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Senate Judiciary Committee  
November 13, 2019  
Sponsor Testimony SB 162

Good morning, Chair Eklund, Vice Chair Manning, Ranking Member Thomas and members of the Senate Judiciary Committee. Thank you for this opportunity to provide sponsor testimony on Senate Bill 162 which would eliminate the statute of limitations for criminal and civil sex crimes and remove the spousal exemptions for rape, sexual battery, and other sexual offenses.

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.<sup>1</sup> This is an extension of the 20-year statute of limitations that was in place prior to 2015.

Originally, the statute of limitations for sex crimes was created based on the idea that evidence deteriorates over time. 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, including Kentucky, Maryland, North Carolina, South Carolina, Virginia, West Virginia, and Wyoming.<sup>2</sup>

Although marital rape has been illegal in all 50 states for over two decades, Ohio is one of twelve states with an existing loophole that prevents a rapist from being prosecuted for spousal rape as long as no “threat of force or violence” exists.<sup>3</sup> In other words, in Ohio it is legally permissible for a spouse to use drugs to incapacitate their spouse and force sexual acts upon them without their consent.

The modernization of Ohio’s rape code is well overdue. It is time to give survivors of sex crimes the opportunity to seek the justice that they deserve. Also, it is important to note, Governor Mike

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

<sup>2</sup> <https://www.pbs.org/newshour/nation/why-do-state-laws-put-an-expiration-date-on-sex-crimes>

<sup>3</sup> <https://www.governing.com/topics/public-justice-safety/gov-marital-rape-states-ohio-minnesota.html>

<sup>3</sup> <https://www.cleveland.com/politics/2019/06/dave-yost-former-ags-urge-end-to-ohios-statute-of-limitations-for-rape.html>

DeWine and Attorney General Dave Yost have recently called for an end to the statute of limitations for rape.<sup>4</sup>

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>5</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>6</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: out of 1,000 reported rapes, only five cases ultimately end in a conviction.<sup>7</sup> This means that prosecutors need more, not fewer, tools to prosecute rapists. It is also critical that we are thinking about this issue from a public safety standpoint.

While we applaud the concerns about the statute of limitations that are echoed in HB 249, we believe narrowing the access to justice, as that bill seeks to accomplish, to a “limited number of victims of sexual misconduct that occurred between 1978-2000 by doctors at land grant universities” to be a complete injustice to the surviving women and men that have been and are being brutalized every day in all corners of our state. We believe all surviving victims of sexual assault should be able to seek justice, without a statute of limitations as is the case for murder in the State of Ohio.

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

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<sup>5</sup> <https://www.pbs.org/kued/nosafeplace/studyg/rape.html>

<sup>6</sup> <https://time.com/3625414/rape-trauma-brain-memory/>

<sup>7</sup> <https://rainn.org/statistics/criminal-justice-system>