Senate Bill 162

Companion Bill to House Bill 279

Eliminate Statute of Limitations for Rape; Spousal Exceptions

Sponsors: Senators Antonio & O’Brien
Introduced 6/10/2019

Under Current Law:

- The Statute of Limitations for § 2907.02 Rape is 25 years, with the following exceptions:
  - If 25 years has lapsed, but a DNA record in a § 2907.02 investigation is found to match another DNA record, the prosecution may bring the criminal action within five years; or
  - If 25 years has not lapsed, and a DNA record in a § 2907.02 investigation is found to match another DNA record, the prosecution may bring the criminal action within 25 years of the rape or 5 five years of the match, whichever is later.

- The following sex crimes exempt from culpability perpetrators who are married to their victim (this is commonly referred to as Ohio’s Marital Rape Exemption): § 2907.02 Rape, § 2907.03 Sexual Battery, § 2907.04 Unlawful Sexual Conduct with a Minor, § 2907.05 Gross Sexual Imposition, § 2907.06 Sexual Imposition, § 2907.07 Importuning.
  - Note that though the marital rape exemption to § 2907.02 does not apply in cases where the perpetrator used force or threat of force, it does apply in cases where the perpetrator uses drugs, intoxicants, or controlled substances to impair the victim, or the victim’s ability to resist is otherwise substantially impaired.

This Bill Would:

- Remove the spousal exemptions from § 2907.02 Rape, § 2907.03 Sexual Battery, § 2907.04 Unlawful Sexual Conduct with a Minor, § 2907.05 Gross Sexual Imposition, § 2907.06 Sexual Imposition, and § 2907.07 Importuning.

- Remove the statute of limitations for criminal prosecutions of ORC § 2907.02 Rape and certain related civil actions.

Why This Bill is Important:

- An estimated 33% of rapes are committed by a current or former partner.¹
- A person can be a victim of a sex crime regardless of their relationship to the perpetrator. This legislation will remove Ohio’s codification of outdated and harmful ideas about marital rape.
- Because of the current law’s exemptions, §§ 2907.02–2907.07 offenses perpetrated by a spouse do not qualify as sexually oriented offenses. Therefore, married victims are precluded from qualifying for a Sexually Oriented Offense Protection Order.

¹ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2016 (2017).