

Criminal Statutes of Limitations

Ohio

Last Updated: March 2020

Rape

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within 25 years after commission, conspiracy, complicity, or attempt to commit the offense.
Statutory citation(s):	1. Citation for the crime: Ohio Rev. Code Ann. § 2907.02. 2. Citation for the statute of limitations: Ohio Rev. Code Ann. § 2901.13.

Sexual battery

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within 25 years after commission, conspiracy, complicity, or attempt to commit the offense.
Statutory citation(s):	1. Citation for the crime: Ohio Rev. Code Ann. § 2907.03. 2. Citation for the statute of limitations: Ohio Rev. Code Ann. § 2901.13.

Unlawful sexual conduct with minor

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within 20 years after commission, conspiracy, complicity, or attempt to commit the offense.
Statutory citation(s):	1. Citation for the crime: Ohio Rev. Code Ann. § 2907.04. 2. Citation for the statute of limitations: Ohio Rev. Code Ann. § 2901.13.

Gross sexual imposition

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within 20 years after commission, conspiracy, complicity, or attempt to commit the offense.
Statutory citation(s):	1. Citation for the crime: Ohio Rev. Code Ann. § 2907.05. 2. Citation for the statute of limitations: Ohio Rev. Code Ann. § 2901.13.

Sexual imposition

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within 2 years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Ohio Rev. Code Ann. § 2907.06. 2. Citation for the statute of limitations: Ohio Rev. Code Ann. § 2901.13.

Importuning

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within 6 years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Ohio Rev. Code Ann. § 2907.07. 2. Citation for the statute of limitations: Ohio Rev. Code Ann. § 2901.13.

Voyeurism

Question	Answer
What is the statute of limitations for this crime?	The statute of limitations depends on the classification of the crime. <ol style="list-style-type: none">1. If a felony, within six years after commission of the offense; or2. If a misdemeanor, within 2 years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Ohio Rev. Code Ann. § 2907.08.2. Citation for the statute of limitations: Ohio Rev. Code Ann. § 2901.13.

Public indecency

Question	Answer
What is the statute of limitations for this crime?	The statute of limitations depends on the classification of the crime. <ol style="list-style-type: none">1. If a felony, within six years after commission of the offense; or2. If a misdemeanor, within 2 years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Ohio Rev. Code Ann. § 2907.09.2. Citation for the statute of limitations: Ohio Rev. Code Ann. § 2901.13.

Are there any exceptions to the statute of limitations laws?

Question	Answer
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Exceptions	<ul style="list-style-type: none"> • Ohio Rev. Code Ann. § 2901.13(D)(1) and (2) Limitation of criminal prosecutions: <ul style="list-style-type: none"> • If a DNA record made in connection with the criminal investigation of the commission of a violation of section 2907.02 (rape) or 2907.03 (sexual battery) is determined to match another DNA record that is of an identifiable person and if the time of the determination is later than 25 years after the offense is committed, prosecution of that person for a violation of the statute may be commenced within 5 years after the determination is complete. • If a DNA record made in connection with the criminal investigation of the commission of a violation of section 2907.02 (rape) or 2907.03 (sexual battery) is determined to match another DNA record that is of an identifiable person and if the time of the determination is within 25 years after the offense is committed, prosecution of that person for a violation of the statute may be commenced within the longer of 25 years after the offense is committed or 5 years after the determination is complete. • <i>State v. Young</i>, No. 104627, 2017 WL 3432655 (Ohio Ct. App. Aug. 10, 2017) <ul style="list-style-type: none"> • In this case of a conviction for rape, if reasonable diligence was used by law enforcement in its attempts to identify the defendant, and all attempts have failed, a John Doe–DNA indictment or warrant can toll the statute of limitations. • <i>State v. Gulley</i>, No. 101527, 2015 WL 5155579 (Ohio Ct. App. Sept. 3, 2015) <ul style="list-style-type: none"> • In this case of an alleged rape, the Court agreed with the existing case law that states that if reasonable diligence is used by law enforcement in its attempts to identify a defendant, and all attempts have failed, a John Doe DNA indictment or warrant can toll the applicable statute of limitations. • <i>State v. Danley</i>, 853 N.E.2d 1224 (Ohio Ct. Common Pleas 2006) <ul style="list-style-type: none"> • A complaint and arrest warrant against “John Doe” for charges of rape, among other offenses, which indicated the offender’s gender and listed a detailed DNA profile, commenced the criminal action against the defendant, thereby tolling the statute of limitations.
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Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"> • Ohio Rev. Code Ann. § 2901.13(C)(1)(a) and (b) Limitation of criminal prosecutions: <ul style="list-style-type: none"> • If the period of limitation provided in division § 2901.13(A)(1) or (3) (<i>i.e.</i>, for unlawful sexual conduct with a minor or gross sexual imposition) has expired, prosecution shall commence for the following offenses during the following specified periods of time: (a) For an offense involving misconduct in office by a public servant, at any time while the accused remains a public servant or within 2 years thereafter; (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 2 years thereafter. • Ohio Rev. Code Ann. § 2901.13(G) Limitation of criminal prosecutions

- The period of limitation shall not run during any time when the *corpus delicti* remains undiscovered.
- Ohio Rev. Code Ann. § 2901.13(H) Limitation of criminal prosecutions
 - 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.
- Ohio Rev. Code Ann. § 2901.13(I) Limitation of criminal prosecutions
 - 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.
- Ohio Rev. Code Ann. § 2901.13(J) Limitation of criminal prosecutions
 - The period of limitation for a violation of any provision of Title 29 of the Revised Code (such as rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, or sexual imposition) that involves a physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of a child under 18 years of age or of a developmentally disabled or physically impaired child under 21 years of age, will not begin to run until either the victim reaches the age of majority or the abuse or neglect (or suspected abuse or neglect) is reported to a public children services agency or to a municipal or county peace officer that is not the parent or guardian of the child in the county in which the child resides or in which the abuse or neglect is occurring or has occurred, whichever occurs first.