



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 470  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Rogers

Nicholas A. Keller, Attorney

### SUMMARY

- Eliminates the period of limitations for the criminal prosecution of a person for rape.
- Extends the period of limitations for a civil action by a victim of childhood sexual abuse.

### DETAILED ANALYSIS

#### Statute of limitations – rape

The bill eliminates the statute of limitations for the prosecution of rape so that a prosecution for rape would not be time-barred regardless of any period of time that has elapsed since the offense was committed. Under current law, such a prosecution would be barred if not commenced within 25 years after the offense was committed or in certain cases within five years after a determination is made that DNA connected to the criminal record was connected to an identifiable person.<sup>1</sup> A conforming change requires every governmental evidence-retention entity to secure biological evidence related to a rape investigation or prosecution for the period of time that the offense remains unsolved, rather than for a period of 30 years if the offense remains unsolved.<sup>2</sup>

The bill's elimination of the statute of limitations for prosecution of rape applies to any offense committed on or after the bill's effective date and applies to offenses committed prior to the effective date of the bill if prosecution for those offenses were not barred under the law as it exists prior to the bill's effective date.<sup>3</sup>

---

<sup>1</sup> R.C. 2901.13.

<sup>2</sup> R.C. 2933.82.

<sup>3</sup> Section 3.

## Statute of limitations – civil action for childhood sexual abuse

The bill extends the statute of limitations for 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, from 12 years after the victim reaches the age of majority to any time until the victim reaches 55 years old. The bill also specifies that statute of limitations applies to actions brought against a perpetrator of the abuse or an entity that negligently facilitated that sexual abuse.

### Tolling the period of limitations

If the defendant in a civil action for childhood sexual abuse has fraudulently concealed facts that form the basis of the claim from the plaintiff, and the plaintiff discovers those facts after reaching 55 years old, the plaintiff has three years from the date of discovering those facts to bring the action. Current law, repealed by the bill, instead tolled or paused the period of limitations from running until the plaintiff discovered the facts or in the exercise of due diligence should have discovered those facts.

### Reviving barred actions

If, on the bill's effective date, a cause of action for assault or battery based on childhood sexual abuse or a claim resulting from childhood sexual abuse is barred due to the expiration of the statute of limitations under existing law, that cause of action or claim is revived by the bill and may be brought within three years after the bill's effective date.<sup>4</sup>

---



---

## HISTORY

Action	Date
Introduced	01-14-20

H0470-I-133/ks

---

<sup>4</sup> R.C. 2305.111.