

**As Passed by the Senate**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. S. B. No. 13**

**Senators Jones, Hughes**

**Cosponsors: Senators Manning, Uecker, Gardner, Lehner, Bacon, Obhof, Beagle,  
Cafaro, LaRose, Balderson, Burke, Coley, Eklund, Faber, Hite, Jordan, Oelslager,  
Patton, Peterson, Tavares, Widener**

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**A BILL**

To amend section 2901.13 of the Revised Code to  
extend the period of limitations for prosecution  
of rape or sexual battery when a DNA record made  
in connection with the investigation of the  
offense matches another DNA record of an  
identifiable person and to declare an emergency.

**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:

**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:

(a) For a felony, six years;

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

(c) For a minor misdemeanor, six months.

(2) There is no period of limitation for the prosecution 17  
of a violation of section 2903.01 or 2903.02 of the Revised 18  
Code. 19

(3) Except as otherwise provided in divisions (B) to ~~(H)~~ 20  
(J) of this section, a prosecution of any of the following 21  
offenses shall be barred unless it is commenced within twenty 22  
years after the offense is committed: 23

(a) A violation of section 2903.03, 2903.04, 2905.01, 24  
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 25  
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 26  
2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised 27  
Code, a violation of section 2903.11 or 2903.12 of the Revised 28  
Code if the victim is a peace officer, a violation of section 29  
2903.13 of the Revised Code that is a felony, or a violation of 30  
former section 2907.12 of the Revised Code; 31

(b) A conspiracy to commit, attempt to commit, or 32  
complicity in committing a violation set forth in division (A) 33  
(3) (a) of this section. 34

(B) (1) Except as otherwise provided in division (B) (2) of 35  
this section, if the period of limitation provided in division 36  
(A) (1) or (3) of this section has expired, prosecution shall be 37  
commenced for an offense of which an element is fraud or breach 38  
of a fiduciary duty, within one year after discovery of the 39  
offense either by an aggrieved person, or by the aggrieved 40  
person's legal representative who is not a party to the offense. 41

(2) If the period of limitation provided in division (A) 42  
(1) or (3) of this section has expired, prosecution for a 43  
violation of section 2913.49 of the Revised Code shall be 44  
commenced within five years after discovery of the offense 45

either by an aggrieved person or the aggrieved person's legal representative who is not a party to the offense. 46  
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(C) (1) If the period of limitation provided in division 48  
(A) (1) or (3) of this section has expired, prosecution shall be 49  
commenced for the following offenses during the following 50  
specified periods of time: 51

(a) For an offense involving misconduct in office by a 52  
public servant, at any time while the accused remains a public 53  
servant, or within two years thereafter; 54

(b) For an offense by a person who is not a public servant 55  
but whose offense is directly related to the misconduct in 56  
office of a public servant, at any time while that public 57  
servant remains a public servant, or within two years 58  
thereafter. 59

(2) As used in this division: 60

(a) An "offense is directly related to the misconduct in 61  
office of a public servant" includes, but is not limited to, a 62  
violation of section 101.71, 101.91, 121.61 or 2921.13, division 63  
(F) or (H) of section 102.03, division (A) of section 2921.02, 64  
division (A) or (B) of section 2921.43, or division (F) or (G) 65  
of section 3517.13 of the Revised Code, that is directly related 66  
to an offense involving misconduct in office of a public 67  
servant. 68

(b) "Public servant" has the same meaning as in section 69  
2921.01 of the Revised Code. 70

(D) (1) If a DNA record made in connection with the 71  
criminal investigation of the commission of a violation of 72  
section 2907.02 or 2907.03 of the Revised Code is determined to 73  
match another DNA record that is of an identifiable person and 74

if the time of the determination is later than twenty years 75  
after the offense is committed, prosecution of that person for a 76  
violation of the section may be commenced within five years 77  
after the determination. 78

(2) If a DNA record made in connection with the criminal 79  
investigation of the commission of a violation of section 80  
2907.02 or 2907.03 of the Revised Code is determined to match 81  
another DNA record that is of an identifiable person and if the 82  
time of the determination is within twenty years after the 83  
offense is committed, prosecution of that person for a violation 84  
of the section may be commenced within the longer of twenty 85  
years after the offense is committed or five years after the 86  
determination. 87

(3) As used in this division, "DNA record" has the same 88  
meaning as in section 109.573 of the Revised Code. 89

(E) An offense is committed when every element of the 90  
offense occurs. In the case of an offense of which an element is 91  
a continuing course of conduct, the period of limitation does 92  
not begin to run until such course of conduct or the accused's 93  
accountability for it terminates, whichever occurs first. 94

~~(E)~~ (F) A prosecution is commenced on the date an 95  
indictment is returned or an information filed, or on the date a 96  
lawful arrest without a warrant is made, or on the date a 97  
warrant, summons, citation, or other process is issued, 98  
whichever occurs first. A prosecution is not commenced by the 99  
return of an indictment or the filing of an information unless 100  
reasonable diligence is exercised to issue and execute process 101  
on the same. A prosecution is not commenced upon issuance of a 102  
warrant, summons, citation, or other process, unless reasonable 103  
diligence is exercised to execute the same. 104

~~(F)~~(G) The period of limitation shall not run during any 105  
time when the corpus delicti remains undiscovered. 106

~~(G)~~(H) The period of limitation shall not run during any 107  
time when the accused purposely avoids prosecution. Proof that 108  
the accused departed this state or concealed the accused's 109  
identity or whereabouts is prima-facie evidence of the accused's 110  
purpose to avoid prosecution. 111

~~(H)~~(I) The period of limitation shall not run during any 112  
time a prosecution against the accused based on the same conduct 113  
is pending in this state, even though the indictment, 114  
information, or process that commenced the prosecution is 115  
quashed or the proceedings on the indictment, information, or 116  
process are set aside or reversed on appeal. 117

~~(I)~~(J) The period of limitation for a violation of any 118  
provision of Title XXIX of the Revised Code that involves a 119  
physical or mental wound, injury, disability, or condition of a 120  
nature that reasonably indicates abuse or neglect of a child 121  
under eighteen years of age or of a mentally retarded, 122  
developmentally disabled, or physically impaired child under 123  
twenty-one years of age shall not begin to run until either of 124  
the following occurs: 125

(1) The victim of the offense reaches the age of majority. 126

(2) A public children services agency, or a municipal or 127  
county peace officer that is not the parent or guardian of the 128  
child, in the county in which the child resides or in which the 129  
abuse or neglect is occurring or has occurred has been notified 130  
that abuse or neglect is known, suspected, or believed to have 131  
occurred. 132

~~(J)~~(K) As used in this section, "peace officer" has the 133

same meaning as in section 2935.01 of the Revised Code. 134

**Section 2.** That existing section 2901.13 of the Revised 135  
Code is hereby repealed. 136

**Section 3.** The amendments to section 2901.13 of the 137  
Revised Code made in Sections 1 and 2 of this act apply to a 138  
violation of section 2907.02 or 2907.03 of the Revised Code 139  
committed on and after the effective date of this act and apply 140  
to a violation of either of those sections committed prior to 141  
the effective date of this act if prosecution for that violation 142  
was not barred under section 2901.13 of the Revised Code as it 143  
existed on the day prior to the effective date of this act. 144

**Section 4.** This act is hereby declared to be an emergency 145  
measure necessary for the immediate preservation of the public 146  
peace, health, and safety. The reason for such necessity is that 147  
the changes in law made in this act are crucially needed to 148  
ensure that as many persons who commit rape or sexual battery as 149  
possible are prosecuted and punished in the interest of public 150  
safety. Therefore, this act shall go into immediate effect. 151