



## Fact Sheet Series for the 134<sup>th</sup> General Assembly

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### House Bill 266

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

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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.<sup>1</sup>
- 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 This legislation will remove Ohio's codification of outdated and harmful ideas about marital rape.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.<sup>2</sup>
- 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.

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

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

<sup>2</sup> Centers for Disease Control and Prevention, Child Sexual Abuse (2021).