**Proponent Testimony for SB162**

**Eliminate statute of limitations for rape; spousal exceptions**

**Sponsors Senator Nickie J. Antonio and Sean J. O’Brien**

Chairman Eklund, Vice Chair Dolan, Vice Chairman Manning, Ranking Minority Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to submit testimony in support of Senate Bill 162, legislation that would eliminate the spousal exceptions for certain sex offenses, permit a person to testify against the person’s spouse in a prosecution for any of those offenses, require biological evidence related to the investigation or prosecution of a rape or attempted rape to be preserved for as long as the offense remains unsolved, and eliminate the period of limitation for the criminal prosecution of a person for rape and for a civil action brought by a victim of conduct that would constitute rape.

As a registered nurse for 23 years, seven years of which were spent as a sexual assault nurse examiner and five of which were spent as a law enforcement officer, I have seen, first-hand, the physical and emotional trauma that sexual assault and rape causes victims. I have interviewed hundreds of victims affected by crimes involving sexual violence, many of who reported their spouse committed these acts. Most notably was a patient I cared for in 2017, whose husband brutally beat, raped, and strangled her to near death before she managed to escape and go to the police station. According to the National Coalition Against Domestic Violence (NCADV), between 10 and 14 percent of married women will be raped at some point during their marriages, and marital rape is the most underreported form of sexual assault (NCADV, 2017). The trauma caused by these attacks is long-lasting and has devastating physical, emotional, and financial effects for women and children. Eighteen percent of female victims of spousal rape say their children witnessed the crime (NCADV, 2017).

I currently serve as Director of Services for Rape Crisis Center of Medina and Summit Counties, a subgrantee of a grant through the Sexual Assault Kit Initiative (SAKI) working hand-in-hand with Akron Police Department, Summit County Prosecutor’s Office, Ohio Bureau of Criminal Investigation and Identification, Case Western Reserve University, and Victim Assistance Program to support victims whose sexual assault examination kits sat on shelves untested, sending the message that the violent acts committed against them didn’t matter. And, now that this evidence is being tested, serial rapists and offenders are being identified through DNA profiles identified in the Combined DNA Index System (CODIS). Unfortunately, because many of these crimes occurred outside the 25-year statute of limitations, victims never see justice for what happened to them. When detectives and advocates contact victims of these historical crimes to notify them that offenders have been identified through DNA testing, they are first offering an apology. The need to apologize stems from years of little to no investigation, rape kits sitting on shelves in warehouses, lack of follow up, and judgements placed on victims and documented in police reports when the crimes were reported.

Ohio legislators are in a position to close these loopholes so spouses can be held accountable for committing acts of sexual violence, biological evidence related to these investigations would be preserved for as long as the offense remains unsolved, and the period of limitation for the criminal prosecution of a person for rape and for a civil action brought by a victim of conduct that would constitute rape would be eliminated. The estimated lifetime cost of rape is $122,461 per victim (Peterson, DeGue, Florence, & Lokey, 2017). This is an outrageous amount of money and victims need to be able to seek damages in civil proceedings, even if the crime occurred more than 25 years ago. It often takes victims years of counseling and healing to reach a point in their life that they have the courage and energy to pursue the matter in court. Peterson, et al. also reports the economic burden of nearly $3.1 trillion (2014 U.S. dollars) in The United States over victims' lifetimes, based on data indicating >25 million U.S. adults have been raped. This estimate included $1.2 trillion (39% of total) in medical costs; $1.6 trillion (52%) in lost work productivity among victims and perpetrators; $234 billion (8%) in criminal justice activities; and $36 billion (1%) in other costs, including victim property loss or damage (Peterson, et al., 2017). Government sources pay an estimated $1 trillion (32%) of the lifetime economic burden (Peterson, et al., 2017). Peterson et al. (2017) concluded that preventing sexual violence could avoid substantial costs for victims, perpetrators, healthcare payers, employers, and government payers.

The time has come in Ohio to pass this legislation. The health, safety, and economic welfare of our communities is at stake. Let’s send a clear message to victims and their families that they are supported through the law in Ohio, and a clear message to offenders that they will not get away with sex crimes. Please vote to support Senate Bill 162 as introduced by Senators Antonio and O’Brien.

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Peterson, C., DeGue, S., Florence, C., and Lokey, C.N., *American Journal of Preventative Medicine*, June 2017; 52(6) :691-701. doi: 10.1016/j.amepre.2016.11.014. Epub 2017 Jan 30

National Coalition Against Domestic Violence (2017). Domestic violence and sexual assault. Retrieved from http://ncadv.org/files/Domestic%20Violence%20and%20Sexual%20Abuse%20NCADV.pdf.