



PROPONENT TESTIMONY OF:
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IN SUPPORT OF:
HB 561 – Sex Offenses
House Criminal Justice Committee

Chairman Manning, Vice-Chair Rezabek, Ranking Minority Member Celebrezze, and distinguished members of the House Criminal Justice Committee, thank you for the opportunity to testify today on Ohio House Bill 561, which would eliminate the spousal exemption for sex offenses in the state of Ohio.

My name is Erin Ryan and I serve as the Managing Director of the Ohio Women's Public Policy Network (WPPN), a coalition of more than 30 organizations working collaboratively to promote policies that create economic security for women and strengthen families. In order to make a meaningful impact, policymakers must advance public policies centered in equity, fairness, and justice that address the following issue areas:

1. Promoting an economic security agenda for women and their families;
2. Ensuring fairness and opportunity in the workplace; and
3. Improving women's health and well-being

These shared policy goals guide our work as a coalition and have shaped our interest in House Bill 561. The passage of this bill is fundamental to our mission of providing women with the opportunity to lead economically secure, safe, and healthy lives. Closing the "marital privilege" loophole is crucial to women in Ohio who have experienced rape or sexual assault at the hands of their spouse. I strongly urge you to support this critically important piece of legislation, which would modernize our state law to provide access to full protections to married survivors and victims of sexual offenses.

Although marital rape is technically illegal in the United States, loopholes in our state code still allow for sexual offenses to be treated differently if the offender is married to the victim or survivor. Because of the way that the law classifies rape and sexual assault differently for married couples, a person who drugs someone "surreptitiously or by force, threat of force, or deception" to coerce them into sex cannot be charged with rape if they are married to and living with the victim. This outdated loophole means that there are no legal options to prosecute the crime if the person is drugged and raped by their spouse – and it is deeply rooted in victim-blaming culture and reinforces an outdated belief that married women are the property of their husbands.

House Bill 561 would remove this problematic loophole by eliminating the words “not the spouse of the offender” from the state code for cases of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, and sexual imposition. This legislation would also allow for a person to testify against their spouse in a prosecution for any of these offenses. It would provide equal protections under the law for married survivors and victims of sexual offenses, bringing Ohio’s laws into the 21st century.

Women disproportionately experience domestic violence and sexual assault – issues that not only affect the health and safety of women, but also permeate into the workforce by affecting productivity, jeopardizing the safety of victims and co-workers, and increasing absenteeism and employee turnover. Often times, sexual violence at the hands of an intimate partner occurs with other forms of abusive behavior, such as physical abuse. Research has found that the majority of women who were physically abused by an intimate partner had also been sexually assaulted by the same partner.¹

According to research, approximately 10-14 percent of married women report being raped by their husbands in the United States, and experts expect that this percentage actually an underestimate of the prevalence of marital rape.² Additionally, perpetrators of marital rape are more likely to commit multiple instances of rape against their spouse, but victims may often be unable to identify the act as rape due to antiquated notions of sexual assault within marriage and outdated laws, such as the “marital exemption” loophole. Survivors and victims of marital rape experience short-term and long-term consequences to their physical, social, and mental health, including physical injuries, PTSD, anxiety, and depression.³

Women who are victims of sexual or physical violence at the hands of an intimate partner remain in that relationship for a number of reasons, including financial security or fear of more violence. For victims and survivors of marital rape, the inability to take legal action can often be an insurmountable obstacle to even reporting the crime. As a consequence of this loophole, many women may not recognize that they have been victims of marital rape, or they may be cautious to question or resist unwanted sexual advances from their spouse. House Bill 561 would remove that barrier, providing married victims equal access to protections under the law to seek legal recourse against their spouse for sexual abuse.

Again, we strongly urge the committee to support the passage of Ohio House Bill 561. This legislation would modernize state laws to eliminate “marital privilege” in cases of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, and sexual imposition. With this legislation, Ohio has the opportunity to join the 42 other states that have taken action to remove the marital rape loophole. It is far past time for Ohio to update our laws, which currently

¹ Taylor, L., & Gaskin-Laniyan, N. (2007). Sexual Assault in Abusive Relationships. NIJ Journal, (256). Retrieved from <http://nij.gov/journals/256/Pages/sexual-assault.aspx>

² Bergen, R & Barnhill E. (2006). Marital Rape: New Research and Directions. Retrieved from <https://vawnet.org/material/marital-rape-new-research-and-directions>

³ Bennice J., Resick P., Mechanic M., & Astin M. (2010). The Relative Effects of Intimate Partner Physical and Sexual Violence on Post-Traumatic Stress Disorder Symptomatology. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2981038/>

send the message that rape of a spouse is not a crime and less serious than other forms of sexual violence. The passage of this bill is vital to ensuring that victims and survivors of sexual offenses are able to seek legal recourse and justice, regardless of whether or not they are married to the perpetrator.

Chairman Manning, thank you again for the opportunity to testify in support of this legislation. I am available to answer any questions today or by email at ryan@innovationohio.org.

Thank you,

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