



## Ohio Prosecuting Attorneys Association

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House Bill 561  
Written Proponent Testimony  
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Chairman Manning, Ranking Member Celebrezze and members of the House Criminal Justice Committee, thank you for the opportunity to provide proponent testimony on House Bill 561.

Our association supports House Bill 561 to eliminate the spousal exceptions for rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, and importuning, and to permit a person to testify against the person's spouse in a prosecution for any of these offenses.

Ohio prosecutors take all allegations of rape and other sexual misconduct with the utmost seriousness. Current law, however, often prevents even the consideration of charges when the statute provides for a spousal exception. We recognize concerns that have been raised in the past about the potential for false allegations and for abuse. Prosecutors, however, are elected to make tough decisions based on available evidence, something they do every day in a variety of contexts. Someone with a viable allegation of spousal sexual abuse should not be prevented from seeking and obtaining justice merely because some individuals might try to abuse the system. Removing these barriers from the Ohio Revised Code will enable prosecutors to exercise more discretion – something we support in this context as well as others. It will inevitably lead to some difficult choices. But it will also lead to the ability to consider and bring charges when appropriate and to secure justice for victims of these crimes.

House Bill 561 brings Ohio in line with most other states that have eliminated spousal exceptions for sexual abuse. Ohio should join the other states that have removed these antiquated exceptions from law.

Thank you again for the opportunity to provide written testimony. We encourage your favorable consideration of House Bill 561.