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Proponent Testimony for SB 421

Konrad Kircher, Member

Senate Judiciary Committee

May 20, 2026

Chair Manning, Vice-Chair Reynolds, Ranking Member Hicks Hudson, and members of the Ohio Senate Judiciary Committee, thank you for the opportunity to testify on this important legislation.

My name is Konrad Kircher, and I am an attorney in solo practice focusing on representation of child and adult victims of sexual assaults in civil cases throughout Ohio. I have represented more than 500 survivors of sexual assaults in civil claims in Ohio. I am also a member of the Legislative Committee of the Ohio Association for Justice (OAJ). As a voice of the plaintiff's bar in Ohio, OAJ is dedicated to preserving individuals' rights under the Seventh Amendment and Article I of Ohio's Constitution, both of which guarantee the citizens of Ohio the inviolate right to trial by a jury of their peers in civil cases.

SB 421 would support the rights and remedies available to victims of child and adult sexual assaults in Ohio by extending the statute of limitations for civil claims.

Defining the Problem

The worst days of my practice occur at least once a month, when I receive a telephone call that invariably goes something like this:

Caller: Mr. Kircher, I was raped in January 2025. I reported immediately to the police. The criminal prosecution just ended in April 2026, and I want to now pursue my civil remedies.

Me: I wish you had contacted me four months ago. The statute of limitations for an intentional battery is one year and your civil claims expired in January 2026.

Caller: No one told me that! I have done everything the police and prosecutor asked of me. I had no idea I needed to pursue my civil claims at the same time the criminal prosecution was going on.

Me: The police and prosecutor did not want a civil case going on at the same time as the criminal case, because it would give the criminal defendant access to evidence in the civil case which he can use in the criminal case and would not otherwise have. Also, the police and

prosecutor may not have known the law on civil cases or did not feel it was their job to advise you about civil claims.

In cases like this, I have attempted to artfully plead claims other than intentional battery, which would allow for longer statutes of limitations. But courts have rejected those attempts. Attached hereto is a recent ruling from the Medina County Common Pleas Court which recharacterized my client's claims as intentional battery and then dismissed them on statute of limitations grounds.

Why the Bill is Necessary

Current law forces victims to file civil lawsuits during the course of criminal proceedings. This unfairly benefits the perpetrator and harms the victim and prosecution. Specifically, criminal defense lawyers on cross-examination of the victim will note the pending lawsuit and accuse the victim of extortion, arguing that the only reason she is pursuing criminal charges is to obtain money from the defendant.

Also, the criminal defense lawyer can defend the civil suit and take depositions from the victim and witnesses, which the lawyer can then use in the criminal case to obtain an advantage over the prosecution. The criminal rules of procedure do not allow depositions in criminal cases. I have a case at present where the criminal defense lawyer has requested multiple delays of the criminal case in order to force the victim to file her civil case before expiration of the civil statute of limitations, so that the lawyer can obtain depositions in the civil case to use in the criminal case.

For these reasons, police and prosecutors rarely advise victims about civil claims. Many victims place their entire faith in the police and prosecutors to do what is in their best interest, so they do not seek advice from civil lawyers until after the criminal case has concluded. At that point, it is often too late.

Enacting a longer civil statute of limitations under these circumstances removes these traps and unfair consequences.

Conclusion

SB 421 serves a great public benefit by treating crime victims with the respect and dignity they deserve. The effectiveness of criminal prosecutions should not be undermined by an urgent need to "use it or lose it" – the necessity of filing a hasty civil suit during the criminal prosecution before the civil statute of limitations expires. And they should not be deprived of

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their right to a civil remedy by the passage of a short amount of time while cooperating with government officials in a criminal prosecution.

Thank you to the committee for hearing from me, and I am happy to answer any questions the committee may have.

MEDINA COMMON PLEAS
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IN THE COURT OF COMMON PLEAS
MEDINA COUNTY, OHIO

R.W. and R.W.2,	)	CASE NO.: 2025CIV1133
	)	
Plaintiff,	)	
	)	JUDGE WILLIAM F. HUTSON
vs.	)	
	)	
BRIAN C. COMER	)	**JOURNAL ENTRY WITH**
	)	**INSTRUCTIONS FOR SERVICE**
Defendant.	)	

This matter is before the Court upon the Defendant's motion to dismiss Plaintiffs' complaint pursuant to Civil Rule 12(B)(6).

The court has considered the motion, Plaintiffs' Memorandum Contra, and Defendant's Reply.

Plaintiffs' complaint contains three causes of action which arise from conduct by the Defendant occurring on December 16, 2023. That conduct resulted in a conviction for Gross Sexual Imposition in Medina County Court of Common Pleas case 2024CR0595. Plaintiffs' complaint was not filed until November 19, 2025 (more than 23 months after the conduct occurred). The courts grants the motion to dismiss as described below.

Civil Rule 12(B)(6)

To prevail on a motion to dismiss pursuant to Civ.R. 12(B)(6), it must appear beyond a doubt from the complaint that the Plaintiff can prove no set of facts entitling the Plaintiff to recovery. *O'Brien v. University Community Tenants Union, Inc.*, 42 Ohio St. 2d 242, 245, 327 N.E.2d 753 (1975). A trial court must presume the allegations in the complaint to be true and

make all reasonable inferences in favor of the nonmoving party. *Mitchell v. Lawson Milk Co.*, 40 Ohio St.3d 190, 192, 532 N.E.2d 753 (1988). A trial court's scrutiny is limited to the "four corners" of the complaint and any items properly incorporated therein. *Niepsuj v. Stoner*, 2015-4564, Ohio App. 9 Dist., ¶ 9.

Applicable Statutes of Limitation

Pursuant to R.C. 2305.115., Assault and Battery have only a one-year statute of limitations.

When a party asserts a claim that is "parasitic to another tort, the applicable statute of limitations is the one that applies to actions based upon that other tort." *Manin v. Diloreti* (1994), 94 Ohio App. 3d 777, 779–780, 641 N.E.2d 826, 827 and *Vandiver v. Morgan Adhesive Co.*, 126 Ohio App. 3d 634, 639, 710 N.E.2d 1219.

"Where the essential character of an alleged tort is an intentional, offensive touching, the statute of limitations for assault and battery governs, even if the touching is pled as an act of negligence. To hold otherwise would defeat the assault and battery statute of limitations." "[T]hrough clever pleading or by utilizing another theory of law, the assault and battery cannot be [transformed] into another type of action subject to a longer statute of limitations as it would circumvent the statute of limitations for assault and battery to allow that to be done." *Love v. City of Port Clinton,* 37 Ohio St.3d 98 at 99-100, 524 N.E.2d at 168.

The Plaintiffs' complaint asserts the following claims 1) R.C. 2307.60, Civil Remedy for Victim of Crime 2) Negligent Personal Injury, and 3) Loss of Spouse Consortium.

The court finds that Counts 1, 2, and 3, as plead in the complaint, are all based upon the intentional acts of the Defendant that occurred on December 16, 2023. Those intentional acts are the essential character of the alleged tort. Therefore, the one-year statute of limitation must

apply to them. Accordingly, the motion to dismiss is granted as to causes of action 1, 2, and 3 (all counts), as plead in the complaint and those causes are hereby dismissed. Costs assessed to Plaintiff.

IT IS SO ORDERED.

WILLIAM F. HUTSON
JUDGE

The Clerk of Courts is instructed to send notice of the foregoing Journal Entry to the following parties or their counsel of record.

Atty. Sheldon
Atty. Kircher

Notice of this Entry was mailed by the Clerk of Courts on February 24 2026.

DEPUTY CLERK OF COURT