

Sponsor Testimony for House Bill 337
House Criminal Justice Committee
February 20, 2020

Chair Lang, Vice Chair Plummer, Ranking Member Leland, and Members of the House Criminal Justice Committee, thank you for offering Representative Galonski and I the opportunity to present House Bill 337. This legislation will provide privileged communications for victim advocacy services.

For the past several decades, the legislature has codified privileges covering communications between clients and providers whose services require the utmost candor to achieve the purpose of their relationships. Privilege prevents covered professionals from being required to testify about certain communications in a legal proceeding.

At the same time, the Ohio state government has funded and supported the role of community-based rape crisis center advocates. These advocates are funded by the government specifically to connect survivors to resources, support them throughout criminal and civil justice processes, create safety plans, and assist in rebuilding economic security in the aftermath of these terrible crimes. Their role requires survivors to feel safe sharing the details about the most horrific events of their lives.

However, there is no testimonial privilege for communications between qualified advocates and survivors of certain sex, stalking, trafficking or domestic violence crimes. Thus, an advocate could be required to testify about their conversations with a victim in criminal, civil or administrative proceedings.

This fear may not make sense to many people here today, because we are not in the immediate aftermath of a violent crime. When a survivor seeks rape crisis advocacy, they are seeking many things that require confidence in privacy.

- ✚ Would you feel comfortable if your perpetrator's attorney could subpoena the conversations you had while developing your safety plan?
- ✚ Would you feel safe knowing that your perpetrator's attorney could force your advocate to testify about the fears you felt about reporting to police?

- ✚ Would you feel safe talking to an advocate after they told you they could be compelled to testify about all of the details you remember about the most horrific thing you have endured in your life, even if you decide you are not comfortable reporting to law enforcement?
- ✚ Would you stay for referrals if you knew your advocate could be compelled to share your statements about pursuing mental or physical health treatment?

Many survivors feel this is so invasive that they walk away, forgoing linkage to appropriate services and consistent support.

Ohio is one of only 14 states without privilege for communications between victims and advocates. Representative Stein and I are working with the Ohio Alliance to End Sexual Violence (OEASV) on this legislation.

Ohio has invested significant funding and labor into ending the rape kit backlog and preventing another from developing. In order to truly allow all survivors justice, we need laws that support this investment.

Thank you for your attention, we can now address any questions the committee may have on House Bill 337.