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Senate President Larry Obhof
Senate Building
1 Capitol Square, 2nd Floor
Columbus, OH 43215

Speaker Larry Householder
77 S. High St., 14th Floor
Columbus, OH 43215

Dear Mr. President and Mr. Speaker:

We have served this State as Attorneys General and write today to urge you to consider eliminating the statute of limitations on rape in Ohio.

Statutes of limitation exist to promote justice and to, at some point, "close the books" on the past. In Ohio, most felonies are governed by a six-year statute of limitations.

However, there is no statute of limitations on homicide -- no "closing the books" on the taking of another life. The offense is too serious, and society's interest in prosecuting the perpetrator does not wane with the passage of time.

The current statute of limitations for rape, Ohio Revised Code Section 2907.02, is 20 years. We believe that rape should be treated like murder, and that Ohio Revised Code section 2901.13 (A) should be amended to that effect.

The profound invasion of the person makes rape like no other crime -- a violation of the body, the mind and the soul. We now know that the trauma associated with a rape has a lifetime impact on a survivor, making it a different sort of offense than theft or dealing drugs or extortion.

That trauma is often a barrier for a survivor to even report the crime. Societal pressures also operate to discourage contemporaneous reports. No one delays reporting a robbery.

Some will say that a longer statute of limitations could lead to unjust results because the passage of time will cause memories to fade, witnesses may die and other evidence may become unavailable. We believe such concerns to be unfounded.

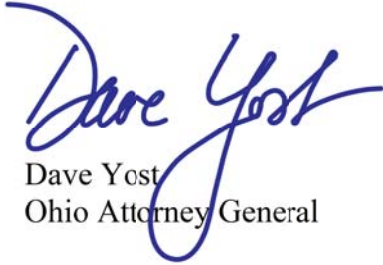
Under our system of justice, the State must prove all elements of an offense beyond a reasonable doubt. Virtually all rape prosecutions that fail do so because the State fails to carry its burden of proof. The passage of time weighs most heavily on the prosecution, not the defense.

The passage of time is equally applicable to a homicide case, and perhaps more critically, because homicide can result in the death penalty. It is not an argument for a shorter statute of limitations for homicide, and is no reason to run out the clock on justice for rape survivors.

Finally, science has changed dramatically in recent years. Advances in forensics, the wide availability of sexual assault examinations and our understanding of trauma all have changed the environment.

We respectfully urge your consideration of this matter.

Sincerely,



Dave Yost
Ohio Attorney General



Richard Cordray
Former Ohio Attorney General 2009-2011



Nancy H. Rogers
Former Ohio Attorney General 2008-2009



Jim Petro
Former Ohio Attorney General 2003-2007



Betty Montgomery
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