



Fact Sheet Series for the 134th General Assembly

House Bill 266

Eliminate Statute of Limitations for Rape; Spousal Exceptions; Childhood Sexual Abuse

Sponsors: Representatives Galonski & Miranda
Introduced 4/21/2021

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 5 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.
- ORC § 2907.02 Rape creates an exemption from culpability for perpetrators who are married to their victim (this is commonly referred to as Ohio's **Marital Rape Exemption**).
 - **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.
- The **period of limitations** for a §2305.111 civil action by a victim of childhood sexual abuse is currently 12 years from when the cause of action accrues. Accrual begins when the victim reaches the age of majority. Exception:
 - If the defendant has fraudulently concealed facts that form the basis of the claim, the limitation period does not begin until the survivor discovers, or should have discovered, those facts.

This Bill Would:

- **Remove the spousal exemption** from ORC § 2907.02 Rape.
- **Remove the statute of limitations** for criminal prosecutions of ORC § 2907.02 Rape and certain related civil actions.
- **Extend the period of limitations** for a civil action by a victim of childhood sexual abuse other than rape.

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 This legislation will remove Ohio's codification of outdated and harmful ideas about marital rape.
- About 1 in 4 girls and 1 in 13 boys experience childhood sexual abuse.²
- Justice for sexual assault survivors should not be tied to a time limit that does not reflect the complexity of the trauma and healing process after sexual assault.

*Prepared by Kate George, Law & Policy Intern, OAESV. Referencing 133rd General Assembly SB 162 Fact Sheet.

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

² Centers for Disease Control and Prevention, Child Sexual Abuse (2021).