



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Jeff Hobday

H.B. 97

132nd General Assembly
(As Introduced)

Reps. G. Johnson and Boggs, Antonio, Ashford, Bishoff, Celebrezze, Cera, Clyde, Fedor, Leland, Lepore-Hagan, Ramos, Rogers, K. Smith, Sheehy, Sykes, West

BILL SUMMARY

- Eliminates exceptions to certain sex offenses that currently apply if the victim is the spouse of the offender.
 - 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.
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CONTENT AND OPERATION

Elimination of spousal exception for certain sex offenses

The bill eliminates exceptions to the following sex offenses that currently apply if the person subjected to the prohibited conduct is the offender's spouse:¹

- Rape;
- Sexual battery;
- Unlawful sexual conduct with a minor;
- Gross sexual imposition;
- Sexual imposition;
- Importuning;

¹ R.C. 2907.02(A), 2907.03(A), 2907.04(A), 2907.05(A), 2907.06(A), 2907.07(B), and 2907.09(B).

- Public indecency.

The spousal exception for rape is distinct from the others because it currently applies only if the spouse lives with the offender. Under the bill, a person could be convicted of rape involving the spouse, regardless of whether the spouse lives with or apart from the offender.²

Spousal testimony in sex offense prosecutions

The bill permits a person to testify against the person's spouse in a prosecution for any of the sex offenses listed in the section above. It also permits a spouse to testify concerning a communication made by one to the other in a case involving any of those offenses. Existing law permits a person to testify against the person's spouse in a prosecution for personal injury of either by the other or for certain other offenses, including rape. Additionally, a person may testify generally concerning a communication made by one to the other in case of personal injury by either spouse to the other or in certain other cases, including rape.³

HISTORY

ACTION	DATE
Introduced	02-27-17

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² R.C. 2907.02(A)(1).

³ R.C. 2945.42.

