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**Sponsor Testimony – Senate Bill 13**  
**Criminal Justice Committee**  
**March 18, 2015**

Chairman Eklund, Vice Chair Obhof, Ranking Minority Member Thomas, and members of the Senate Criminal Justice Committee, thank you for the opportunity to speak to you today in regards to Senate Bill 13, which Senator Shannon Jones has jointly sponsored with me. This legislation seeks to extend the period of limitations for beginning prosecution for rape or sexual battery against a person who is implicated by DNA analysis.

As a former assistant county prosecutor and bailiff, I have witnessed first-hand the hardships that victims of rape and sexual battery have had to face. As legislators, parents, and members of the community, it is our duty to strive to protect our children from harm, and see that Ohio law allows for justice to be served. As stated by the National Center for Victims of Crime, only 46 percent of rapes in the United States are reported to police, and of these reported cases, only 9 percent result in prosecution. But even more importantly, victims deserve better. If the DNA evidence is there, then these criminals must be prosecuted and held accountable for their actions.

Currently, Ohio law allows for a case of rape or sexual battery of an adult to be prosecuted up to 20 years after the incident. In the case of the rape of a minor, the 20 year time frame would begin

when the child turns 18. According to the “Sexual Assault Statute of Limitations/DNA Exception Chart” found on the National Center for Victims of Crime website, there are at least 27 states that have some form of a DNA exception to extend the time limit for prosecution.

As reported by the Ohio Alliance to End Sexual Violence, it is estimated that 1 in 5 women and nearly 1 in 71 men have experienced rape in their lifetime. In the State of Ohio, over 743,000 women are survivors of rape. No child or adult should ever have to have to endure the trauma of this heinous crime. Victims of rape and sexual battery experience a grave emotional, physical, and psychological disturbance that frankly I can’t even fathom. It is no surprise that many victims need time to heal and come forward to friends and family before they can consider testifying before the public about their traumatic experience. Senate Bill 13 seeks to extend the statute of limitations for commencing a rape or sexual battery prosecution against a person who is implicated in the offense by DNA analysis. This extension would in turn allow victims to take the time they may need to emotionally prepare themselves to speak about the crime. It is difficult to imagine the further emotional trauma a victim must experience when finally seeking legal action, only to find out that the case has expired due to a 20 year statute of limitations in Ohio law, even though the evidence needed to convict the attacker exists.

As a father and a family man, I was moved by an article that I read in the Columbus Dispatch published in April of last year. This story of a 13-year-old girl who became a victim of rape on a Tuesday morning while waiting at her school-bus stop devastated me. Law enforcement officials made this case a priority, and ran the DNA test. The evidence from the rape matched a DNA

profile already in the state database. Two days after the incident, thirty-six-year-old Antonio Fillmore was identified and arrested.

As you can see, the technology to prosecute criminals for this atrocious crime is both accurate and available. Senate Bill 13 would allow some victims the emotional time they need to come forward, while still ensuring accuracy due to the hard evidence involved.

The substitute bill before is the product of many meetings between myself, Senator Jones, Chairman Eklund and other members so that we can get this legislation passed. The language seeks to address some of the issues raised in committee hearings on Senate Bill 324 from the last General Assembly. This substitute bill addresses two situations, one where the existing statute of limitations has expired and those cases where it has not. As long as the current 20 year statute of limitations hasn't expired for a case before the effective date of this bill, a case can be resurrected at any time and prosecution of an offender may be commenced within five years after a DNA determination is made. In addition, for those cases where the statute of limitations has not expired, prosecution of an offender may be commenced within the longer of 20 years after the offense was committed or five years after the DNA determination was made.

This legislation would allow our victims to seek the justice they deserve. If this legislation aids in the prosecution of even one rape case, I believe it to be well worth the legislature's time because an Ohio community will be made safer that day. Members of the Criminal Justice Committee, it is with sympathy, compassion, and a heavy heart for all victims of rape and sexual

battery that I ask for your support of Senate Bill 13. Thank you for consideration of Senate Bill

13. I ask for your support of this legislation and welcome any questions that you may have