



Fact Sheet Series for the 134th General Assembly

Senate Bill 198 Eliminate the Period of Limitation for Rape Cases

Sponsor: Senator Nickie Antonio
Introduced: 6/16/2021

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 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 Statute of Limitations for civil actions for assault or battery is one year, as provided in §2305.111(B).

This Bill Would:

- Enact Section § 2305.118 to eliminate the statute of limitations for criminal prosecutions of § 2907.02 Rape and certain related civil actions.

Why This Legislation is Important:

- Delayed reporting is normal in sexual assault cases. Many survivors of rape experience Post-Traumatic Stress Disorder (PTSD), depression, anxiety, suicidal ideation, substance abuse, and self-harming behaviors as a result of the trauma. **The impact of trauma on survivors cannot be understated** and it is common for survivors to wait days, months, years, or decades to report or speak about their victimization.
- Another reality for survivors of rape is retaliation – not only from the perpetrator, but from others in our schools, communities, and from society at large.¹
- Criminal prosecution of a perpetrator is not the sole legal remedy available for a survivor. Over the past few decades, civil lawsuits have become additional option that survivors can take on their path to healing. Survivors should have equal access to civil actions to seek accountability for the harm they have experienced.
- Just as criminal prosecutions have standards of evidence, so do civil actions – removing the period of limitations in either avenue does not reduce the standard that prosecutors, attorneys, and judges must meet in order to ensure fair processes for offenders.

¹Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Female Victims of Sexual Violence, 1994-2010 (2013).

*Written by Emily Gemar, Public Policy Fellow with the Ohio Alliance to End Sexual Violence

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