



**Proponent testimony submitted to the
Ohio House Criminal Justice Committee
House Bill 561
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Ohio Alliance to End Sexual Violence
November 27, 2018**

Chair Manning, Ranking Member Celebrezze, and Members of the House Criminal Justice Committee, thank you for the opportunity to provide testimony in support of House Bill 561. As Ohio's statewide coalition, the Ohio Alliance to End Sexual Violence (OAESV) advocates for comprehensive responses and rape crisis services for survivors and empowers communities to prevent sexual violence.

Through this written testimony, OAESV wishes to express its strong support of House Bill 561, which, if passed, will eliminate Ohio's existing spousal rape exception. As this committee is aware, current Ohio law excepts violations of 2907.02 Rape, 2907.03 Sexual battery, 2907.04 Unlawful sexual contact with a minor, 2907.05 Gross sexual imposition, 2907.06 Sexual imposition, and 2907.07 Importuning if the perpetrator is the spouse of the victim and certain circumstances apply. For example, a person is legally permitted to rape their spouse as long as they do not use "force or threat of force." Ultimately, this means that the law allows one spouse to drug or otherwise incapacitate their spouse and rape them, without breaking the laws of the State of Ohio.

Ohio's current law is one of very few remaining across the United States that still permits spousal rape, a devastating form of domestic violence. In the early 1990s, the United States Senate Judiciary Committee began studying violence against women, putting considerable focus on reducing and addressing domestic violence. While the federal government worked on producing the Violence Against Women Act, states simultaneously began repealing spousal exceptions to their rape laws. North Carolina became the first state to remove its spousal exception in 1993. In the intervening 25 years, the total number of states without a spousal exception for rape has increased to 42.

Per data from the Centers for Disease Control, spousal rape occurs across income levels, races, ages, and cultures. Ohio is a state rich in geographic diversity, unique local economies, and varying urban environments, and OAESV is grateful that Sponsors Boggs and Lanese had frameworks from such a large variety of states from which to draw their legislative scheme. We believe that their bill brings safety from sexual and domestic violence to the same level present in the majority of states, without radically shifting Ohio's criminal code.

Ohio cannot claim a commitment to eliminating sexual and domestic violence if the spousal exception to so many sex crimes remains. Individual citizens should not be forced to give up their safety and autonomy in order to marry. Instead, Ohio's laws must treat all crime victims the same, regardless of their marital status, and hold perpetrators of all sexual and domestic violence acts accountable, regardless of their marital relationship with the victim.

As the statewide expert on sexual violence, OAESV stands firm in its support of this legislation. The criminal justice system must acknowledge the harm caused by spousal rape and adjust its code accordingly.

Thank you for the opportunity to provide written testimony. I am available to answer any questions by email at rbeltre@oaesv.org or by phone at 216-317-1828.