



**State Senator Nickie J. Antonio**  
**District 23**

Senate Judiciary Committee  
November 29, 2022  
Sponsor Testimony SB 198

Good afternoon Chair Manning, Vice Chair McColley, Ranking Member Thomas and members of the Senate Judiciary Committee. Thank you for this opportunity to provide sponsor testimony on Senate Bill 198, which would eliminate the statute of limitations for criminal and civil sex crimes.

Under the current Revised Code, prosecution against a perpetrator of rape or sexual battery must begin within 25 years after the commission of, or attempt to commit, the crime with an additional 5-year extension if DNA evidence identifies a particular suspect.<sup>1</sup> In 2015, the Ohio Legislature extended this statute of limitations from 20 years.

Originally, the statute of limitations for sex crimes was created based on the idea that evidence deteriorates over time. However, this concept has not withstood the test of time as DNA testing technology has advanced enough to detect evidence that is decades old. Seven other states have already removed the statute of limitations for all felony sex crimes - Kentucky, Maryland, North Carolina, South Carolina, Virginia, West Virginia, and Wyoming<sup>2</sup> - while many more have eliminated the statute of limitations for at least a portion of their felony sex offenses.

Rape and sexual assault are horrific crimes, and we know that many victims of rape do not come forward for years, or even decades. Victims may not feel comfortable going to police, as their abuser may be in a position of power or influence or threaten their lives or the lives of their family members. Often, the perpetrator is someone the victim may know, including their spouse, intimate partner, friend, family member, neighbor or date, which could also explain why they do not feel comfortable coming forward.<sup>3</sup> Many victims of traumatic experiences also push their memories of the attack to the deepest parts of their conscious awareness as a self-defense mechanism and may not remember the attack until much later in life.<sup>4</sup>

According to the Rape, Abuse & Incest National Network (RAINN), about three out of four assaults go unreported. That is not necessarily surprising as victims know the chance of conviction is bleak:

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<sup>1</sup> <http://codes.ohio.gov/orc/2901.13>

<sup>2</sup> <https://www.rainn.org/state-state-guide-statutes-limitations>

<sup>3</sup> <https://www.pbs.org/kued/nosafeplace/studyg/rape.html>

<sup>4</sup> <https://time.com/3625414/rape-trauma-brain-memory/>

out of 1,000 reported rapes, only five cases ultimately end in a conviction.<sup>5</sup> This means that prosecutors need more, not fewer, tools to prosecute rapists. It is also important to note that both Governor Mike DeWine and Attorney General Dave Yost have joined the call for an end to the statute of limitations for rape in Ohio.<sup>6</sup>

A recent Ohio Supreme Court case further highlights our deeply flawed statute of limitations, which impedes the ability of survivors to receive justice. In 2019, Ralph Bortree was indicted for the 1993 attempted aggravated murder of Anita Clark in Logan County, during which he kidnapped her at gunpoint, raped her and cut her throat. Because it took too long for DNA evidence to identify Mr. Bortree, prosecutors could not seek his indictment for rape, and in early November, the Ohio Supreme Court overturned his conviction for attempted aggravated murder. Ending the statute of limitations on rape could possibly have kept him from walking free today.

For this reason and many more, I believe the modernization of Ohio's statute of limitations on rape is well overdue. It is time to give survivors of sex crimes the opportunity to seek the justice that they deserve and remove the artificial line in the sand that prevents them from coming forward to report such emotionally traumatic and violent experiences, especially because every survivor processes their trauma in their own time.

Thank you for the opportunity to testify on this important legislation, and I am happy to answer any questions the committee may have at this time.

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<sup>5</sup> <https://rainn.org/statistics/criminal-justice-system>

<sup>6</sup> <https://www.cleveland.com/politics/2019/06/dave-yost-former-ags-urge-end-to-ohios-statute-of-limitations-for-rape.html>