



Representative John M. Rogers

60th House District

Senate Judiciary Committee Sponsor Testimony on House Bill 497

Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee. Thank you for allowing Rep. Manning and I to offer sponsor testimony today for House Bill 497. This legislation would prohibit the nonconsensual dissemination of private sexual images in a manner often referred to as “revenge porn.”

Revenge porn is the intentional publication of explicit materials that portray someone in a manner for which they may or may not have consented to the creation of such as a photograph or a video who but did not consent to the image or video to be shared to others or made public by any means.

The act of distributing these intimate images often occur as the result of a breakup in a relationship. During a relationship, two individuals may share with each other private images of themselves. The decision to do so is consensual and arguably protected as a matter of free speech. However, where relationships end on a sour note, one party may react with vengeance and decide to publish or posts those images on social media, send them to friends, family members, or even an employer with the intent to “get back” at their former partner.

Once maliciously posted by someone, now a perpetrator, the image can spread like a wildfire across the internet, being shared repeatedly. Frequently, the image of the victim includes that individual’s full name and sometimes contact information. The outcome of this conduct can causes a multitude of issues, let alone causing the victim humiliation and embarrassment. Media searches, as a matter of background check, can have an adverse effect on employment opportunities or admittance to a school.

With the widespread use of social media and other technologies, this problem is growing quickly. In 2015, the Cyber Civil Rights Initiative conducted a survey of 1606 respondents. According to the survey, 61% of respondents had taken nude photos/videos of themselves and shared them with someone else. 23% of the respondents were victims of revenge porn. Of those victims:

- 6% were fired from their job or kicked out of school due to the shared images
- 13% have had difficulty getting a job or getting into school
- 26% have had to take time off from work or scale back time at school due to being a victim
- 39% say that this has affected their professional advancement with regard to networking

- 55% fear their professional reputation could be tarnished even decades into the future
- 52% feel as though they live with secret they cannot acknowledge to a potential employer

Existing law makes it difficult to prosecute offenders for distributing these images. As a result, both Rep. Manning and I, who have prosecutorial backgrounds, believe that this legislation is necessary to help prosecute offenses of this nature. House Bill 497 would criminalize ‘Revenge Porn’ and set penalties of penalties to punish those who distribute sexually explicit images with an intent to harass a person. Criminal penalties for offenders are to include the following:

- The first level of an offense, a Misdemeanor of the First Degree, could impose a jail sentence of up to 180 days in jail, and a \$1,000 fine, and
- the second offense becomes a Felony of the Fifth Degree, with a possible sentence of 6 – 12 months in prison, and a \$2,500 fine, and
- the commission of a third offense or more would be a felony of the Fourth Degree, with a possible 6 – 18 months in prison, and a \$5,000 fine.

In addition to penalizing the nonconsensual distribution of these images, House Bill 497 includes language to protect victims from discrimination by schools or a state licensing body.

Finally, while there are currently 38 states that have laws specific to an offense of revenge porn, Ohio is unfortunately not one of them. This legislation would offer protection to group of individuals that otherwise enjoy little if any protection.

Again, we both thank you for allowing us the opportunity to testify here today. We would very much appreciate your support for this bill and would be happy to answer any questions any of you might have.