

As Introduced

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H. B. No. 470

Representative Rogers

**Cosponsors: Representatives Miranda, Boyd, Kelly, Crossman, Sobecki, Miller, A.,
West, Clites, Lepore-Hagan, Strahorn, Hicks-Hudson, Smith, K.**

A BILL

To amend sections 2305.111, 2901.13, and 2933.82 of 1
the Revised Code to eliminate the period of 2
limitations for the criminal prosecution of a 3
person for rape and to extend the period of 4
limitations for a civil action by a victim of 5
childhood sexual abuse. 6

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

Section 1. That sections 2305.111, 2901.13, and 2933.82 of 7
the Revised Code be amended to read as follows: 8

Sec. 2305.111. (A) As used in this section: 9

(1) "Childhood sexual abuse" means any conduct that 10
constitutes any of the violations identified in division (A)(1) 11
(a) or (b) of this section and would constitute a criminal 12
offense under the specified section or division of the Revised 13
Code, if the victim of the violation is at the time of the 14
violation a child under eighteen years of age or a child with a 15
developmental disability or physical impairment under twenty-one 16
years of age. The court need not find that any person has been 17

convicted of or pleaded guilty to the offense under the 18
specified section or division of the Revised Code in order for 19
the conduct that is the violation constituting the offense to be 20
childhood sexual abuse for purposes of this division. This 21
division applies to any of the following violations committed in 22
the following specified circumstances: 23

(a) A violation of section 2907.02 or of division (A) (1), 24
(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 25
of the Revised Code; 26

(b) A violation of section 2907.05 or 2907.06 of the 27
Revised Code if, at the time of the violation, any of the 28
following apply: 29

(i) The actor is the victim's natural parent, adoptive 30
parent, or stepparent or the guardian, custodian, or person in 31
loco parentis of the victim. 32

(ii) The victim is in custody of law or a patient in a 33
hospital or other institution, and the actor has supervisory or 34
disciplinary authority over the victim. 35

(iii) The actor is a teacher, administrator, coach, or 36
other person in authority employed by or serving in a school for 37
which the state board of education prescribes minimum standards 38
pursuant to division (D) of section 3301.07 of the Revised Code, 39
the victim is enrolled in or attends that school, and the actor 40
is not enrolled in and does not attend that school. 41

(iv) The actor is a teacher, administrator, coach, or 42
other person in authority employed by or serving in an 43
institution of higher education, and the victim is enrolled in 44
or attends that institution. 45

(v) The actor is the victim's athletic or other type of 46

coach, is the victim's instructor, is the leader of a scouting 47
troop of which the victim is a member, or is a person with 48
temporary or occasional disciplinary control over the victim. 49

(vi) The actor is a mental health professional, the victim 50
is a mental health client or patient of the actor, and the actor 51
induces the victim to submit by falsely representing to the 52
victim that the sexual contact involved in the violation is 53
necessary for mental health treatment purposes. 54

(vii) The victim is confined in a detention facility, and 55
the actor is an employee of that detention facility. 56

(viii) The actor is a cleric, and the victim is a member 57
of, or attends, the church or congregation served by the cleric. 58

(2) "Cleric" has the same meaning as in section 2317.02 of 59
the Revised Code. 60

(3) "Mental health client or patient" has the same meaning 61
as in section 2305.51 of the Revised Code. 62

(4) "Mental health professional" has the same meaning as 63
in section 2305.115 of the Revised Code. 64

(5) "Sexual contact" has the same meaning as in section 65
2907.01 of the Revised Code. 66

(6) "Victim" means, except as provided in division (B) of 67
this section, a victim of childhood sexual abuse. 68

(B) Except as provided in section 2305.115 of the Revised 69
Code and subject to division (C) of this section, an action for 70
assault or battery shall be brought within one year after the 71
cause of the action accrues. For purposes of this section, a 72
cause of action for assault or battery accrues upon the later of 73
the following: 74

(1) The date on which the alleged assault or battery occurred;	75 76
(2) If the plaintiff did not know the identity of the person who allegedly committed the assault or battery on the date on which it allegedly occurred, the earlier of the following dates:	77 78 79 80
(a) The date on which the plaintiff learns the identity of that person;	81 82
(b) The date on which, by the exercise of reasonable diligence, the plaintiff should have learned the identity of that person.	83 84 85
(C) An <u>Subject to division (D) of this section, an action for assault or battery brought by a victim of childhood sexual abuse based on childhood sexual abuse, or an action brought by a victim of childhood sexual abuse asserting any claim resulting from childhood sexual abuse, against a perpetrator of the childhood sexual abuse or an entity that negligently facilitated that sexual abuse, shall be brought within twelve years after the cause of action accrues</u> at any time until the victim reaches <u>fifty-five years of age.</u> For purposes of this section, a cause of action for assault or battery based on childhood sexual abuse, or a cause of action for a claim resulting from childhood sexual abuse, accrues upon the date on which the victim reaches the age of majority. If the defendant in an action brought by a victim of childhood sexual abuse asserting a claim resulting from childhood sexual abuse that occurs on or after August 3, 2006, has fraudulently concealed from the plaintiff facts that form the basis of the claim, the running of the limitations period with regard to that claim is tolled until the time when the plaintiff discovers or in the exercise of due diligence	86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104

should have discovered those facts and the plaintiff discovers 105
those facts after reaching fifty-five years of age, the 106
plaintiff may bring an action asserting a claim resulting from 107
the childhood sexual abuse not later than three years after the 108
date of the discovery of those facts that form the basis of the 109
claim. 110

(D) If, on the effective date of this amendment, a cause 111
of action for assault or battery based on childhood sexual abuse 112
or a claim resulting from childhood sexual abuse is barred due 113
to the expiration of the applicable period of limitation of that 114
action or claim that was in effect prior to the effective date 115
of this amendment, that cause of action or claim shall be 116
revived and an action for assault or battery by the victim of 117
the childhood sexual abuse based on childhood sexual abuse or a 118
claim resulting from childhood sexual abuse asserted by the 119
victim of that childhood sexual abuse may be commenced within 120
three years after the effective date of this amendment. 121

Sec. 2901.13. (A) (1) Except as provided in division (A) 122
(2), (3), or (4) of this section or as otherwise provided in 123
this section, a prosecution shall be barred unless it is 124
commenced within the following periods after an offense is 125
committed: 126

(a) For a felony, six years; 127

(b) For a misdemeanor other than a minor misdemeanor, two 128
years; 129

(c) For a minor misdemeanor, six months. 130

(2) There is no period of limitation for the prosecution 131
of a violation of section 2903.01 ~~or~~, 2903.02, or 2907.02 of the 132
Revised Code. 133

(3) Except as otherwise provided in divisions (B) to (J) 134
of this section, a prosecution of any of the following offenses 135
shall be barred unless it is commenced within twenty years after 136
the offense is committed: 137

(a) A violation of section 2903.03, 2903.04, 2905.01, 138
2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 139
2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 140
2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of 141
section 2903.11 or 2903.12 of the Revised Code if the victim is 142
a peace officer, a violation of section 2903.13 of the Revised 143
Code that is a felony, or a violation of former section 2907.12 144
of the Revised Code; 145

(b) A conspiracy to commit, attempt to commit, or 146
complicity in committing a violation set forth in division (A) 147
(3) (a) of this section. 148

(4) Except as otherwise provided in divisions (D) to (L) 149
of this section, a prosecution of a violation of section ~~2907.02~~ 150
~~or~~ 2907.03 of the Revised Code or a conspiracy to commit, 151
attempt to commit, or complicity in committing a violation of 152
~~either that~~ section shall be barred unless it is commenced 153
within twenty-five years after the offense is committed. 154

(B) (1) Except as otherwise provided in division (B) (2) of 155
this section, if the period of limitation provided in division 156
(A) (1) or (3) of this section has expired, prosecution shall be 157
commenced for an offense of which an element is fraud or breach 158
of a fiduciary duty, within one year after discovery of the 159
offense either by an aggrieved person, or by the aggrieved 160
person's legal representative who is not a party to the offense. 161

(2) If the period of limitation provided in division (A) 162

(1) or (3) of this section has expired, prosecution for a 163
violation of section 2913.49 of the Revised Code shall be 164
commenced within five years after discovery of the offense 165
either by an aggrieved person or the aggrieved person's legal 166
representative who is not a party to the offense. 167

(C) (1) If the period of limitation provided in division 168
(A) (1) or (3) of this section has expired, prosecution shall be 169
commenced for the following offenses during the following 170
specified periods of time: 171

(a) For an offense involving misconduct in office by a 172
public servant, at any time while the accused remains a public 173
servant, or within two years thereafter; 174

(b) For an offense by a person who is not a public servant 175
but whose offense is directly related to the misconduct in 176
office of a public servant, at any time while that public 177
servant remains a public servant, or within two years 178
thereafter. 179

(2) As used in this division: 180

(a) An "offense is directly related to the misconduct in 181
office of a public servant" includes, but is not limited to, a 182
violation of section 101.71, 101.91, 121.61 or 2921.13, division 183
(F) or (H) of section 102.03, division (A) of section 2921.02, 184
division (A) or (B) of section 2921.43, or division (F) or (G) 185
of section 3517.13 of the Revised Code, that is directly related 186
to an offense involving misconduct in office of a public 187
servant. 188

(b) "Public servant" has the same meaning as in section 189
2921.01 of the Revised Code. 190

(D) (1) If a DNA record made in connection with the 191

criminal investigation of the commission of a violation of 192
section ~~2907.02~~ or 2907.03 of the Revised Code is determined to 193
match another DNA record that is of an identifiable person and 194
if the time of the determination is later than twenty-five years 195
after the offense is committed, prosecution of that person for a 196
violation of ~~the~~ that section may be commenced within five years 197
after the determination is complete. 198

(2) If a DNA record made in connection with the criminal 199
investigation of the commission of a violation of section 200
~~2907.02~~ or 2907.03 of the Revised Code is determined to match 201
another DNA record that is of an identifiable person and if the 202
time of the determination is within twenty-five years after the 203
offense is committed, prosecution of that person for a violation 204
of ~~the~~ that section may be commenced within the longer of 205
twenty-five years after the offense is committed or five years 206
after the determination is complete. 207

(3) As used in this division, "DNA record" has the same 208
meaning as in section 109.573 of the Revised Code. 209

(E) An offense is committed when every element of the 210
offense occurs. In the case of an offense of which an element is 211
a continuing course of conduct, the period of limitation does 212
not begin to run until such course of conduct or the accused's 213
accountability for it terminates, whichever occurs first. 214

(F) A prosecution is commenced on the date an indictment 215
is returned or an information filed, or on the date a lawful 216
arrest without a warrant is made, or on the date a warrant, 217
summons, citation, or other process is issued, whichever occurs 218
first. A prosecution is not commenced by the return of an 219
indictment or the filing of an information unless reasonable 220
diligence is exercised to issue and execute process on the same. 221

A prosecution is not commenced upon issuance of a warrant, 222
summons, citation, or other process, unless reasonable diligence 223
is exercised to execute the same. 224

(G) The period of limitation shall not run during any time 225
when the corpus delicti remains undiscovered. 226

(H) The period of limitation shall not run during any time 227
when the accused purposely avoids prosecution. Proof that the 228
accused departed this state or concealed the accused's identity 229
or whereabouts is prima-facie evidence of the accused's purpose 230
to avoid prosecution. 231

(I) The period of limitation shall not run during any time 232
a prosecution against the accused based on the same conduct is 233
pending in this state, even though the indictment, information, 234
or process that commenced the prosecution is quashed or the 235
proceedings on the indictment, information, or process are set 236
aside or reversed on appeal. 237

(J) The period of limitation for a violation of any 238
provision of Title XXIX of the Revised Code that involves a 239
physical or mental wound, injury, disability, or condition of a 240
nature that reasonably indicates abuse or neglect of a child 241
under eighteen years of age or of a child with a developmental 242
disability or physical impairment under twenty-one years of age 243
shall not begin to run until either of the following occurs: 244

(1) The victim of the offense reaches the age of majority. 245

(2) A public children services agency, or a municipal or 246
county peace officer that is not the parent or guardian of the 247
child, in the county in which the child resides or in which the 248
abuse or neglect is occurring or has occurred has been notified 249
that abuse or neglect is known, suspected, or believed to have 250

occurred.	251
(K) As used in this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code.	252 253
(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 <u>that section</u> 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.	254 255 256 257 258 259 260
Sec. 2933.82. (A) As used in this section:	261
(1) (a) "Biological evidence" means any of the following:	262
(i) The contents of a sexual assault examination kit;	263
(ii) Any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids, or any other identifiable biological material that was collected as part of a criminal investigation or delinquent child investigation and that reasonably may be used to incriminate or exculpate any person for an offense or delinquent act.	264 265 266 267 268 269
(b) The definition of "biological evidence" set forth in division (A) (1) (a) of this section applies whether the material in question is cataloged separately, such as on a slide or swab or in a test tube, or is present on other evidence, including, but not limited to, clothing, ligatures, bedding or other household material, drinking cups or containers, or cigarettes.	270 271 272 273 274 275
(2) "Biological material" has the same meaning as in section 2953.71 of the Revised Code.	276 277
(3) "DNA," "DNA analysis," "DNA database," "DNA record,"	278

and "DNA specimen" have the same meanings as in section 109.573 279
of the Revised Code. 280

(4) "Prosecutor" has the same meaning as in section 281
2935.01 of the Revised Code. 282

(5) "Governmental evidence-retention entity" means all of 283
the following: 284

(a) Any law enforcement agency, prosecutor's office, 285
court, public hospital, crime laboratory, or other governmental 286
or public entity or individual within this state that is charged 287
with the collection, storage, or retrieval of biological 288
evidence; 289

(b) Any official or employee of any entity or individual 290
described in division (A) (5) (a) of this section. 291

(B) (1) Each governmental evidence-retention entity that 292
secures any biological evidence in relation to an investigation 293
or prosecution of a criminal offense or delinquent act that is a 294
violation of section 2903.01, 2903.02, or 2903.03, a violation 295
of section 2903.04 or 2903.06 that is a felony of the first or 296
second degree, a violation of section 2907.02 or 2907.03 or 297
division (A) (4) or (B) of section 2907.05 of the Revised Code, 298
or an attempt to commit a violation of section 2907.02 of the 299
Revised Code shall secure the biological evidence for whichever 300
of the following periods of time is applicable: 301

(a) For a violation of section 2903.01 ~~or, 2903.02, or~~ 302
2907.02 of the Revised Code, for the period of time that the 303
offense or act remains unsolved; 304

(b) For a violation of section 2903.03, a violation of 305
section 2903.04 or 2903.06 that is a felony of the first or 306
second degree, a violation of section ~~2907.02 or~~ 2907.03 or of 307

division (A) (4) or (B) of section 2907.05 of the Revised Code, 308
or an attempt to commit a violation of section 2907.02 of the 309
Revised Code, for a period of thirty years if the offense or act 310
remains unsolved; 311

(c) If any person is convicted of or pleads guilty to the 312
offense, or is adjudicated a delinquent child for committing the 313
delinquent act, for the earlier of the following: (i) the 314
expiration of the latest of the following periods of time that 315
apply to the person: the period of time that the person is 316
incarcerated, is in a department of youth services institution 317
or other juvenile facility, is under a community control 318
sanction for that offense, is under any order of disposition for 319
that act, is on probation or parole for that offense, is under 320
judicial release or supervised release for that act, is under 321
post-release control for that offense, is involved in civil 322
litigation in connection with that offense or act, or is subject 323
to registration and other duties imposed for that offense or act 324
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 325
Revised Code or (ii) thirty years. If after the period of thirty 326
years the person remains incarcerated, then the governmental 327
evidence-retention entity shall secure the biological evidence 328
until the person is released from incarceration or dies. 329

(2) (a) A law enforcement agency shall review all of its 330
records and reports pertaining to its investigation of any 331
offense specified in division (B) (1) of this section as soon as 332
possible after March 23, 2015. If the law enforcement agency's 333
review determines that one or more persons may have committed or 334
participated in an offense specified in division (B) (1) of this 335
section or another offense committed during the course of an 336
offense specified in division (B) (1) of this section and the 337
agency is in possession of a sexual assault examination kit 338

secured during the course of the agency's investigation, as soon 339
as possible, but not later than one year after March 23, 2015, 340
the agency shall forward the contents of the kit to the bureau 341
of criminal identification and investigation or another crime 342
laboratory for a DNA analysis of the contents of the kit if a 343
DNA analysis has not previously been performed on the contents 344
of the kit. The law enforcement agency shall consider the period 345
of time remaining under section 2901.13 of the Revised Code for 346
commencing the prosecution of a criminal offense related to the 347
DNA specimens from the kit as well as other relevant factors in 348
prioritizing the forwarding of the contents of sexual assault 349
examination kits. 350

(b) If an investigation is initiated on or after March 23, 351
2015, and if a law enforcement agency investigating an offense 352
specified in division (B)(1) of this section determines that one 353
or more persons may have committed or participated in an offense 354
specified in division (B)(1) of this section or another offense 355
committed during the course of an offense specified in division 356
(B)(1) of this section, the law enforcement agency shall forward 357
the contents of a sexual assault examination kit in the agency's 358
possession to the bureau or another crime laboratory within 359
thirty days for a DNA analysis of the contents of the kit. 360

(c) A law enforcement agency shall be considered in the 361
possession of a sexual assault examination kit that is not in 362
the law enforcement agency's possession for purposes of 363
divisions (B)(2)(a) and (b) of this section if the sexual 364
assault examination kit contains biological evidence related to 365
the law enforcement agency's investigation of an offense 366
specified in division (B)(1) of this section and is in the 367
possession of another government evidence-retention entity. The 368
law enforcement agency shall be responsible for retrieving the 369

sexual assault examination kit from the government evidence- 370
retention entity and forwarding the contents of the kit to the 371
bureau or another crime laboratory as required under divisions 372
(B) (2) (a) and (b) of this section. 373

(d) (i) The bureau or a laboratory under contract with the 374
bureau pursuant to division (B) (5) of section 109.573 of the 375
Revised Code shall perform a DNA analysis of the contents of any 376
sexual assault examination kit forwarded to the bureau pursuant 377
to division (B) (2) (a) or (b) of this section as soon as possible 378
after the bureau receives the contents of the kit. The bureau 379
shall enter the resulting DNA record into a DNA database. If the 380
DNA analysis is performed by a laboratory under contract with 381
the bureau, the laboratory shall forward the biological evidence 382
to the bureau immediately after the laboratory performs the DNA 383
analysis. A crime laboratory shall perform a DNA analysis of the 384
contents of any sexual assault examination kit forwarded to the 385
crime laboratory pursuant to division (B) (2) (a) or (b) of this 386
section as soon as possible after the crime laboratory receives 387
the contents of the kit and shall enter the resulting DNA record 388
into a DNA database subject to the applicable DNA index system 389
standards. 390

(ii) Upon the completion of the DNA analysis by the bureau 391
or a crime laboratory under contract with the bureau under this 392
division, the bureau shall return the contents of the sexual 393
assault examination kit to the law enforcement agency. The law 394
enforcement agency shall secure the contents of the sexual 395
assault examination kit in accordance with division (B) (1) of 396
this section, as applicable. 397

(e) The failure of any law enforcement agency to comply 398
with any time limit specified in this section shall not create, 399

and shall not be construed as creating, any basis or right to 400
appeal, claim for or right to postconviction relief, or claim 401
for or right to a new trial or any other claim or right to 402
relief by any person. 403

(3) This section applies to evidence likely to contain 404
biological material that was in the possession of any 405
governmental evidence-retention entity during the investigation 406
and prosecution of a criminal case or delinquent child case 407
involving a violation of section 2903.01, 2903.02, or 2903.03, a 408
violation of section 2903.04 or 2903.06 that is a felony of the 409
first or second degree, a violation of section 2907.02 or 410
2907.03 or of division (A) (4) or (B) of section 2907.05 of the 411
Revised Code, or an attempt to commit a violation of section 412
2907.02 of the Revised Code. 413

(4) A governmental evidence-retention entity that 414
possesses biological evidence shall retain the biological 415
evidence in the amount and manner sufficient to develop a DNA 416
record from the biological material contained in or included on 417
the evidence. 418

(5) Upon written request by the defendant in a criminal 419
case or the alleged delinquent child in a delinquent child case 420
involving a violation of section 2903.01, 2903.02, or 2903.03, a 421
violation of section 2903.04 or 2903.06 that is a felony of the 422
first or second degree, a violation of section 2907.02 or 423
2907.03 or of division (A) (4) or (B) of section 2907.05 of the 424
Revised Code, or an attempt to commit a violation of section 425
2907.02 of the Revised Code, a governmental evidence-retention 426
entity that possesses biological evidence shall prepare an 427
inventory of the biological evidence that has been preserved in 428
connection with the defendant's criminal case or the alleged 429

delinquent child's delinquent child case. 430

(6) Except as otherwise provided in division (B)(8) of 431
this section, a governmental evidence-retention entity that 432
possesses biological evidence that includes biological material 433
may destroy the evidence before the expiration of the applicable 434
period of time specified in division (B)(1) of this section if 435
all of the following apply: 436

(a) No other provision of federal or state law requires 437
the state to preserve the evidence. 438

(b) The governmental evidence-retention entity, by 439
certified mail, return receipt requested, provides notice of 440
intent to destroy the evidence to all of the following: 441

(i) All persons who remain in custody, incarcerated, in a 442
department of youth services institution or other juvenile 443
facility, under a community control sanction, under any order of 444
disposition, on probation or parole, under judicial release or 445
supervised release, under post-release control, involved in 446
civil litigation, or subject to registration and other duties 447
imposed for that offense or act under sections 2950.04, 448
2950.041, 2950.05, and 2950.06 of the Revised Code as a result 449
of a criminal conviction, delinquency adjudication, or 450
commitment related to the evidence in question; 451

(ii) The attorney of record for each person who is in 452
custody in any circumstance described in division (B)(6)(b)(i) 453
of this section if the attorney of record can be located; 454

(iii) The state public defender; 455

(iv) The office of the prosecutor of record in the case 456
that resulted in the custody of the person in custody in any 457
circumstance described in division (B)(6)(b)(i) of this section; 458

(v) The attorney general.	459
(c) No person who is notified under division (B) (6) (b) of this section does either of the following within one year after the date on which the person receives the notice:	460 461 462
(i) Files a motion for testing of evidence under sections 2953.71 to 2953.81 or section 2953.82 of the Revised Code;	463 464
(ii) Submits a written request for retention of evidence to the governmental evidence-retention entity that provided notice of its intent to destroy evidence under division (B) (6) (b) of this section.	465 466 467 468
(7) Except as otherwise provided in division (B) (8) of this section, if, after providing notice under division (B) (6) (b) of this section of its intent to destroy evidence, a governmental evidence-retention entity receives a written request for retention of the evidence from any person to whom the notice is provided, the governmental evidence-retention entity shall retain the evidence while the person referred to in division (B) (6) (b) (i) of this section remains in custody, incarcerated, in a department of youth services institution or other juvenile facility, under a community control sanction, under any order of disposition, on probation or parole, under judicial release or supervised release, under post-release control, involved in civil litigation, or subject to registration and other duties imposed for that offense or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as a result of a criminal conviction, delinquency adjudication, or commitment related to the evidence in question.	469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485
(8) A governmental evidence-retention entity that possesses biological evidence that includes biological material	486 487

may destroy the evidence five years after a person pleads guilty 488
or no contest to a violation of section 2903.01, 2903.02, or 489
2903.03, a violation of section 2903.04 or 2903.06 that is a 490
felony of the first or second degree, a violation of section 491
2907.02, 2907.03, division (A) (4) or (B) of section 2907.05, or 492
an attempt to commit a violation of section 2907.02 of the 493
Revised Code and all appeals have been exhausted unless, upon a 494
motion to the court by the person who pleaded guilty or no 495
contest or the person's attorney and notice to those persons 496
described in division (B) (6) (b) of this section requesting that 497
the evidence not be destroyed, the court finds good cause as to 498
why that evidence must be retained. 499

(9) A governmental evidence-retention entity shall not be 500
required to preserve physical evidence pursuant to this section 501
that is of such a size, bulk, or physical character as to render 502
retention impracticable. When retention of physical evidence 503
that otherwise would be required to be retained pursuant to this 504
section is impracticable as described in this division, the 505
governmental evidence-retention entity that otherwise would be 506
required to retain the physical evidence shall remove and 507
preserve portions of the material evidence likely to contain 508
biological evidence related to the offense, in a quantity 509
sufficient to permit future DNA testing before returning or 510
disposing of that physical evidence. 511

(C) The office of the attorney general shall administer 512
and conduct training programs for law enforcement officers and 513
other relevant employees who are charged with preserving and 514
cataloging biological evidence regarding the methods and 515
procedures referenced in this section. 516

Section 2. That existing sections 2305.111, 2901.13, and 517

2933.82 of the Revised Code are hereby repealed. 518

Section 3. Section 2901.13 of the Revised Code, as amended 519
by this act, applies to a violation of section 2907.02 of the 520
Revised Code committed on and after the effective date of this 521
section and applies to a violation of section 2907.02 of the 522
Revised Code committed prior to the effective date of this 523
section if prosecution for that offense was not barred under 524
section 2901.13 of the Revised Code as it existed on the day 525
prior to the effective date of this section. 526