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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 419\*  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Troy and Seitz

Reid J. Fleeson, Attorney

UPDATED VERSION

### SUMMARY

- Makes a mandatory reporter of adult abuse, neglect, or exploitation who knowingly fails to make such a report guilty of a fourth degree misdemeanor instead of the current fine of \$500.

### DETAILED ANALYSIS

This bill makes a mandatory reporter of adult abuse, neglect, or exploitation who knowingly fails to make such a report guilty of a fourth degree misdemeanor.<sup>1</sup> A mandatory reporter who fails to report, if aware of the duty to do so, likely fails knowingly.<sup>2</sup> Mandatory reporters under current law, and unchanged by the bill include, for example, attorneys, doctors, dentists, nurses, home health agency employees, nursing home employees, firefighters, peace officers, and clergy.<sup>3</sup>

Under current law, a mandatory reporter's failure to make a report is punishable with a fine of up to \$500.<sup>4</sup> For a fourth degree misdemeanor, penalties may include any sanctions, or a combination of sanctions, provided for misdemeanors under Ohio's Criminal Code, including a jail term of not more than 30 days or a fine of not more than \$250.<sup>5</sup>

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\* The analysis is updated to explain the "knowingly fails" mental state for the fourth degree misdemeanor under the bill.

<sup>1</sup> R.C. 5101.63(A) and 5101.99(B).

<sup>2</sup> See, R.C. 2901.22(B).

<sup>3</sup> R.C. 5101.63(A)(2).

<sup>4</sup> R.C. 5101.99.

<sup>5</sup> R.C. 2929.22 and 2929.24 to 2929.28, not in the bill.

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## HISTORY

| Action     | Date     |
|------------|----------|
| Introduced | 09-14-21 |

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