



House Criminal Justice Committee
Proponent Testimony for Senate Bill 100
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Ohio Alliance to End Sexual Violence
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Chair Abrams, Vice Chair Williams, Ranking Member Brown and members of the House Criminal Justice Committee:

Thank you for the opportunity to provide proponent testimony for Senate Bill 100. The Ohio Alliance to End Sexual Violence (OAESV) is Ohio's statewide sexual violence coalition. We advocate for comprehensive responses and rape crisis services for survivors and empower communities to prevent sexual violence. With the constant evolution of tracking devices and software, our laws must adapt to reflect the advancement in these technologies; Senate Bill 100 would update Ohio's existing law to explicitly include the more modern methods of stalking in use today.

In today's digital age, stalking is most commonly committed using electronic means of communication or tracking. Several examples include but are by no means limited to: hiding a tracker in someone's car or property, turning on a person's phone location application and using it to track their whereabouts, putting a camera or listening device in an object in order to hear/watch what happens inside a person's home, or installing spyware on their devices. Through the use of electronic means of stalking, a person's conduct and location can be monitored and pinpointed without that person's knowledge and consent.

The invasion of privacy that these devices pose is not only emotionally distressing – it can be life threatening for someone fleeing an abusive partner, a sex offender, and/or stalker. Apple AirTags and similar personal tracking devices have been used by abusers to track and murder their intimate partners.¹ Survivors who have experienced these forms of electronic stalking live in almost-constant fear. They never know when, where or how an abuser might conceal a tracking or listening device and use it to follow, track or spy on their daily activities. Survivors who move to a secure location for safety purposes or who change their routines in order to avoid offenders are left to wonder if their new location is truly safe or if the offender will find them by using any one of these technologies.

Once detected, modern stalking is often difficult to prosecute in Ohio due to our current law regarding stalking.² As smart phones and portable tracking devices became more commonplace and affordable, they present an increasing safety risk for survivors of domestic violence, sexual violence, human

¹ Belanger, A. (2023, October 12). No place to run — Apple AirTags stalking led to ruin and murders, lawsuit says. ARS Technica. <https://arstechnica.com/tech-policy/2023/10/apple-airtags-triggered-explosion-of-stalking-reports-nationwide-lawsuit-says/#:~:text=One%20plaintiff%20from%20Indiana%2C%20LaPrecia,killing%20him%20at%20the%20scene.%22>

² Current Ohio law does not explicitly prohibit the use of electronic tracking devices as a means of stalking. Instead, Ohio law relies on existing stalking and menacing statutes to address cases of unwanted tracking, but current statute is unclear when it comes to defining a "pattern of conduct" with an electronic device, thus making application of the law inconsistent.

trafficking, and stalking. There is a well-established link between stalking and domestic violence, and studies have found high rates of tracking by abusers.³ Additionally, sexual offenders are known to frequently stalk victims before and after assaults, as do traffickers who are seeking to surveil victims to maintain power and control.

Senate Bill 100 is a step in the right direction in providing options for survivors of stalking – no one should have to live in fear of being stalked without recourse in the law. For these reasons, OAESV supports Senate Bill 100, and we respectfully urge a favorable report. OAESV sincerely thanks Senators Antonio and Manning for their leadership with this legislation. I am happy to answer any questions you have at egemar@oaesv.org.

³ Rogers, M. M., Fisher, C., Ali, P., Allmark, P., & Fontes, L. (2023). Technology-Facilitated Abuse in Intimate Relationships: A Scoping Review. *Trauma, violence & abuse, 24*(4), 2210–2226. <https://doi.org/10.1177/15248380221090218>