

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 470**

**Representative Rogers**

**Cosponsors: Representatives Miranda, Boyd, Kelly, Crossman, Sobecki, Miller, A.,  
West, Clites, Lepore-Hagan, Strahorn, Hicks-Hudson, Smith, K.**

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**A BILL**

To amend sections 2305.111, 2901.13, and 2933.82 of 1  
the Revised Code to eliminate the period of 2  
limitations for the criminal prosecution of a 3  
person for rape and to extend the period of 4  
limitations for a civil action by a victim of 5  
childhood sexual abuse. 6

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

**Section 1.** That sections 2305.111, 2901.13, and 2933.82 of 7  
the Revised Code be amended to read as follows: 8

**Sec. 2305.111.** (A) As used in this section: 9

(1) "Childhood sexual abuse" means any conduct that 10  
constitutes any of the violations identified in division (A)(1) 11  
(a) or (b) of this section and would constitute a criminal 12  
offense under the specified section or division of the Revised 13  
Code, if the victim of the violation is at the time of the 14  
violation a child under eighteen years of age or a child with a 15  
developmental disability or physical impairment under twenty-one 16  
years of age. The court need not find that any person has been 17

convicted of or pleaded guilty to the offense under the 18  
specified section or division of the Revised Code in order for 19  
the conduct that is the violation constituting the offense to be 20  
childhood sexual abuse for purposes of this division. This 21  
division applies to any of the following violations committed in 22  
the following specified circumstances: 23

(a) A violation of section 2907.02 or of division (A) (1), 24  
(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 25  
of the Revised Code; 26

(b) A violation of section 2907.05 or 2907.06 of the 27  
Revised Code if, at the time of the violation, any of the 28  
following apply: 29

(i) The actor is the victim's natural parent, adoptive 30  
parent, or stepparent or the guardian, custodian, or person in 31  
loco parentis of the victim. 32

(ii) The victim is in custody of law or a patient in a 33  
hospital or other institution, and the actor has supervisory or 34  
disciplinary authority over the victim. 35

(iii) The actor is a teacher, administrator, coach, or 36  
other person in authority employed by or serving in a school for 37  
which the state board of education prescribes minimum standards 38  
pursuant to division (D) of section 3301.07 of the Revised Code, 39  
the victim is enrolled in or attends that school, and the actor 40  
is not enrolled in and does not attend that school. 41

(iv) The actor is a teacher, administrator, coach, or 42  
other person in authority employed by or serving in an 43  
institution of higher education, and the victim is enrolled in 44  
or attends that institution. 45

(v) The actor is the victim's athletic or other type of 46

coach, is the victim's instructor, is the leader of a scouting 47  
troop of which the victim is a member, or is a person with 48  
temporary or occasional disciplinary control over the victim. 49

(vi) The actor is a mental health professional, the victim 50  
is a mental health client or patient of the actor, and the actor 51  
induces the victim to submit by falsely representing to the 52  
victim that the sexual contact involved in the violation is 53  
necessary for mental health treatment purposes. 54

(vii) The victim is confined in a detention facility, and 55  
the actor is an employee of that detention facility. 56

(viii) The actor is a cleric, and the victim is a member 57  
of, or attends, the church or congregation served by the cleric. 58

(2) "Cleric" has the same meaning as in section 2317.02 of 59  
the Revised Code. 60

(3) "Mental health client or patient" has the same meaning 61  
as in section 2305.51 of the Revised Code. 62

(4) "Mental health professional" has the same meaning as 63  
in section 2305.115 of the Revised Code. 64

(5) "Sexual contact" has the same meaning as in section 65  
2907.01 of the Revised Code. 66

(6) "Victim" means, except as provided in division (B) of 67  
this section, a victim of childhood sexual abuse. 68

(B) Except as provided in section 2305.115 of the Revised 69  
Code and subject to division (C) of this section, an action for 70  
assault or battery shall be brought within one year after the 71  
cause of the action accrues. For purposes of this section, a 72  
cause of action for assault or battery accrues upon the later of 73  
the following: 74

(1) The date on which the alleged assault or battery occurred;	75 76
(2) If the plaintiff did not know the identity of the person who allegedly committed the assault or battery on the date on which it allegedly occurred, the earlier of the following dates:	77 78 79 80
(a) The date on which the plaintiff learns the identity of that person;	81 82
(b) The date on which, by the exercise of reasonable diligence, the plaintiff should have learned the identity of that person.	83 84 85
(C) <del>An</del> <u>Subject to division (D) of this section, an action for assault or battery brought by a victim of childhood sexual abuse based on childhood sexual abuse, or an action brought by a victim of childhood sexual abuse asserting any claim resulting from childhood sexual abuse, against a perpetrator of the childhood sexual abuse or an entity that negligently facilitated that sexual abuse,</u> shall be brought <del>within twelve years after the cause of action accrues</del> <u>at any time until the victim reaches fifty-five years of age.</u> <del>For purposes of this section, a cause of action for assault or battery based on childhood sexual abuse, or a cause of action for a claim resulting from childhood sexual abuse, accrues upon the date on which the victim reaches the age of majority.</del> If the defendant in an action brought by a victim of childhood sexual abuse asserting a claim resulting from childhood sexual abuse that occurs on or after August 3, 2006, has fraudulently concealed from the plaintiff facts that form the basis of the claim, <del>the running of the limitations period with regard to that claim is tolled until the time when the plaintiff discovers or in the exercise of due diligence</del>	86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104

should have discovered those facts and the plaintiff discovers 105  
those facts after reaching fifty-five years of age, the 106  
plaintiff may bring an action asserting a claim resulting from 107  
the childhood sexual abuse not later than three years after the 108  
date of the discovery of those facts that form the basis of the 109  
claim. 110

(D) If, on the effective date of this amendment, a cause 111  
of action for assault or battery based on childhood sexual abuse 112  
or a claim resulting from childhood sexual abuse is barred due 113  
to the expiration of the applicable period of limitation of that 114  
action or claim that was in effect prior to the effective date 115  
of this amendment, that cause of action or claim shall be 116  
revived and an action for assault or battery by the victim of 117  
the childhood sexual abuse based on childhood sexual abuse or a 118  
claim resulting from childhood sexual abuse asserted by the 119  
victim of that childhood sexual abuse may be commenced within 120  
three years after the effective date of this amendment. 121

**Sec. 2901.13.** (A) (1) Except as provided in division (A) 122  
(2), (3), or (4) of this section or as otherwise provided in 123  
this section, a prosecution shall be barred unless it is 124  
commenced within the following periods after an offense is 125  
committed: 126

(a) For a felony, six years; 127

(b) For a misdemeanor other than a minor misdemeanor, two 128  
years; 129

(c) For a minor misdemeanor, six months. 130

(2) There is no period of limitation for the prosecution 131  
of a violation of section 2903.01 ~~or~~, 2903.02, or 2907.02 of the 132  
Revised Code. 133

(3) Except as otherwise provided in divisions (B) to (J) 134  
of this section, a prosecution of any of the following offenses 135  
shall be barred unless it is commenced within twenty years after 136  
the offense is committed: 137

(a) A violation of section 2903.03, 2903.04, 2905.01, 138  
2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 139  
2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 140  
2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of 141  
section 2903.11 or 2903.12 of the Revised Code if the victim is 142  
a peace officer, a violation of section 2903.13 of the Revised 143  
Code that is a felony, or a violation of former section 2907.12 144  
of the Revised Code; 145

(b) A conspiracy to commit, attempt to commit, or 146  
complicity in committing a violation set forth in division (A) 147  
(3) (a) of this section. 148

(4) Except as otherwise provided in divisions (D) to (L) 149  
of this section, a prosecution of a violation of section ~~2907.02~~ 150  
~~or~~ 2907.03 of the Revised Code or a conspiracy to commit, 151  
attempt to commit, or complicity in committing a violation of 152  
~~either that~~ section shall be barred unless it is commenced 153  
within twenty-five years after the offense is committed. 154

(B) (1) Except as otherwise provided in division (B) (2) of 155  
this section, if the period of limitation provided in division 156  
(A) (1) or (3) of this section has expired, prosecution shall be 157  
commenced for an offense of which an element is fraud or breach 158  
of a fiduciary duty, within one year after discovery of the 159  
offense either by an aggrieved person, or by the aggrieved 160  
person's legal representative who is not a party to the offense. 161

(2) If the period of limitation provided in division (A) 162

(1) or (3) of this section has expired, prosecution for a 163  
violation of section 2913.49 of the Revised Code shall be 164  
commenced within five years after discovery of the offense 165  
either by an aggrieved person or the aggrieved person's legal 166  
representative who is not a party to the offense. 167

(C) (1) If the period of limitation provided in division 168  
(A) (1) or (3) of this section has expired, prosecution shall be 169  
commenced for the following offenses during the following 170  
specified periods of time: 171

(a) For an offense involving misconduct in office by a 172  
public servant, at any time while the accused remains a public 173  
servant, or within two years thereafter; 174

(b) For an offense by a person who is not a public servant 175  
but whose offense is directly related to the misconduct in 176  
office of a public servant, at any time while that public 177  
servant remains a public servant, or within two years 178  
thereafter. 179

(2) As used in this division: 180

(a) An "offense is directly related to the misconduct in 181  
office of a public servant" includes, but is not limited to, a 182  
violation of section 101.71, 101.91, 121.61 or 2921.13, division 183  
(F) or (H) of section 102.03, division (A) of section 2921.02, 184  
division (A) or (B) of section 2921.43, or division (F) or (G) 185  
of section 3517.13 of the Revised Code, that is directly related 186  
to an offense involving misconduct in office of a public 187  
servant. 188

(b) "Public servant" has the same meaning as in section 189  
2921.01 of the Revised Code. 190

(D) (1) If a DNA record made in connection with the 191

criminal investigation of the commission of a violation of 192  
section ~~2907.02~~ or 2907.03 of the Revised Code is determined to 193  
match another DNA record that is of an identifiable person and 194  
if the time of the determination is later than twenty-five years 195  
after the offense is committed, prosecution of that person for a 196  
violation of ~~the~~ that section may be commenced within five years 197  
after the determination is complete. 198

(2) If a DNA record made in connection with the criminal 199  
investigation of the commission of a violation of section 200  
~~2907.02~~ or 2907.03 of the Revised Code is determined to match 201  
another DNA record that is of an identifiable person and if the 202  
time of the determination is within twenty-five years after the 203  
offense is committed, prosecution of that person for a violation 204  
of ~~the~~ that section may be commenced within the longer of 205  
twenty-five years after the offense is committed or five years 206  
after the determination is complete. 207

(3) As used in this division, "DNA record" has the same 208  
meaning as in section 109.573 of the Revised Code. 209

(E) An offense is committed when every element of the 210  
offense occurs. In the case of an offense of which an element is 211  
a continuing course of conduct, the period of limitation does 212  
not begin to run until such course of conduct or the accused's 213  
accountability for it terminates, whichever occurs first. 214

(F) A prosecution is commenced on the date an indictment 215  
is returned or an information filed, or on the date a lawful 216  
arrest without a warrant is made, or on the date a warrant, 217  
summons, citation, or other process is issued, whichever occurs 218  
first. A prosecution is not commenced by the return of an 219  
indictment or the filing of an information unless reasonable 220  
diligence is exercised to issue and execute process on the same. 221



A prosecution is not commenced upon issuance of a warrant, 222  
summons, citation, or other process, unless reasonable diligence 223  
is exercised to execute the same. 224

(G) The period of limitation shall not run during any time 225  
when the corpus delicti remains undiscovered. 226

(H) The period of limitation shall not run during any time 227  
when the accused purposely avoids prosecution. Proof that the 228  
accused departed this state or concealed the accused's identity 229  
or whereabouts is prima-facie evidence of the accused's purpose 230  
to avoid prosecution. 231

(I) The period of limitation shall not run during any time 232  
a prosecution against the accused based on the same conduct is 233  
pending in this state, even though the indictment, information, 234  
or process that commenced the prosecution is quashed or the 235  
proceedings on the indictment, information, or process are set 236  
aside or reversed on appeal. 237

(J) The period of limitation for a violation of any 238  
provision of Title XXIX of the Revised Code that involves a 239  
physical or mental wound, injury, disability, or condition of a 240  
nature that reasonably indicates abuse or neglect of a child 241  
under eighteen years of age or of a child with a developmental 242  
disability or physical impairment under twenty-one years of age 243  
shall not begin to run until either of the following occurs: 244

(1) The victim of the offense reaches the age of majority. 245

(2) A public children services agency, or a municipal or 246  
county peace officer that is not the parent or guardian of the 247  
child, in the county in which the child resides or in which the 248  
abuse or neglect is occurring or has occurred has been notified 249  
that abuse or neglect is known, suspected, or believed to have 250

occurred.	251
(K) As used in this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code.	252 253
(L) The amendments to divisions (A) and (D) of this section apply to a violation of section <del>2907.02</del> or 2907.03 of the Revised Code committed on and after July 16, 2015, and apply to a violation of <del>either of those sections</del> <u>that section</u> committed prior to July 16, 2015, if prosecution for that violation was not barred under this section as it existed on the day prior to July 16, 2015.	254 255 256 257 258 259 260
<b>Sec. 2933.82.</b> (A) As used in this section:	261
(1) (a) "Biological evidence" means any of the following:	262
(i) The contents of a sexual assault examination kit;	263
(ii) Any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids, or any other identifiable biological material that was collected as part of a criminal investigation or delinquent child investigation and that reasonably may be used to incriminate or exculpate any person for an offense or delinquent act.	264 265 266 267 268 269
(b) The definition of "biological evidence" set forth in division (A) (1) (a) of this section applies whether the material in question is cataloged separately, such as on a slide or swab or in a test tube, or is present on other evidence, including, but not limited to, clothing, ligatures, bedding or other household material, drinking cups or containers, or cigarettes.	270 271 272 273 274 275
(2) "Biological material" has the same meaning as in section 2953.71 of the Revised Code.	276 277
(3) "DNA," "DNA analysis," "DNA database," "DNA record,"	278

and "DNA specimen" have the same meanings as in section 109.573 279  
of the Revised Code. 280

(4) "Prosecutor" has the same meaning as in section 281  
2935.01 of the Revised Code. 282

(5) "Governmental evidence-retention entity" means all of 283  
the following: 284

(a) Any law enforcement agency, prosecutor's office, 285  
court, public hospital, crime laboratory, or other governmental 286  
or public entity or individual within this state that is charged 287  
with the collection, storage, or retrieval of biological 288  
evidence; 289

(b) Any official or employee of any entity or individual 290  
described in division (A) (5) (a) of this section. 291

(B) (1) Each governmental evidence-retention entity that 292  
secures any biological evidence in relation to an investigation 293  
or prosecution of a criminal offense or delinquent act that is a 294  
violation of section 2903.01, 2903.02, or 2903.03, a violation 295  
of section 2903.04 or 2903.06 that is a felony of the first or 296  
second degree, a violation of section 2907.02 or 2907.03 or 297  
division (A) (4) or (B) of section 2907.05 of the Revised Code, 298  
or an attempt to commit a violation of section 2907.02 of the 299  
Revised Code shall secure the biological evidence for whichever 300  
of the following periods of time is applicable: 301

(a) For a violation of section 2903.01 ~~or, 2903.02, or~~ 302  
2907.02 of the Revised Code, for the period of time that the 303  
offense or act remains unsolved; 304

(b) For a violation of section 2903.03, a violation of 305  
section 2903.04 or 2903.06 that is a felony of the first or 306  
second degree, a violation of section ~~2907.02 or~~ 2907.03 or of 307

division (A) (4) or (B) of section 2907.05 of the Revised Code, 308  
or an attempt to commit a violation of section 2907.02 of the 309  
Revised Code, for a period of thirty years if the offense or act 310  
remains unsolved; 311

(c) If any person is convicted of or pleads guilty to the 312  
offense, or is adjudicated a delinquent child for committing the 313  
delinquent act, for the earlier of the following: (i) the 314  
expiration of the latest of the following periods of time that 315  
apply to the person: the period of time that the person is 316  
incarcerated, is in a department of youth services institution 317  
or other juvenile facility, is under a community control 318  
sanction for that offense, is under any order of disposition for 319  
that act, is on probation or parole for that offense, is under 320  
judicial release or supervised release for that act, is under 321  
post-release control for that offense, is involved in civil 322  
litigation in connection with that offense or act, or is subject 323  
to registration and other duties imposed for that offense or act 324  
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 325  
Revised Code or (ii) thirty years. If after the period of thirty 326  
years the person remains incarcerated, then the governmental 327  
evidence-retention entity shall secure the biological evidence 328  
until the person is released from incarceration or dies. 329

(2) (a) A law enforcement agency shall review all of its 330  
records and reports pertaining to its investigation of any 331  
offense specified in division (B) (1) of this section as soon as 332  
possible after March 23, 2015. If the law enforcement agency's 333  
review determines that one or more persons may have committed or 334  
participated in an offense specified in division (B) (1) of this 335  
section or another offense committed during the course of an 336  
offense specified in division (B) (1) of this section and the 337  
agency is in possession of a sexual assault examination kit 338

secured during the course of the agency's investigation, as soon 339  
as possible, but not later than one year after March 23, 2015, 340  
the agency shall forward the contents of the kit to the bureau 341  
of criminal identification and investigation or another crime 342  
laboratory for a DNA analysis of the contents of the kit if a 343  
DNA analysis has not previously been performed on the contents 344  
of the kit. The law enforcement agency shall consider the period 345  
of time remaining under section 2901.13 of the Revised Code for 346  
commencing the prosecution of a criminal offense related to the 347  
DNA specimens from the kit as well as other relevant factors in 348  
prioritizing the forwarding of the contents of sexual assault 349  
examination kits. 350

(b) If an investigation is initiated on or after March 23, 351  
2015, and if a law enforcement agency investigating an offense 352  
specified in division (B)(1) of this section determines that one 353  
or more persons may have committed or participated in an offense 354  
specified in division (B)(1) of this section or another offense 355  
committed during the course of an offense specified in division 356  
(B)(1) of this section, the law enforcement agency shall forward 357  
the contents of a sexual assault examination kit in the agency's 358  
possession to the bureau or another crime laboratory within 359  
thirty days for a DNA analysis of the contents of the kit. 360

(c) A law enforcement agency shall be considered in the 361  
possession of a sexual assault examination kit that is not in 362  
the law enforcement agency's possession for purposes of 363  
divisions (B)(2)(a) and (b) of this section if the sexual 364  
assault examination kit contains biological evidence related to 365  
the law enforcement agency's investigation of an offense 366  
specified in division (B)(1) of this section and is in the 367  
possession of another government evidence-retention entity. The 368  
law enforcement agency shall be responsible for retrieving the 369

sexual assault examination kit from the government evidence- 370  
retention entity and forwarding the contents of the kit to the 371  
bureau or another crime laboratory as required under divisions 372  
(B) (2) (a) and (b) of this section. 373

(d) (i) The bureau or a laboratory under contract with the 374  
bureau pursuant to division (B) (5) of section 109.573 of the 375  
Revised Code shall perform a DNA analysis of the contents of any 376  
sexual assault examination kit forwarded to the bureau pursuant 377  
to division (B) (2) (a) or (b) of this section as soon as possible 378  
after the bureau receives the contents of the kit. The bureau 379  
shall enter the resulting DNA record into a DNA database. If the 380  
DNA analysis is performed by a laboratory under contract with 381  
the bureau, the laboratory shall forward the biological evidence 382  
to the bureau immediately after the laboratory performs the DNA 383  
analysis. A crime laboratory shall perform a DNA analysis of the 384  
contents of any sexual assault examination kit forwarded to the 385  
crime laboratory pursuant to division (B) (2) (a) or (b) of this 386  
section as soon as possible after the crime laboratory receives 387  
the contents of the kit and shall enter the resulting DNA record 388  
into a DNA database subject to the applicable DNA index system 389  
standards. 390

(ii) Upon the completion of the DNA analysis by the bureau 391  
or a crime laboratory under contract with the bureau under this 392  
division, the bureau shall return the contents of the sexual 393  
assault examination kit to the law enforcement agency. The law 394  
enforcement agency shall secure the contents of the sexual 395  
assault examination kit in accordance with division (B) (1) of 396  
this section, as applicable. 397

(e) The failure of any law enforcement agency to comply 398  
with any time limit specified in this section shall not create, 399

and shall not be construed as creating, any basis or right to 400  
appeal, claim for or right to postconviction relief, or claim 401  
for or right to a new trial or any other claim or right to 402  
relief by any person. 403

(3) This section applies to evidence likely to contain 404  
biological material that was in the possession of any 405  
governmental evidence-retention entity during the investigation 406  
and prosecution of a criminal case or delinquent child case 407  
involving a violation of section 2903.01, 2903.02, or 2903.03, a 408  
violation of section 2903.04 or 2903.06 that is a felony of the 409  
first or second degree, a violation of section 2907.02 or 410  
2907.03 or of division (A) (4) or (B) of section 2907.05 of the 411  
Revised Code, or an attempt to commit a violation of section 412  
2907.02 of the Revised Code. 413

(4) A governmental evidence-retention entity that 414  
possesses biological evidence shall retain the biological 415  
evidence in the amount and manner sufficient to develop a DNA 416  
record from the biological material contained in or included on 417  
the evidence. 418

(5) Upon written request by the defendant in a criminal 419  
case or the alleged delinquent child in a delinquent child case 420  
involving a violation of section 2903.01, 2903.02, or 2903.03, a 421  
violation of section 2903.04 or 2903.06 that is a felony of the 422  
first or second degree, a violation of section 2907.02 or 423  
2907.03 or of division (A) (4) or (B) of section 2907.05 of the 424  
Revised Code, or an attempt to commit a violation of section 425  
2907.02 of the Revised Code, a governmental evidence-retention 426  
entity that possesses biological evidence shall prepare an 427  
inventory of the biological evidence that has been preserved in 428  
connection with the defendant's criminal case or the alleged 429

delinquent child's delinquent child case. 430

(6) Except as otherwise provided in division (B)(8) of 431  
this section, a governmental evidence-retention entity that 432  
possesses biological evidence that includes biological material 433  
may destroy the evidence before the expiration of the applicable 434  
period of time specified in division (B)(1) of this section if 435  
all of the following apply: 436

(a) No other provision of federal or state law requires 437  
the state to preserve the evidence. 438

(b) The governmental evidence-retention entity, by 439  
certified mail, return receipt requested, provides notice of 440  
intent to destroy the evidence to all of the following: 441

(i) All persons who remain in custody, incarcerated, in a 442  
department of youth services institution or other juvenile 443  
facility, under a community control sanction, under any order of 444  
disposition, on probation or parole, under judicial release or 445  
supervised release, under post-release control, involved in 446  
civil litigation, or subject to registration and other duties 447  
imposed for that offense or act under sections 2950.04, 448  
2950.041, 2950.05, and 2950.06 of the Revised Code as a result 449  
of a criminal conviction, delinquency adjudication, or 450  
commitment related to the evidence in question; 451

(ii) The attorney of record for each person who is in 452  
custody in any circumstance described in division (B)(6)(b)(i) 453  
of this section if the attorney of record can be located; 454

(iii) The state public defender; 455

(iv) The office of the prosecutor of record in the case 456  
that resulted in the custody of the person in custody in any 457  
circumstance described in division (B)(6)(b)(i) of this section; 458



(v) The attorney general.	459
(c) No person who is notified under division (B) (6) (b) of this section does either of the following within one year after the date on which the person receives the notice:	460 461 462
(i) Files a motion for testing of evidence under sections 2953.71 to 2953.81 or section 2953.82 of the Revised Code;	463 464
(ii) Submits a written request for retention of evidence to the governmental evidence-retention entity that provided notice of its intent to destroy evidence under division (B) (6) (b) of this section.	465 466 467 468
(7) Except as otherwise provided in division (B) (8) of this section, if, after providing notice under division (B) (6) (b) of this section of its intent to destroy evidence, a governmental evidence-retention entity receives a written request for retention of the evidence from any person to whom the notice is provided, the governmental evidence-retention entity shall retain the evidence while the person referred to in division (B) (6) (b) (i) of this section remains in custody, incarcerated, in a department of youth services institution or other juvenile facility, under a community control sanction, under any order of disposition, on probation or parole, under judicial release or supervised release, under post-release control, involved in civil litigation, or subject to registration and other duties imposed for that offense or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as a result of a criminal conviction, delinquency adjudication, or commitment related to the evidence in question.	469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485
(8) A governmental evidence-retention entity that possesses biological evidence that includes biological material	486 487

may destroy the evidence five years after a person pleads guilty 488  
or no contest to a violation of section 2903.01, 2903.02, or 489  
2903.03, a violation of section 2903.04 or 2903.06 that is a 490  
felony of the first or second degree, a violation of section 491  
2907.02, 2907.03, division (A) (4) or (B) of section 2907.05, or 492  
an attempt to commit a violation of section 2907.02 of the 493  
Revised Code and all appeals have been exhausted unless, upon a 494  
motion to the court by the person who pleaded guilty or no 495  
contest or the person's attorney and notice to those persons 496  
described in division (B) (6) (b) of this section requesting that 497  
the evidence not be destroyed, the court finds good cause as to 498  
why that evidence must be retained. 499

(9) A governmental evidence-retention entity shall not be 500  
required to preserve physical evidence pursuant to this section 501  
that is of such a size, bulk, or physical character as to render 502  
retention impracticable. When retention of physical evidence 503  
that otherwise would be required to be retained pursuant to this 504  
section is impracticable as described in this division, the 505  
governmental evidence-retention entity that otherwise would be 506  
required to retain the physical evidence shall remove and 507  
preserve portions of the material evidence likely to contain 508  
biological evidence related to the offense, in a quantity 509  
sufficient to permit future DNA testing before returning or 510  
disposing of that physical evidence. 511

(C) The office of the attorney general shall administer 512  
and conduct training programs for law enforcement officers and 513  
other relevant employees who are charged with preserving and 514  
cataloging biological evidence regarding the methods and 515  
procedures referenced in this section. 516

**Section 2.** That existing sections 2305.111, 2901.13, and 517

2933.82 of the Revised Code are hereby repealed. 518

**Section 3.** Section 2901.13 of the Revised Code, as amended 519  
by this act, applies to a violation of section 2907.02 of the 520  
Revised Code committed on and after the effective date of this 521  
section and applies to a violation of section 2907.02 of the 522  
Revised Code committed prior to the effective date of this 523  
section if prosecution for that offense was not barred under 524  
section 2901.13 of the Revised Code as it existed on the day 525  
prior to the effective date of this section. 526