

OHIO

SEXUAL OFFENSE STATUTES	STATUTE OF LIMITATIONS	DNA EXCEPTION
<p>OHIO REV. CODE ANN. § 2907.02 Rape Felony of the first degree</p> <p>OHIO REV. CODE ANN. § 2907.03 Sexual battery Felony of the second degree if victim is under 13 Otherwise, felony of the third degree</p> <p>OHIO REV. CODE ANN. § 2907.04 Unlawful sexual conduct with minor Minor must be at least 13 but under 16, and offender must be at least 18 Misdemeanor of the first degree if offender is less than four years older than victim Felony of the third degree if offender is ten or more years older than victim Felony of the second degree if offender has previously been convicted of rape (§ 2907.02), sexual battery (§ 2907.03), or unlawful sexual conduct with a minor (§ 2907.04) Otherwise, felony of the fourth degree</p> <p>OHIO REV. CODE ANN. § 2907.05 Gross sexual imposition Felony of the fourth degree if offender has or causes someone else to have sexual contact</p>	<p>OHIO REV. CODE ANN. § 2901.13 Limitation of criminal prosecutions (A) (3) (a) Within 20 years after commission of the offense for the following offenses, or for conspiracy or attempt to commit the following offenses:</p> <ul style="list-style-type: none"> • Rape (§ 2907.02) • Sexual battery (§ 2907.03) • Unlawful sexual conduct with a minor (§ 2907.04) • Gross sexual imposition (§ 2907.05) <p>(A) (1) (a) For any other felony, within six years after commission of the offense (A) (1) (b) For any misdemeanor, within two years after commission of the offense (A) (1) (c) For any minor misdemeanor, within six months after commission of the offense (I) For any offense involving a physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse of a child under 18, the period of limitation does not begin to run until either victim reaches the age of majority or the abuse has been reported to a law enforcement officer, whichever occurs first (C)(1) If the period of limitation in (A)(1) or (3)</p>	

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<p>with victim, and:</p> <ul style="list-style-type: none"> • Offender purposely compels victim to submit by force or threat of force, or • Offender substantially impairs the judgment or control of victim by administering any drug, intoxicant, or controlled substance to victim for the purpose of preventing resistance, or • Offender knows that the judgment or control of victim is substantially impaired as the result of the influence of any drug or intoxicant administered to victim with victim's consent for the purpose of any kind of medical or dental examination, treatment, or surgery, or • The ability of victim to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and offender knows or has reasonable cause to believe this <p>Felony of the third degree if offender has or causes someone else to have sexual contact with victim, and:</p> <ul style="list-style-type: none"> • Offender substantially impairs the judgment or control of victim by administering any controlled substance to victim by force, threat of force, or deception, • Victim is under 13 or • Offender touches the genitalia of 	<p>has expired, prosecution shall be commenced for the following offenses during the following periods:</p> <p>(a) For an offense involving misconduct in office by a public servant, at any time while the accused remains a public servant, or within two years thereafter;</p> <p>(b) For an offense by a person who is not a public servant but whose offense is directly related to the misconduct in office of a public servant, at any time while that public servant remains a public servant, or within two years thereafter.</p> <p>(F) The period of limitation shall not run during any time when the corpus delicti remains undiscovered.</p> <p>(G) The period of limitation shall not run during any time when the accused purposely avoids prosecution. Proof that the accused departed this state or concealed the accused's identity or whereabouts is prima-facie evidence of the accused's purpose to avoid prosecution.</p> <p>(H) The period of limitation shall not run during any time a prosecution against the accused based on the same conduct is pending in this state, even though the indictment, information, or process that commenced the prosecution is quashed or the proceedings on the indictment, information, or process are set aside or reversed on appeal.</p>	
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<p>victim less than 12 with intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of the offender</p> <p>OHIO REV. CODE ANN. § 2907.06 Sexual imposition Misdemeanor of the first degree if offender has previously been convicted of rape (§ 2907.02), sexual battery (§ 2907.03), or unlawful sexual conduct with a minor (§ 2907.04), or gross sexual imposition (§ 2907.05) Otherwise, misdemeanor of the third degree</p>	<p>State v. Aubrey, 885 N.E. 2d 251 (Ohio Ct. App. 2008) Amended 20 year statute of limitations period applies to sexual battery charges where the statute of limitations was extended before the original six-year limitations period had expired.</p> <p>State v. Sakr, 655 N.E.2d 760 (Ohio Ct. App. 1995) For purposes of the tolling provision of § 2901.13(c), “in order for the statute of limitations to be tolled, either the offense must involve such a palpable nexus between the auspices of the office and the wrongdoing that it constitutes an offense against justice and public administration as codified in R.C. Chapter 2921, or, alternatively, the wrongdoer must have misused his or her public office effectively to conceal the wrongdoing and thus thwart timely prosecution.”</p>	
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