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Sponsor Testimony to the Senate Criminal Justice Committee: HB 392

Chairman Eklund, Vice-Chairman Hughes, Ranking-Member Thomas and members of the Senate Criminal Justice Committee, thank you for this opportunity to present sponsor testimony on House Bill 392.

House Bill 392 would repair a great injustice by allowing victims of domestic violence at the hands of an intimate partner to obtain civil protective orders against their attacker. This bill would close a loophole in existing state law that leaves thousands of Ohioans without recourse in the event of intimate partner violence.

Ohio currently defines domestic violence as violence acts occurring between spouses, family members, those cohabiting, living as spouses or individuals who share a child in common. People in ongoing, substantial, intimate, and romantic relationships are not included. Even though some people in these types of relationships experience violence, a loophole in the law prevents these people from seeking the legal recourse that can protect them from future violence. Closing this loophole will allow victims in any abusive relationship to access the services they need to end the cycle of violence.

The Centers for Disease Control and Prevention (CDC) defines intimate partner violence as the physical violence, sexual violence, stalking, and psychological aggression by a current or former intimate partner. Estimates from the CDC suggest that nearly 25% of women and 7.6% of men have been victims. The National Domestic Violence Hotline reports that every 9 seconds in the

United States, a woman is assaulted or beaten and every day in the United States, 3 women are killed by a current or former intimate partner.

Furthermore, the CDC defines an intimate partner as current or former spouses, boyfriends, girlfriends, or dating partners. As the law currently stands, Ohio fails to encompass this entire definition. While the purpose of domestic violence statutes is to give victims protection against the pervasive cycle of abuse, victims abused in these violent relationships by intimate partners do not gain protection simply because they do not fall into the current definition, although they experience similar types of violence. According to National Conference of State Legislatures and the American Bar Association, Ohio is one of two states, the other being Georgia, that have not modernized their domestic violence laws to include all intimate partner relationships.

Kentucky, the last border state to modernize their domestic violence laws to include all types of intimate partner violence, signed a bill into law in July that will give victims of intimate partner violence an explicit right to civil protection orders to protect victims from ongoing abuse and intimate partner violence. Again, this makes Ohio one of the last two states in the nation to modernize domestic violence statutes and fully protect all victims.

I'd like to address a few myths that have come up in regards to modernizing Ohio's domestic violence statutes by protecting all victims of intimate partner violence.

The first myth is defining dating violence or intimate partner violence is difficult. Fortunately or unfortunately, depending how you look at it, Ohio does not have to look far to determine how to define a dating relationship for purposes of legal protections, as 48 other states have already done so. The language in HB 392 that defines dating violence was taken from Florida statutes which have been state law for over a decade.

The second myth is that many people believe that dating violence only includes teenagers or college students involved in fleeting relationships with no real meaning. While young people do make up a significant portion of victims of dating violence, they are not the only victims.

A study by Bowling Green State University showed that the marriage rate in recent years is more than 3 times less than the marriage rate in 1920, with rates steadily declining over the years. For a variety of reasons people are waiting longer to get married with the average age of first marriage being 27, the highest age in over a century. Despite not being married these people are engaging in substantial, ongoing intimate and romantic relationships that could result in violence but do not qualify for explicit protections under our current laws. Additionally, older adults who have never been married, are divorced, or widowed and choose not to remarry are also engaging in dating relationships and deserve protection, should violence arise.

The final myth is the suggestion that couples who fit the definition of cohabiting or living as spouses should be sufficient to capture all forms of intimate partner violence. Looking to the Ohio Supreme Court, there is evidence that individuals in dating relationships should be protected under the law. In *State v. Williams*, the court took up a challenge to the domestic violence laws based on cohabitation. Although cohabitation is not what we are discussing here today, the opinion provides valuable insight into the intent and interpretation of Ohio's domestic violence laws.

In *Williams*, the court held that, "the offense of domestic violence, arises out of the relationship of the parties rather than their exact address." The court went on to cite several social science articles centered around domestic violence stating, "In contrast to stranger violence, domestic violence arises out of the relationship between the perpetrator and the victim. Social science studies show that the rate of violence in dating relationships is at least the same as, if not greater than that of couples who maintain one address."

Furthermore, a column by Justice Pfeifer dated September 2014, discussing the issue of cohabitation and the Williams progeny of cases, reads in part, “In Williams, by determining that the offense of domestic violence arises out of the relationship of the parties rather than their exact living circumstances, we interpreted the law broadly to include those who did not live with the offender but who also deserved protection under the law based on their relationship with the offender.”

Members of the committee, that is exactly what Rep. Kuhns and I are addressing in HB 392- Ensuring that victims who are in violent relationships who deserve protection get protection the need and deserve, by providing an explicit right to civil protection orders, a right that is not already set forth by Ohio statutes.

Please join Representative Kuhns and myself in ensuring that all victims of domestic violence in this state will be protected, and in keeping Ohio from being the last state in the country to take the important step of protecting the lives and well-being of all domestic violence victims.

Thank you again for this opportunity to testify on House Bill 392, I will be happy to take questions upon the conclusion of Rep. Kuhns testimony.