

Fact Sheet Series for the 133rd General Assembly

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 This legislation will remove Ohio's codification of outdated and harmful ideas about marital rape.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).