



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Jeff Hobday

H.B. 638

132nd General Assembly
(As Introduced)

Rep. Kent

BILL SUMMARY

- Modifies the maximum time period for commencing the prosecution of a crime involving child abuse or neglect so that the applicable statute of limitations does not run until the victim reaches the age of majority.
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CONTENT AND OPERATION

Statute of limitations for crimes committed against children

The bill modifies the maximum time period for commencing the prosecution of an offense that involves child abuse or neglect. Under the bill, if a criminal offense involves a physical or mental wound, injury, disability, or condition that reasonably indicates abuse or neglect of a child under age 18 or a developmentally disabled or physically impaired child under age 21, the statute of limitations, which specifies the maximum time period for prosecution, does not begin to run until the child reaches the age of majority. Under current law, the statute of limitations may begin to run earlier if a public children services agency, or a municipal or county peace officer that is not the parent or guardian of the child, has been notified that abuse or neglect is known, suspected, or believed to have occurred.¹

Background information on statutes of limitations

The Revised Code prohibits the prosecution of a criminal offense unless the prosecution is commenced within a specified maximum period of time after the offense is committed. The statute of limitations generally is based on whether the offense is a

¹ R.C. 2901.13(j).

felony or misdemeanor. Generally, a prosecution is barred unless the prosecution is commenced within the following period of time after an offense is committed:²

- (1) For a felony, six years;
- (2) For a misdemeanor other than a minor misdemeanor, two years;
- (3) For a minor misdemeanor, six months.

Certain offenses have longer periods of limitation for prosecution. For example, the period of limitations is 25 years for rape and sexual battery, or a conspiracy or attempt to commit, or complicity in committing, either of those offenses. There is no period of limitation for the prosecution of aggravated murder or murder.³

HISTORY

ACTION	DATE
Introduced	05-09-18

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² R.C. 2901.13(A)(1).

³ R.C. 2901.13(A)(2) to (4).

