

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 6

Representatives LaTourette, Kunze

A BILL

To amend section 2901.13 of the Revised Code to
extend the period of limitations for commencing
a rape or sexual battery prosecution against a
person who is implicated in the offense by DNA
analysis. 1
2
3
4
5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2901.13 of the Revised Code be
amended to read as follows: 6
7

Sec. 2901.13. (A) (1) Except as provided in division (A) (2)
or (3) of this section or as otherwise provided in this section,
a prosecution shall be barred unless it is commenced within the
following periods after an offense is committed: 8
9
10
11

(a) For a felony, six years; 12

(b) For a misdemeanor other than a minor misdemeanor, two
years; 13
14

(c) For a minor misdemeanor, six months. 15

(2) There is no period of limitation for the prosecution
of a violation of section 2903.01 or 2903.02 of the Revised
Code. 16
17
18

(3) Except as otherwise provided in divisions (B) to (H) 19
of this section, a prosecution of any of the following offenses 20
shall be barred unless it is commenced within twenty years after 21
the offense is committed: 22

(a) A violation of section 2903.03, 2903.04, 2905.01, 23
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 24
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 25
2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised 26
Code, a violation of section 2903.11 or 2903.12 of the Revised 27
Code if the victim is a peace officer, a violation of section 28
2903.13 of the Revised Code that is a felony, or a violation of 29
former section 2907.12 of the Revised Code; 30

(b) A conspiracy to commit, attempt to commit, or 31
complicity in committing a violation set forth in division (A) 32
(3) (a) of this section. 33

(B) (1) Except as otherwise provided in division (B) (2) of 34
this section, if the period of limitation provided in division 35
(A) (1) or (3) of this section has expired, prosecution shall be 36
commenced for an offense of which an element is fraud or breach 37
of a fiduciary duty, within one year after discovery of the 38
offense either by an aggrieved person, or by the aggrieved 39
person's legal representative who is not a party to the offense. 40

(2) If the period of limitation provided in division (A) 41
(1) or (3) of this section has expired, prosecution for a 42
violation of section 2913.49 of the Revised Code shall be 43
commenced within five years after discovery of the offense 44
either by an aggrieved person or the aggrieved person's legal 45
representative who is not a party to the offense. 46

(3) (a) In a case in which DNA analysis implicates an 47

identified person in the commission of a violation of section 48
2907.02 or 2907.03 of the Revised Code, no statute of 49
limitations that otherwise would preclude prosecution of the 50
offense shall preclude prosecution of the offense until a period 51
of time following the implication of the person by DNA analysis 52
has elapsed that is equal to the otherwise applicable limitation 53
period. 54

(b) "DNA analysis" has the same meaning as in section 55
109.573 of the Revised Code. 56

(C) (1) If the period of limitation provided in division 57
(A) (1) or (3) of this section has expired, prosecution shall be 58
commenced for the following offenses during the following 59
specified periods of time: 60

(a) For an offense involving misconduct in office by a 61
public servant, at any time while the accused remains a public 62
servant, or within two years thereafter; 63

(b) For an offense by a person who is not a public servant 64
but whose offense is directly related to the misconduct in 65
office of a public servant, at any time while that public 66
servant remains a public servant, or within two years 67
thereafter. 68

(2) As used in this division: 69

(a) An "offense is directly related to the misconduct in 70
office of a public servant" includes, but is not limited to, a 71
violation of section 101.71, 101.91, 121.61 or 2921.13, division 72
(F) or (H) of section 102.03, division (A) of section 2921.02, 73
division (A) or (B) of section 2921.43, or division (F) or (G) 74
of section 3517.13 of the Revised Code, that is directly related 75
to an offense involving misconduct in office of a public 76

servant. 77

(b) "Public servant" has the same meaning as in section 78
2921.01 of the Revised Code. 79

(D) An offense is committed when every element of the 80
offense occurs. In the case of an offense of which an element is 81
a continuing course of conduct, the period of limitation does 82
not begin to run until such course of conduct or the accused's 83
accountability for it terminates, whichever occurs first. 84

(E) A prosecution is commenced on the date an indictment 85
is returned or an information filed, or on the date a lawful 86
arrest without a warrant is made, or on the date a warrant, 87
summons, citation, or other process is issued, whichever occurs 88
first. A prosecution is not commenced by the return of an 89
indictment or the filing of an information unless reasonable 90
diligence is exercised to issue and execute process on the same. 91
A prosecution is not commenced upon issuance of a warrant, 92
summons, citation, or other process, unless reasonable diligence 93
is exercised to execute the same. 94

(F) The period of limitation shall not run during any time 95
when the corpus delicti remains undiscovered. 96

(G) The period of limitation shall not run during any time 97
when the accused purposely avoids prosecution. Proof that the 98
accused departed this state or concealed the accused's identity 99
or whereabouts is prima-facie evidence of the accused's purpose 100
to avoid prosecution. 101

(H) The period of limitation shall not run during any time 102
a prosecution against the accused based on the same conduct is 103
pending in this state, even though the indictment, information, 104
or process that commenced the prosecution is quashed or the 105

proceedings on the indictment, information, or process are set 106
aside or reversed on appeal. 107

(I) The period of limitation for a violation of any 108
provision of Title XXIX of the Revised Code that involves a 109
physical or mental wound, injury, disability, or condition of a 110
nature that reasonably indicates abuse or neglect of a child 111
under eighteen years of age or of a mentally retarded, 112
developmentally disabled, or physically impaired child under 113
twenty-one years of age shall not begin to run until either of 114
the following occurs: 115

(1) The victim of the offense reaches the age of majority. 116

(2) A public children services agency, or a municipal or 117
county peace officer that is not the parent or guardian of the 118
child, in the county in which the child resides or in which the 119
abuse or neglect is occurring or has occurred has been notified 120
that abuse or neglect is known, suspected, or believed to have 121
occurred. 122

(J) As used in this section, "peace officer" has the same 123
meaning as in section 2935.01 of the Revised Code. 124

Section 2. That existing section 2901.13 of the Revised 125
Code is hereby repealed. 126