

House Criminal Justice Committee  
Thursday, May 30, 2019  
House Bill 3 Aisha's Law – Proponent Testimony

My name is Phyllis Carlson-Riehm and I represent ACTION OHIO Coalition For Battered Women, a statewide domestic violence coalition. ACTION OHIO's mission is to promote quality programs, services and resources to survivors of domestic violence. ACTION's ultimate vision is the elimination of domestic violence.

We are grateful to the co-sponsors, Rep. Janine Boyd and Rep. Sara Carruthers, for introducing HB 3. Aisha's Law incorporates many provisions known to be effective in protecting the lives of domestic violence victims, including the children who witness the violence and may be impacted by it throughout their lives.

HB 3, in brief, would:

- Expand the offense of “aggravated murder”;
- Include an aggravated circumstance used for determining whether a person convicted of aggravated murder might face a death sentence;
- Expand the offense of “child endangering”;
- Expand the definition of “family or household member” for certain protection orders;
- Require every court that issues DV protection orders to have a judge or designated magistrate available 24/7;
- Require each agency, instrumentality or political subdivision to create a DV high risk team;
- Allow 2 or more agencies, instrumentalities or political subdivisions to create a joint DV high risk team;
- Require each DV high risk team to create policies and procedures;
- Require the Attorney General to adopt rules regarding peace officer basic training;
- Encourage prosecutors to adopt “no-drop” policies for cases of DV;
- Make changes to evidentiary procedures in criminal cases involving DV and in civil actions to recover damages.

This bill is named for Aisha Fraser, who was assaulted and murdered by her husband while in the car with her young children as witnesses. HB 3 includes provisions directly related to an abuser's attacks on the victim in the presence of their children. The bill's sponsors seek to ensure that protections for children who see and hear the violence and who are emotionally impacted by the violence will benefit from increased safety measures (such as inclusion in protection orders).

The focus on HB 3 is the identification of lethality factors in domestic violence relationships by law enforcement officers and their taking all steps needed to protect the lives of child and adult victims without delay. The bill provides multiple provisions to create a holistic approach within localities and regions to build a law enforcement team approach across jurisdictions and to include the necessary training components to bring all officers up to speed on the required responses for victims' calls for help. The goal is to prevent another life lost and another legacy of death and trauma for another family.

With the enactment of this bill (as introduced):

- Law enforcement officers will be trained to identify lethality factors and be able to swiftly and appropriately respond to domestic violence victims;
- Local and regional law enforcement agencies throughout Ohio will work cooperatively to prevent gaps in service and know-how;
- Changes in Ohio law will strengthen penalties for murder and prosecutors will drop down fewer or no DV charges;
- Acts of violence in the presence of children will be recognized for the traumatic impact that it has on their young lives;
- It will be possible for victims to obtain protection orders in a timely manner (24/7);
- The definition of “family or household member” will be expanded;
- Procedures in DV criminal cases will allow for the recovery of damages through civil actions.

I urge committee members to support the passage of Aisha’s Law. Thank you for your consideration of our viewpoint.

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