Ohio Senate Judiciary Committee

Wednesday, February 19, 2020

Senate Bill 162 – Proponent Testimony

My name is Phyllis Carlson-Riehm and I represent ACTION OHIO Coalition For Battered Women, a statewide domestic violence coalition. ACTION OHIO’s mission is to promote quality programs, services and resources to survivors of domestic violence. Our vision is the elimination of family violence. My testimony is in support of Senate Bill 162, sponsored by Senators Nickie Antonio and Sean O’Brien.

Senate Bill 162 will:

* Eliminate the current limitation for prosecuting rape or a conspiracy or attempt to commit, or complicity in committing, rape.
* Allow for the prosecution of rape prior to the bill’s effective date if it wasn’t barred under the previous period of limitation.
* Require biological evidence related to investigation or prosecution of rape or attempted rape to be preserved for as long as the offense remains unsolved.
* Eliminate exceptions to certain sex offenses that currently apply if victim is the spouse of offender.
* State that there is no period of limitations for a civil action brought by a victim of conduct that would constitute rape or conduct that would constitute conspiracy to commit, complicity in committing, or attempting to commit rape against the person who committed that conduct.
* Expand the proceedings in which a person may testify against the person’s spouse to include prosecutions for any of the sex offenses modified by the bill.

The crime of rape is one of the most, if not the most, under-reported crime. According to criminal justice system statistics, out of every 1,000 sexual assaults, 995 perpetrators will walk free. And the majority of sexual assaults are not reported to police – 3 out of 4 go unreported. Marital rape is the most under-reported form of sexual assault.

There are many reasons that victims give for not reporting, including:

* Fear of retaliation.
* Belief that police would not do anything to help.
* Belief that it was a personal matter.
* Concern about getting the perpetrator in trouble (especially when perp is known to victim).
* Belief that police could not do anything to help.

The consequences of rape can have a lasting effect, shaping future decisions and limiting opportunities for success. Victims may experience depression, flashbacks and post-traumatic stress disorders. They may also react to the sexual violence by resorting to self-harm (such as cutting, eating disorders and substance abuse), or attempting suicide. Victims may also develop sexually transmitted infections and/or become pregnant.

Although it was once common to believe that rapists were far more likely to be strangers, we now know that more often than not the offender is an ex-boyfriend, or classmate or neighbor. This fact can increase its impact and likelihood that the perpetrator may have continuing access to the victim, triggering flashbacks and preventing recovery.

Intimate partner sexual assault and rape are used to intimidate, control and demean domestic violence victims. Intimate partner sexual assault is more likely than stranger or acquaintance assault to cause physical injury. Women who are sexually abused by intimate partners report more risk factors for intimate partner homicides than non-sexually abused women.

According to the National Coalition Against Domestic Violence, many Americans do not believe marital rape is actually rape. And that apparently includes many Ohioans, in light of the resistance that has existed to change Ohio rape laws. Ohio is still one of a shrinking number of states that exempts rape from being charged if a husband drugs his wife into unconsciousness and then rapes her. And currently a wife may not be able to testify against her spouse for those sex offenses. These obsolete exemptions would be eliminated by the bill.

Because of the intimate and violent nature or rape and its devastating consequences, the statute of limitations for rape and spousal exceptions should be eliminated. Many states have already enacted such legislation.

Please support passage of SB 162, which also addresses the value of biological evidence and the collection and preservation of that evidence for as long as the offense remains unsolved. As a result of the scientific advancements in DNA analysis, now more rapists can be identified from old evidence and the opportunity for justice delayed for victims is possible long after the crimes were committed.

Thank you for your consideration of these viewpoints.

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