

**As Reported by the House Judiciary Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. S. B. No. 13**

**Senators Jones, Hughes**

**Cosponsors: Senators Manning, Uecker, Gardner, Lehner, Bacon, Obhof, Beagle, Cafaro, LaRose, Balderson, Burke, Coley, Eklund, Faber, Hite, Jordan, Oelslager, Patton, Peterson, Tavares, Widener, Representatives Dever, Stinziano, Butler, Conditt**

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**A BILL**

To amend section 2901.13 of the Revised Code to  
increase the period of limitations for  
prosecution of rape or sexual battery, to extend  
that period of limitations when a DNA record  
made in connection with the investigation of the  
offense matches another DNA record of an  
identifiable person, and to declare an  
emergency.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2901.13 of the Revised Code be  
amended to read as follows:

**Sec. 2901.13.** (A) (1) Except as provided in division (A) (2)  
~~or, (3), or (4)~~ of this section or as otherwise provided in  
this section, a prosecution shall be barred unless it is  
commenced within the following periods after an offense is  
committed:

(a) For a felony, six years;

(b) For a misdemeanor other than a minor misdemeanor, two years; 17  
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(c) For a minor misdemeanor, six months. 19

(2) There is no period of limitation for the prosecution of a violation of section 2903.01 or 2903.02 of the Revised Code. 20  
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(3) Except as otherwise provided in divisions (B) to ~~(H)~~ (J) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within twenty years after the offense is committed: 23  
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(a) A violation of section 2903.03, 2903.04, 2905.01, 2905.32, ~~2907.02, 2907.03, 2907.04,~~ 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of section 2903.11 or 2903.12 of the Revised Code if the victim is a peace officer, a violation of section 2903.13 of the Revised Code that is a felony, or a violation of former section 2907.12 of the Revised Code; 27  
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(b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A) (3) (a) of this section. 35  
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(4) Except as otherwise provided in divisions (D) to (L) of this section, a prosecution of a violation of section 2907.02 or 2907.03 of the Revised Code or a conspiracy to commit, attempt to commit, or complicity in committing a violation of either section shall be barred unless it is commenced within twenty-five years after the offense is committed. 38  
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(B) (1) Except as otherwise provided in division (B) (2) of this section, if the period of limitation provided in division 44  
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(A) (1) or (3) of this section has expired, prosecution shall be 46  
commenced for an offense of which an element is fraud or breach 47  
of a fiduciary duty, within one year after discovery of the 48  
offense either by an aggrieved person, or by the aggrieved 49  
person's legal representative who is not a party to the offense. 50

(2) If the period of limitation provided in division (A) 51  
(1) or (3) of this section has expired, prosecution for a 52  
violation of section 2913.49 of the Revised Code shall be 53  
commenced within five years after discovery of the offense 54  
either by an aggrieved person or the aggrieved person's legal 55  
representative who is not a party to the offense. 56

(C) (1) If the period of limitation provided in division 57  
(A) (1) or (3) of this section has expired, prosecution shall be 58  
commenced for the following offenses during the following 59  
specified periods of time: 60

(a) For an offense involving misconduct in office by a 61  
public servant, at any time while the accused remains a public 62  
servant, or within two years thereafter; 63

(b) For an offense by a person who is not a public servant 64  
but whose offense is directly related to the misconduct in 65  
office of a public servant, at any time while that public 66  
servant remains a public servant, or within two years 67  
thereafter. 68

(2) As used in this division: 69

(a) An "offense is directly related to the misconduct in 70  
office of a public servant" includes, but is not limited to, a 71  
violation of section 101.71, 101.91, 121.61 or 2921.13, division 72  
(F) or (H) of section 102.03, division (A) of section 2921.02, 73  
division (A) or (B) of section 2921.43, or division (F) or (G) 74

of section 3517.13 of the Revised Code, that is directly related 75  
to an offense involving misconduct in office of a public 76  
servant. 77

(b) "Public servant" has the same meaning as in section 78  
2921.01 of the Revised Code. 79

(D) (1) If a DNA record made in connection with the 80  
criminal investigation of the commission of a violation of 81  
section 2907.02 or 2907.03 of the Revised Code is determined to 82  
match another DNA record that is of an identifiable person and 83  
if the time of the determination is later than twenty-five years 84  
after the offense is committed, prosecution of that person for a 85  
violation of the section may be commenced within five years 86  
after the determination. 87

(2) If a DNA record made in connection with the criminal 88  
investigation of the commission of a violation of section 89  
2907.02 or 2907.03 of the Revised Code is determined to match 90  
another DNA record that is of an identifiable person and if the 91  
time of the determination is within twenty-five years after the 92  
offense is committed, prosecution of that person for a violation 93  
of the section may be commenced within the longer of twenty-five 94  
years after the offense is committed or five years after the 95  
determination. 96

(3) As used in this division, "DNA record" has the same 97  
meaning as in section 109.573 of the Revised Code. 98

(E) An offense is committed when every element of the 99  
offense occurs. In the case of an offense of which an element is 100  
a continuing course of conduct, the period of limitation does 101  
not begin to run until such course of conduct or the accused's 102  
accountability for it terminates, whichever occurs first. 103

~~(E)~~(F) A prosecution is commenced on the date an 104  
indictment is returned or an information filed, or on the date a 105  
lawful arrest without a warrant is made, or on the date a 106  
warrant, summons, citation, or other process is issued, 107  
whichever occurs first. A prosecution is not commenced by the 108  
return of an indictment or the filing of an information unless 109  
reasonable diligence is exercised to issue and execute process 110  
on the same. A prosecution is not commenced upon issuance of a 111  
warrant, summons, citation, or other process, unless reasonable 112  
diligence is exercised to execute the same. 113

~~(F)~~(G) The period of limitation shall not run during any 114  
time when the corpus delicti remains undiscovered. 115

~~(G)~~(H) The period of limitation shall not run during any 116  
time when the accused purposely avoids prosecution. Proof that 117  
the accused departed this state or concealed the accused's 118  
identity or whereabouts is prima-facie evidence of the accused's 119  
purpose to avoid prosecution. 120

~~(H)~~(I) The period of limitation shall not run during any 121  
time a prosecution against the accused based on the same conduct 122  
is pending in this state, even though the indictment, 123  
information, or process that commenced the prosecution is 124  
quashed or the proceedings on the indictment, information, or 125  
process are set aside or reversed on appeal. 126

~~(I)~~(J) The period of limitation for a violation of any 127  
provision of Title XXIX of the Revised Code that involves a 128  
physical or mental wound, injury, disability, or condition of a 129  
nature that reasonably indicates abuse or neglect of a child 130  
under eighteen years of age or of a mentally retarded, 131  
developmentally disabled, or physically impaired child under 132  
twenty-one years of age shall not begin to run until either of 133

the following occurs: 134

(1) The victim of the offense reaches the age of majority. 135

(2) A public children services agency, or a municipal or 136  
county peace officer that is not the parent or guardian of the 137  
child, in the county in which the child resides or in which the 138  
abuse or neglect is occurring or has occurred has been notified 139  
that abuse or neglect is known, suspected, or believed to have 140  
occurred. 141

~~(J)~~(K) As used in this section, "peace officer" has the 142  
same meaning as in section 2935.01 of the Revised Code. 143

(L) The amendments to divisions (A) and (D) of this 144  
section apply to a violation of section 2907.02 or 2907.03 of 145  
the Revised Code committed on and after the effective date of 146  
those amendments and apply to a violation of either of those 147  
sections committed prior to the effective date of the amendments 148  
if prosecution for that violation was not barred under this 149  
section as it existed on the day prior to the effective date of 150  
the amendments. 151

**Section 2.** That existing section 2901.13 of the Revised 152  
Code is hereby repealed. 153

**Section 3.** This act is hereby declared to be an emergency 154  
measure necessary for the immediate preservation of the public 155  
peace, health, and safety. The reason for such necessity is that 156  
the changes in law made in this act are crucially needed to 157  
ensure that as many persons who commit rape or sexual battery as 158  
possible are prosecuted and punished in the interest of public 159  
safety. Therefore, this act shall go into immediate effect. 160