



State Senator Stephanie Kunze
Ohio's 16th Senate District

State Senator Nickie Antonio
Ohio's 23rd Senate District

Sponsor Testimony
Senate Bill 43
April 2, 2019

Chair Coley, Vice Chair Huffman, Ranking Member Craig and members of the Senate Government Oversight & Reform committee. Thank you for the opportunity to present sponsor testimony on Senate Bill 43, legislation that seeks to establish safeguards to help protect victims of domestic violence.

This legislation consists of four critical parts:

1. To classify strangulation from a misdemeanor to a felony: this component of the legislation is a re-introduction of Senate Bill 207 from the 132nd Ohio General Assembly that passed the Ohio Senate 30-0 on November 28, 2018.

While all domestic violence cases deserve our attention, strangulation is a known indicator for increased risk of homicide. According to the Strangulation Training Institute, women who have been strangled by their partners are 750% more likely to be murdered than domestic violence victims who have not experienced strangulation. Strangulation can cause injury to the brain resulting in permanent damage and even without externally visible injuries, a victim can die weeks after being strangled from internal injuries. Additionally, strangulation is a major red flag for lethal domestic violence situations.

The penalty for such a domestic violence offense, under the bill, is generally a felony of the third degree, and increases to a felony of the second degree if the offender has a prior conviction for domestic violence or for two or more offenses of violence. At either charging level, the bill requires a mandatory prison term within the sentencing range as specified under current law.

This has been amended from Senate Bill 207 from last general assembly to include “dating partner” to the strangulation provisions.

2. To create the “Domestic Violence Program” line item –it would require the Director of Budget Management to transfer \$500,000 from the General Revenue Fund (GRF) to this line item to fund domestic violence programs as defined in R.C. 109.46. Per the statute, these funds may be used to provide a broad range of services to victims of domestic violence that may include, but are not limited to, hotlines, emergency shelters, victim advocacy and support, justice systems advocacy, individual and group counseling for adults and children, or transitional service and education to prevent domestic violence.
3. To require all open domestic violence warrants to be added to LEADS-In a recent Columbus Dispatch Article, reporters found nearly 10,000 open arrest warrants for domestic violence in a survey of court records in Ohio’s six largest urban counties, including Franklin County, and in the six counties surrounding Franklin County in central Ohio. Officials believe the number of open warrants and domestic violence crimes is much higher, but both are underreported or not always classified as a domestic or a family violence offense. ¹

By adding this information to LEADS, law enforcement officials will have another tool in the box to help locate these violent domestic abusers and bring them to justice for the often heinous crimes they commit.

4. The final component of this legislation is to prohibit a person **convicted of** domestic violence or assault of a family member, or a person subject to certain protection orders, from having a firearm and to establish a procedure for surrendering all firearms in the person's possession. With the enactment of this section, Ohio would join 26 other states that have already enacted this prohibition. While existing federal legislation bans individuals convicted of domestic violence from possessing firearms, it is difficult to enforce at the state level because federal law does not outline a procedure for surrendering firearms; states must develop their own. As a result, convicted domestic abusers have been able to get away with keeping their guns, thus placing the victims of domestic violence in danger.

In the United States, a woman is fatally shot by her partner every 16 hours. That is 760 women slain each year – leaving children without their mothers, families without their sisters and daughters, and communities without their colleagues and friends – all because their partner had access to a gun. ² We seek to provide a clear-cut process for turning in

¹ <https://www.dispatch.com/news/20181222/domestic-violence-victims-wait-for-justice-as-attackers-remain-free>

² <https://yourdream.liveyourdream.org/2018/10/the-relationship-between-gun-violence-and-domestic-abuse/>

weapons and encourage compliance with the U.S. Domestic Violence Offender Gun Ban with the enactment of this legislation.

Finally, at the request of the Ohio Prosecuting Attorneys Association, language has been included in Senate Bill 43 to make F3 felony domestic violence a “high tier” felony. Currently, F3 domestic violence is subject to a sentence of 9 – 36 months. Certain F3’s are subject to a longer sentence (“high tier”) of 12 – 60 months. In order to get to the F3 level at all, a domestic violence offender must have two or more prior convictions for domestic violence, negligent assault, criminal damaging or endangering, criminal mischief, burglary, aggravated trespass, or endangering children. Making felony domestic violence a high-tier F3 would place it alongside aggravated vehicular homicides, aggravated vehicular assaults, sexual battery, gross sexual imposition, sex with a minor, and certain robbery and burglary offenses where the offender has prior convictions – surely a category in which felony level domestic violence offenders belong.”

Chair Coley and members of the Senate Government Oversight & Reform committee, thank you for the opportunity to present sponsor testimony on Senate Bill 43. We are happy to answer any questions that the committee might have.