



**State Representative Greta Johnson
35th House District**

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18th House District**

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Sponsor Testimony on HB 97- Ohio House Criminal Justice Committee

Chairman Manning, Vice Chair Rezabek, and members of the House Criminal Justice Committee, we stand before you today to offer sponsor testimony on House Bill 97. This important piece of legislation will make Ohio safer by eliminating spousal exceptions for cases of rape, sexual battery, and other sex offenses.

According to the U.S. Department of Justice, four-fifths of rapes are committed by someone known to the victim, with 25 percent of rapes being committed by an intimate partner. This Chamber just passed legislation, HB 1, emphatically expressing its support of expanding protections for survivors of domestic violence. But with loopholes existing throughout the Ohio Revised Code for all types of survivors of domestic and sexual violence, our work is not finished.

For the women and men being sexually abused by a trusted partner, (although we will refer to women more so in our testimony because women are abused at a much higher rate) obtaining justice following these horrific incidents is not an easy process. Before the issue even touches the judicial system, there are the emotional, physical, and financial hurdles necessary to come to the very personal and life-altering decision to report sexual abuse. Even then, and twenty-three years after marital rape became illegal in all 50 states, there still exists an exemption in Ohio which prevents a rapist from being prosecuted for rape against their spouse if there was no “threat of force or violence”. For instance, a man could slip a drug into his wife’s drink, sexually assault her, then claim innocence because he is her husband. We have the unfortunate distinction of being one of only 13 other states which legally treat marital rape differently from other forms of rape. Similar spousal exemptions for various types of sex offenses exist throughout the Ohio Revised Code.

These exemptions fail to protect individuals facing sexual violence and fail to protect the well-being and safety of our state. By not allowing all victims equal and unfettered access to justice, violent acts are not reported or prosecuted and sexual predators are allowed to roam freely.

Marital exemptions also create a broken system in which victims are treated differently based on their relationship with the perpetrator. A woman is a human being deserving of justice and

humanity regardless of her relationship to a man. Everyone who has experienced rape or sexual violence should be entitled to justice and protection of the law. No exceptions.

We have been asked by reporters and colleagues for evidence sexual abuse exists within marriages- for figures on how many victims this bill would impact. We would implore you to consider rather, that although we could, we shouldn't need to provide statistics and deeply personal stories in order for the Legislature to believe a victim is worthy of the ability to legally claim the act of rape as rape. By including the phrase, "not the spouse of the offender" in our laws, we are confirming the ancient belief that women are property of their husbands and at the words, "I do", a woman gives up ownership of her own body and forfeits the protections of justice and the law.

This is not the message legislators should send constituents and this Legislature should not continue to turn its back on Ohio's survivors and women. HB 97 allows Ohio to catch up with the rest of the nation and provides the opportunity to update this archaic portion of our code.

We urge you to take serious consideration from the advocates and constituents who have likely contacted your office requesting marital privilege be eliminated in the state. We are grateful for the opportunity to bring their voice to the Statehouse with HB 97 and would welcome any questions at this time.