



Representative Kent Smith
8th House District

House Bill 627 Testimony

Criminal Justice Committee

December 11, 2018

Chairman Manning, Vice Chair Lanese, Ranking Member Celebrezze and member of the Criminal Justice Committee. Thank you very much for providing us an opportunity to explain there should be no statute of limitations for the crime of rape.

The short answer is that justice delayed is better than justice denied. House Bill 627 would help Ohio victims turn the page from a difficult chapter in their life.

A longer answer is that while statutes of limitations have historically protected against convictions rooted in deteriorated evidence, recent advances in DNA testing technology have eliminated many of these concerns. Ohio currently bars rape prosecutions after twenty-five years or five years after a DNA identifying match. But data suggests that the dynamics of sexual violence and resulting impact on victims run counter to other crime victims.

The following is from the Ohio Alliance to End Sexual Violence, "The impact of sexual violence on the brain impacts the length of time it will take a victim to meaningfully participate in the criminal justice process. Often, victims benefit from therapy and other types of treatment, in a manner that bolsters the quality if a prosecution and its likelihood of success. Because of the specific impact on victims of rape. The quality of evidence generally increases over time in a rape prosecution – in a fashion atypical of most criminal prosecutions."

Deborah Tuerkheimer, Law Professor at Northwestern University wrote, "Women have long been reluctant to report sexual violence by acquaintances, especially when the abuser has the power to retaliate. As people become more familiar with how sexual violence is perpetrated – normally not by a stranger in an alley with a knife – long-standing myths and biases will loosen their hold.

More sexual violence survivors will feel empowered to recount violations to family members, friends, neighbors, co-workers and even law enforcement officials. The possibility of justice, even justice delayed, offers compelling reason for survivors to tell their stories.”

Also according to the Ohio Alliance to End Sexual Violence, 1 in 5 women have been the victim of rape in their lifetime, which amounts to approximately 743,000 women in Ohio.

Simply put, if this many Ohio women are in need of justice, we should stop denying it to them. If the statute of limitations were removed in Ohio, more Ohio victims, knowing that state government wanted their voices to be heard, would speak up. That would result in more rapists being removed from our streets and all Ohioans would be safer.

I would like to thank the Committee for their collective attention. At this time, myself and my cosponsor would be happy to answer any questions that you all might have.