

**Proponent testimony submitted to the**

**Ohio House Community and Family Advancement Committee**

**House Bill**

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**Ohio Alliance to End Sexual Violence**

**March 21, 2018**

Chair Ginter, Vice Chair LaTourette, Ranking Minority Member Boyd, and Members of the House Community and Family Advancement Committee, thank you for the opportunity to provide testimony in support of House Bill 511. As Ohio’s statewide coalition, the Ohio Alliance to End Sexual Violence (OAESV) advocates for comprehensive responses and rape crisis services for survivors and empowers communities to prevent sexual violence.

As you know, Ohio law currently contains no marriage age floor, meaning that though the age for girls to marry is currently set at 16, girls younger than that age who become pregnant may marry with judicial consent. Similarly troubling, Ohio law implements no limit on the age difference between a girl and the man she marries. Strikingly, notwithstanding the exceptions listed above, Ohio’s current system restricts minor males from marrying, allowing men to marry only upon reaching their eighteenth birthday. Girls, however, are permitted to marry at age 16.

It is important to note that, in addition to the Ohio Revised Code’s unequal treatment of girls and boys, the current civil marriage system contained in Chapter 3101 completely runs afoul of the statutory rape standards codified in Chapter 2907. Ohio’s age of consent is set at 16, allowing for prosecution of persons engaging in sexual activity with persons under that age. The crime’s classification relies on the age difference between the offender and the minor:

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| **Offender Age** | **Minor Age** | **Classification** |
| Less than 4 years older than the minor | 13, 14, or 15 | 1st Degree Misdemeanor |
| 4 – 9 years older than minor  | 13, 14, 15 | 4th Degree Felony |
| 10 or more years older than minor | 13, 14, 15 | 3rd degree Felony |

Therefore, if an adult male engages in sexual activity with a person under the age of 16, they are committing a criminal offense. Under the civil system, a person can engage in sexual activity with someone under the age of consent. If they end up impregnating that person, Ohio’s system allows them to marry the victim. These two systems starkly contradict one another. Further troubling, the idea that a person violating Ohio’s sex crime laws can evade criminal penalties by coercing the minor into marrying him. This not only confuses Ohio’s true values when it comes to protecting girls from sexual abuse, it allows for forced marriages that leave girls extremely vulnerable to future acts of sexual violence and particularly vulnerable for trafficking.

The purpose behind statutory rape laws is rooted in our recognition that the pacing of brain development prevents persons younger than 16 from understanding the full consequences of their actions and decisions. As a state, we have decided that persons under 16 are not mature enough to consent to a single sexual act. Yet, we allow them to seek permission to marry. Further, we have set out specific age differences we find most unacceptable for perpetration of statutory rape – yet, we have no ban on the age of a man that can marry a girl. Thus, a 30, 40, 50, 60, 70, 80, or even 90 year-old-could impregnate someone less than 16-years-old, but if we discovered that person engaged in sexual activity and a pregnancy did not result, that same person would be charged with a 3rd degree felony - or worse if the survivor was under the age of 13.

House Bill 511 is an excellent start to increasing seeks to institute improvements to Ohio’s current marriage age laws crucial to the health and safety of vulnerable girls across the state. Though our agency would prefer a full marriage ban for all persons under the age of 18, OAESV supports the incremental improvements HB 511 makes, namely:

* HB 511 would institute an age floor of 17
* HB 511 would institute an age difference of no more than 4 years between the man and girl marrying, thus decreasing the potential power imbalances that lead abused girls into coerced marriages
* HB 511 would require judicial involvement in each case

And most importantly, HB 511 would eliminate the pregnancy exception, thereby bringing

Ohio’s marriage laws in compliance with its statutory rape laws. OAESV strongly supports these improvements and urges this committee to amend to include a solid 18-year-old floor or pass this bill as is. Ultimately, Ohio’s statutory rape laws were designed and passed for a reason – it is time that our marriage rules adopt the same reasoning and create a safer space for girls in Ohio.

Thank you for the opportunity to testify today. I am available to answer any questions today and by email at ccrary@oaesv.org.