required for verification, the sheriff with whom the registrant is required to verify the current address must send on the day following the date required for the verification and at the registrant’s last known residence or place of employment, a written warning to the registrant regarding the registrant’s duty to verify the registrant’s current address. The written warning must do all of the following as modified by the act:⁸

- Identify the sheriff who sends it and the date on which it is sent;
- Conspicuously state that the registrant has failed to verify the registrant’s current residence address or employment address by the date required for the verification;
- Conspicuously state that the registrant has seven days from the date on which the warning is sent to verify the current residence address or employment address with the sheriff who sent the warning, by the date required for verification;
- Conspicuously state that a failure to timely verify the specified current address or addresses is subject to a civil penalty of up to \$2,500 (instead of a fifth degree felony under former law);
- Conspicuously state that the registrant will not be liable for that civil penalty (instead of prosecuted under former law), for a failure to timely verify a current address if the registrant does not verify the current address with that sheriff within the 7-day period;
- Conspicuously state that the registrant will be liable for that civil penalty (instead of arrested or taken into custody and prosecuted under former law) for failure to timely verify a current address if the registrant does not verify the current address with that sheriff within the 7-day period.

Under the act, if a registrant fails to verify a current address by the date required for the verification, the registrant is not liable for the civil penalty for failure to comply with registration, notice, and verification requirements, unless the 7-day period subsequent to the date that the registrant is provided to verify the current address has expired and the registrant has not verified the current address prior to the expiration of the 7-day period. Former law provides that the registrant must not be prosecuted for failure to comply with registration, notice, and verification requirements.⁹

⁷ R.C. 3797.10(B).

⁸ R.C. 3797.04(C)(1).

⁹ R.C. 3793.04(C)(2).

Upon the expiration of the 7-day period, if the registrant has not verified the current address, all of the following apply as modified by the act:¹⁰

- The sheriff with whom the registrant is required to verify the current address promptly must notify the Attorney General of the failure;
- The sheriff with whom the registrant is required to verify the current address promptly must refer the registrant's failure to verify the current address to either of the following (instead of, under former law, the sheriff with whom the registrant is required to verify the current address, the sheriff of the county in which the registrant resides or is employed, or a deputy of the appropriate sheriff must locate the registrant, promptly must seek a warrant for the arrest or taking into custody of the registrant, and must arrest the registrant):
 - The prosecuting attorney of the county in which the registrant is required to verify the current address to that county's sheriff;
 - The prosecuting attorney of the county in which the registrant resides or is employed.
- The prosecuting attorney to whom the referral is made may file a civil action against the registrant for a violation of the registration, notice, and verification requirements. If the prosecuting attorney fails to file the civil action within 45 days after the referral, the aggrieved person may file that civil action.

The act defines "aggrieved person" as an individual to whom the registrant would have been liable for assault or battery based on childhood sexual abuse, but for the expiration of the limitation period.¹¹

Residency within 1,000 feet of a school premises

The act repeals a provision that prohibits a person against whom a court has issued a declaratory judgment and who has not been removed from the Child Sexual Abuse Registry from establishing a residence or occupying a residential premises within 1,000 feet of any school premises. If a person violates the prohibition, an owner or lessee of real property that is located within 1,000 feet of those school premises, or the prosecuting attorney, village solicitor, city or township director of law, similar chief legal officer of a municipal corporation or a township, or official designated as a prosecutor in a municipal corporation that has jurisdiction over the place at which the person establishes the residence or occupies the residential premises in question, has a cause of action for injunctive relief against the person. The plaintiff must not be required to prove irreparable harm in order to obtain relief.¹²

¹⁰ R.C. 3797.04(C)(2).

¹¹ R.C. 3797.01(A).

¹² R.C. 3797.11 and 3797.12.

Limitation period for reporting child abuse or neglect

Continuing law prohibits a mandatory reporter or cleric who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under age 18, or a person under age 21 with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child from failing to immediately report that knowledge or reasonable cause to suspect to a specified entity or person.¹³

Under law unchanged by the act, a violation of the prohibition is a first or fourth degree misdemeanor, depending on the circumstances of the offense.¹⁴

The act provides that the period of limitation for failure to report child abuse or neglect by a mandatory reporter or cleric expires four years after the violation is committed. Under former law, the period of limitation expired two years after the violation of the misdemeanor offense was committed.¹⁵

Offense of grooming

The act creates the offense of grooming by prohibiting both of the following:

1. A person who is age 18 or older from engaging in a “pattern of conduct” with a minor who is younger than 16 and who is four or more years younger than the person, when the pattern of conduct would cause a reasonable adult person to believe that the person is communicating with the minor with purpose to do either of the following:¹⁶
 - a. Entice, coerce, or solicit the minor to engage in “sexual activity,” and when the person’s purpose in engaging in the pattern of conduct is to entice, coerce, or solicit the minor to engage in sexual activity with the person or a third person.
 - b. Prepare the minor to engage in sexual activity, and when the person’s purpose in engaging in the pattern of conduct is to prepare the minor to engage in sexual activity with the person or a third person that would be rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, or importuning.
2. A person who is age 18 or older from engaging in a pattern of conduct with a minor if the person and the minor are in any of the relationships described in the R.C. section prohibiting sexual battery (see (a) to (i) below), when the pattern of conduct would cause

¹³ R.C. 2151.421(A)(1) and (4), not in the act. See the LSC *Members Brief*, [Child Abuse or Neglect Reporting \(PDF\)](#), which is available on LSC’s website, lsc.ohio.gov/Publications, for a full list of mandatory reporters and clerics.

¹⁴ R.C. 2151.99(A) and (C), not in the act.

¹⁵ R.C. 2901.13(A).

¹⁶ R.C. 2907.071(B)

a reasonable adult person to believe that the person is communicating with the minor with purpose to do either of the following:¹⁷

- a. Entice, coerce, or solicit the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to entice, coerce, or solicit the minor to engage in sexual activity with the person or a third person.
 - b. Prepare the minor to engage in sexual activity, and when the person's purpose in engaging in the pattern of conduct is to prepare the minor to engage in sexual activity with the person or a third person that would be rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, or importuning.
3. The relationships described in the R.C. section prohibiting sexual battery and referred to in (2) above are the following:¹⁸
- a. The person is the minor's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the minor.
 - b. The minor is in custody of law or a patient in a hospital or other institution, and the person has supervisory or disciplinary authority over the minor.
 - c. The person is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the director of education and workforce prescribes minimum standards, the minor is enrolled in or attends that school, and the person is not enrolled in and does not attend that school.
 - d. The person is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the minor is enrolled in or attends that institution.
 - e. The person is the minor's athletic or other type of coach, is the minor's instructor, is the leader of a scouting troop of which the minor is a member, or is a person with temporary or occasional disciplinary control over the minor.
 - f. The person is a mental health professional, the minor is a mental health client or patient of the person, and the person induces the minor to submit by falsely representing to the minor that the sexual conduct is necessary for mental health treatment purposes.
 - g. The minor is confined in a detention facility, and the person is an employee of that detention facility.
 - h. The person is a cleric, and the minor is a member of, or attends, the church or congregation served by the cleric.
 - i. The person is a peace officer and is more than two years older than the minor.

¹⁷ R.C. 2907.071(C).

¹⁸ R.C. 2907.071(C) and by reference to R.C. 2907.03(A)(5) to (13), not in the act.

Penalty

The act establishes the following penalties for grooming:

- A violation of either prohibition in (1) above is a second degree misdemeanor, unless any of the following apply:¹⁹
 - If the victim of the offense is younger than 13 or if the offender supplied alcohol or a drug of abuse to the victim, the violation is a fifth degree felony.
 - If the victim of the offense is younger than 13 and if the offender previously has been convicted of or pleaded guilty to grooming or a sexually oriented offense or a child-victim oriented offense or the offender supplied alcohol or a drug of abuse to the victim, the violation is a fourth degree felony.
 - If the offender previously has been convicted of or pleaded guilty to grooming or a sexually oriented offense or a child-victim oriented offense and the offender supplied alcohol or a drug of abuse to the victim of the offense, the violation is a third degree felony.
- A violation of either prohibition in (2) above is a first degree misdemeanor, unless any of the following apply:²⁰
 - If the offender supplied alcohol or a drug of abuse to the victim of the offense, the violation is a fifth degree felony.
 - If the victim of the offense is younger than 13 or if the offender previously has been convicted of or pleaded guilty to grooming or a sexually oriented offense or a child-victim oriented offense, the violation is a fourth degree felony.
 - If the victim of the offense is younger than 13 and if the offender previously has been convicted of or pleaded guilty to grooming or a sexually oriented offense or a child-victim oriented offense or the offender supplied alcohol or a drug of abuse to the victim, the violation is a third degree felony.

The act states that a prosecution for grooming does not preclude a prosecution of a violation of any other Revised Code section. One or more acts, a series of acts, or a course of behavior that can be prosecuted for grooming or a violation of any other Revised Code section may be prosecuted for grooming, the other Revised Code section, or both grooming and the other section.²¹

Definitions

The act defines “pattern of conduct” as two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or

¹⁹ R.C. 2907.071(D)(1).

²⁰ R.C. 2907.071(D)(2).

²¹ R.C. 2907.071(E).

incidents, or two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, directed at one or more persons employed by or belonging to the same corporation, association, or other organization.²²

The act uses the following continuing law definitions:

- “Sexual activity” means sexual conduct or sexual contact, or both.²³
- “Sexual conduct” means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.²⁴
- “Sexual contact” means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.²⁵

HISTORY

Action	Date
Introduced	11-08-23
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²² R.C. 2907.071(A) and by reference to R.C. 2903.211, not in the act.

²³ R.C. 2907.01(C), not in the act.

²⁴ R.C. 2907.01(A), not in the act.

²⁵ R.C. 2907.01(B), not in the act.