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Joint Committee on Agency Rule Review

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State Representative, 55<sup>th</sup> House District

Chairman Ginter, Vice-Chair LaTourette and Ranking Member Boyd, thank you for the opportunity to testify as a joint-sponsor of House Bill 497 with Representative Rogers. This legislation seeks to close a loophole in Ohio law that allows individuals to knowingly disseminate private images, without consent of the victim, with a purpose to harm the person in the images. Currently victims of image-based violence have little recourse when pictures of them have been posted online, distributed via text message, or publicly disseminated in some other way. House Bill 497 would seek to address this by creating a civil cause of action and a criminal penalty for someone to knowingly disseminate nude or sexual images of a person without consent and provide victim protections if:

- Person pictured is 18 years or older
- Can be identified
- The offender knows there was not consent
- The image was disseminated with the intent to harm the person in the image

This two-prong approach allows for the victim to receive civil damages, attorney fees, seek an injunction or temporary restraining order, and any profits received by the person who committed the violation. HB 497 also criminalizes first time offenders with a misdemeanor of the first degree, a felony of the fifth degree for a second offense, and two or more violations would be a felony of the fourth degree.

To avoid any unintended consequences of the bill, there are the following exemptions in place where the bill does not apply:

- Criminal investigation
- Reporting of unlawful conduct
- The image is part of a news report, or artistic in nature
- Law enforcement or corrections officer acting within official duties
- Actions in a public place
- Medical treatment or examination

Lastly, this legislation creates protections for victims in the workplace and at school. Students would not be allowed to lose any scholarship or financial assistance for being the victim of image based violence. State licensing boards would not be allowed to deny application or drop the licensee. Employers shall not fire or discriminate because the employee is a victim; the employer is required to make reasonable accommodations to the victim(i.e. changing telephone numbers, department relocation, modified employment schedule, assist in documenting workplace harassment), and provide the victim with not less than 5 days of unpaid leave.

House Bill 497 is common-sense legislation that takes a comprehensive approach to the issue of image-based violence. I would like to thank Representative Rogers for working with me on this important bill, and we will be happy to answer any questions.