

Ohio House of Representatives  
Criminal Justice Committee  
Tuesday, March 28, 2017  
Senate Bill 7  
Proponent Testimony

Good afternoon, Committee Chair Manning, Vice Chair Rezabek , Ranking Minority Johnson and members of the Criminal Justice Committee. Thank you for the opportunity to present proponent testimony for Senate Bill 7.

My name is Phyllis Carlson-Riehm and I represent ACTION OHIO Coalition For Battered Women, a statewide domestic violence coalition. Our work includes 1) Responding to individual victims of violence seeking advocacy, referrals and resources, 2) Providing training opportunities for professionals serving victims and their children, and 3) Educating the public about various forms of violence that impact many families in our communities.

We applaud Senators Kevin Bacon and Gayle Manning for not giving up on this legislation, because they recognize that the enactment of this bill will provide greater safety for domestic violence victims and increase the accountability of abusers.

**Senate Bill 7 will provide that *service of a protection order or consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order if the person had actual notice of the order or agreement and the person recklessly violated its terms.***

The need for this legislation became apparent when the Ohio Supreme Court ruled in *State v. Smith* that a violent offender not properly served with a protection order could not be found guilty of its violation – even though in this case he clearly had actual notice of the order and its terms.

In this case, the victim applied for a protection order, law enforcement did not successfully serve notice to the abuser, but the victim had in fact showed the abuser (in person) the hard copy of the order. Nevertheless, he broke into her home and assaulted her.

It is a well known fact that many abusers successfully avoid service of protection orders. When law enforcement officers appear at their home or place of employment, they refuse to come forward to be served as friends, family members or co-workers shield them from receipt of the legal document. Law enforcement officers become frustrated with the cat and mouse game and resent wasting their time and energy. As a result, law enforcement may not prioritize serving protection orders, which are then unenforceable.

An investigation in Cuyahoga County found that of 445 orders issued between January 2015 and March 2016, 127 were never served. That means that 127 victims and their families did not benefit from Ohio law designed to help keep them safe. Often violent

felons are the most successful at evading service, creating high risk situations and terror in the lives of their victims and their families.

In one southern Ohio county, the sheriff's office is focused on controlling and curtailing the drug trade and calls related to life-and-death situations involving over-doses and related homicides. It's not surprising that serving protection orders is not the priority. As a result, the domestic violence shelter recommends to victims that they engage a process server at a fee of \$40 to serve the abuser with the protection order. When victims don't have the money, the shelter may pay the fee if funds are available.

In view of the fact that the Violence Against Women Act forbids charging victims for protection orders, this practice would seem to be unwise, because the server fee is related to the protection order. With the enactment of Senate Bill 7, it should not be necessary for this practice to continue.

**I urge committee members to support passage of Senate Bill 7. Ohio's domestic violence victims deserve every opportunity to increase their chances to become survivors. With the enactment of Senate Bill 7, the burden on law enforcement could be eased and victims would enjoy greater safety. And when abusers recklessly violate protection orders, they could be charged with violations and found guilty – linking punishment with their reckless violent behavior.**

Thanks for your consideration of this testimony.

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