

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**H. B. No. 298**

**Representative Kent  
Cosponsors: Representatives Lang, Miller, A., Seitz**

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**A BILL**

To amend section 2901.13 of the Revised Code to 1  
modify the period of limitation for prosecution 2  
of offenses involving child abuse and neglect. 3

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

**Section 1.** That section 2901.13 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 2901.13.** (A) (1) Except as provided in division (A) 6  
(2), (3), or (4) of this section or as otherwise provided in 7  
this section, a prosecution shall be barred unless it is 8  
commenced within the following periods after an offense is 9  
committed: 10

(a) For a felony, six years; 11

(b) For a misdemeanor other than a minor misdemeanor, two 12  
years; 13

(c) For a minor misdemeanor, six months. 14

(2) There is no period of limitation for the prosecution 15  
of a violation of section 2903.01 or 2903.02 of the Revised 16  
Code. 17

(3) Except as otherwise provided in divisions (B) to (J) 18  
of this section, a prosecution of any of the following offenses 19  
shall be barred unless it is commenced within twenty years after 20  
the offense is committed: 21

(a) A violation of section 2903.03, 2903.04, 2905.01, 22  
2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 23  
2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 24  
2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of 25  
section 2903.11 or 2903.12 of the Revised Code if the victim is 26  
a peace officer, a violation of section 2903.13 of the Revised 27  
Code that is a felony, or a violation of former section 2907.12 28  
of the Revised Code; 29

(b) A conspiracy to commit, attempt to commit, or 30  
complicity in committing a violation set forth in division (A) 31  
(3) (a) of this section. 32

(4) Except as otherwise provided in divisions (D) to (L) 33  
of this section, a prosecution of a violation of section 2907.02 34  
or 2907.03 of the Revised Code or a conspiracy to commit, 35  
attempt to commit, or complicity in committing a violation of 36  
either section shall be barred unless it is commenced within 37  
twenty-five years after the offense is committed. 38

(B) (1) Except as otherwise provided in division (B) (2) of 39  
this section, if the period of limitation provided in division 40  
(A) (1) or (3) of this section has expired, prosecution shall be 41  
commenced for an offense of which an element is fraud or breach 42  
of a fiduciary duty, within one year after discovery of the 43  
offense either by an aggrieved person, or by the aggrieved 44  
person's legal representative who is not a party to the offense. 45

(2) If the period of limitation provided in division (A) 46

(1) or (3) of this section has expired, prosecution for a 47  
violation of section 2913.49 of the Revised Code shall be 48  
commenced within five years after discovery of the offense 49  
either by an aggrieved person or the aggrieved person's legal 50  
representative who is not a party to the offense. 51

(C) (1) If the period of limitation provided in division 52  
(A) (1) or (3) of this section has expired, prosecution shall be 53  
commenced for the following offenses during the following 54  
specified periods of time: 55

(a) For an offense involving misconduct in office by a 56  
public servant, at any time while the accused remains a public 57  
servant, or within two years thereafter; 58

(b) For an offense by a person who is not a public servant 59  
but whose offense is directly related to the misconduct in 60  
office of a public servant, at any time while that public 61  
servant remains a public servant, or within two years 62  
thereafter. 63

(2) As used in this division: 64

(a) An "offense is directly related to the misconduct in 65  
office of a public servant" includes, but is not limited to, a 66  
violation of section 101.71, 101.91, 121.61 or 2921.13, division 67  
(F) or (H) of section 102.03, division (A) of section 2921.02, 68  
division (A) or (B) of section 2921.43, or division (F) or (G) 69  
of section 3517.13 of the Revised Code, that is directly related 70  
to an offense involving misconduct in office of a public 71  
servant. 72

(b) "Public servant" has the same meaning as in section 73  
2921.01 of the Revised Code. 74

(D) (1) If a DNA record made in connection with the 75

criminal investigation of the commission of a violation of 76  
section 2907.02 or 2907.03 of the Revised Code is determined to 77  
match another DNA record that is of an identifiable person and 78  
if the time of the determination is later than twenty-five years 79  
after the offense is committed, prosecution of that person for a 80  
violation of the section may be commenced within five years 81  
after the determination is complete. 82

(2) If a DNA record made in connection with the criminal 83  
investigation of the commission of a violation of section 84  
2907.02 or 2907.03 of the Revised Code is determined to match 85  
another DNA record that is of an identifiable person and if the 86  
time of the determination is within twenty-five years after the 87  
offense is committed, prosecution of that person for a violation 88  
of the section may be commenced within the longer of twenty-five 89  
years after the offense is committed or five years after the 90  
determination is complete. 91

(3) As used in this division, "DNA record" has the same 92  
meaning as in section 109.573 of the Revised Code. 93

(E) An offense is committed when every element of the 94  
offense occurs. In the case of an offense of which an element is 95  
a continuing course of conduct, the period of limitation does 96  
not begin to run until such course of conduct or the accused's 97  
accountability for it terminates, whichever occurs first. 98

(F) A prosecution is commenced on the date an indictment 99  
is returned or an information filed, or on the date a lawful 100  
arrest without a warrant is made, or on the date a warrant, 101  
summons, citation, or other process is issued, whichever occurs 102  
first. A prosecution is not commenced by the return of an 103  
indictment or the filing of an information unless reasonable 104  
diligence is exercised to issue and execute process on the same. 105

A prosecution is not commenced upon issuance of a warrant, 106  
summons, citation, or other process, unless reasonable diligence 107  
is exercised to execute the same. 108

(G) The period of limitation shall not run during any time 109  
when the corpus delicti remains undiscovered. 110

(H) The period of limitation shall not run during any time 111  
when the accused purposely avoids prosecution. Proof that the 112  
accused departed this state or concealed the accused's identity 113  
or whereabouts is prima-facie evidence of the accused's purpose 114  
to avoid prosecution. 115

(I) The period of limitation shall not run during any time 116  
a prosecution against the accused based on the same conduct is 117  
pending in this state, even though the indictment, information, 118  
or process that commenced the prosecution is quashed or the 119  
proceedings on the indictment, information, or process are set 120  
aside or reversed on appeal. 121

(J) The period of limitation for a violation of any 122  
provision of Title XXIX of the Revised Code that involves a 123  
physical or mental wound, injury, disability, or condition of a 124  
nature that reasonably indicates abuse or neglect of a child 125  
under eighteen years of age or of a child with a developmental 126  
disability or physical impairment under twenty-one years of age 127  
shall not begin to run until ~~either of the following occurs:-~~ 128

~~(1) The victim of the offense reaches the age of majority. 129~~

~~(2) A public children services agency, or a municipal or 130  
county peace officer that is not the parent or guardian of the 131  
child, in the county in which the child resides or in which the 132  
abuse or neglect is occurring or has occurred has been notified 133  
that abuse or neglect is known, suspected, or believed to have 134~~

<del>occurred.</del>	135
(K) As used in this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code.	136 137
(L) The amendments to divisions (A) and (D) of this section apply to a violation of section 2907.02 or 2907.03 of the Revised Code committed on and after July 16, 2015, and apply to a violation of either of those sections committed prior to July 16, 2015, if prosecution for that violation was not barred under this section as it existed on the day prior to July 16, 2015.	138 139 140 141 142 143 144
<b>Section 2.</b> That existing section 2901.13 of the Revised Code is hereby repealed.	145 146