

Chairman Klemin and Members of the House Judiciary Committee

SB2282

My name is Jim Hope and I am an Assistant State's Attorney for Stark County. I previously appeared before this committee relative to HB 1145 which dealt with extending the statute of limitations in which the victim was an adult and suffered a mental or emotional trauma resulting from a sexual assault of some sort. This committee took a different approach from that advocated by the bill and approved an amendment to the bill which provided for a general lengthening of the statute of limitations from three years to seven years.

SB2282, the bill currently before you, addresses similar issues, but in the context of civil actions. The original bill provided for the creation of a "window" in which civil claims that had been barred by the statute of limitations could be brought in that year window. That approach was rejected by the Senate Judiciary Committee and an approach similar to that adopted by this committee in HB 1145 was adopted. It provided for a 9 year statute of limitations for adult cases and special extended provisions for victims under the age of 18.

This committee has had presented to it sufficient testimony detailing the devastating effects of sexual assaults to amply demonstrate the necessity of providing extended periods of time to permit these victims to heal and strengthen. And both the House and Senate in their respective bills, HB1145 and SB2282, have passed legislation to extend those statutes of limitation. Both legislative bodies are to be commended for the passage of those bills.

But I would respectfully request the members of this committee to reexamine the "revival" proposal contained in the original SB 2282. I would suggest that this committee resurrect the revival language in the original bill and add to that a provision creating a 3 or 5 member review panel that could determine the merit of a proposed civil action or claim that has been barred by the current statute of limitations. This panel, which should have sitting on it at least one currently serving district judge, could screen any presented claims currently barred by the statute of limitations to see whether they are meritorious and should be permitted to be filed with appropriate district court and proceed. Such a proposal would permit cases that appear meritorious to proceed while weeding out those that would stand little chance of success.

Thank you for consideration.