



**House Civil Justice Committee  
Opponent Testimony for House Bill 281  
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Ohio Alliance to End Sexual Violence  
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Chair Hillyer, Vice Chair Mathews, Ranking Isaacsohn and members of the House Civil Justice Committee:

Thank you for the opportunity to provide testimony regarding House Bill 281, which would eliminate the civil action provided in Revised Code Section 2307.60 for crime victims against the perpetrators of a criminal act unless and until the perpetrator has been convicted of a crime. The Ohio Alliance to End Sexual Violence (OAESV) is the statewide coalition for Ohio's rape crisis centers. We advocate for comprehensive responses and rape crisis services for survivors and empower communities. OAESV currently has 36 rape crisis programs that serve 78 counties in Ohio. These programs provide essential services to survivors of sexual violence, domestic violence, stalking, and human trafficking.

OAESV is concerned this bill would remove a useful option for survivors of crime – particularly survivors of sexual assault and stalking – thereby allowing offenders to escape culpability for crimes that are already rarely prosecuted or that do not have other avenues for civil relief. This is especially troubling, given that few sex crimes are prosecuted and less than one percent result in a conviction.<sup>1</sup> The reasons for this vary; part of the problem is prosecutorial discretion, but the underlying causes are a lack of trained prosecutors and law enforcement on the dynamics of sexual violence and the impacts of trauma on victims. Another reason prosecution rates are so low is due to how we, as a society, perceive sexual assault. Despite a significant increase in survivors coming forward following the #MeToo movement, there has not yet been a meaningful shift in our society away from norms that routinely blame victims and treat sex and sexual violence as taboo subjects.

The purpose of R.C. 2307.60 is to guarantee that all victims of crime have a civil remedy for the crimes committed against them. The extremely low rate of prosecution for sex crimes and other gender-based violence crimes should not prohibit a survivor from asking a civil jury to award them compensation for demonstrated criminal conduct. Moreover, many crimes have no remedy outside of the provisions of R.C. 2307.60. For example, this bill would no longer allow victims of stalking to pursue civil relief. A survivor would also not be allowed to hold an offender accountable for repeatedly violating a restraining order – conduct that we see frequently statewide. Victims of stalking almost always have the most limited options for protection and justice. The legislature should not overlook how often stalking is a

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<sup>1</sup> Rape, Abuse, and Incest National Network. (n.d.). *The criminal justice system: Statistics*.  
<https://www.rainn.org/statistics/criminal-justice-system>

precursor to escalated violence. Taking away a potential deterrent and remedy like R.C. 2307.60 could mean that nothing is done until an actual assault or homicide occurs.

Additionally, we are concerned that the changes proposed by this legislation will be used as a tool by violent offenders to run out the clock for a statute of limitations – if a criminal conviction must be obtained, an abuser can delay criminal proceedings to take time away from our very limited civil SOL for adult sex crimes. Offenders don't need another tool to exert power and control over survivors as a way to prolong the cycle of abuse through the civil legal system.

Civil law, by its very nature, is intended to require a lower burden of proof because no one's life and liberty are being implicated. There's traditionally been an understanding that, when only financial damages are at stake, it suffices to look for a preponderance of the evidence. I implore you to consider the often-insurmountable barriers that victims of crime routinely face in accessing the criminal and civil legal system, and the consequences for victims should an additional avenue for recourse be taken away.

Thank you for your time and attention today. I am available to answer questions at this time.