

I\_133\_2744-1

133rd General Assembly  
Regular Session  
2019-2020

. B. No.

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**A BILL**

To amend sections 2901.13, 2903.12, 2921.12, and 1  
2921.13 and to enact section 149.382 of the 2  
Revised Code to eliminate the 20-year statute of 3  
limitation for felonious assault and aggravated 4  
assault if the victim is a peace officer, to 5  
provide that records retention schedules 6  
developed by counties, municipal corporations, 7  
and townships do not include any records related 8  
to the death, felonious assault, or aggravated 9  
assault of a peace officer who, at the time of 10  
the offense, is engaged in the peace officer's 11  
duties, to modify the penalties for aggravated 12  
assault, tampering with evidence, falsification, 13  
and falsification in a theft offense, and to 14  
name this act Cooper's Law. 15

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2901.13, 2903.12, 2921.12, and 16  
2921.13 be amended and section 149.382 of the Revised Code be 17  
enacted to read as follows: 18



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Sec. 149.382. (A) As used in this section, "peace officer" 19  
has the same meaning as in section 2935.01 of the Revised Code. 20

(B) Any rules of records retention and disposal provided 21  
by a county records commission under section 149.38 of the 22  
Revised Code, a records commission created in each municipal 23  
corporation under section 149.39 of the Revised Code, or a 24  
township records commission under section 149.42 of the Revised 25  
Code shall not provide for the disposal of any records related 26  
to the death, felonious assault, or aggravated assault of a 27  
peace officer when the peace officer, at the time of the 28  
commission of the offense, was engaged in the peace officer's 29  
duties. 30

**Sec. 2901.13.** (A) (1) Except as provided in division (A) 31  
(2), (3), or (4) of this section or as otherwise provided in 32  
this section, a prosecution shall be barred unless it is 33  
commenced within the following periods after an offense is 34  
committed: 35

(a) For a felony, six years; 36

(b) For a misdemeanor other than a minor misdemeanor, two 37  
years; 38

(c) For a minor misdemeanor, six months. 39

(2) There is no period of limitation for the prosecution 40  
of a violation of section 2903.01 or 2903.02 of the Revised Code 41  
or a violation of section 2903.11 or 2903.12 of the Revised Code 42  
if the victim is a peace officer. 43

(3) Except as otherwise provided in divisions (B) to (J) 44  
of this section, a prosecution of any of the following offenses 45  
shall be barred unless it is commenced within twenty years after 46  
the offense is committed: 47

(a) A violation of section 2903.03, 2903.04, 2905.01, 48  
2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 49  
2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 50  
2911.11, 2911.12, or 2917.02 of the Revised Code, ~~a violation of~~ 51  
~~section 2903.11 or 2903.12 of the Revised Code if the victim is~~ 52  
~~a peace officer,~~ a violation of section 2903.13 of the Revised 53  
Code that is a felony, or a violation of former section 2907.12 54  
of the Revised Code; 55

(b) A conspiracy to commit, attempt to commit, or 56  
complicity in committing a violation set forth in division ~~(A)~~ 57  
~~(3)(a)~~ (A)(2) or (3)(a) of this section. 58

(4) Except as otherwise provided in divisions (D) to (L) 59  
of this section, a prosecution of a violation of section 2907.02 60  
or 2907.03 of the Revised Code or a conspiracy to commit, 61  
attempt to commit, or complicity in committing a violation of 62  
either section shall be barred unless it is commenced within 63  
twenty-five years after the offense is committed. 64

(B)(1) Except as otherwise provided in division (B)(2) of 65  
this section, if the period of limitation provided in division 66  
(A)(1) or (3) of this section has expired, prosecution shall be 67  
commenced for an offense of which an element is fraud or breach 68  
of a fiduciary duty, within one year after discovery of the 69  
offense either by an aggrieved person, or by the aggrieved 70  
person's legal representative who is not a party to the offense. 71

(2) If the period of limitation provided in division (A) 72  
(1) or (3) of this section has expired, prosecution for a 73  
violation of section 2913.49 of the Revised Code shall be 74  
commenced within five years after discovery of the offense 75  
either by an aggrieved person or the aggrieved person's legal 76  
representative who is not a party to the offense. 77

(C) (1) If the period of limitation provided in division	78
(A) (1) or (3) of this section has expired, prosecution shall be	79
commenced for the following offenses during the following	80
specified periods of time:	81
(a) For an offense involving misconduct in office by a	82
public servant, at any time while the accused remains a public	83
servant, or within two years thereafter;	84
(b) For an offense by a person who is not a public servant	85
but whose offense is directly related to the misconduct in	86
office of a public servant, at any time while that public	87
servant remains a public servant, or within two years	88
thereafter.	89
(2) As used in this division:	90
(a) An "offense is directly related to the misconduct in	91
office of a public servant" includes, but is not limited to, a	92
violation of section 101.71, 101.91, 121.61 or 2921.13, division	93
(F) or (H) of section 102.03, division (A) of section 2921.02,	94
division (A) or (B) of section 2921.43, or division (F) or (G)	95
of section 3517.13 of the Revised Code, that is directly related	96
to an offense involving misconduct in office of a public	97
servant.	98
(b) "Public servant" has the same meaning as in section	99
2921.01 of the Revised Code.	100
(D) (1) If a DNA record made in connection with the	101
criminal investigation of the commission of a violation of	102
section 2907.02 or 2907.03 of the Revised Code is determined to	103
match another DNA record that is of an identifiable person and	104
if the time of the determination is later than twenty-five years	105
after the offense is committed, prosecution of that person for a	106

violation of the section may be commenced within five years 107  
after the determination is complete. 108

(2) If a DNA record made in connection with the criminal 109  
investigation of the commission of a violation of section 110  
2907.02 or 2907.03 of the Revised Code is determined to match 111  
another DNA record that is of an identifiable person and if the 112  
time of the determination is within twenty-five years after the 113  
offense is committed, prosecution of that person for a violation 114  
of the section may be commenced within the longer of twenty-five 115  
years after the offense is committed or five years after the 116  
determination is complete. 117

(3) As used in this division, "DNA record" has the same 118  
meaning as in section 109.573 of the Revised Code. 119

(E) An offense is committed when every element of the 120  
offense occurs. In the case of an offense of which an element is 121  
a continuing course of conduct, the period of limitation does 122  
not begin to run until such course of conduct or the accused's 123  
accountability for it terminates, whichever occurs first. 124

(F) A prosecution is commenced on the date an indictment 125  
is returned or an information filed, or on the date a lawful 126  
arrest without a warrant is made, or on the date a warrant, 127  
summons, citation, or other process is issued, whichever occurs 128  
first. A prosecution is not commenced by the return of an 129  
indictment or the filing of an information unless reasonable 130  
diligence is exercised to issue and execute process on the same. 131  
A prosecution is not commenced upon issuance of a warrant, 132  
summons, citation, or other process, unless reasonable diligence 133  
is exercised to execute the same. 134

(G) The period of limitation shall not run during any time 135

when the corpus delicti remains undiscovered. 136

(H) The period of limitation shall not run during any time 137  
when the accused purposely avoids prosecution. Proof that the 138  
accused departed this state or concealed the accused's identity 139  
or whereabouts is prima-facie evidence of the accused's purpose 140  
to avoid prosecution. 141

(I) The period of limitation shall not run during any time 142  
a prosecution against the accused based on the same conduct is 143  
pending in this state, even though the indictment, information, 144  
or process that commenced the prosecution is quashed or the 145  
proceedings on the indictment, information, or process are set 146  
aside or reversed on appeal. 147

(J) The period of limitation for a violation of any 148  
provision of Title XXIX of the Revised Code that involves a 149  
physical or mental wound, injury, disability, or condition of a 150  
nature that reasonably indicates abuse or neglect of a child 151  
under eighteen years of age or of a child with a developmental 152  
disability or physical impairment under twenty-one years of age 153  
shall not begin to run until either of the following occurs: 154

(1) The victim of the offense reaches the age of majority. 155

(2) A public children services agency, or a municipal or 156  
county peace officer that is not the parent or guardian of the 157  
child, in the county in which the child resides or in which the 158  
abuse or neglect is occurring or has occurred has been notified 159  
that abuse or neglect is known, suspected, or believed to have 160  
occurred. 161

(K) As used in this section, "peace officer" has the same 162  
meaning as in section 2935.01 of the Revised Code. 163

(L) The amendments to divisions (A) and (D) of this 164

section apply to a violation of section 2907.02 or 2907.03 of 165  
the Revised Code committed on and after July 16, 2015, and apply 166  
to a violation of either of those sections committed prior to 167  
July 16, 2015, if prosecution for that violation was not barred 168  
under this section as it existed on the day prior to July 16, 169  
2015. 170

**Sec. 2903.12.** (A) No person, while under the influence of 171  
sudden passion or in a sudden fit of rage, either of which is 172  
brought on by serious provocation occasioned by the victim that 173  
is reasonably sufficient to incite the person into using deadly 174  
force, shall knowingly: 175

(1) Cause serious physical harm to another or to another's 176  
unborn; 177

(2) Cause or attempt to cause physical harm to another or 178  
to another's unborn by means of a deadly weapon or dangerous 179  
ordnance, as defined in section 2923.11 of the Revised Code. 180

(B) Whoever violates this section is guilty of aggravated 181  
assault. Except as otherwise provided in this division, 182  
aggravated assault is a felony of the fourth degree. If the 183  
victim of the offense is a peace officer or an investigator of 184  
the bureau of criminal identification and investigation, 185  
aggravated assault is a felony of the ~~third~~first degree. 186  
Regardless of whether the offense is a felony of the ~~third~~first 187  
or fourth degree under this division, if the offender also is 188  
convicted of or pleads guilty to a specification as described in 189  
section 2941.1423 of the Revised Code that was included in the 190  
indictment, count in the indictment, or information charging the 191  
offense, except as otherwise provided in this division, the 192  
court shall sentence the offender to a mandatory prison term as 193  
provided in division (B) (8) of section 2929.14 of the Revised 194

Code. If the victim of the offense is a peace officer or an 195  
investigator of the bureau of criminal identification and 196  
investigation, and if the victim suffered serious physical harm 197  
as a result of the commission of the offense, aggravated assault 198  
is a felony of the ~~third~~first degree, and the court, pursuant 199  
to division (F) of section 2929.13 of the Revised Code, shall 200  
impose as a mandatory prison term one of the definite prison 201  
terms prescribed in division ~~(A) (3) (b)~~(A) (1) (a) of section 202  
2929.14 of the Revised Code for a felony of the ~~third~~first 203  
degree. 204

(C) As used in this section: 205

(1) "Investigator of the bureau of criminal identification 206  
and investigation" has the same meaning as in section 2903.11 of 207  
the Revised Code. 208

(2) "Peace officer" has the same meaning as in section 209  
2935.01 of the Revised Code. 210

**Sec. 2921.12.** (A) No person, knowing that an official 211  
proceeding or investigation is in progress, or is about to be or 212  
likely to be instituted, shall do any of the following: 213

(1) Alter, destroy, conceal, or remove any record, 214  
document, or thing, with purpose to impair its value or 215  
availability as evidence in such proceeding or investigation; 216

(2) Make, present, or use any record, document, or thing, 217  
knowing it to be false and with purpose to mislead a public 218  
official who is or may be engaged in such proceeding or 219  
investigation, or with purpose to corrupt the outcome of any 220  
such proceeding or investigation. 221

(B) Whoever violates this section is guilty of tampering 222  
with evidence, a felony of the ~~third~~second degree. 223



<b>Sec. 2921.13.</b> (A) No person shall knowingly make a false	224
statement, or knowingly swear or affirm the truth of a false	225
statement previously made, when any of the following applies:	226
(1) The statement is made in any official proceeding.	227
(2) The statement is made with purpose to incriminate	228
another.	229
(3) The statement is made with purpose to mislead a public	230
official in performing the public official's official function.	231
(4) The statement is made with purpose to secure the	232
payment of unemployment compensation; Ohio works first;	233
prevention, retention, and contingency benefits and services;	234
disability financial assistance; retirement benefits or health	235
care coverage from a state retirement system; economic	236
development assistance, as defined in section 9.66 of the	237
Revised Code; or other benefits administered by a governmental	238
agency or paid out of a public treasury.	239
(5) The statement is made with purpose to secure the	240
issuance by a governmental agency of a license, permit,	241
authorization, certificate, registration, release, or provider	242
agreement.	243
(6) The statement is sworn or affirmed before a notary	244
public or another person empowered to administer oaths.	245
(7) The statement is in writing on or in connection with a	246
report or return that is required or authorized by law.	247
(8) The statement is in writing and is made with purpose	248
to induce another to extend credit to or employ the offender, to	249
confer any degree, diploma, certificate of attainment, award of	250
excellence, or honor on the offender, or to extend to or bestow	251

upon the offender any other valuable benefit or distinction, 252  
when the person to whom the statement is directed relies upon it 253  
to that person's detriment. 254

(9) The statement is made with purpose to commit or 255  
facilitate the commission of a theft offense. 256

(10) The statement is knowingly made to a probate court in 257  
connection with any action, proceeding, or other matter within 258  
its jurisdiction, either orally or in a written document, 259  
including, but not limited to, an application, petition, 260  
complaint, or other pleading, or an inventory, account, or 261  
report. 262

(11) The statement is made on an account, form, record, 263  
stamp, label, or other writing that is required by law. 264

(12) The statement is made in connection with the purchase 265  
of a firearm, as defined in section 2923.11 of the Revised Code, 266  
and in conjunction with the furnishing to the seller of the 267  
firearm of a fictitious or altered driver's or commercial 268  
driver's license or permit, a fictitious or altered 269  
identification card, or any other document that contains false 270  
information about the purchaser's identity. 271

(13) The statement is made in a document or instrument of 272  
writing that purports to be a judgment, lien, or claim of 273  
indebtedness and is filed or recorded with the secretary of 274  
state, a county recorder, or the clerk of a court of record. 275

(14) The statement is made in an application filed with a 276  
county sheriff pursuant to section 2923.125 of the Revised Code 277  
in order to obtain or renew a concealed handgun license or is 278  
made in an affidavit submitted to a county sheriff to obtain a 279  
concealed handgun license on a temporary emergency basis under 280

section 2923.1213 of the Revised Code. 281

(15) The statement is required under section 5743.71 of 282  
the Revised Code in connection with the person's purchase of 283  
cigarettes or tobacco products in a delivery sale. 284

(B) No person, in connection with the purchase of a 285  
firearm, as defined in section 2923.11 of the Revised Code, 286  
shall knowingly furnish to the seller of the firearm a 287  
fictitious or altered driver's or commercial driver's license or 288  
permit, a fictitious or altered identification card, or any 289  
other document that contains false information about the 290  
purchaser's identity. 291

(C) No person, in an attempt to obtain a concealed handgun 292  
license under section 2923.125 of the Revised Code, shall 293  
knowingly present to a sheriff a fictitious or altered document 294  
that purports to be certification of the person's competence in 295  
handling a handgun as described in division (B)(3) of that 296  
section. 297

(D) It is no defense to a charge under division (A)(6) of 298  
this section that the oath or affirmation was administered or 299  
taken in an irregular manner. 300

(E) If contradictory statements relating to the same fact 301  
are made by the offender within the period of the statute of 302  
limitations for falsification, it is not necessary for the 303  
prosecution to prove which statement was false but only that one 304  
or the other was false. 305

(F) (1) Whoever violates division (A)(1), (2), (3), (4), 306  
(5), (6), (7), (8), (10), (11), (13), or (15) of this section is 307  
guilty of falsification. Except as otherwise provided in this 308  
division, falsification in violation of division (A)(4), (5), 309

(8), (10), (11), (13), or (15) of this section is a misdemeanor 310  
of the first degree, and falsification in violation of division 311  
(A) (1), (2), (3), (6), or (7) of this section is a felony of the 312  
fourth degree. 313

(2) Whoever violates division (A) (9) of this section is 314  
guilty of falsification in a theft offense. Except as otherwise 315  
provided in this division, falsification in a theft offense is a 316  
~~misdemeanor of the first~~ felony of the fifth degree. If the 317  
value of the property or services stolen is one thousand dollars 318  
or more and is less than seven thousand five hundred dollars, 319  
falsification in a theft offense is a felony of the ~~fifth~~ fourth 320  
degree. If the value of the property or services stolen is seven 321  
thousand five hundred dollars or more and is less than one 322  
hundred fifty thousand dollars, falsification in a theft offense 323  
is a felony of the ~~fourth~~ third degree. If the value of the 324  
property or services stolen is one hundred fifty thousand 325  
dollars or more, falsification in a theft offense is a felony of 326  
the ~~third~~ second degree. 327

(3) Whoever violates division (A) (12) or (B) of this 328  
section is guilty of falsification to purchase a firearm, a 329  
felony of the fifth degree. 330

(4) Whoever violates division (A) (14) or (C) of this 331  
section is guilty of falsification to obtain a concealed handgun 332  
license, a felony of the fourth degree. 333

(5) Whoever violates division (A) of this section in 334  
removal proceedings under section 319.26, 321.37, 507.13, or 335  
733.78 of the Revised Code is guilty of falsification regarding 336  
a removal proceeding, a felony of the third degree. 337

(G) A person who violates this section is liable in a 338

civil action to any person harmed by the violation for injury, 339  
death, or loss to person or property incurred as a result of the 340  
commission of the offense and for reasonable attorney's fees, 341  
court costs, and other expenses incurred as a result of 342  
prosecuting the civil action commenced under this division. A 343  
civil action under this division is not the exclusive remedy of 344  
a person who incurs injury, death, or loss to person or property 345  
as a result of a violation of this section. 346

**Section 2.** That existing sections 2901.13, 2903.12, 347  
2921.12, and 2921.13 of the Revised Code are hereby repealed. 348

**Section 3.** This act shall be known as Cooper's Law. 349