



ENACTMENT NEWS

House Bill 35 Statutes of Limitations – Childhood Sexual Abuse “Scout’s Honor Law” and SORN Reclassification Effective October 12, 2023

On October 12, 2023, Governor DeWine signed House Bill 35 (Reps. Miranda, Seitz) into law. The bill was amended in the Senate to include an emergency clause, which means it went into effect immediately upon signature on October 12.

The bill has two main parts – one that eliminates the statutes of limitations in civil childhood sexual abuse cases and one that corrects SORN reclassification that occurred as a result of Ohio sentencing sex offenders first under Megan’s Law and then under the Adam Walsh Act.

Statutes of Limitations

The bill 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. This change, in turn, enables Ohio-based claimants against the bankruptcy estate of the Boy Scouts of America to recover 100% of their entitlement as opposed to the 30-45% share that they are slated to get if the Ohio statute of limitations on civil claims for such damages had not been extended. The provisions of the bill are to sunset five years after the bill’s effective date (October, 2028).

SORN Reclassification

The bill contains a provision allowing for the reclassification of certain offenders subject to SORN registration. Specifically, the bill permits a person who committed a sex offense prior to January 1, 2008 but whose SORN registration classification was found unconstitutional in *State v. Williams* (129 Ohio St.3d 344, 2011-Ohio-3374). In that case, the Court found that offenders who committed an offense when Ohio’s Megan’s Law was in effect, but were sentenced and classified after Ohio adopted its version of the Adam Walsh Act, were unconstitutionally subject to a retroactive statute. The bill classifies these individuals as “wrongly classified Tier offenders.”

The bill provides that at any time prior to a wrongly classified Tier offender’s completion of their registration duties, that the offender, the state, or on the court on its own initiative, may request a reclassification. The court must hold a hearing and give at least 30 days’ notice of the hearing to both the state and the offender, and the hearing must be governed by the SORN law as it existed prior to January 1, 2008.

The bill requires that any request for reclassification must be initiated within one year after the bill's effective date. Additionally, if a person is convicted after the bill's effective date of an offense committed prior to January 1, 2008, the court must hold a hearing to determine the pre-2008 classification that should apply.

The Ohio House passed the bill by a vote of 95-0 on March 29, 2023 and the Senate passed the bill by a vote of 31-0 on September 27, 2023. The bill had been amended in the Senate and required a concurrence vote; the House concurred by a vote of 88-0 on October 11, 2023.