

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 226

Senators Kunze, Antonio

A BILL

To amend section 2901.13 of the Revised Code to
extend, from the age of majority to age 26, the
tolling of the period of limitation for offenses
involving a wound, injury, disability, or
condition that indicates abuse or neglect of a
child.

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), (3), or (4) 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

of a violation of section 2903.01 or 2903.02 of the Revised Code. 19
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(3) Except as otherwise provided in divisions (B) to (J) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within twenty years after the offense is committed: 21
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(a) A violation of section 2903.03, 2903.04, 2905.01, 2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of section 2903.11 or 2903.12 of the Revised Code if the victim is a peace officer, a violation of section 2903.13 of the Revised Code that is a felony, or a violation of former section 2907.12 of the Revised Code; 25
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(b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A) (3) (a) of this section. 33
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(4) Except as otherwise provided in divisions (D) to (L) of this section, a prosecution of a violation of section 2907.02 or 2907.03 of the Revised Code or a conspiracy to commit, attempt to commit, or complicity in committing a violation of either section shall be barred unless it is commenced within twenty-five years after the offense is committed. 36
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(B) (1) Except as otherwise provided in division (B) (2) of this section, if the period of limitation provided in division (A) (1) or (3) of this section has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a fiduciary duty, within one year after discovery of the offense either by an aggrieved person, or by the aggrieved 42
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person's legal representative who is not a party to the offense. 48

(2) If the period of limitation provided in division (A) 49
(1) or (3) of this section has expired, prosecution for a 50
violation of section 2913.49 of the Revised Code shall be 51
commenced within five years after discovery of the offense 52
either by an aggrieved person or the aggrieved person's legal 53
representative who is not a party to the offense. 54

(C) (1) If the period of limitation provided in division 55
(A) (1) or (3) of this section has expired, prosecution shall be 56
commenced for the following offenses during the following 57
specified periods of time: 58

(a) For an offense involving misconduct in office by a 59
public servant, at any time while the accused remains a public 60
servant, or within two years thereafter; 61

(b) For an offense by a person who is not a public servant 62
but whose offense is directly related to the misconduct in 63
office of a public servant, at any time while that public 64
servant remains a public servant, or within two years 65
thereafter. 66

(2) As used in this division: 67

(a) An "offense is directly related to the misconduct in 68
office of a public servant" includes, but is not limited to, a 69
violation of section 101.71, 101.91, 121.61 or 2921.13, division 70
(F) or (H) of section 102.03, division (A) of section 2921.02, 71
division (A) or (B) of section 2921.43, or division (F) or (G) 72
of section 3517.13 of the Revised Code, that is directly related 73
to an offense involving misconduct in office of a public 74
servant. 75

(b) "Public servant" has the same meaning as in section 76

2921.01 of the Revised Code. 77

(D) (1) If a DNA record made in connection with the 78
criminal investigation of the commission of a violation of 79
section 2907.02 or 2907.03 of the Revised Code is determined to 80
match another DNA record that is of an identifiable person and 81
if the time of the determination is later than twenty-five years 82
after the offense is committed, prosecution of that person for a 83
violation of the section may be commenced within five years 84
after the determination is complete. 85

(2) If a DNA record made in connection with the criminal 86
investigation of the commission of a violation of section 87
2907.02 or 2907.03 of the Revised Code is determined to match 88
another DNA record that is of an identifiable person and if the 89
time of the determination is within twenty-five years after the 90
offense is committed, prosecution of that person for a violation 91
of the section may be commenced within the longer of twenty-five 92
years after the offense is committed or five years after the 93
determination is complete. 94

(3) As used in this division, "DNA record" has the same 95
meaning as in section 109.573 of the Revised Code. 96

(E) An offense is committed when every element of the 97
offense occurs. In the case of an offense of which an element is 98
a continuing course of conduct, the period of limitation does 99
not begin to run until such course of conduct or the accused's 100
accountability for it terminates, whichever occurs first. 101

(F) A prosecution is commenced on the date an indictment 102
is returned or an information filed, or on the date a lawful 103
arrest without a warrant is made, or on the date a warrant, 104
summons, citation, or other process is issued, whichever occurs 105

first. A prosecution is not commenced by the return of an 106
indictment or the filing of an information unless reasonable 107
diligence is exercised to issue and execute process on the same. 108
A prosecution is not commenced upon issuance of a warrant, 109
summons, citation, or other process, unless reasonable diligence 110
is exercised to execute the same. 111

(G) The period of limitation shall not run during any time 112
when the corpus delicti remains undiscovered. 113

(H) The period of limitation shall not run during any time 114
when the accused purposely avoids prosecution. Proof that the 115
accused departed this state or concealed the accused's identity 116
or whereabouts is prima-facie evidence of the accused's purpose 117
to avoid prosecution. 118

(I) The period of limitation shall not run during any time 119
a prosecution against the accused based on the same conduct is 120
pending in this state, even though the indictment, information, 121
or process that commenced the prosecution is quashed or the 122
proceedings on the indictment, information, or process are set 123
aside or reversed on appeal. 124

(J) The period of limitation for a violation of any 125
provision of Title XXIX of the Revised Code that involves a 126
physical or mental wound, injury, disability, or condition of a 127
nature that reasonably indicates abuse or neglect of a child 128
under eighteen years of age or of a child with a developmental 129
disability or physical impairment under twenty-one years of age 130
shall not begin to run until either of the following occurs: 131

(1) The victim of the offense reaches ~~the twenty-six years~~ 132
of age of majority. 133

(2) A public children services agency, or a municipal or 134

county peace officer that is not the parent or guardian of the 135
child, in the county in which the child resides or in which the 136
abuse or neglect is occurring or has occurred has been notified 137
that abuse or neglect is known, suspected, or believed to have 138
occurred. 139

(K) As used in this section, "peace officer" has the same 140
meaning as in section 2935.01 of the Revised Code. 141

(L) The amendments to divisions (A) and (D) of this 142
section that took effect on July 16, 2015, apply to a violation 143
of section 2907.02 or 2907.03 of the Revised Code committed on 144
and after July 16, 2015, and apply to a violation of either of 145
those sections committed prior to July 16, 2015, if prosecution 146
for that violation was not barred under this section as it 147
existed on the day prior to July 16, 2015. 148

Section 2. That existing section 2901.13 of the Revised 149
Code is hereby repealed. 150

Section 3. Section 2901.13 of the Revised Code, as amended 151
by this act, applies to an offense committed on or after the 152
effective date of this act and applies to an offense committed 153
prior to the effective date of this act if prosecution for that 154
offense was not barred under section 2901.13 of the Revised Code 155
as it existed on the day prior to the effective date of this 156
act. 157