House Bill 3 Sponsor Testimony
House Criminal Justice Committee
February 25, 2021
Representative Janine Boyd
9th House District

Good afternoon Chairman LaRe, Vice Chair Swearingen, Ranking member Leland, and members of the House Criminal Justice Committee. It's my honor to share my testimony with you today as the sponsor of House Bill 3-Aisha's Law, with my joint sponsor, Representative Carruthers.

Aisha's Law represents over 24 months of interested party meetings with dozens of stakeholders, multiple redrafts, some very heart breaking calls with survivors and advocates and eye opening calls with various centers of excellence on domestic violence policy across the country. I promised Aisha's family, her friends, her colleagues and her students that I would leave no stone unturned.

I would like to start out by sharing the story of the woman that Aisha's Law is named after, Aisha Fraser, who was killed November 17, 2018. She was a victim of domestic violence prior to her death. Aisha Fraser was a mother of two young children; an elementary school teacher; daughter to a loving mother and father; and a lifelong resident of the city of Shaker Heights. She was also married to former state lawmaker, attorney, and judge, Lance Mason for ten years. In 2014, Mason was arrested for biting, chocking, and punching Aisha repeatedly in the face, breaking her orbital bone in front of their two small children in the car. He then forced her out of the car and left her on the side of the road. He was convicted of domestic violence and felonious assault in 2015. Part of his plea deal was that he serve an abbreviated term in prison. He only served nine months of his twenty-four month sentence. Aisha Fraser filed for divorce from her Mason in 2015. On November 17, 2018, her life was brutally cut short when she was stabbed repeatedly to death, once again in her car in front of their small children- as reported by

police- by her ex-husband, Lance Mason. Police confiscated smoke grenades, semi-automatic rifles, a sword, a bulletproof vest, a Winchester shotgun and a 50-shell shotgun belt, more than 2,500 rounds of ammunition from the home, and so much more.

Now, let me walk you through the core components of the Aisha's law. This bill creates a continuum of protections for victims of domestic violence that are in extreme risk and lethal situations.

The first point of contact is with the responding officers. At the scene of a domestic violence call the responding officers would present the victim with a lethality screening to determine the threat of lethality. Aisha's Law requires the Attorney General to adopt rules to require that peace officer basic training include training on evidence-based lethality assessment screening tools. House Bill 3 makes an appropriation of $150,000 to the Ohio Police Officers' Training Academy (OPATA) for curriculum development, training costs, expenses of the experts (Dr. Jackie Campbell and company), and any other cost OPOTA incurs as part of implementing this legislation. This appropriation amount was brought to us by the Office of the Attorney General. The bill also requires the lethality assessment screening results to be provided to the court and prosecuting attorney, and must be considered in setting bail and in sentencing.

The second point of contact in the continuum is with local or regional domestic violence advocacy services. If a victim of domestic violence meets the lethality screening threshold, they are automatically referred to a local or regional domestic violence advocacy services. HB 3 requires each agency, instrumentality, and political subdivision to adopt written policies and procedures for the peace officers to follow for referral to local or regional domestic violence advocacy services.

The final point of contact in the continuum is with the courts. HB 3 expands the offense of aggravated murder to include domestic violence circumstances. Under the bill, a person can be charged with aggravated murder if they purposely cause the death of another when the victim was a family or household member of the offender, and the offender has previously been convicted of domestic violence resulting in serious physical harm or an offense of violence

resulting in serious physical harm against that family or household member. This change alone does not make a person eligible for the death penalty. Domestic violence was not added to the list of aggravated factors for imposition of the death penalty.

This bill also expands the offense of domestic violence to also include strangulation which is recklessly impeding the normal breathing or blood circulation of a family or household member. Ohio is one of the last State to have a law stating strangulation is assault. We took this language from the Violence against Women 2013 Reauthorization Act, which we were told by experts is the best practice language to have. We have also included a "duty to warn" component where peace officers provide victims of an alleged strangulation with a warning about the effects of being strangled and encourage them to seek medical attention. In order to understand the real nature of strangulation, I spend time speaking with Casey Gwinn, President of Alliance for HOPE international, which is a leading research and advocacy center focused on strangulation reform. Strangulation is often used by a perpetrator to accomplish a rape or demonstrate how far they are willing to go to establish control in the relationship. Victims can be rendered unconscious in 10 seconds with as little as 4 lbs. of pressure. The long-term injuries from being strangled include psychological injury, neurological injury, and even delayed fatality. Strangulation is used as a predictor of homicide. I am going to quote Casey Gwinn from HOPE alliance, he said "not every person who has perpetrated strangulation has gone on to be a mass shooter. However, every mass shooter, from Vegas to Dayton, has a history of domestic violence and strangulation.

A law enforcement officer, on behalf of and with the consent of a victim of domestic violence, is permitted to request an emergency protection order from a judicial officer during any period of time that the court is not open for regular business. If the victim is unable to give the specified consent for any reason, including that the victim is intoxicated, drugged, or unconscious, the law enforcement officer may make such a request without the specified consent of the victim. A request for an EPO can be made orally or in writing to the judicial officer by the responding police officer and the court that orders the EPO will communicate the terms of the order to the officer by reliable electronic means. If the request is made orally, it shall be recorded by the judicial officer and made a part of the file regarding the matter.

The EPO remains in effect until the earliest of either 96 hours after the order was issued or the first day the court is open for business after the day the order was issued. The intent is to provide survivors with the opportunity to seek temporary relief with this EPO for a short period of time. When the EPO expires, the individual can petition the court for a civil or criminal protection order, if they so choose. This removes any brick and mortar burden for the courts to stay open on weekends, holidays, or after hours.

In 2019, I presented a proposal to the Supreme Court of Ohio's Commission on the Rules of Practice & Procedure, Subcommittee of Evidence to review the Ohio Rules of Evidence to consider how the rules may better aid victims of domestic violence without diminishing the fundamental fairness to alleged perpetrators of domestic violence. This proposal was accepted by the Commission and has been added to their list of recommendations in the 2021 calendar. The first committee meeting will take place on March 19th. This bill also would create the Domestic Violence Prosecution Study Committee which will be a bipartisan task force to study policies to protect victims of domestic violence, the prevalence of amended or dropped domestic violence charges, and the cases in which a charge of domestic violence was dropped and the victim of domestic violence later became the victim of a homicide.

Thank you Chairman LaRe, Vice Chair Swearingen, Ranking member Leland, and members of the House Criminal Justice Committee for the opportunity to offer sponsor testimony for House Bill 3. My joint sponsor and I are happy to answer any questions you may have at this time.