

House Criminal Justice Committee  
Tuesday, November 27, 2018  
1:30 PM Hearing

Proponent Testimony  
House Bill 561

My name is Phyllis Carlson-Riehm and I represent ACTION OHIO Coalition For Battered Women, a statewide domestic violence coalition. My testimony is in support of House Bill 561.

House Bill 561

- Eliminates exceptions to certain sex offenses that currently apply if the victim is the spouse of the offender (including Rape, Sexual battery, Unlawful sexual conduct with a minor, Gross sexual imposition and Sexual imposition), and
- Expands the proceedings in which a person may testify against the person's spouse to include prosecutions for any of the sex offenses modified by the bill.

With House Bill 561, Representatives Kristin Boggs and Laura Lanese are proposing to remove the spousal exceptions in Ohio's rape law that deny victims of rape the right to obtain justice for an act of sexual violence when that act is committed by her husband unless husband and wife are living apart. Also, the spousal exception regarding the right to testify against her husband for various sex offenses would also be eliminated.

Ohio's spousal exception in rape reflects the antiquated concept that a wife is subordinate to her husband and is equal to property. Through marriage she has a duty to serve and be useful to her spouse without any reciprocal obligation of a similar nature on the part of her husband's behavior.

In 1986 Ohio's rape law was improved to allow the prosecution of rape within marriage if force or the threat of force is used. Now in 2018, the elimination of the marital exemption in rape and other sexual assault laws is long over due.

Rape in Ohio law is defined as any form of unwanted sexual contact obtained without consent and obtained through the use of force, threat of force, intimidation, or coercion. Rape is a very personal violent act which has the same traumatic impact on every victim, whether committed by a stranger, former boyfriend, friend or husband. And all rape victims need to have the same opportunities to obtain justice for the crime committed against them.

Various forms of violence, including sexual violence, are experienced by domestic violence victims. Abusers who seek to have complete control of their victims frequently resort to rape and sexual battery. And although victims under the control of their abusers have no power to seek justice within the court system while trapped with the abuser, if and when they are empowered to escape, they need to know that Ohio law provides some recourse for them to seek justice.

Please support passage of House Bill 561. Thank you for the opportunity to express these views.

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