

Call to Action – House Bill 266 Eliminate the Statute of Limitations for Rape

I. Contents

- a. The Bill
 - i. Background
 - ii. Current Status
- b. Action Steps for House Committee Members & Leadership
 - i. Contact Lawmakers and Ask for Support
 1. Phone Script
 2. Template Email
 - ii. Requesting and Holding Meetings
- c. Appendix A: Finding Your Lawmaker
- d. Appendix B: Contact Information for Members of Leadership and House Criminal Justice Committee
- e. Appendix C: Contact Information for House Leadership

II. Background

The Statute of Limitations for § 2907.02 Rape is 25 years, with the following exceptions:

- o 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
- o 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:
- o 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.

III. Current Status

HB 266 (Sponsors Representative Galonski and Miranda) was referred to the House Criminal Justice Committee. This committee has not scheduled a meeting for this week and thus does not have a hearing set for this resolution. There is no companion bill in the Senate.

IV. Action Steps for House Committee Members & Leadership

You can support HB 266 in a number of ways. The least time-consuming method is to leave a voicemail or send an email to Criminal Justice Committee members and House leadership. You can also ask for a meeting with these lawmakers over the summer to generate support. Please see the models for each option below.

i. Contact Representatives to Ask for Support

a. House Phone Script

“Hello,

My name is _____, and I live in _____, Ohio. I urge you and your caucus to schedule a Sponsor/Proponent hearing for House Bill 266 as soon as possible. As you know, this bill seeks to remove the statute of limitations for rape and extend the period of limitations for childhood sexual assault. The bill would also eliminate Ohio’s Marital Rape Exemption. Ohio survivors deserve the autonomy to decide when they are ready to report.”

b. House of Representatives Email Template

Please send leadership on the House Criminal Justice Committee an email requesting a hearing on HB 266 as soon as possible. As always, we encourage supporters to use their own words. However, as time is of the essence, we are providing the template below for your use should you choose:

Recipient Email Addresses: Rep77@ohiohouse.gov
Rep89@ohiohouse.gov
Rep22@ohiohouse.gov
criminaljusticecommittee@ohiohouse.gov
Rep04@ohiohouse.gov
Rep34@ohiohouse.gov

Subject Line: Urgent Constituent Request for Hearing on HB 266



Optional Email Text:

Chair LaRae, Vice Chair Swearingen, & Ranking Member Leland:

My name is _____, and I live in _____, Ohio. I urge you to schedule a Sponsor/Proponent Hearing for House Bill Number 266 this week. House Bill 266 would remove the spousal exemption from ORC §2907.02 Rape. 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. The bill would also remove the statute of limitations for criminal prosecutions of §2907.02 Rape as well as extend the period of limitations for a civil action by a victim of childhood sexual abuse other than rape. 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.

I am an Ohioan. I support HB 266. Rape is rape no matter when the offense occurred and no matter who committed it. I urge you to schedule a Sponsor/Proponent Hearing as soon as is procedurally permitted.

Sincerely,

ii. Request a Meeting

Recipient Email Addresses:

Rep77@ohiohouse.gov

Rep89@ohiohouse.gov

Rep22@ohiohouse.gov

criminaljusticecommittee@ohiohouse.gov

Subject Line: Urgent Constituent Request for Meeting on HB 266

Optional Email Text:

Chair LaRae, Vice Chair Swearingen, & Ranking Member Leland:

My name is _____, and I live in _____, Ohio. I am writing to request a virtual or in person meeting with you to discuss House Bill 266 regarding the statutes of limitation for rape and child sexual abuse as well as the Ohio Marital Rape Exemption.

House Bill 266 would remove the spousal exemption from ORC §2907.02 Rape. 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. The bill would also remove the statute of limitations for criminal prosecutions of §2907.02 Rape as well as extend the period of limitations for a civil action by a victim of childhood sexual abuse other than rape. 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.

Please advise of dates and times available to meet with you about this critical legislation.



I can be reached at (phone number and email) to schedule. I look forward to meeting with you to discuss this important piece of legislation.

Sincerely,

V. Appendix A: Finding Your Lawmaker

The Ohio Legislature provides an online tool for finding your Senator and Representative. To access this tool, please visit <https://www.legislature.ohio.gov/legislators/district-maps>. Once there, scroll past the House and Senate District Maps, and enter your information in either the “Search by Address” or “Search by Zip Code” boxes.

VI. Appendix B: Contact Information for House Criminal Justice Committee

Before the entire House of Representatives can consider this issue, the bill must pass through the House Criminal Justice Committee. The members below have the discretion to support the bill or vote to block from further consideration.

- Chair: Representative Jeff LaRae, (614) 466-8100, Rep77@ohiohouse.gov
- Vice Chair: Representative D.J. Swearingen, (614) 644-6011, Rep89@ohiohouse.gov
- Ranking Member: Representative David Leland, (614) 466-2473, Rep22@ohiohouse.gov.
- Members:
 - Representative Cindy Abrams, (614) 466-9091, Rep29@ohiohouse.gov
 - Representative Willis E. Blackshear, Jr., (614) 466-1607, Rep39@ohiohouse.gov
 - Representative Sedrick Denson, (614) 466-1308, Rep33@ohiohouse.gov
 - Representative Tavia Galonski, (614) 644-6037, Rep35@ohiohouse.gov
 - Representative Adam C. Miller, (614) 644-6005, Rep17@ohiohouse.gov
 - Representative Phil Plummer, (614) 644-8051, Rep40@ohiohouse.gov
 - Representative Sharon A. Ray, (614) 466-8140, Rep69@ohiohouse.gov
 - Representative Jean Schmidt, (614) 466-8143, Rep65@ohiohouse.gov
 - Representative Bill Seitz, (614) 466-8258, Rep30@ohiohouse.gov
 - Representative Andrea White, (614) 644-6008, Rep41@ohiohouse.gov

VII. Appendix C Contact Information for House Leadership

- Speaker of the House: Representative Robert R. Cupp
 - Rep04@ohiohouse.gov
 - 614-466-9624
 - 77 S High Street, 14th Floor, Columbus, Ohio 43215
- Speaker Pro Tempore: Representative Timothy E. Ginter
 - Rep05@ohiohouse.gov
 - 614-466-8022
 - 77 S High Street, 14th Floor, Columbus, Ohio 43215

- Majority Floor Leader: Representative Bill Seitz
 - Rep30@ohiohouse.gov
 - 614-466-8258
 - 77 S High Street, 14th Floor, Columbus, Ohio 43215
- Assistant Majority Floor Leader: Representative Rick Carfagna
 - Rep68@ohiohouse.gov
 - 614-466-1431
 - 77 S High Street, 11th Floor, Columbus, Ohio 43215
- Majority Whip: Representative Don Jones
 - Rep95@ohiohouse.gov
 - 614-466-8728
 - 77 S High Street, 14th Floor, Columbus, Ohio 43215
- Assistant Majority Whip: Representative Cindy Abrams
 - Rep29@ohiohouse.gov
 - 614-466-9091
 - 77 S High Street, 14th Floor, Columbus, Ohio 43215
- Minority Leader: Representative Emilia Strong Sykes
 - Rep34@ohiohouse.gov
 - 614-466-3100
 - 77 S High Street, 14th Floor, Columbus, Ohio 43215
- Assistant Minority Leader: Representative Kristin Boggs
 - Rep18@ohiohouse.gov
 - 614-466-1896
 - 77 S High Street, 14th Floor, Columbus, Ohio 43215
- Minority Whip: Representative Paula Hicks Hudson
 - Rep44@ohiohouse.gov
 - 614-466-1401
 - 77 S High Street, 14th Floor, Columbus, Ohio 43215
- Assistant Minority Whip: Representative Richard D. Brown
 - Rep20@ohiohouse.gov
 - 614-644-6002
 - 77 S High Street, 10th Floor, Columbus, Ohio 43215