



Representatives Jessica Miranda
Democratic Whip
State Representative for the 28th House District

Brett Hillyer
State Representative for the 51st House District

Chair Abrams, Vice Chair Williams, Ranking Member Brown, and members of the House Criminal Justice Committee, thank you for giving Representative Hillyer and I the opportunity to provide sponsor testimony on House Bill 161.

Every 68 seconds, someone in this country is sexually assaulted.¹ This means that in our allotted five minutes of testimony today, 4 people will be sexually assaulted.

It is a common misconception that the majority of rapes and sexual assaults are perpetrated by masked strangers in dark alleys.

73% of sexual assaults are perpetrated by a non-stranger. 28% of sexual assaults are perpetrated by intimate partners and 7% by a relative of the victim.² These are not masked strangers.

55% of sexual assaults happen at or near the victim's home.³ This is not happening in dark alleys, this is not happening because victims are in 'the wrong place, at the wrong time'. This is happening in homes, where everyone should feel safe and secure.

In juxtaposition to this reality, Ohio law creates a loophole for spousal rape and sexual abuse. While spousal rape has been illegal in all 50 states for over twenty years. Ohio is one of twelve states in which there is a loophole that protects predators from prosecution in the case of spousal rape; it is allowed as long as no "threat of force or violence" exists.⁴ This means that a person can drug their spouse, rendering them unconscious and unable to consent, rape them, and still be shielded from prosecution under current law. Ohio's arcane laws are failing survivors of sexual violence by keeping them from pursuing the justice that they deserve.

¹ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2019 (2020). *Note: RAINN applies a 5-year rolling average to adjust for changes in the year-to-year NCVS survey data.*

² <https://www.new-hope.org/perpetrators-of-sexual-violence/>

³ <https://www.rainn.org/statistics/scope-problem>

⁴ <https://www.governing.com/archive/gov-marital-rape-states-ohio-minnesota.html>

Alongside Representative Miranda, I believe that it is imperative that we close this legal loophole and ensure that all survivors of sexual violence have access to justice, regardless of their relationship with the perpetrator. This outdated and unjust law places an unacceptable burden on survivors of sexual assault, forcing them to suffer in silence and denying them the justice they deserve. This legislation eliminates the spousal rape exception in the Ohio Revised Code. This legislation also allows individuals to provide testimony against their spouse in the prosecution of any of the specified offenses.

By eliminating spousal exceptions for sex offenses, we send a clear message that sexual assault is never acceptable, especially within the confines of marriage. This bill will empower survivors of sexual assault to come forward, seek help, and pursue justice. It opens the door to prosecution, more evidence rich trial and vital testimony from survivors.

As legislators, it is our duty to protect the safety and well-being of all Ohioans. This legislation is a crucial step towards achieving that goal, and I urge you to support it without hesitation. Together, we can create a safer, more just Ohio for all.

Thank you again for the opportunity to bring this important matter to your attention. We welcome any questions you may have.