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Bill Analysis
Legislative Service Commission

H.B. 557

124th General Assembly
(As Introduced)

Reps. Latell, Fessler, DeBose, Hagan, McGregor, Krupinski, Britton, Cirelli, Driehaus, Strahorn, Seitz, Redfern, Perry

BILL SUMMARY

- Requires the statute of limitations for a civil cause of action for assault and battery that is based upon rape to accrue from the date of the offense or the date when DNA evidence links the offender to the offense, whichever is later.

CONTENT AND OPERATION

Statute of limitations for a civil cause of action for assault and battery

Existing law

Existing law provides that generally an action for assault or battery must be brought within one year after the cause of action accrues. A cause of action for assault or battery accrues upon the later of the following (R.C. 2305.111):

- (1) The date on which the alleged assault or battery occurred;
- (2) If the plaintiff did not know the identity of the person who allegedly committed the assault or battery on the date on which it allegedly occurred, the earlier of the following dates:
 - (a) The date on which the plaintiff learns the identity of the person;
 - (b) The date on which, by the exercise of reasonable diligence, the plaintiff should have learned the identity of that person.

Operation of the bill

The bill expands existing law by providing that a cause of action for assault or battery that is based upon rape (R.C. 2907.02) accrues upon the later of the following (R.C. 2305.111(B)):

(1) The date on which the alleged rape occurred;

(2) If the plaintiff did not know the identity of the person who allegedly committed the rape on the date on which it allegedly occurred, the date on which DNA evidence positively links that person to the rape.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-11-02	p. 1653

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